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**Council Bill Number:** 115746

**Ordinance Number:** 122311

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AN ORDINANCE related to land use and zoning, adopting a new commercial chapter of the Seattle Municipal Code, SMC 23.47A, and a new definitions chapter of the Code, SMC 23.84A, adding new sections to Code chapters 23.42, 23.84, and 23.86; amending sections in Code titles 3, 10, 15, 23, and 25; repealing Chapter 23.47 and Sections 23.34.077, 23.34.079, 23.34.088, and 23.61.010; establishing a new zoning designation, "P" for pedestrian, for certain commercially zoned land and eliminating the P1 and P2 designations; amending the Official Land Use Map (SMC Chapter 23.32) to rezone all land with P1 and P2 designations to replace that designation with the "P" designation and to rezone certain land in the Columbia City, Eastlake, Greenwood/Phinney Ridge, Lake City, and Madison-Miller areas to add the "P" suffix for new and expanded pedestrian- designated areas, and to rezone all NC zoned land with the "/R" designation to remove that designation; modifying regulation of certain activities in certain zones; modifying the Design Review Guidelines for Multifamily and Commercial Buildings and amending SMC 23.41.010 to reflect that modification; making provisions for home occupations and keeping of animals more generally applicable across zones; re-defining and re-categorizing various uses and provisions for permitting or prohibiting uses; all in order to support neighborhood business districts, implement Comprehensive Plan and Neighborhood Plan policies for commercial areas, to promote the general health, safety and welfare, and to simplify the Land Use Code.

**Status:** Passed

**Note:** Performance Based Pricing AT Parking Pay Stations

**Vote:** 9-0

**Date filed with the City Clerk:** 2006/12/21

**Date of Mayor's signature:** 2006/12/12 ([about the signature date](#))

**Date introduced/referred to committee:** 2006/09/25

**Committee:** Urban Development and Planning

**Sponsor:** STEINBRUECK

**Committee Recommendation:** Pass

**Index Terms:** LAND-USE-REGULATIONS, LAND-USE-PERMITS, BUSINESS-ENTERPRISES, RETAIL-STORES, NEIGHBORHOOD-COMMERCIAL-AREAS, NEIGHBORHOOD-PLANS

**Fiscal Note:** [Fiscal Note to Council Bill No. 115746](#)

**Electronic Copy:** [PDF scan of Ordinance No. 122311](#)

**Reference:** Amending: Ord 116770

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**Text:**

AN ORDINANCE related to land use and zoning, adopting a new commercial chapter of the Seattle Municipal Code, SMC 23.47A, and a new definitions chapter of the Code, SMC 23.84A, adding new sections to Code chapters 23.42, 23.84, and 23.86; amending sections in Code titles 3, 10, 15, 23, and 25; repealing Chapter 23.47 and Sections 23.34.077, 23.34.079, 23.34.088, and 23.61.010; establishing a new zoning designation, "P" for pedestrian, for certain commercially zoned land and eliminating the P1 and P2 designations; amending the Official Land Use Map (SMC Chapter 23.32) to rezone all land with P1 and P2 designations to replace that designation with the "P" designation and to rezone certain land in the Columbia City, Eastlake, Greenwood/Phinney Ridge, Lake City, and Madison-Miller areas to add the "P" suffix for new and expanded pedestrian- designated areas, and to rezone all NC zoned land with the "/R" designation to remove that designation; modifying regulation of certain activities in certain zones; modifying the Design Review Guidelines for Multifamily and Commercial Buildings and amending SMC 23.41.010 to reflect that

modification; making provisions for home occupations and keeping of animals more generally applicable across zones; re-defining and re-categorizing various uses and provisions for permitting or prohibiting uses; all in order to support neighborhood business districts, implement Comprehensive Plan and Neighborhood Plan policies for commercial areas, to promote the general health, safety and welfare, and to simplify the Land Use Code.

WHEREAS, commercial zones are the primary places where business is conducted and goods and services are provided to the community; and

WHEREAS, a significant proportion of future growth within the city is anticipated to occur within commercially zoned areas; and

WHEREAS, the main goal of the new commercial chapter of the Land Use Code is to support the City's growth management objectives by advancing Seattle's Comprehensive Plan urban village strategy; and

WHEREAS, the objectives of the new commercial chapter of the Land Use code include supporting job creation and business vitality, protecting and enhancing neighborhood character, encouraging more pedestrian-friendly, walkable neighborhoods, increasing housing opportunities, creating the right mix and supply of parking, supporting transit connections, simplifying zoning requirements, allowing flexibility in order to achieve better design, and making the Land Use Code easier to use; and

WHEREAS, a key strategy for implementing the goals for neighborhood commercial areas is the application of new or expanded pedestrian-designated ("P-suffix") zones, initially proposed in five neighborhoods, and

WHEREAS, the Department of Planning and Development has undertaken the Pedestrian Designation Mapping Project, a citywide review of additional neighborhood commercially zoned areas for the purpose of identifying and designating new pedestrian-designated zones, and will make recommendations to the Council in 2007 and 2008; and

WHEREAS, once the review of pedestrian designation mapping recommendations is completed, the Council intends to remove the limits on residential use at the street level on arterials outside of pedestrian-designated zones and Neighborhood Commercial 1 zones; and

WHEREAS, the City has conducted extensive analysis and public review of the proposed changes to development regulations for commercial zones, and other changes in this ordinance, in order to develop a recommendation that will help achieve the goals and objectives outlined above;

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

Section 1. Subsection B of Section 3.20.320 of the Seattle Municipal Code, which section was last amended by Ordinance 120494, is amended as follows:

3.20.320 TDR Bank.

\* \* \*

B. TDR Eligible for Purchase and Sale. Landmark TDR, housing TDR, and open space TDR, each as defined in ~~SMC~~Chapter 23.84 ~~A~~, are eligible for purchase by the City's TDR Bank, subject to the provisions of this section. Any TDR eligible for transfer under ~~SMC~~Chapter 23.49 are eligible for sale by the TDR Bank.

\* \* \*

Section 2. Subsection M of Section 10.08.140 of the Seattle Municipal Code, which section was last amended by Ordinance 121332, is amended as follows:

10.08.140 Definitions.

\* \* \*

M. "Residence" means a building or structure or portion thereof designed to be used as a place of abode for human beings and not used for any other purpose. The term includes all dwelling units within the definition of a "residential use," as defined in ~~Section~~Chapter 23.84A-032.

\* \* \*

Section 3. Section 15.54.010 of the Seattle Municipal Code, which section was last amended by Ordinance 121278, is amended as follows:

#### 15.54.010 Definitions.

The terms "city transportation authority," "monorail guideway," "monorail transit facility," "monorail transit station," and "monorail transit system" shall have the same meanings as the definitions of those terms in Chapter 23.84A.

Section 4. Section 23.20.004 of the Seattle Municipal Code, which section was last amended by Ordinance 115875, is amended as follows:

#### 23.20.004 Exemptions from platting regulations.

The provisions of Subtitle II shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions of land into lots or tracts each of which is one one-hundred-twenty-eighths (1/128) of a section of land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land;
3. Divisions made by testamentary provisions, or the laws of descent;
4. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan ~~as defined in Section 23.84.004~~ for the use of land;
5. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers ~~are~~ is to be placed upon the land when a binding site plan has been approved for the use of the land;
6. A transfer of land to the City for open space purposes; provided that any remaining lot or lots ~~which that~~ are consistent with Subtitle III shall be considered legal building sites; and provided further that the land transferred to the City shall not be a legal building site without compliance with the applicable platting requirements of Subtitle II.

Exemptions provided by this section shall not be construed as exemptions from compliance with other applicable development standards required by this Code.

Section 5. Section 23.30.010 of the Seattle Municipal Code, as last amended by Ordinance 121782, is amended as follows:

#### 23.30.010 Classifications for the purpose of this subtitle.

All land within the City shall be classified as being within one (1) ~~of the following~~ land use zone, ~~s and regulated accordingly:~~

A. General Zoning Designations. The zoning classification of land shall include one of the designations in this subsection A. Only in the case of land designated "RC" the classification shall include both "RC" and one additional

designation in this subsection A, which shall be a designation for a multifamily zone.

Zoning Designation Abbreviated Zones Residential, Single-family 9,600 SF 9600 Residential, Single-family 7,200 SF 7200 Residential, Single-family 5,000 SF 5000 Residential Small Lot RSL Residential, Multifamily, Lowrise Duplex/Triplex LDT Residential, Multifamily, Lowrise 1 L1 Residential, Multifamily, Lowrise 2 L2 Residential, Multifamily, Lowrise 3 L3 Residential, Multifamily, Lowrise 4 L4 Residential, Multifamily, Midrise MR Residential, Multifamily, Highrise HR Residential-Commercial RC Neighborhood Commercial 1 NC1 Neighborhood Commercial 2 NC2 Neighborhood Commercial 3 NC3 Seattle Mixed SM Commercial 1 C1 Commercial 2 C2 Downtown Office Core 1 DOC1 Downtown Office Core 2 DOC2 Downtown Retail Core DRC Downtown Mixed Commercial DMC Downtown Mixed Residential DMR Pioneer Square Mixed PSM International District Mixed IDM International District Residential IDR Downtown Harborfront 1 DH1 Downtown Harborfront 2 DH2 Pike Market Mixed PMM General Industrial 1 IG1 General Industrial 2 IG2 Industrial Buffer IB Industrial Commercial IC

#### B. Suffixes--Height Limits and Letters.

The zoning classification for land subject to some of the designations in subsection A of this section may include one (1) or more numerical suffixes indicating height limit(s) or a range of height limits, or one or more letter suffixes, or both. A letter suffix may be included only in accordance with provisions of this title expressly providing for the addition of the suffix. A zoning classification that includes a numerical or letter suffix or both denotes a different zone than a zoning classification without any suffix or with additional, fewer or different suffixes. Except where otherwise specifically stated in this title or where the context otherwise clearly requires, each reference in this title to any zoning designation in subsection A of this section without a suffix, or with fewer than the maximum possible number of suffixes, includes any zoning classifications created by the addition to that designation of one or more suffixes.

Section 6. Section 23.34.007 of the Seattle Municipal Code, which Section was last amended by Ordinance 120609, is amended as follows:

#### 23.34.007 Rezone evaluation.

A. The provisions of this chapter~~shall~~ apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

~~C. Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.~~

~~C~~D. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060 B3.

~~D~~E. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. ~~This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.~~

~~E~~F. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060

and 23.60.220, respectively.

EG. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

Section 7. Section 23.34.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 121700, is amended as follows:

SMC 23.34.010 Designation of single-family zones.

A. Except as provided in subsection B ~~or C~~ of this section, single-family zoned areas may be rezoned to zones more intense than single-family 5000 only if the City Council determines that~~the applicant can demonstrate that~~ the area does not meet the criteria for single-family designation.

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

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

2. The rezone is:

a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), or Lowrise 1/Residential-Commercial (L1/RC), or

b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone with a 30' or 40' height limit. up to and including Neighborhood Commercial 2/R-40 (NC2/R-40); and

~~3. If a property located within the North Beacon Residential Urban Village is being rezoned to the more intensive zones permitted~~

~~in this subsection B4, the subject property is contiguous to an urban village commercial zone.~~

Section 8. Section 23.34.074 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.074 Neighborhood Commercial 1 (NC1) zones, function and locational criteria.

A. Function.

~~1. A Neighborhood Commercial 1 zone is intended to be primarily of businesses providing that provides primarily convenience retail sales and services to the adjoining residential neighborhood. These areas provide locations for single purpose commercial structures, multi-story mixed use development with commercial uses along the street front, or in limited circumstances multi-story residential structures., where the following characteristics can be achieved:~~

~~2. Desired Characteristics~~

~~1a. A~~ Vvariety of small neighborhood-serving businesses;

~~2b. Continuous storefronts with commercial use, built to the front property lot line;~~

~~3e. An atmosphere friendly attractive to pedestrians;~~

~~4d. Shoppers walk from store to store.~~

B. Locational Criteria. ~~A Neighborhood Commercial 1 zone designation is most appropriate in a reason land that is generally characterized by the following conditions:~~

~~1. Existing Character. Small commercial areas surrounded by low-density residential areas;~~

~~2. Physical Conditions:~~

~~1. Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;~~

~~a. Surroundings are low-density residential areas;~~

~~2. Located on streets with limited capacity, such as collector arterials;~~

~~3b. No physical edges to buffer the residential areas;~~

~~4. Small parcel sizes;~~

~~e. Lack of vacant land or land appropriate for additional commercial development within the commercial area;~~

~~d. Access is through low-density residential neighborhoods (i.e., commercial area will draw traffic through the neighborhood);~~

~~e. Generally, limited street capacity~~

~~5f. Limited transit service;~~

~~g. Limited off-street parking capacity.~~

Section 9. Section 23.34.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria.

A. Function.

~~1. To support or encourage a pedestrian oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices. These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along the street front and multi-story residential structures., where the following characteristics can be achieved:~~

~~2. Desired Characteristics:~~

~~1a. A variety of small to medium-sized neighborhood-serving businesses;~~

~~2b. Continuous storefronts with commercial use, built to the front property lot line;~~

~~3e. An atmosphere attractive to pedestrians Pedestrian-friendly atmosphere;~~

~~4d. Shoppers can drive to the area, but walk from store to store.~~

## B. Locational Criteria.

~~A Neighborhood Commercial 2 zone designation is most appropriate in a reason land that is~~ generally characterized by the following conditions:

### ~~1. Existing Character.~~

~~a. Medium sized node generally surrounded by low- to medium-density residential areas; or~~

~~b. Small commercial area located at the edge of a larger business area, which provides a transition between intense commercial activity and surrounding areas; or~~

~~c. Area in the core of an established commercial district characterized by a concentration of small retail and service uses; or~~

~~d. Commercial area along major arterial where lots are generally small and shallow, and are surrounded by low-density residential areas.~~

### ~~2. Physical Conditions Favoring Designation as NC2.~~

~~1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;~~

~~a. Surrounded by low- to medium-density residential areas;~~

~~2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;~~

~~3b. Lack of strong edges to buffer the residential areas;~~

~~4. A mix of small and medium sized parcels;~~

~~c. Lack of vacant land or land appropriate for additional commercial development within the commercial area;~~

~~d. Access is through low- and medium-density residential areas;~~

~~e. Located on streets with good capacity (major traffic streets and minor arterials), but generally not on major transportation corridors;~~

~~5f. Limited or moderate transit service (i.e., a few routes;)~~

~~g. Limited off-street parking capacity; may include a parking area for a supermarket or other larger use.~~

Section 10. Section 23.34.077 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, is repealed.

Section 11. Section 23.34.078 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.078 Neighborhood Commercial 3 (NC3) zones, function and locational criteria.

## A. Function.

~~1. To support or encourage a~~ A pedestrian-oriented shopping district ~~serving that serves~~ the surrounding neighborhood and a larger community, ~~or citywide, or regional~~ clientele; ~~The area that provides for~~ comparison shopping ~~with for~~ a wide range of retail goods and services; ~~The area also provides that incorporates~~ offices, and business support services, ~~and residences~~ that are compatible with the retail character of the area; and ~~may also include residences. These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along with the street front and multi-story residential structures where the following characteristics can be achieved:~~

### ~~2. Desired Characteristics:~~

~~1a. A v~~Variety of sizes and types of retail and other commercial businesses at street level;

~~2b.~~ Continuous storefronts or residences built to the front ~~property~~lot line;

~~3e.~~ Intense pedestrian activity;

~~4d.~~ Shoppers can drive to the area, but ~~will~~ walk around from store to store;

~~5e. Cycling and Transit are~~ is an important means of access.

B. Locational Criteria. ~~The~~A Neighborhood Commercial 3 zone designation is most appropriate ~~in areas on land that is~~ generally characterized by the following conditions:

### ~~1. Existing Character:~~

~~a. Major commercial nodes surrounded by medium- to high-density residential areas or other commercial areas; or~~

~~b. Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or~~

~~c. Shopping centers.~~

### ~~2. Physical Conditions Favoring Designation as NC3:~~

~~1. The primary business district in an urban center or hub urban village;~~

~~2a.~~ Served by principal arterial;

~~3b.~~ Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;

~~e. Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;~~

~~d. Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;~~

~~4e.~~ Excellent transit service, ;

~~f. Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.~~



Section 12. Section 23.34.079 of the Seattle Municipal Code, which Section was last amended by Ordinance 121831, is repealed.

Section 13. Section 23.34.080 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.080 Commercial 1 (C1) zones, function and locational criteria.

A. Function. ~~To provide for an~~ An auto-oriented, primarily retail/service commercial area; that serves surrounding neighborhoods and the larger community, ~~or citywide, or regional~~ community, citywide, or regional clientele. ~~The area provides a wide range of commercial services, including retail, offices and business support services, and may also provide for residential uses at limited densities.~~

B. Locational Criteria. A Commercial 1 zone designation is most appropriate ~~in a reason land that is~~ in a reason land that is generally characterized by the following conditions:

~~1. Existing Character.~~

~~a. Shopping centers; or~~

~~b. Shopping areas along arterials where customers drive from one (1) individual business to another.~~

~~2. Physical Conditions Favoring Designation as C1.~~

~~1. Outside of urban centers and urban villages or, within urban centers or urban villages, having a C1 designation and either abutting a state highway, or in use as a shopping mall;~~

~~2. Retail activity in existing commercial areas;~~

~~3a. Readily accessible from a principal arterial;~~

~~4b. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;~~

~~5c. Predominance of large parcels of 20,000 square feet or larger lots that can accommodate a wide range of commercial activity;~~

~~6d. Limited pedestrian and transit access, the public right-of-way, curb cuts, auto movement or parking lots create an environment which is unfriendly to pedestrian activity;~~

~~e. Presence of large, perhaps shared, off-street parking lots; readily accessible from major transportation corridors or arterials.~~

Section 14. Section 23.34.082 of the Seattle Municipal Code, which Section was last amended by Ordinance 117430, is amended as follows:

23.34.082 Commercial 2 (C2) zones, function and locational criteria.

A. Function. ~~To provide for an~~ An auto-oriented, primarily non-retail commercial area that provides a wide range of commercial activities serving a community, citywide, or regional function, including uses such as manufacturing and warehousing that are less appropriate in more-retail-oriented commercial areas. ~~These areas provide employment opportunities, business support services and locations for light manufacturing and warehouse uses, and may also provide for residential uses at limited densities.~~

B. Locational Criteria. A Commercial 2 zone designation is most appropriate in a reason land that is generally characterized by the following conditions:

~~1. Existing Character:~~

~~a. Major commercial nodes characterized by heavy, non-retail commercial activity, often including a few major employees; or~~

~~b. A commercial strip located along a major arterial characterized by heavy, non-retail commercial activity.~~

~~2. Physical Conditions Favoring Designation as C2:~~

~~1. Outside of urban centers and urban villages or, within urban centers or urban villages, having a C2 designation and abutting a state highway;~~

~~2. Existing commercial areas characterized by heavy, non-retail commercial activity:~~

~~3a. Readily accessible from a principal arterial;~~

~~4b. Possibly adjacent to manufacturing/industrial zones;~~

~~5e. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;~~

~~6d. Predominance of large parcels of 30,000 square feet or larger lots which can accommodate a wide range of heavy commercial and light manufacturing activity;~~

~~7e. Limited pedestrian and transit access.~~

Section 15. Section 23.34.086 of the Seattle Municipal Code, which Section was adopted by Ordinance 112777, is amended as follows:

23.34.086 Pedestrian designation (suffix P), function and locational criteria.

A. Function. To preserve or encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored, and the following characteristics can be achieved:

1. A variety of retail/service activities along the street front;

2. Large number of shops and services per block;

3. Commercial frontage uninterrupted by housing or auto-oriented uses;

4. Pedestrian interest and activity;

5. Minimal pedestrian-auto conflicts.

B. Locational Criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:

1. Pedestrian district surrounded by residential areas and/or major activity centers; or a commercial node in an urban center or urban village;

2. NC zoned areas on both sides of an arterial, or NC zoned block faces across an arterial from a park, major institution, or other activity center;

3. Excellent access for pedestrians, transit, and bicyclists. SMC 23.34.086 Locational criteria -- Pedestrian District 1 (P1) overlay.

~~In reviewing a proposal to rezone an area to Pedestrian District 1 (P1) overlay, the following criteria shall be considered:~~

~~A. Function. To preserve and encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored.~~

~~B. Desired Characteristics:~~

~~1. Intense pedestrian interest and activity at street level;~~

~~2. Wide variety of retail/service activities;~~

~~3. Large number of shops and services per block;~~

~~4. Buildings built to the front property line with a minimum of auto-oriented uses;~~

~~5. Minimal pedestrian-auto conflicts.~~

~~C. Physical Conditions Favoring Designation as P1.~~

~~1. Pedestrian district generally surrounded by medium- to high-density residential areas and/or major activity centers;~~

~~2. Excellent access for transit, bicycle and pedestrian;~~

~~3. Availability of on- and off-street parking which can accommodate those who drive to the area;~~

~~4. Commercial areas with sufficient depth to accommodate off-street parking away from the principal pedestrian street;~~

~~5. Alleys or side streets allow access to parking areas by means other than curb cuts on principal pedestrian street;~~

~~6. Strong existing pedestrian character substantially reduces impact of parking waiver on surrounding areas.~~

Section 16. Section 23.34.088 of the Seattle Municipal Code, which Section was adopted by Ordinance 112777, is repealed.

Section 17. Subsection B2 of section 23.34.094 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

\* \* \*

B. Locational Criteria. Industrial Buffer zone designation is most appropriate in areas generally characterized by the following:

\* \* \*

2. Areas where a transition is needed to protect a less- intensive zone from potential negative impacts of industrial

activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), ~~Neighborhood Commercial 2/Residential (NC2/R)~~, Neighborhood Commercial 3 (NC3),

~~Neighborhood Commercial 3/Residential (NC3/R)~~, Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.

\* \* \*

Section 18. Section 23.40.002 of the Seattle Municipal Code, which was last amended by Ordinance 121093, is amended as follows:

23.40.002 Conformity with regulations required.

The establishment or change of use of any structures, buildings or premises, or any part thereof, shall require approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, except as permitted in 23.47A.004 ~~E and F~~. No use of any structure or premises shall hereafter be commenced, and no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in this title for the zone and overlay district, if any, in which it is or will be located. Owners of such structures, building or premises or parts thereof are responsible for any failure of such structures, buildings or premises to conform to the regulations of this title and for compliance with the provisions of this title in or on such structures, buildings or premises. Any other person who created, caused or contributed to a condition in or on such structure, building or premises, either alone or with others, is also responsible under this title for any failure to conform to the regulations of this title. Building and use permits on file 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 that~~ make the structures nonconforming may be permitted if the changes are required by law for reasons of health and safety.

Section 19. Subsection B of Section 23.40.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 120318, is amended as follows:

23.40.050 Demonstration program for innovative housing design.

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B. Scope of Authority to Modify Land Use Code Requirements. Demonstration projects shall be selected and reviewed in accordance with the demonstration program for innovative housing design adopted by Ordinance 119241, as modified and amended by Ordinances 119368, 119784 and 120318. Each demonstration project shall comply with all

of the requirements of the Land Use Code otherwise applicable to the project, except as specified below:

1. Each demonstration project, including single-family development and redevelopment of existing structures, shall be reviewed through the design review process contained in ~~SMC~~ Chapter 23.41 and in ~~SMC~~ Chapter 23.76. Detached accessory dwelling unit projects selected in Category one of the demonstration program shall use the administrative design review process at ~~SMC~~

Section 23.41.016.

2. A maximum of ten (10) detached accessory dwelling units may be allowed in single-family zones contrary to the requirement in ~~SMC~~ Section 23.44.006 A. For purposes of this section, a "detached accessory dwelling unit" means an additional room or set of rooms that are located within a structure accessory to an owner-occupied single-family structure, that is not connected to the principal structure and is designed, arranged, occupied or intended to be

occupied by not more than one (1) household as living accommodations independent from any other household. Such units must be developed according to the development standards for accessory structures and accessory dwelling units

in single-family zones, Sections 23.44.040 and 23.44.041, except that:

- a. Contrary to ~~SMC~~ Section 23.44.041 A4 the accessory dwelling unit may be located in a structure that is detached from the single-family dwelling that is the principal use on the lot; and
- b. Additional modifications to the development standards contained in ~~SMC~~ Section 23.44.040 and ~~SMC~~ Section 23.44.041 may be allowed as departures through the design review process under ~~SMC~~ Section 23.41.012; and
- c. ~~In addition to the development standard departures allowed in Section 23.41.012, a~~ departure may be allowed for additional height up to a maximum of two (2) stories, in order to accommodate detached accessory dwelling units in a single story unit above a detached garage and other detached accessory dwelling units of a similar height; provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single-family structures in single-family zones other than lots zoned residential small lot.

3. A maximum of ten (10) projects that include cottage housing, tandem housing or small lot single-family development may be allowed in a single-family zone, contrary to the minimum lot area requirements of ~~SMC~~ Section 23.44.010 and other development standards contained in ~~SMC~~ Chapter 23.44. Such development must comply with the residential small lot development standards, ~~SMC~~ Chapter 23.43, except that modifications to the development standards contained in ~~SMC~~ Chapter 23.43 may be allowed as departures through the design review process as follows:

a. A maximum of six (6) of these projects will be designated as Type A projects. For these Type A projects, in addition to the development standard departures allowed under ~~SMC~~ Section 23.41.012, departures may also be allowed for:

(1) Additional height up to a maximum of fifteen (15) percent over the maximum allowed by ~~SMC~~ Section 23.43.012 for cottage housing, by ~~SMC~~ Section 23.43.010 for tandem housing and by ~~SMC~~ Section 23.43.008 for small lot single-family development; provided that, no height departure may be granted that would result in a structure that is higher than the maximum allowed for single-family structures in single-family zones other than lots zoned residential small lot;

(2) The maximum total floor area of each cottage as required by ~~SMC~~ Section 23.43.012 D, as long as the maximum amount of total floor area for the entire cottage housing development is not increased.

b. A maximum of four (4) of these projects will be designated as Type B projects. For Type B projects, all of which must be in cottage housing developments, in addition to the development standard departures allowed under ~~SMC~~ Section 23.41.012 and the departures allowed pursuant to ~~SMC~~ Section 23.40.050 B3a for Type A projects, departures may also be allowed:

(1) For increased density beyond that allowed by ~~SMC~~ Section 23.43.012 B1 when the additional dwelling units are located above garages in accessory structures in the cottage housing development, and the maximum increase in dwelling unit density allowed by this demonstration project is fifty (50) percent above that allowed by the current density limits contained in ~~SMC~~ Section 23.43.012 B1; and

(2) For additional height for accessory structures beyond the twelve (12) feet allowed by ~~SMC~~ Section 23.43.040 A3, when the accessory structure contains a garage with above-garage dwelling units, up to a maximum of fifteen (15) percent over the maximum allowed by ~~SMC~~ Section 23.43.012 C for principal structures in cottage housing developments; provided that, no height departure may be granted that would result in an accessory structure that is higher than the maximum allowed for single-family structures in single-family zones other than lots zoned residential small lot.

4. ~~A maximum of six (6) multifamily demonstration projects i~~ In a multifamily zone, or as a part of a mixed-use development project in a commercial zone ~~outside of downtown,~~ a maximum of six (6) multifamily demonstration projects, may be granted height departures through the design review process, contrary to ~~SMC~~ Chapter 23.41 which, ~~with one (1) exception, generally~~ does not allow height departures. A height departure of up to fifteen (15) percent over the maximum height limit of the zone, may be allowed as long as:

- a. No additional floors are constructed as a result of this additional height;
- b. The overall scale of development as viewed from the street front has generally not increased;
- c. The structure is compatible with the neighborhood, and with the scale of development allowed in the zone;
- d. A height exception under ~~SMC Section 23.47A.012 A1b08-C4e~~ will not be requested as part of the project; and
- e. If private views protected by ~~SMC Section 23.47A.012 A1c 08-C4e~~ will be blocked by the demonstration project, no additional height greater than the additional height that could be granted by a height exception under ~~SMC Section 23.47 A.012 A1b08-C4e~~ may be granted by a height departure under the demonstration program.

~~5. A maximum of six (6) residential projects in an existing structure i~~In multifamily or commercial zones ~~outside of downtown,~~ a maximum of six (6) residential projects in existing structures, including mixed-use development, may use the design review process. Development standard departures currently allowed only for new development under ~~SMC Section 23.41.012~~ may be granted for the redevelopment of these existing structures.

\*\*\*

Section 20. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 122235, is amended as follows:

23.41.012 Development standard departures.

- A. Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of the design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code requirements would result in a development that better meets the intent of adopted design guidelines.
- B. Departures may be granted from any Land Use Code standard or requirement, except for the following:
  1. Procedures;
  2. Permitted, prohibited or conditional use provisions, except that departures may be granted from development standards for required Downtown street-level uses;
  3. Residential density limits;
  4. In Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49;
  5. In Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;
  6. In Downtown zones, the average floor area limit for stories in residential use in Chart 23.49.058D1;
  7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;
  8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in 23.49.058E;
  9. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to

have a minimal impact on views and meet the requirements of the Building Code;

10. Floor Area Ratios

11. Maximum size of use;

12. Structure height, except that:

a. Within the Roosevelt Commercial Core building height departures ~~may be granted~~ (up to an additional three (3) feet) may be granted for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);

b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

c. In Downtown zones building height departures may be granted for minor communication utilities as set forth in Section 23.57.013B;

13. Quantity of parking required, maximum parking limit in Downtown zones, and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000" may be reduced, ~~but The parking requirement shall not be less than the required parking for Ppedestrian-~~ designated areas shown in Section 23.54.015 Chart D;

14. Provisions of the Shoreline District, Chapter 23.60;

15. Standards for storage of solid-waste containers;

16. The quantity of open space required for major office projects in Downtown zones as provided in Section 23.49.016B;

17. Noise and odor standards;

18. Standards for the location of access to parking in Downtown zones;

19. Provisions of Chapter 23.52, Transportation Concurrency Project Review System;

20. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements, except that departures may be granted from the access easement standards in Section 23.53.025 and the provisions for structural building overhangs in Section 23.53.035.

21. Definitions; and

22. Measurements.

C. Limitations upon departures through the design review process established in subsection B of this section do not limit departures expressly permitted by other provisions of this title or other titles of the Seattle Municipal Code.

Section 21. Section 23.42.042 of the Seattle Municipal Code, which section was last amended by Ordinance 117570, is amended as follows:

SMC 23.42.042 Conditional uses.

A. Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. A use that was legally established but that is now permitted only as a conditional use is not a nonconforming use and shall be regulated as if a conditional use approval had earlier been granted.

Section 22. A new Section 23.42.050 of the Seattle Municipal Code is adopted to read as follows:

23.42.050 Home occupations.

A home occupation of a person residing in a dwelling unit is permitted outright in that dwelling unit in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, in each case subject to the standards of this Section.

A. The occupation shall be clearly incidental to the use of the dwelling unit as a dwelling.

B. Commercial deliveries and pickups to the dwelling unit shall be limited to one (1) per day Monday through Friday. No commercial deliveries or pickups shall be permitted on Saturday, Sunday or federal holidays.

C. To discourage drop-in traffic, the address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, signs, flyers, radio, television or other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.

D. The occupation shall be conducted only within the principal structure or in an accessory dwelling unit. Parking of vehicles associated with the home occupation shall be permitted anywhere that parking is permitted on the lot.

E. To preserve the residential appearance of the dwelling unit, there shall be no evidence of the occupation from the exterior of the structure; provided that outdoor play areas for child care programs and outdoor activities customarily incidental to the residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.

F. To preserve the residential character and use of the dwelling unit, only internal alterations customary to residential use shall be permitted, and no external alterations shall be permitted to accommodate a home occupation, except as required by licensing or construction codes for child care programs.

G. Except for child care programs, not more than one (1) person, whether full-time or part-time, who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working off-site who come to the site for business purposes at any time as well as persons working on site.

H. The home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through residential areas.

I. A maximum of two (2) passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of ten thousand (10,000) pounds shall be permitted to operate in connection with the home occupation.

J. The home occupation shall be conducted so that odor, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

K. Signs shall be regulated by Section 23.55.020.



L. Child care programs in the home of the operator shall be limited to twelve (12) children per day including the children of the operator.

Section 23. A new Section 23.42.052 of the Seattle Municipal Code is adopted to read as follows:

23.42.052 Keeping of Animals.

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the standards of this Section.

A. Small Animals. Up to three (3) small animals may be kept accessory to each business establishment or dwelling unit on a lot, except as follows:

1. In no case is more than one (1) miniature potbelly pig allowed per business establishment or dwelling unit (see subsection B of this section).

2. In single-family zones,

a. accessory dwelling units shall not be considered separate dwelling units for the purpose of this section;

b. up to four (4) small animals are permitted on lots of at least twenty thousand (20,000) square feet; and

c. one (1) additional small animal is permitted for each five thousand (5,000) square feet of lot area in excess of twenty thousand

(20,000) square feet. Accessory structures, including kennels, for four (4) or more animals must be at least ten (10) feet from any other lot in a residential zone.

B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*) may be kept as a small animal, provided that no swine that is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight may be kept in the City.

C. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot in addition to the small animals permitted in subsection A. For each one thousand (1,000) square feet of lot area in excess of the minimum lot area required for the zone or, if there is no minimum lot area, for each one thousand (1,000) square feet of lot area in excess of five thousand (5,000) square feet, one (1) additional domestic fowl may be kept.

D. Farm Animals. Cows, horses, sheep and other similar farm animals are permitted only on lots of at least twenty thousand (20,000) square feet. The keeping of swine is prohibited, except for miniature potbelly pigs allowed under subsection B of this section.

1. One (1) farm animal for every ten thousand (10,000) square feet of lot area is permitted.

2. Farm animals and structures housing them must be kept at least fifty (50) feet from any lot in a residential zone.

E. Beekeeping. Beekeeping is permitted outright as an accessory use, when registered with the State Department of Agriculture, provided that:

1. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

2. Hives shall not be located within twenty-five (25) feet of any lot line except when situated eight (8) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than

eight (8) feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty (20) feet beyond the hive in both directions.

Section 24. A new subsection is added to Section 23.42.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, as follows:

23.42.106 Expansion of nonconforming uses.

\* \* \*

F. Existing cemeteries shall not be expanded in size. For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that:

1. the change does not result in a net increase in the land area occupied by the cemetery;
2. the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and
3. the use of the land being added as a cemetery will not result in the loss of housing.

Section 25. Section 23.42.108 of the Seattle Municipal Code, which Section was enacted by Ordinance 120293, is amended as follows:

23.42.108 Change from nonconforming use to conforming use.

- A. In any zone, a nonconforming use may be converted to any conforming use if all development standards are met.
- B. In single-family zones, a nonconforming use may be converted to single-family dwelling unit, even if all development standards are not met.
- C. In multifamily zones, a nonconforming nonresidential use may be converted to residential use, even if all development standards are not met; provided that the density limitations of the zone must be met and provided that parking nonconformity shall not be increased as a result of the conversion; in Lowrise Duplex/Triplex zones the total number of dwelling units in any structure is limited to three (3).
- D. In commercial ~~and industrial~~ zones, a nonconforming use may be converted to any conforming use even if all development standards are not met, ~~provided that parking nonconformity shall not be increased as a result of the conversion.~~
- E. In industrial zones, a nonconforming use may be converted to any conforming use even if all development standards are not met, provided that parking nonconformity shall not be increased as a result of the conversion.

Section 26. Section 23.42.124 of the Seattle Municipal Code, which Section was last amended by Ordinance 122054, is amended as follows:

23.42.124 Light and glare standards nonconformity.

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See subsection H of Section 23.44.008 for single-family zones; Section 23.45.017 for lowrise zones; Section 23.45.059 for midrise zones; Section 23.45.075 for highrise zones; Section 23.46.020 for residential-commercial zones; Section 23.47A.022 for ~~commercial~~ C zones or NC zones; Section ~~23.48.030 for the Seattle Mixed zone~~; Section 23.49.025 for downtown zones; and Section 23.50.046 for industrial buffer and industrial commercial zones.

Section 27. Subsection A of Section 23.42.126 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended as follows:

23.42.126 Outdoor storage areas nonconformity.

A. An outdoor storage area nonconforming as to screening and landscaping shall be required to be screened and landscaped at the time of any structural alteration or expansion of the outdoor storage area or the structure with which it is associated, according to the provisions of:

1. Subsection D~~25~~ of Section 23.47~~A~~.016, if located in a ~~NC zone~~ commercial zone or C zone;
2. Section 23.48.024, if located in the Seattle Mixed (SM) zone;
3. Subsection C of Section 23.50.016, if located on an industrial street designated for landscaping;
4. Section 23.50.036, if located in an Industrial Buffer zone; and/or
5. Section 23.50.038, if located in an Industrial Commercial zone.

B. A business establishment in an NC1, NC2, NC3, or SM zone with a nonconforming outdoor storage area may be extended, structurally altered or expanded if the outdoor storage area is not expanded and if it is screened and landscaped according to the standards of subsection D~~25~~a of Section 23.47~~A~~.016, or Section 23.48.024 if the business is in the SM zone.

C. A nonconforming use with a nonconforming outdoor storage area may be structurally altered, but not expanded, if the outdoor storage area is not expanded and if it is screened and landscaped according to the standards of subsection D~~25~~a of Section 23.47~~A~~.016, or Section 23.48.024 if the nonconforming use with the nonconforming outdoor storage area is in the SM zone.

Section 28. Subsection D of Section 23.42.128 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended as follows:

23.42.128 Parking nonconformity.

\*\*\*

D. In commercial zones, surface parking areas that are nonconforming due to lack of required landscaping and are proposed to be expanded by ten (10) percent or more in number of parking spaces or in area are required to be screened and landscaped according to the standards of Section 23.47~~A~~.016, or in the Seattle Mixed (SM) zone, according to Section 23.48.024, to the extent feasible as determined by the Director.

\*\*\*

Section 29. Section 23.42.130 of the Seattle Municipal Code, which Section was enacted by Ordinance 120293, is amended as follows:

23.42.130 Nonconforming solar collectors.

The installation of solar collectors that ~~cause a structure to become nonconforming~~ do not conform to development standards or that increase an existing nonconformity may be permitted as follows:

A. In single-family zones, pursuant to subsection B of Section 23.44.046;

B. In multifamily zones, pursuant to subsection D of Section 23.45.146;

C. In NC zones or Commercial zones, pursuant to subsection ~~H~~ of Section 23.47A.012 E.

Section 30. Subsection C of Section 23.43.040 of the Seattle Municipal Code, which Section was enacted by Ordinance 117430, is amended as follows:

23.43.040 Accessory uses and structures.

\* \* \*

C. Home Occupations. ~~Home occupations are permitted accessory uses in the RSL zone, subject to the standards contained in Section 23.44.050, Home occupations.~~ Home occupations are regulated by Section 23.42.050, Home Occupations.

\* \* \*

Section 31. Section 23.44.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.44.006 Principal uses permitted outright.

The following principal uses ~~shall be~~ are permitted outright in single-family zones:

A. Single-family Dwelling Unit. One (1) single-family dwelling unit ~~shall be permitted on a per lot, except that when an accessory dwelling unit is~~ may also be approved pursuant to Section 23.44.041, and except as approved as part of an administrative conditional use permit under ~~SMC~~ Section 25.09.260;

B. Floating Homes. Floating homes, ~~shall be permitted uses in single-family zones~~ subject to the requirements of Chapter 23.60;

~~C. Existing Cemetery. Existing cemeteries shall be permitted to continue in use. No new cemeteries shall be permitted and existing cemeteries shall not be expanded in size. For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that (1) the change does not increase the net land area occupied by the cemetery, (2) the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved, and (3) the use of the land being added, as a cemetery, will not result in the loss of housing;~~

~~D. Public or private parks~~ C. Parks and open space, including customary buildings and activities, provided that garages and service or storage areas accessory to parks ~~shall be~~ are located one hundred (100) feet or more from any other lot in a residential zone and ~~shall be~~ are obscured from view from each such lot;

~~E. Public playgrounds;~~

~~F. Existing railroad right-of-way;~~

~~G. Public Schools Meeting Development Standards. In all single-family zones, new public schools or additions to existing public schools, and accessory uses including child care centers shall be permitted in all single-family zones, subject to the special development standards and departures from standards contained in Section 23.44.017, except that departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79, Development Standard Departure for Public Schools;~~

~~H. Uses in existing or former public schools:~~

1. Child care centers, ~~preschools~~, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly or similar uses, in each case shall be permitted in existing or former public schools.

2. Other non-school uses ~~shall be permitted~~ in

existing or former public schools, if permitted pursuant to procedures established in Chapter 23.78, The Establishment of Criteria for Joint Use or Reuse of Schools.

3. Additions to existing public schools ~~may be made~~ only when the proposed use of the addition is a public school;

~~I~~G. Nursing Homes. Nursing homes; meeting the development standards of this chapter, and limited to eight (8) or fewer residents;

~~J~~H. Adult Family Homes. Adult family homes, as defined and licensed by the state of Washington.

Section 32. The introductory subsection of Section 23.44.015 of the Seattle Municipal Code, which section was enacted by Ordinance 117202, is amended as follows:

23.44.015 Allowance for larger households.

The Director may allow larger numbers of unrelated persons to live together in a household than would otherwise be permitted in two situations: (1) through a grant of special accommodation, available only to domestic violence shelters as defined in Chapter 23.84A, and (2) through a grant of reasonable accommodation, available only to persons with handicaps as defined by federal law.

\* \* \*

Section 33. Subsection A of Section 23.44.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is amended as follows:

23.44.022 Institutions.

A. Institutions Identified. The following institutions may be permitted as conditional uses in single-family zones:

Community centers Child care centers Private schools Religious facilities ~~Public or private~~ Libraries Existing institutes for advanced study Other similar institutions

The following institutions are prohibited in single-family zones: Hospitals Colleges ~~and universities~~ Museums Private clubs Vocational schools

\* \* \*

Section 34. Subsection B of Section 23.44.026 of the Seattle Municipal Code, which section was last amended by Ordinance 112777, is amended as follows:

23.44.026 Use of landmark structures.

\* \* \*

B. The parking requirements for a use allowed in a landmark are those listed in ~~Chart A of~~ Section 23.54.015. These requirements may be waived pursuant to Section 23.54.020 C.

Section 35. Section 23.44.048 of the Seattle Municipal Code, which section was last amended by Ordinance 116694, is

amended as follows:

#### 23.44.048 Keeping of animals.

The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.

~~The keeping of small animals, farm animals, domestic fowl~~

~~and bees is permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use subject to the following standards:~~

~~A. Small Animals. Up to three (3) small animals per single-family residential structure may be kept in single-family zones; however, no more than one (1) may be a miniature potbelly pig (see subsection B of this section). Four (4) small animals are permitted on lots of at least twenty thousand (20,000) square feet. One (1) additional small animal is permitted for each five thousand (5,000) square feet of lot area in excess of twenty thousand (20,000) square feet. Accessory structures, including kennels, for four (4) or more animals must be at least ten (10) feet from any other residentially-zoned lot.~~

~~B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) may be kept as domestic pets as a small animal, provided that no swine may be kept in the City which is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight.~~

~~C. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot in addition to the small animals permitted in the preceding subsection. For each one thousand (1,000) square feet of lot area in excess of the minimum lot area required for the zone, one (1) additional domestic fowl may be kept.~~

~~D. Farm Animals. Cows, horses, sheep and other similar farm animals are permitted only on lots of at least twenty thousand (20,000) square feet. The keeping of swine is prohibited, except for miniature potbelly pigs allowed under subsection B of this section.~~

~~1. One (1) farm animal for every ten thousand (10,000) square feet of lot area is permitted.~~

~~2. Farm animals and structures housing them must be kept at least fifty (50) feet from any residentially-zoned lot.~~

~~E. Beekeeping. Beekeeping is permitted outright as an accessory use, when registered with the State Department of Agriculture, provided that:~~

~~1. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.~~

~~2. Hives shall not be located within twenty-five (25) feet of any property line except when situated eight (8) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight (8) feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty (20) feet beyond the hive in both directions.~~

Section 36. Section 23.44.050 of the Seattle Municipal Code, which section was last amended by Ordinance 122190, is amended as follows:

#### 23.44.050 Home occupations.

Home occupations are regulated by Section 23.42.050, Home Occupations.

~~A home occupation of a person residing in a dwelling unit is permitted in that dwelling unit subject to the following development standards:~~

~~A. The occupation shall be clearly incidental to the use of the property as a dwelling.~~

~~B. Commercial deliveries and pickups shall be limited to one (1) per day Monday through Friday. No commercial deliveries or pickups shall be permitted on Saturday, Sunday or federal holidays.~~

~~C. To discourage drop-in traffic, the address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, signs, flyers, radio, television or other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.~~

~~D. The occupation may be conducted only within the principal structure or in an accessory dwelling unit. Parking of vehicles associated with the home occupation shall be permitted anywhere that parking is permitted on the lot.~~

~~E. To preserve the residential appearance of the structure, there shall be no evidence of the occupation from the exterior of the structure; provided, that outdoor play areas for child care programs and outdoor activities normally associated with residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.~~

~~F. To preserve the residential character and use of the structure, only internal alterations customary to residential use shall be permitted, and no external alterations shall be permitted to accommodate a home occupation, except as required by licensing or construction codes for child care programs.~~

~~G. Except for child care programs, not more than one (1) person, whether full-time or part-time who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working off-site who come to the site for business purposes at any time as well as persons working on-site.~~

~~H. The home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through residential areas.~~

~~I. A maximum of two (2) passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of ten thousand (10,000) pounds shall be permitted to operate in connection with the home occupation.~~

~~J. The home occupation shall be conducted so that odor, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.~~

~~K. Signs shall be regulated by Section 23.55.020.~~

~~L. Child care programs in the home of the operator shall be limited to twelve (12) children per day including the children of the operator.~~

Section 37. Section 23.45.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 119238, is amended as follows:

23.45.004 Principal uses permitted outright.

A. The following principal uses ~~shall be~~are permitted outright in all multifamily zones:

1. Single-family dwelling units; 2. Multifamily structures; 3. Congregate residences; 4. Adult family homes; 5. Nursing homes; 6. Assisted living facilities; 7. Institutions meeting all development standards; 8. Major Institution and Major Institution uses within Major Institution Overlay Districts subject to Chapter 23.69; 9. Public facilities meeting all development standards; ~~10. Existing cemeteries; and 11~~10. Public or private pParks and open space

playgrounds including customary buildings and activities.

B. In Midrise and Highrise zones certain ground-floor business and commercial uses ~~shall be~~ are permitted outright according to the provisions of Section 23.45.110.

C. Uses in existing or former public schools:

1. Child care centers, ~~preschools,~~ public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly and similar uses ~~shall be~~ are permitted in existing or former public schools.

2. Other non-school uses ~~may~~ shall be permitted in existing or former public schools pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.

~~D. Existing cemeteries shall be permitted to continue in use. No new cemeteries shall be permitted and existing cemeteries shall not be expanded in size. For purposes of this section, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that (1) the change does not increase the net land area occupied by the cemetery; (2) the land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and (3) the use of the land being added, as a cemetery, will not result in the loss of housing (for the living).~~

E. Medical service uses, meeting the development standards for institutions, ~~shall be~~ are permitted outright on property conveyed by a deed from the City ~~that which,~~ at the time of conveyance, restricted the property's use to a health care or health-related facility.

Section 38. Subsection B of Section 23.45.110 of the Seattle Municipal Code, which Section was last amended by Ordinance 121145, is amended as follows:

23.45.110 Ground-floor business and commercial use in Midrise and Highrise zones.

\* \* \*

B. Permitted Commercial Uses. The following uses ~~shall be~~ are permitted as ground-floor commercial uses in Midrise and Highrise zones:

1. ~~Personal and household retail sales~~ Sales and services, general; 2. Medical services; 3. Restaurants; 4. Business support services; 5. Offices; ~~and~~ 6. Food processing and craft work; ~~and~~ 7. Retail sales, major durables.

\* \* \*

Section 39. Subsection B of Section 23.45.124 of the Seattle Municipal Code, which section was last amended by Ordinance 112777, is amended as follows:

23.45.124 Landmark structures.

\* \* \*

B. The parking requirements for a use allowed in a landmark are those listed in ~~Chart A of~~ Section 23.54.015. These requirements may be waived pursuant to Section 23.54.020 C.

Section 40. Section 23.45.148 of the Seattle Municipal Code, which section was last amended by Ordinance 116694, is amended as follows:

23.45.148 Keeping of animals.



The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.

A. Small Animals.

- ~~1. Up to three (3) small domestic animals per dwelling unit may be kept in multifamily zones; however, only one (1) may be a miniature potbelly pig (see subsection B of this section).~~
- ~~2. Accessory structures, including kennels, for four (4) or more animals shall be at least ten (10) feet from any other residentially zoned lot.~~

~~B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (Sus scrofa bittatus) may be kept as domestic pets as a small animal, provided that no swine may be kept in the City which is greater than twenty-two (22) inches in height at the shoulder or more than one hundred fifty (150) pounds in weight.~~

~~C. Domestic Fowl. Up to three (3) domestic fowl may be kept on any lot in addition to the small animals permitted in the preceding subsection. For each one thousand (1,000) square feet of lot area in excess of five thousand (5,000) square feet, one (1) additional domestic fowl may be kept.~~

~~D. Farm Animals. Cows, horses and other similar farm animals are permitted only on lots at least twenty thousand (20,000) square feet in size. The keeping of swine is prohibited except for miniature potbelly pigs allowed under subsection B of this section.~~

- ~~1. Only one (1) farm animal for every ten thousand (10,000) square feet of lot area is permitted.~~
- ~~2. Farm animals and structures housing them shall be at least fifty (50) feet from any other residentially zoned lot.~~

Section 41. Section 23.45.152 of the Seattle Municipal Code, which section was last amended by Ordinance 117263, is amended as follows:

23.45.152 Home occupations.

Home occupations are regulated by Section 23.42.050, Home

Occupations.

~~Home occupations of a person residing in a dwelling unit are permitted in that dwelling unit as accessory uses, subject to the following development standards:~~

- ~~A. The occupation shall be clearly incidental and accessory to the use of the property as a dwelling.~~
- ~~B. The address of the home occupation shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, off-premises signs, flyers, radio, television and any other media. Addresses may be listed on business cards, but a statement must be included to the effect that business is by appointment only.~~
- ~~C. The occupation shall be conducted only within the principal structure and not in an accessory structure, except that parking of vehicles associated with a home occupation shall be permitted anywhere that parking is permitted on the lot.~~
- ~~D. To preserve the residential appearance of the structure, there shall be no evidence of the home occupation from the exterior of the structure; provided, that one (1) sign, and outdoor play areas for daycare programs and outdoor activities normally associated with residential use shall be permitted. No outdoor storage shall be permitted in connection with a home occupation.~~

- ~~E. To preserve the residential character and use of the structure, only internal alterations customary to residential use shall be permitted and no external alterations shall be permitted to accommodate a home occupation.~~
- ~~F. Except for child care programs, not more than one (1) person who is not a resident of the dwelling unit may work in the dwelling unit of the home occupation whether or not compensated. This includes persons working off-site who come to the site for business purposes at any time as well as persons working on site.~~
- ~~G. Commercial pickup and deliveries shall be limited to one (1) per day on weekdays and shall be prohibited on weekends.~~
- ~~H. The home occupation shall not cause or add to on-street parking congestion or cause a substantial increase in traffic through residential areas.~~
- ~~I. A maximum of two (2) passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of ten thousand (10,000) pounds shall be permitted to operate in connection with the home occupation.~~
- ~~J. The home occupation shall be conducted so that odor, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.~~
- ~~K. Signs shall be regulated by Section 23.55.022.~~
- ~~L. Child care programs in the home of the operator shall be limited to twelve (12) children including the children of the operator.~~

Section 42. Subsection B of Section 23.46.004 of the Seattle Municipal Code, which subsection was reenacted by Ordinance 121828, is amended as follows:

23.46.004 Uses.

\* \* \*

B. Live-work units and the following commercial uses are ~~shall be~~ permitted outright:

1. ~~Personal and household retail sales~~ Sales and services, general; 2. Medical services; 3. Restaurants; 4. Business support services; 5. Offices; ~~and~~ 6. Food processing and craft work; and 7. Retail sales, major durables.

\* \* \*

Section 43. Chapter 23.47 of the Seattle Municipal Code is repealed.

Section 44. A new Chapter 23.47A of the Seattle Municipal Code is adopted to read as follows:

Chapter 23.47A Commercial

23.47A.002 Scope of provisions.

A. This chapter describes the authorized uses and development standards for the following zones:

Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1), Commercial 2 (C2).

B. Some land in C zones and NC zones may be regulated by Subtitle III, Division 3, Overlay Districts.

C. Other regulations, such as, and not limited to, requirements for setbacks from property lines to provide clearance for the Seattle City Light Overhead Power Distribution System located in the street right-of-way (Washington Administrative Code 296-24-960 and 296-155- 428, National Electric Safety Code-2002, Rules 236 and 237, and Seattle City Light Guideline D2-3); requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to development proposals. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this chapter and additional regulations in Chapter 23.57.

#### 23.47A.004 Permitted and prohibited uses.

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Chart A and this section, except as may be otherwise provided pursuant to Division 3 of this subtitle.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in Chart A.

C. The Director may authorize a use not otherwise permitted in the zone in a landmark structure, subject to the following criteria:

1. The use will not require significant alteration of the structure;
2. The design of the structure makes uses permitted in the zone impractical in the structure, or the permitted uses do not provide sufficient financial return to make use of the landmark structure feasible; and
3. The physical impacts of the use will not be detrimental to other properties in the zone or vicinity or to the public interest.

#### D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this chapter are permitted outright or as a conditional use, respectively, subject to the same use regulations, development standards and conditional use criteria that govern the similar uses.

2. Permitted Uses in Public Facilities Requiring Council Approval. Unless specifically prohibited in Chart A, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter, may be permitted by the City Council.

3. In all NC zones and C zones, uses in public facilities not meeting development standards may be permitted by the Council, and the Council may waive or grant departures from development standards, if the following criteria are satisfied:

- a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations;
- b. The proposed location is required to meet specific public service delivery needs;
- c. The waiver of or departure from the development standards is necessary to meet specific public service delivery needs; and
- d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

4. The City Council's use approvals, and waivers of or grants of departures from applicable development standards or

conditional use criteria, contemplated by subsections 2 and 3, are governed by the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions.

5. Expansion of Uses in Public Facilities.

- a. Major Expansion. Major expansion of uses in public facilities allowed pursuant to subsections D1, D2, and D3 may be permitted according to the criteria and process in those subsections. A major expansion of a public facility use occurs when an expansion would not meet development standards or the area of the expansion would exceed either seven hundred fifty (750) square feet or ten (10) percent of the existing area of the use, whichever is greater. For the purposes of this subsection, area of use includes gross floor area and outdoor area devoted actively to that use, other than as parking.
- b. Minor Expansion. An expansion of a use in a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to subsections D1, D2, and D3 above may be permitted according to the provisions of Chapter 23.76, for a Type I Master Use Permit.

6. Essential Public Facilities. Permitted essential public facilities will be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

E. Changes from accessory to principal use parking. On a lot where principal use parking is permitted outright, legally established accessory parking may be converted to principal use parking without a use permit or approval when the use served by the accessory parking has been discontinued. Any lawfully existing nonconformities as to development standards may be maintained.

F. Use of accessory parking. Where principal use parking is permitted outright, legally established accessory parking may be made available to the general public as short-term parking without a separate use permit or approval.

G. Live-work Units.

- 1. In all NC zones and C zones live-work units are permitted outright subject to the provisions of this title.
- 2. In pedestrian-designated zones live-work units shall not occupy more than 20% of the street-level street-facing facade.
- 3. In the Lake City and Bitter Lake Hub Urban Villages, live- work units shall not occupy more than 20% of the street-level street- facing facade.
- 4. Except where expressly treated as a residential use, live- work units shall be deemed a nonresidential use.

H. The terms of Chart A are subject to any applicable exceptions or contrary provisions expressly set forth in this title.

Chart A for Section 23.47A.004

Uses in Commercial Zones

PERMITTED AND PROHIBITED USES BY ZONE (1)

USES NC1 NC2 NC3 C1 C2

- A. AGRICULTURAL USES A.1. Animal Husbandry A A A A P A.2. Aquaculture 10 25 P P P A.3. Horticulture 10 25 P P P
- B. CEMETERIES X X X X X

C. COMMERCIAL USES C.1. Animal Shelters and Kennels X X X X P C.2. Eating and drinking establishments C.2.a. Drinking establishments CU-10 CU-25 P P P C.2.b. Restaurants 10 25 P P P C.3. Entertainment Uses C.3.a. Motion picture theaters, X 25 P P P adult C.3.b. Panorams, adult X X X X X C.3.c. Sports and recreation, 10 25 P P P indoor C.3.d. Sports and recreation, X X X(2) P P outdoor C.3.e. Theaters and spectator X 25 P P P sports facilities C.4. Food processing and craft 10 25 25 P P work C.5. Laboratories, Research and 10 25 P P P development C.6. Lodging uses X(3) CU-25(3) P P P C.7 Medical services (4) 10 25 P P P C.8. Offices 10 25 P 35(5) 35(5) C.9. Sales and services, automotive C.9.a. Retail sales and services, 10(6) 25(6) P(6) P P automotive C.9.b. Sales and rental of X 25 P P P motorized vehicles C.9.c. Vehicle repair, major X 25 P P P automotive C.10. Sales and services, general C.10.a. Retail sales and services, 10 25 P P P general C.10.b. Retail sales, multipurpose 10(7) 50 P P P C.11. Sales and Services, heavy C.11.a. Commercial sales, heavy X X 25 P P C.11.b. Commercial services, heavy X X X P P C.11.c. Retail sales, major 10 25 P P P durables C.11.d. Retail sales and services, 10 25 P P P non-household C.11.e. Wholesale showrooms X X 25 25 P C.12. Sales and services, marine C.12.a. Marine service stations 10 25 P P P C.12.b. Sales and rental of large X 25 P P P boats C.12.c. Sales and rental of small 10 25 P P P boats, boat parts and accessories C.12.d. Vessel repair, major X X X S S C.12.3. Vessel repair, minor 10 25 P P P

D. HIGH-IMPACT USES X X X X X

E. INSTITUTIONS E.1. Institutions not listed 10 25 P P P below E.2. Major institutions subject P P P P P to the provisions of Chapter 23.69 E.3. Religious Facilities P P P P P E.4. Schools, Elementary or P P P P P Secondary

F. LIVE-WORK UNITS(8) P P P P P

G. MANUFACTURING USES G.1. Manufacturing, light X 10 25 P P G.2. Manufacturing, general X X X P P G.3. Manufacturing, heavy X X X X X

H. PARKS AND OPEN SPACE P P P P P

I. PUBLIC FACILITIES I.1. Jails X X X X X I.2. Work-release centers CCU-10 CCU-25 CCU CCU CCU

J. RESIDENTIAL USES(9) J.1. Residential uses not listed P P P P CU(10) below J.2. Caretaker's quarters P P P P P

K. STORAGE USES K.1. Mini-warehouses X X 25 40 P K.2. Storage, outdoor X X X(11) P P K.3. Warehouses X X 25 25 P

L. TRANSPORTATION FACILITIES L.1. Cargo terminals X X X S P L.2. Parking and moorage L.2.a. Boat moorage S S S S S L.2.b. Dry boat storage X 25 P P P L.2.c. Parking, principal use, X 25 P P P except as listed below L.2.c.i. Park and Pool Lots P(12) P P P P L.2.c.ii. Park and Ride Lots X X CU CU CU L.2.d. Towing services X X X P P L.3. Passenger terminals X X 25 P P L.4. Rail Transit Facilities P P P P P L.5. Transportation facilities, air L.5.a. Airports (land-based) X X X X X L.5.b. Airports (water-based) X X X X S L.5.c. Heliports X X X X X L.5.d. Helistops X X CCU CCU CU L.6. Vehicle storage and maintenance L.6.a. Bus bases X X X CCU CCU L.6.b. Railroad switchyards X X X X X L.6.c. Railroad switchyards with a X X X X X mechanized hump L.6.d. Transportation services, X X P P P personal

M. UTILITY USES M.1. Communication Utilities, X X X CCU CCU major (13) M.2. Communication Utilities, P P P P P minor (13) M.3. Power Plants X X X X X M.4. Recycling X X X P P M.5. Sewage Treatment Plants X X X X X M.6. Solid waste management X X X X X M.7. Utility Services Uses 10 25 P P P

KEY A = Permitted as an accessory use only

CU = Administrative Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)

CCU = Council Conditional Use (business establishment limited to the multiple of 1,000 sq. ft. of any number following a hyphen, according to 23.47A.010)

P = Permitted

S = Permitted in shoreline areas only

X = Prohibited

10 = Permitted, business establishments limited to 10,000 sq. ft., according to 23.47A.010

20 = Permitted, business establishments limited to 20,000 sq. ft., according to 23.47A.010

25 = Permitted, business establishments limited to 25,000 sq.

ft., according to 23.47A.010

35 = Permitted, business establishments limited to 35,000 sq. ft., according to 23.47A.010

50 = Permitted, business establishments limited to 50,000 sq. ft., according to 23.47A.010

## NOTES

(1) In pedestrian-designated zones, a portion of the street-level street-facing facade of a structure along a designated principal pedestrian street may be limited to certain uses as provided in section 23.47A.005E. In pedestrian-designated zones, drive-in lanes are prohibited (Section 23.47A.028).

(2) Permitted at Seattle Center.

(3) Bed and Breakfasts in existing structures are permitted outright with no maximum size limit.

(4) Medical services over 10,000 sq. ft. within 2,500 feet of a medical Major Institution Overlay boundary require conditional use approval, unless they are included in a Major Institution Master Plan or dedicated to veterinary services.

(5) Office uses in C1 and C2 zones are permitted up to the greater of 1 FAR or 35,000 square feet as provided in subsection 23.47A.010 D. Office uses in C1 and C2 zones are permitted outright with no maximum size limit if they meet the standards identified in subsection 23.47A.010 D.

(6) Gas stations and other businesses with drive-in lanes are not permitted in pedestrian-designated zones (Section 23.47A.028). Elsewhere in NC zones, establishing a gas station may require a demonstration regarding impacts under Section 23.47A.028.

(7) Grocery stores meeting the conditions of subsection 23.47A.010 E are permitted up to 23,000 sq. ft. in size.

(8) Subject to subsection 23.47A.004 G.

(9) Residential uses may be limited to 20% of a street-level street-facing facade according to subsection 23.47A.005 D.

(10) Residential uses are conditional uses in C2 zones under Section 23.47A.006 B3, except as otherwise provided above in Chart A or in that section.

(11) Permitted at Seattle Center, see Section 23.47A.011.

(12) Permitted only on parking lots existing at least 5 years prior to the establishment of the park and pool lot.

(13) See Chapter 23.57 for regulation of communication utilities.

#### 23.47A.005 Street-level uses.

A. The requirements of this section apply in addition to the other applicable requirements of this title.

B. Parking, mini-warehouses, warehouses, or utility uses may not abut a street-level street-facing facade in a structure that contains more than one residential dwelling unit.

C. In NC zones in new structures, street-level parking must be separated from the street-level, street-facing facade by another permitted use.

D. Residential uses at street level.

1. Residential uses are generally permitted anywhere in a

structure in NC1, NC2, NC3 and C1 zones, except as provided in subsections D2 and D3, below.

2. Residential uses may not occupy, in the aggregate, more than 20% of the street-level street-facing facade in the following circumstances or locations:

a. In a pedestrian-designated zone, facing a designated principal pedestrian street;

b. Within the Bitter Lake Hub Urban Village; or

c. Within the Lake City Hub Urban Village.

3. Residential uses may not exceed, in the aggregate, 20% of the street-level street-facing facade when facing an arterial or within a zone that has a height limit of eighty-five (85) feet or higher, except that residential uses may occupy 100% of the street-level street-facing facade in the following circumstances or locations:

a. Within a very low-income housing project existing as of May 1, 2006, or within a very low-income housing project replacing a very low-income housing project existing as of May 1, 2006 on the same site.

b. The residential use is an assisted living facility or nursing home and private living units are not located at street level.

c. Within the Station Area Overlay District, in which case the provisions of Chapter 23.61 apply.

d. Within the International Special Review District east of the Interstate 5 Freeway, in which case the provisions of Section 23.66.330 apply.

4. Additions. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

5. Timing of construction of residential structures on lots subject to limits on street-level residential uses. Where residential uses at street level are limited to 20% of the street-level street-facing facade, and an applicant proposes to locate residential uses in a street-level facade to an extent that would not be permitted if no other structures were on the lot, and proposes to include street-level nonresidential uses in a separate structure between such facade and the street, no temporary or final certificate of occupancy shall be issued for the structure(s) including such residential uses until substantial construction of the structure(s) to include such nonresidential uses is achieved and a schedule for completion thereof is presented to and approved by the Director. "Substantial construction" means, for purposes of this subsection, that the framing of the exterior walls has been inspected and approved.

E. Pedestrian-designated zones. In pedestrian-designated zones the locations of uses are regulated as follows:

1. Along designated principal pedestrian streets, uses not listed in this subsection may not exceed, in the aggregate, 20%

of the street-level street-facing facade.

a. General sales and services; b. Major durables retail sales; c. Eating and drinking establishments; d. Lodging uses; e. Theaters and spectator sports facilities; f. Indoor sports and recreation; g. Medical services; h. Rail transit facilities; i. Museum; j. Community clubs or centers; k. Religious facility; l. Library; m. Elementary or secondary school; n. Parks and open space.

The establishment of any such use is subject to the applicable use provisions of this title.

2. The following streets are principal pedestrian streets when located within a pedestrian-designated zone:

10th Avenue; 11th Avenue; 12th Avenue; 15th Avenue East; 15th Avenue Northwest; 22nd Avenue Northwest; 23rd Avenue; 24th Avenue Northwest; 25th Avenue Northeast;

Beacon Avenue South; Boren Avenue; Boylston Avenue; Broadway; Broadway East; California Avenue Southwest; East Green Lake Drive North; East Madison Street; East Olive Way; East Pike Street; East Union Street; Eastlake Avenue East; First Avenue North; Fremont Avenue North; Fremont Place North; Greenwood Avenue North; Lake City Way Northeast; Madison Street; Martin Luther King Jr. Way South; Mercer Street; North 45th Street North 85th Street; Northeast 43rd Street; Northeast 45th Street; Northeast 125th Street; Northwest 85th Street; Northwest Market Street; Queen Anne Avenue North; Rainier Avenue South; Roosevelt Way Northeast; Roy Street; South Alaska Street; South Henderson Street; South Lander Street; South McClellan Street; South Othello Street; Southwest Alaska Street; Summit Avenue; Terry Avenue; University Way Northeast; Wallingford Avenue North; and Woodlawn Avenue Northeast.

23.47A.006 Conditional uses.

A. All conditional uses are subject to the procedures described in Chapter 23.76, Master Use Permits and Council Land Use Decisions, and must not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. In authorizing a conditional use, the Director or City Council may require that adverse impacts be mitigated by imposing any conditions to protect other properties in the zone or vicinity, to compensate for impacts, and to protect the public interest. The Director shall deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily.

B. The following uses, where identified as administrative conditional uses on Chart A of Section 23.47A.004, or other features of development identified in this Section, may be permitted by the Director when the provisions of subsection A are met, subject to the further provisions below in this subsection:

1. Drinking establishments. Drinking establishments in NC1 and NC2 zones may be permitted as a conditional use subject to the following conditions or criteria:

a. The size of the drinking establishment, design of the structure, signing and illumination must be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

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

c. Special consideration will be given to the location and design of the doors and windows of drinking establishments to help ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings where the drinking establishment is located on a lot that abuts or is across from a residential zone.

d. Drinking establishments must not generate traffic that creates traffic congestion or further worsens spillover parking on residential streets.

2. Park-and-ride lots. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses subject to the following conditions or criteria:



- a. The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.
- b. If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there must be no substantial conflict in the principal operating hours of the park- and-ride lot and other uses on the lot.
- c. The Director may require landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access control, signage restrictions, and other measures to provide comfort and safety for pedestrians and bicyclists and to ensure the compatibility of the park-and-ride lot with the surrounding area.

### 3. Residential Uses in C2 zones.

- a. Residential uses may be permitted in C2 zones as a conditional use subject to the following criteria:
  - (1) The residential use generally should not be located in an area with direct access to major transportation systems such as freeways, state routes and freight rail lines.
  - (2) The residential use generally should not be located in close proximity to industrial areas and/or nonresidential uses or devices that have the potential to create a nuisance or adversely affect the desirability of the area for living purposes as indicated by one of the following:
    - (a) The nonresidential use is prohibited in the NC3 zone;
    - (b) The nonresidential use or device is classified as a major noise generator; or
    - (c) The nonresidential use is classified as a major odor source.
  - (3) In making a determination to permit or prohibit residential uses in C2 zones, the Director shall take the following factors into account:
    - (a) The distance between the lot in question and major transportation systems and potential nuisances;
    - (b) The presence of physical buffers between the lot in question and major transportation systems and potential nuisance uses;
    - (c) The potential cumulative impacts of residential uses on the availability for nonresidential uses of land near major transportation systems; and
    - (d) The number, size and cumulative impacts of potential nuisances on the proposed residential uses.
- b. Residential uses required to obtain a shoreline conditional use are not required to obtain an administrative conditional use permit.
- c. Additions to, or on-site accessory structures for, existing residential structures are permitted outright.

4. Medical service uses. Medical service uses over ten thousand (10,000) square feet, outside but within two thousand five hundred (2,500) feet of a medical Major Institution overlay district boundary, may be approved as administrative conditional uses, except that they are permitted outright if included in an adopted master plan or dedicated to veterinary services. In order to approve a medical service use under this subsection, the Director must determine that an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors will be used in making this determination:

- a. Whether the amount of medical service uses existing and proposed in the vicinity would result in an area containing a concentration of medical services with few other uses; and

b. Whether medical service uses would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of general sales and services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

5. Change of One Nonconforming Use to Another. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

- a. New uses are limited to those permitted in the next more intensive zone;
- b. The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.
- c. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

6. Lodging uses in NC2 zones. Lodging uses in NC2 zones are permitted up to 25,000 sq. ft., when all of the following conditions are met, except that bed and breakfasts in existing structures are permitted outright with no maximum size limit:

- a. The lodging use contains no more than 50 units;
- b. The proposed development is subjected to City design review, whether required by SMC Chapter 23.41 or not;
- c. The design of the development, including but not limited to signing and illumination, is compatible with surrounding commercial areas; and
- d. Auto access is via an arterial street that does not draw traffic through primarily residentially zoned areas.

C. The following uses, identified as Council Conditional Uses on Chart A of Section 23.47A.004, may be permitted by the Council when the conditions of subsection A of this section are met, subject to the following additional provisions:

1. In C1 and C2 zones, new bus bases for one hundred and fifty (150) or fewer buses, and existing bus bases that are proposed to be expanded to accommodate additional buses, according to the following standards and criteria.

- a. The bus base has vehicular access, suitable for use by buses, to a designated arterial improved to City standards; and
- b. The lot includes adequate buffering from the surrounding area and the impacts created by the bus base have been effectively mitigated.
- c. The Council may require mitigating measures, which may include, but are not limited to:

(1) Noise mitigation, (2) An employee ridesharing program, (3) Landscaping and screening, (4) Odor mitigation, (5) Vehicular access controls, and (6) Other measures to ensure the compatibility of the bus base with the surrounding area.

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

- a. The helistop is used solely for the takeoff and landing of helicopters serving public safety, news gathering or emergency

medical care functions; is a public facility that is part of a City and regional transportation plan approved by the City Council; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

- b. The helistop is located so as to minimize impacts on surrounding areas.
  - c. The lot includes sufficient buffering of the operations of the helistop from the surrounding area.
  - d. Open areas and landing pads are hard-surfaced.
  - e. The helistop meets all federal requirements, including those for safety, glide angles and approach lanes.
3. Work-release centers in all NC zones and C zones, according to the following standards and criteria:
- a. Maximum Number of Residents. No work-release center may house more than fifty (50) persons, excluding resident staff.
  - b. Dispersion Criteria.
    - (1) Each lot line of any new or expanding work-release center must be located six hundred (600) feet or more from any residential zone, any lot line of any assisted living facility, congregate residence, domestic violence shelter or nursing home, and any lot line of any school.
    - (2) Each lot line of any new or expanding work-release center must be located one (1) mile or more from any lot line of any other work-release center.
  - c. The Council's decision shall be based on the following criteria, after review by the Director and the Seattle Police Department:
    - (1) The applicant must demonstrate the need for the new or expanding facility in the City;
    - (2) The applicant must demonstrate that the facility can be made secure through a security plan to appropriately monitor and control residents, through a staffing plan for the facility, and through compliance with the security standards of the American Corrections Association;
    - (3) Proposed lighting must be located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained;
    - (4) The facility's landscape plan must meet the requirements of the zone while allowing visual supervision of the residents of the facility;
    - (5) Appropriate measures must be taken to minimize noise impacts on surrounding properties;
    - (6) The impacts of traffic and parking must be mitigated;
    - (7) The facility must be well-served by public transportation or the facility must demonstrate a commitment to a program of encouraging the use of public or private mass transportation;
    - (8) Verification from the Department of Corrections (DOC) must be provided that the proposed work-release center meets DOC standards for such facilities and that the facility will meet state laws and requirements.
  - D. Any authorized conditional use that has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:
    - 1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months. Property that is vacant, or that is used only for dead storage of materials or equipment, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure shall not be considered discontinued unless all portions of the structure are either vacant or devoted to another use.

#### 23.47A.007 Major Phased Developments.

A. An applicant may seek approval of a Major Phased Development, as defined in Section 23.84A.025. A Major Phased Development proposal is subject to the provisions of the zone in which it is located and shall meet the following thresholds:

1. A minimum site size of five (5) acres, composed of contiguous parcels or parcels divided only by one or more rights-of-way.
2. The proposed project, which at time of application is a single, functionally interrelated campus, contains more than one building, with a minimum total gross floor area of two hundred thousand (200,000) square feet.
3. The first phase of the development consists of at least one hundred thousand (100,000) square feet in gross building floor area.
4. At the time of application, the project is consistent with the general character of development anticipated by Land Use Code regulations.

B. A Major Phased Development application shall be submitted, evaluated, and approved according to the following:

1. The application shall contain a level of detail that is sufficient to reasonably assess anticipated impacts, including those associated with a maximum build-out, within the timeframe requested for Master Use Permit extension.

2. A Major Phased Development component shall not be approved unless the Director concludes that anticipated environmental impacts, such as traffic, open space, shadows, construction impacts and air

quality, are not significant or can be effectively monitored and conditions imposed to mitigate impacts over the extended life of the permit.

3. Expiration or renewal of a permit for the first phase of a Major Phased Development is subject to the provisions of Chapter 23.76, Master Use Permits and Council Land Use Decisions. The Director shall determine the expiration date of a permit for subsequent phases of the Major Phased Development through the analysis provided for above; such expiration shall be no later than fifteen (15) years from the date of issuance.

C. Changes to the approved Major Phased Development.

1. When an amendment to a Master Use Permit with a Major Phased Development component is requested, the Director shall determine whether the amendment is minor or not.

a. A minor amendment is one that meets the following criteria:

(1) Substantial compliance with the approved site plan and conditions imposed in the existing Master Use Permit with the Major Phased Development component with no substantial change in the mix of uses and no major departure from the bulk and scale of structures originally proposed; and

(2) Compliance with applicable requirements of this title in effect at the time of the original Master Use Permit

approval; and

(3) No significantly greater impact would occur.

2. If the Director determines that the amendment is minor, the Director may approve a revised site plan as a Type I decision. The Master Use Permit expiration date of the original approval shall be retained.

3. If the Director determines that the amendment is not minor, the applicant may either continue under the existing MPD approval or may submit a revised MPD application. The revised application shall be the subject of a Type II decision. Only the portion of the site affected by the revision shall be subject to regulations in effect on the date of the revised MPD application, notwithstanding any provision of Chapter 23.76. The decision may retain or extend the existing expiration date on the portion of the site affected by the revision.

#### 23.47A.008 Street-level development standards.

##### A. Basic street-level requirements.

1. The provisions of this subsection apply to:

- a. Structures in NC zones,
- b. Structures that contain a residential use in C zones, and
- c. Structures in C zones across the street from residential zones.

2. Blank facades.

- a. Blank segments of the street-facing facade between two (2) feet and eight (8) feet above the sidewalk may not exceed twenty (20) feet in width.
- b. The total of all blank facade segments may not exceed forty (40) percent of the width of the facade of the structure along the street.
- c. Facade segments that do not include at least one of the following shall be considered blank:

- (1) Windows;
- (2) Entryways or doorways;
- (3) Stairs, stoops, or porticos;
- (4) Decks or balconies; or
- (5) Screening and landscaping.

3. Setbacks. Street-level street-facing facades must be located within ten (10) feet of the street lot line, unless wider sidewalks, plazas, or other approved landscaped or open spaces are provided.

##### B. Nonresidential street level requirements.

1. The provisions of this subsection and subsection A apply to:

- a. Structures with street-level nonresidential uses in NC zones,

- b. Structures with street-level nonresidential uses that also contain residential uses in C zones, and
- c. Structures in C zones across the street from residential zones.

2. Transparency.

- a. Sixty (60) percent of the street-facing facade between two (2) feet and eight (8) feet above the sidewalk shall be transparent.
- b. Transparent areas of facades shall be designed and maintained to allow unobstructed views from the outside into the structure or, in the case of live-work units, into display windows that have a minimum thirty (30) inch depth.

3. Height and depth of nonresidential space. The following provisions apply to new structures or new additions to existing structures:

- a. Nonresidential uses must extend an average of at least thirty (30) feet and a minimum of fifteen (15) feet in depth from the street-level street-facing facade, except that if the street-facing facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director shall modify the street-facing facade or depth requirements, or both, to reduce the space to fifty (50) percent of the structure's footprint.
- b. Nonresidential uses at street level must have a floor- to-floor height of at least thirteen (13) feet.

C. Pedestrian Designations. In pedestrian-designated zones, the following apply:

- 1. A minimum of eighty (80) percent of the width of a structure's street-level facade that faces a principal pedestrian street must be occupied by uses listed in 23.47A.005 E1. The remaining twenty (20) percent of the street frontage may contain other permitted uses and/or pedestrian entrances (see Exhibit 23.47A.008 A).

[Exhibit 23.47A.008 A](#)

- 2. For purposes of calculating the eighty (80) percent of a structure's street-level facade the width of a driveway at street level, not to exceed twenty-two (22) feet, may be subtracted from the width of the street-facing facade if the access cannot be provided from a street that is not a designated principal pedestrian street or from an alley.
- 3. If the street-facing facade and depth requirements result in a space greater than fifty (50) percent of the structure's footprint, the Director may modify the street-facing facade or depth requirements, or both, to reduce the space to fifty (50) percent of the structure's footprint.

D. Residential street-level requirements. Residential uses may be limited to 20% of the street-level street-facing facade under section 23.47.005. When a residential use is located on a street- level street-facing facade, the provisions of Subsection A and the following apply:

- 1. At least one of the street-level street-facing facades containing a residential use must have a visually prominent pedestrian entry.
- 2. Either the first floor of the structure at or above grade shall be at least four (4) feet above sidewalk grade or the street-level facade shall be set back at least ten (10) feet from the sidewalk.

E. Live-work unit standards. When a live-work unit is located on a street-level street-facing facade, the provisions of Subsections A and B apply, and the portion of each such live-work unit in which business is conducted must be located between the principal street and the residential portion of the live-work unit.

F. Departures: The Director may allow departures from street- level requirements of this section for projects that are not subject to the Design Review process, as a Type I decision, if the Director determines that the project will maintain the

safety and aesthetics of the streetscape for pedestrians and will:

1. Maintain pedestrian access to the structure;
2. Maintain urban form consistent with adjacent structures;
3. Maintain the visibility of nonresidential uses;
4. Maintain the privacy of residential uses; or
5. Allow the continued use of an existing structure without substantial renovation.

#### 23.47A.010 Maximum size of nonresidential use.

A. Except as provided in subsection D of this section, size limits, where specified in Chart A of Section 23.47A.004, apply to the total size of a business establishment, except that if a business establishment includes more than one principal use, size limits apply separately to the size of each principal use within the business establishment as determined under this section.

B. For the purposes of this section, size of use includes the gross floor area of a structure(s), or portion of a structure(s), occupied by a principal use and all uses accessory to that use, except that

1. In NC1 and NC2 zones, any area dedicated to outdoor display of goods or equipment for rent or for sale is also included, and

2. In all zones, any gross floor area used for accessory parking is exempted from the size calculation.

C. If a business establishment is located in more than one zone:

1. If the business establishment includes only one principal use, then:

- a. the size of the portion of the business establishment that is located within each zone may not exceed the size limit for that principal use for that zone; and
- b. the total size of the business establishment may not exceed the largest limit for that principal use that applies in any of the zones where any part of the business establishment is located.

2. If the business establishment includes more than one principal use, size limits apply to each principal use within the business establishment separately, as follows:

- a. the size of the portions of each principal use and its accessory uses that are in one zone may not exceed the size limit for that principal use for that zone; and
- b. the total size of each principal use and its accessory uses may not exceed the largest limit for that principal use that applies in any of the zones where any part of that use is located.

D. In C1 and C2 zones, office uses are limited one (1) FAR, or thirty-five thousand (35,000) square feet, whichever is greater. For purposes of this subsection, size limits apply to the total amount of all office uses on a lot. Office uses are exempt from this limit if the following NC3 zone standards are met:

1. Blank facades and setbacks, per Section 23.47A.008 A;
2. Transparency, per Section 23.47A.008 B2;
3. Outdoor storage areas, per Section 23.47A.011 D;
4. Screening of blank facades and gas stations, per Section 23.47A.016 C and D2;
5. Drive-in lanes, per Section 23.47A.028;
6. Access to parking, per Section 23.47A.032 A; and
7. Location of parking, per Section 23.47A.032 B.

E. Expansion or replacement of Grocery Stores in NC1 Zones. Grocery stores in NC1 zones are limited to 10,000 square feet. As a

special exception, existing grocery stores may be expanded or replaced on-site or on abutting lots up to a maximum size of twenty- three thousand (23,000) sq. ft. when all of the following conditions are met:

1. The grocery store to be expanded or replaced is legally established as of, and has continued in operation since, August 1, 2005;
2. The store is located in a zone of contiguous NC1 zoned land that is at least three (3) acres in size and the zone is at least 1,500 feet away from any NC2, NC3, C1 or C2 zone;
3. The lot abuts an arterial street and the expansion or replacement of the store is not likely to result in significant increases in traffic on non-arterial streets;
4. The expanded or replaced store will be part of a development with at least 30% (thirty percent) of the gross floor area of the structure, not including parking, in residential use; and
5. Impacts to adjacent residential areas from loading activities are mitigated using screening, buffers, or other techniques; and
6. The Director finds that the expansion or replacement is compatible with the character and scale of the area in which it is located.

#### 23.47A.011 Outdoor activities.

A. Except as otherwise provided in this section, outdoor activities that are part of permitted commercial uses are permitted in NC zones or C zones, subject to any applicable standards.

B. Outdoor sales area is limited as follows:

Zone Maximum Size Limit of Outdoor Sales Area NC1 zones 40% of lot area or 1,500 square feet, whichever is less NC2 40% of lot area or 10,000 square feet, whichever is less NC3, C1 and C2 zones No maximum size limit

C. Outdoor display areas for rental equipment are limited as follows:

Zone Maximum Size Limit of Outdoor Display of Rental Equipment NC1 zones 10% of lot area or 500 square feet, whichever is less NC2 and NC3 zones 15% of lot area or 1,000 square feet, whichever is less C1 and C2 zones No maximum size limit

D. Outdoor storage areas are limited as follows:

Zone Maximum Size Limit of Outdoor Storage Area NC1 and NC2 zones, Prohibited and NC3 zones, except at Seattle Center NC3 zones at Seattle 1,000 square feet at any one location; and Center 10,000 square feet for the entire site. C1 and C2 zones No maximum size limit

E. The following outdoor activities must be located at least fifty (50) feet from a lot in a residential zone, unless the elevation of the lot with the activity is at least fifteen (15) feet above the grade of the lot in the residential zone at the common lot line:

1. Outdoor sales and/or service of food or beverages;
2. Outdoor storage;
3. Outdoor sports and recreation;
4. Outdoor loading berths.

F. Outdoor activities must be screened and landscaped according to the provisions of Section 23.47A.016.

#### 23.47A.012 Structure height

A. Maximum Height. The height limit for structures in NC zones or C zones is thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the



Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as otherwise provided in this section. Within the South Lake Union Urban Center, any modifications or exceptions to maximum structure height are allowed solely according to the provisions of the Seattle Mixed Zone, subsections 23.48.010 B1-3, D and E, and not according to the provisions of this section.

1. In zones with a thirty (30) foot or forty (40) foot mapped height limit, except in the South Lake Union Urban Center:
  - a. the height of a structure may exceed the otherwise applicable limit by up to four (4) feet, subject to subsection A1c of this section, provided the following conditions are met:
    - (1) Either
      - (a) A floor-to-floor height of thirteen (13) feet or more is provided for nonresidential uses at street level; or
      - (b) A residential use is located on a street-level, street facing facade, and the first floor of the structure at or above grade is at least four feet above sidewalk grade; and
    - (2) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit.
  - b. The height of a structure may exceed the otherwise applicable limit by up to seven (7) feet, subject to subsection A1c of this section, provided all of the following conditions are met:
    - (1) Residential and multipurpose retail sales uses are located in the same structure;
    - (2) The total gross floor area of at least one (1) multi- purpose retail sales use exceeds twelve thousand (12,000) square feet;
    - (3) A floor-to-floor height of sixteen (16) feet or more is provided for the multi-purpose retail sales use at street level;
    - (4) The additional height allowed for the structure will not allow an additional story beyond the number that could be built under the otherwise applicable height limit if a sixteen (16) foot floor- to-floor height were not provided at street level; and
    - (5) The structure is not allowed additional height under subsection A1a of this section.
  - c. The Director shall reduce or deny the additional structure height permitted by this subsection A1 if the additional height otherwise would significantly block views from neighboring residential structures of any of the following: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound, Lake Washington, Lake Union and the Ship Canal.
2. For any lot within the designated areas shown on Map 23.47A.012 A, the maximum structure height in NC zones or C zones with a forty (40) foot height limit may be increased to sixty-five (65) feet, provided that all portions of the structure above forty (40) feet contain only residential uses, and provided that no additional height is allowed under subsection A1 of this section.  
[Exhibit 23.47A.012 A](#)
3. Monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020.
4. Within the South Lake Union Urban Center, maximum structure height shall be determined according to the provisions of the Seattle Mixed Zone, Section 23.48.010.

5. Within the Station Area Overlay District within the University District Northwest Urban Center Village, maximum structure height may be increased to one hundred twenty-five (125) feet when all of the following are met:

- a. The lot is within two (2) blocks of a planned or existing light rail station;
- b. The proposed use of the lot is functionally related to other office development, permitted prior to 1971, to have over five hundred thousand (500,000) square feet of gross floor area to be occupied by a single entity;
- c. A transportation management plan for the life of the use includes incentives for light rail and other transit use by the employees of the office use;
- d. The development shall provide street level amenities for pedestrians and shall be designed to promote pedestrian interest, safety, and comfort through features such as landscaping, lighting and transparent facades, as determined by the Director; and
- e. This subsection can be used only once per functionally related development.

B. Sloped Lots. On sloped lots, except in the South Lake Union Urban Center, additional height is permitted along the lower elevation of the structure footprint, at the rate of one (1) foot for each six (6) percent of slope, to a maximum additional height of five (5) feet (see Exhibit 23.47A.012 B ) above the otherwise applicable height limit.

#### [Exhibit 23.47A.012 B](#)

C. Pitched Roofs. The ridge of a pitched roof, other than a shed roof or butterfly roof, may extend up to five (5) feet above the otherwise applicable height limit in zones with height limits of thirty (30) or forty (40) feet, if all parts of the roof above the otherwise applicable height limit are pitched at a rate of not less than three to twelve (3:12) (Exhibit 23.47A.012 C ).

#### [Exhibit 23.47A.012 C](#)

#### D. Rooftop Features.

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

2. Open railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend as high as the highest ridge of a pitched roof permitted by subsection C or up to four (4) feet above the otherwise applicable height limit, whichever is higher.

#### 3. Solar Collectors.

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

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

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

- a. Solar collectors;

- b. Stair and elevator penthouses;
- c. Mechanical equipment;
- d. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least fifteen (15) feet from the roof edge; and
- e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

5. Within the South Lake Union Urban Center, the combined total coverage of all features listed in subsection D4 may be increased to sixty-five (65) percent of the roof area, provided that the following are satisfied:

- a. The additional rooftop coverage allowed by this subsection is used to accommodate mechanical equipment that is accessory to a research and development laboratory; and
- b. All mechanical equipment is screened; and
- c. No rooftop features are located closer than ten (10) feet from the roof edge.

6. The rooftop features listed in this subsection D6 must be located at least ten (10) feet from the north edge of the roof unless a shadow diagram is provided that demonstrates that locating such features within ten (10) feet of the north edge of the roof would not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR:

- a. Solar collectors;
- b. Planters;
- c. Clerestories;
- d. Greenhouses;
- e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.012;
- f. Non-firewall parapets;
- g. Play equipment.

7. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to fifteen (15) feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47A.018.

8. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

E. Solar Retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986 as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such a retrofit may be permitted to exceed established height limits, if the following conditions are met:

- 1. There is no feasible alternative solution to placing the collector(s) on the roof;

2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing adequate solar access for the collectors; and

3. Such collector(s) meet minimum energy standards administered by the Director.

F. Height Exceptions for Public Schools.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone or thirty-five (35) feet plus fifteen (15) feet for a pitched roof complying with subsection F5, whichever is greater.

3. For additions to existing public schools on existing public school sites, the maximum height permitted shall be the maximum height permitted in the zone, the height of the existing school, or thirty-five (35) feet plus fifteen (15) feet for a pitched roof complying with subsection F5, whichever is greater.

4. Development standard departure for structure height may be granted pursuant to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and existing public school sites to the extent not otherwise permitted outright, maximum height that may be granted as a development standard departure in zones with height limits of thirty (30) or forty (40) feet shall be thirty-five (35) feet plus fifteen (15) feet for a pitched roof complying with subsection F5 for elementary schools and sixty (60) feet plus fifteen (15) feet for a pitched roof complying with subsection F5 for secondary schools. All height maximums may be waived by the Director when waiver would contribute to the demolition of fewer residential structures.

5. To qualify for additional height for a pitched roof under this subsection F, all parts of the roof above the height otherwise allowed must be pitched at a rate of not less than three to twelve (3:12) and the roof must not be a shed roof or butterfly roof.

23.47A.013 Floor area ratio.

A. Floor area ratio (FAR) limits apply to all structures and lots in all NC zones and C zones.

1. All gross floor area not exempt under subsection D of this Section is counted against the maximum gross floor area allowed by the permitted FAR.

2. When there are multiple structures on a lot, the highest FAR limit applicable to any structure on the lot applies to the combined non-exempt gross floor area of all structures on the lot, subject to subsection A4 of this section.

3. Above-grade parking within or covered by a structure or portion of a structure must be included in gross floor area calculations.

4. When a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

B. Except as provided in subsections C, D and E of this section, maximum FAR allowed in C zones and NC zones is shown in Chart A.

Chart A: Maximum Floor Area Ratio (FAR) Outside of the Station Area Overlay District

Height Limit 30' 40' 65' 85' 125' 160' Maximum FAR

1. For residential or 2.25 3 4.25 4.5 5 5 nonresidential structures.

2. For structures 2.5 3.25 4.75 6 6 7 containing both residential and nonresidential uses.

C. Maximum FAR allowed in NC zones or C zones within the Station Area Overlay District is shown in Chart B.

Chart B: Maximum Floor Area Ratio (FAR) in the Station Area Overlay District

Height Limit 30' 40' 65' 85' 125' 160' Maximum FAR 3 4 5.75 6 6 7

D. The following floor area is exempt from calculation of gross floor area subject to FAR limits:

1. All gross floor area below existing or finished grade, whichever is lower;
2. Gross floor area of a transit station, including all floor area open to the general public during normal hours of station operation but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve transit riders;
3. Within the South Lake Union Urban Center, gross floor area occupied by mechanical equipment located on the roof of a structure;
4. Within the South Lake Union Urban Center, mechanical equipment that is accessory to a research and development laboratory, up to fifteen (15) percent of the gross floor area of a structure. The allowance is calculated on the gross floor area of the structure after all space exempt under this subsection is deducted; and
5. Within the First Hill Urban Center Village, on lots zoned NC3, with a one hundred and sixty (160) foot height limit, all gross floor area occupied by a residential use.

E. Within the Station Area Overlay District within the University District Northwest Urban Center Village, for office structures permitted prior to 1971, the area of the lot for purposes of calculating permitted FAR is the tax parcel created prior to the adoption of Ordinance 121846 on which the existing structure is located, provided the office structure is to be part of a functionally related development occupied by a single entity with over five hundred thousand (500,000) square feet of area in office use. The floor area of above grade pedestrian access is exempt from the FAR calculations of this subsection, and the maximum permitted FAR is eight (8).

23.47A.014 Setback requirements.

A. Definition. For the purposes of this section, "portions of structures" include those features listed in Section 23.47A.012 D, Rooftop Features.

B. Rear and side setback requirements for lots adjacent to residential zones.

1. A setback is required on any lot that abuts the intersection of a side lot line and front lot line of a lot in a residential zone. The required setback forms a triangular area. Two (2) sides of the triangle must each extend along the street lot line and side lot line fifteen (15) feet from the intersection of the street lot line and the side lot line abutting the residentially zoned lot. The third side connects these two (2) sides with a diagonal line across the lot (Exhibit 23.47A.014 A).

[Exhibit 23.47A.014 A](#)

2. A setback is required along any rear or side lot line that abuts a lot in a residential zone, as follows:

- a. Ten (10) feet for portions of structures above thirteen (13) feet in height to a maximum of sixty-five (65) feet; and
- b. For each portion of a structure above sixty-five (65) feet in height, additional setback at the rate of one (1) foot of setback for every ten (10) feet by which the height of such portion exceeds sixty-five (65) feet (Exhibit 23.47A.014 B).

[Exhibit 23.47A.014 B](#)

3. Structures with more than one dwelling unit. For a structure with more than one dwelling unit, a setback is required along any rear lot line that abuts a lot in a residential zone or that is across an alley from a lot in a residential zone, as follows:

- a. Fifteen (15) feet for portions of structures above thirteen (13) feet in height to a maximum of forty (40) feet; and
- b. For each portion of a structure above forty (40) feet in height, additional setback at the rate of two (2) feet of setback for every ten (10) feet by which the height of such portion exceeds forty (40) feet (Exhibit 23.47A.014 C).

[Exhibit 23.47A.014 C](#)

4. One-half (1/2) of the alley width may be counted as part of the required setback. For the purpose of this section, the alley width and the location of the rear lot line shall be determined prior to any dedication that may be required for alley improvement purposes.

5. No entrance, window, or other opening is permitted closer than five (5) feet to a residential zone.

C. A minimum five (5) foot landscaped setback may be required under certain conditions and for certain uses according to Section

23.47A.016, Screening and landscaping standards.

D. Mobile Home Parks. A minimum five (5) foot setback is required along all street lot lines of a mobile home park. The setback must be landscaped according to the provisions of Section 23.47A.016 D2.

E. Structures in Required Setbacks.

1. Decks and balconies.

a. Decks with open railings may extend into the required setback, but are not permitted within five (5) feet of a lot in a residential zone, except as provided in subsection E1b.

b. Decks that are accessory to residential uses and are no more than eighteen (18) inches above existing or finished grade, whichever is lower, are permitted within five (5) feet of a lot in a residential zone.

2. Eaves, cornices and gutters projecting no more than eighteen (18) inches from the structure facade are permitted in required setbacks.

3. Ramps or other devices necessary for access for the disabled and elderly, which meet Seattle Building Code, Chapter 11, are permitted in required setbacks.

4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than five (5) feet in width, are permitted in required setbacks.

5. Fences, bulkheads, freestanding walls and other similar structures.

a. Fences, freestanding walls and other similar structures six (6) feet or less in height above existing or finished grade, whichever is lower, are permitted in required setbacks. The six (6) foot height may be averaged along sloping grade for each six (6) foot long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.

b. Bulkheads and retaining walls used to raise grade may be placed in any required setback when limited to six (6) feet

in height, measured above existing grade. A guardrail no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall existing as of the date of the ordinance codified in this section. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9 1/2) feet.

c. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open guardrail of no more than forty-two (42) inches meeting Building Code requirements may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3) feet from such a bulkhead or retaining wall.

6. Setback requirements do not limit underground structures.

7. Detached solar collectors are permitted in required setbacks. Such collectors may be no closer than five (5) feet to any other principal or accessory structure, and no closer than three (3) feet to any lot line that abuts a residentially zoned lot.

8. Dumpsters and other trash receptacles, except for trash compactors, located outside of structures are not permitted within ten (10) feet of any lot line that abuts a residential zone and must be screened per the provisions of section 23.47A.016.

F. Setback requirement for loading adjacent to an alley. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve (12) feet is required for the loading berth, measured from the centerline of the alley (Exhibit 23.47A.014 D). This setback must be maintained up to a height of sixteen (16) feet.

#### [Exhibit 23.47A.014 D](#)

G. A setback may be required in order to meet the provisions of Section 23.53.015, Improvement requirements for existing streets in residential and commercial zones, and Section 23.53.030, Alley improvements in all zones.

#### 23.47A.015 View corridors.

A. On lots that are partially within the Shoreline District, a view corridor shall be required for the entire lot if the portion of the lot in the Shoreline District is required to provide a view corridor under the Seattle Shoreline Master Program.

B. Measurement and modification of the view corridor requirement must be according to the Shoreline District measurement regulations.

#### 23.47A.016 Landscaping and screening standards.

##### A. Landscaping requirements.

1. Standards. All landscaping provided to meet requirements under this section must meet standards promulgated by the Director to provide for the long-term health, viability and coverage of plantings. The Director may promulgate standards relating matters including, but not limited to, the type and size of plants, number of plants, concentration of plants, depths of soil, use of low water use plants and access to light and air for plants.

2. Green Area Factor Requirement. Landscaping that achieves a green factor score of .30 or greater is required for:

- a. any new structure containing more than four (4) dwelling units;
- b. any new structure containing more than four thousand (4,000) square feet of nonresidential uses; and
- c. any new parking lot containing more than twenty (20) parking spaces for automobiles.

3. Green Area Factor Calculation. The green area factor score for a lot is determined as follows:

a. Multiply the square feet, or equivalent square footage where applicable, of each of the existing and proposed elements listed in Chart A of this Section by the green area multiplier shown for that element, according to the following provisions:

- (1) If multiple elements listed on Chart A occupy an area (for example, groundcover under a tree), the full square footage or equivalent square footage of each element is used to calculate the product for that element.
- (2) Landscaping elements that are provided in the portions of rights-of-way abutting the lot that are between the lot line and the roadway may be included, except that permeable paving in the right- of-way may not be included.
- (3) Elements listed in Chart A that are provided to satisfy any requirements of this chapter may be included.
- (4) For trees and large shrubs, use the equivalent square footage of each tree or shrub according to Chart B of this Section.
- (5) For vegetated walls, use the square footage of the portion of the wall covered by vegetation.
- (6) For all elements other than trees, large shrubs and vegetated walls, square footage is determined by the area of the portion of a horizontal plane that underlies the element.

b. Add together all the products computed under subsection A3a to determine the total green area factor.

c. Divide the total green area factor by the lot area to determine the green area factor score.

#### Green Area Factor Elements\* Multiplier

A. Vegetation planted with a soil depth of less than twenty-four (24) inches:

1. Lawn, grass pavers, ground covers or other plants normally 0.2 expected to be less than three (3) feet tall at maturity.
2. Large shrubs 0.3

B. Landscaping elements planted with a soil depth of twenty-four (24) inches or more:

1. Lawn, grass pavers, ground covers or other plants normally 0.7 expected to be less than three (3) feet tall at maturity.
2. Large shrubs 0.3
3. Small trees 0.3
4. Small/medium trees 0.3
5. Medium/large trees 0.4
6. Large trees 0.4
7. Exceptional trees and exceptionally large trees 0.5
8. Permeable paving at grade 0.6

C. Green roofs planted with a soil depth of at least four (4) 0.7 inches

D. Vegetated walls 0.7



E. Water features under water at least nine (9) months per year 0.7 or rain gardens.

F. Bonuses applied to Green Factor Elements, above:

1. Landscaping that consists entirely of drought tolerant 0.1 species, as defined by the Director, or landscaping areas that are designed for at least fifty (50) percent of irrigation to be provided through use of harvested rainwater.

2. Landscaping visible to passersby. 0.1

\* A feature may qualify as an element in this Chart only if it satisfies applicable conditions in rules promulgated by the Director for such element, if any.

Chart B of 23.47A.016 Equivalent square footage of trees and large shrubs

Landscaping Elements Equivalent Square Feet

Large shrubs 16 square feet per shrub

Small trees 50 square feet per tree

Small/medium trees 100 square feet per tree

Medium/large trees 150 square feet per tree

Large trees 200 square feet per tree

Exceptional trees and exceptionally 250 square feet per large trees tree

B. Street tree requirements.

1. Street trees are required when any type of development is proposed, except as provided in subsection B2 and section 23.53.015. The Director, in consultation with the Director of Transportation, will determine the number, type and placement of street trees to be provided, based on the following considerations:

- a. space in the planting strip;
- b. presence, type and spacing of existing street trees in the area;
- c. size of trees to be planted;
- d. distance required between trees in order to encourage healthy growth;
- e. location of utilities;
- f. access to the street;
- g. viability of particular plants in the location; and
- h. public safety.

Existing street trees count toward this requirement.

2. Exceptions to street tree requirements.

- a. If a lot borders an unopened street, the Director may reduce or waive the street tree requirement along that street if, after consultation with the Director of Transportation, the Director determines that the street is unlikely to be developed.
  - b. Street trees are not required as a condition to any of the following:
    - (1) establishing, constructing or modifying single-family dwelling units; or
    - (2) changing a use, or establishing a temporary use or intermittent use; or
    - (3) expanding a structure by one thousand (1,000) square feet or less; or
    - (4) expanding surface area parking by less than ten (10) percent in area or in number of spaces.
  - c. When an existing structure is proposed to be expanded by more than one thousand (1,000) square feet, one street tree is required for each five hundred (500) square feet over the first one thousand (1,000) square feet, up to the maximum number of required trees.
  - d. If street trees would obscure the visibility of retail uses or obstruct pedestrian access to retail uses, the Director may reduce or waive the street tree requirement after consultation with the Director of Transportation, and may condition the reduction or waiver on the provision of landscaping in addition to what otherwise would be required.
3. If it is not feasible to plant street trees in an abutting planting strip, landscaping other than trees is required in the planting strip, subject to approval by the Director of the Department of Transportation. If, according to the Director of the Department of Transportation, a landscaped planting strip is not feasible, the Director may reduce or waive this requirement

C. General standards for screening and landscaping where required for specific uses.

1. Screening required under subsection D must be either:

- a. A fence or wall at least as tall as the height specified in subsection D; or
- b. A hedge or landscaped berm at least as tall as the height specified in subsection D.

2. Landscaped areas and berms required under subsection D must meet standards promulgated by the Director pursuant to subsection A1. Decorative features such as decorative pavers, sculptures or fountains or pedestrian access meeting the Seattle Building Code, Chapter 11 -- Accessibility, may cover a maximum of thirty (30) percent of each landscaped area or berm used to satisfy requirements under subsection D.

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

1. Surface parking areas.

a. Landscaping in surface parking areas is required as follows:

Number of Parking Spaces Required	Landscaped Area	20 to 50	18 square feet/ parking space	51 to 99	25 square feet/ parking space	100 or more	35 square feet/ parking space
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(1) Each landscaped area shall be no smaller than one hundred (100) square feet and must be enclosed by permanent curbs or structural barriers.

(2) No part of a landscaped area shall be less than four (4) feet in any dimension except those parts created by turning radii or angles of parking spaces.

(3) No parking space shall be more than sixty (60) feet from a required landscaped area.

b. Trees in surface parking areas.

(1) One (1) tree is required for every ten (10) parking spaces.

(2) Trees shall be selected in consultation with the City Arborist.

c. Screening of surface parking areas.

(1) Three (3) foot high screening is required along street lot lines.

(2) Surface parking abutting or across an alley from a lot in a residential zone must have six (6) foot high screening along the abutting lot line(s) and a five (5) foot deep landscaped area inside the screening (see Exhibit 23.47A.016 A).

[Exhibit 23.47A.016 A](#)

d. The Director may waive or reduce the requirements of this subsection D1:

(1) to improve safety;

(2) to provide adequate maneuvering room for service vehicles;

(3) when it would not otherwise be feasible to provide the required number of spaces; or

(4) when required parking can only be provided at the rear lot line and access to individual parking spaces can only be provided directly from the alley.

e. In deciding whether and to what extent to waive or reduce the landscaping and screening requirements, the Director shall consider whether:

(1) The lot width and depth permit alternative workable site plans that would allow screening and landscaping;

(2) The character of uses across the alley, such as a parking garage accessory to a multifamily structure, makes the screening and landscaping less necessary;

(3) The lot is in a location where access to parking from the street is not permitted; and

(4) A topographic break between the alley and the residential zone makes screening less necessary.

2. Other uses or circumstances. Screening and landscaping is required according to Chart C of this section:

Chart C of Section 23.47A.016

Use or circumstance Minimum Requirement

a. Blank street-level street-facing A five (5) foot deep landscaped area facades along the length of the blank facade, planted with trees and shrubs

- b. Drive-in businesses abutting or Six (6) foot high screening along the across an alley from a lot in a abutting or alley lot lines; and residential zone A five (5) foot deep landscaped area inside the screening, when a drive-in lanes or queuing lane abuts a lot in a residential zone
- c. Drive-in businesses, other than Three (3) foot high screening gas stations, in which the drive-in lanes or queuing lanes are across the street from a lot in a residential zone
- d. Garbage cans in NC1, NC2, or NC3 Three (3) foot high screening along zones, or associated with a areas where garbage cans are located structure containing a residential use in C1 or C2 zones
- e. Garbage dumpsters in NC1, NC2, or Six (6) foot high screening NC3 zones, or associated with structures containing a residential use in C1 or C2 zones
- f. Gas stations in NC1, NC2 and NC3 Three (3) foot high screening along zones or, in C1 and C2 zones, across street lot lines the street from a lot in a residential zone
- g. Mobile home parks Six (6) foot high screening along all lot lines that are not street lot lines; and Along all street lot lines, a five (5) foot deep landscaped area or a five (5) foot deep planting strip with street trees
- h. Outdoor sales and outdoor display Six (6) foot high screening along the of rental equipment, abutting or abutting or alley lot lines across an alley from a lot in a residential zone
- i. Outdoor sales and outdoor display Three (3) foot high screening along the of rental equipment across the street lot line street from a lot in a residential zone
- j. Outdoor storage in a C1 zone; or Screened from all lot lines by the Outdoor dry boat storage in NC2, NC3 facade of the structure or by six (6) or C1 zones in the Shoreline foot high screening; and District Five (5) foot deep landscaped area between all street lot lines and the six (6) foot high screening (Exhibit 23.47A.016 C)
- k. Outdoor storage in a C2 zone Fifty (50) foot setback from the lot abutting a lot in a residential lines of the abutting lot in a zone; or residential zone and screened from those Outdoor dry boat storage in a C2 lot lines by the facade of the structure zone in the Shoreline District, or by six foot high screening (Exhibit abutting a lot in a residential 23.47A.016 D) zone
- l. Outdoor storage in a C2 zone Screened from the street by the facade across the street from a lot in a of a structure, or by six (6) foot high residential zone; or screening Outdoor dry boat storage, in a C2 zone in the Shoreline District, across the street from a lot in a residential zone
- m. Parking garage occupying any A five (5) foot deep landscaped area portion of the street-level along the street lot line; and either street-facing facade between five Screening by the exterior wall of the (5) and eight (8) feet above structure, or sidewalk grade Six (6) foot high screening between the structure and the landscaped area (Exhibit 23.47A.016 B)
- n. Parking garage on lots abutting a A five (5) foot deep landscaped area lot in a residential zone. along each shared lot line; and either Screening by the exterior wall of the structure, or Six (6) foot high screening along the shared lot line.
- o. Parking garage that is eight (8) Three and one-half (3 1/2) foot screening feet or more above grade. along the perimeter of each floor of parking.
- p. Pet daycare centers (associated Screened from all property lines by the outdoor areas) facade of the structure or by six (6) foot high screening between the outdoor area and all property lines.

#### [Exhibit 23.47A.016 B](#)

Screening of parking within or under a structure

[Exhibit 23.47A.016 C](#) Screening of open storage areas in C1 zones

[Exhibit 23.47A.016 D](#) Screening of open storage areas in C2 zones

3. Lots within the Shoreline District. On lots within the Shoreline District where view corridors are required, the Director may reduce the required height of screening and may modify the location and type of required landscaping so that views are not obstructed.

4. When one of the specific uses listed in this subsection D is proposed for expansion, the applicable requirements for that use must be met. The Director may reduce or waive the requirements where they are physically infeasible due to the location of existing structures or required parking.

E. Access through required screening. Breaks in required screening are permitted to provide pedestrian and vehicular access. Breaks in required screening for vehicular access shall not exceed the width of permitted curb cuts.

23.47A.018 Noise standards.

A. In an NC1, NC2 or NC3 zone, all manufacturing, fabricating, repairing, refuse compacting and recycling activities shall be conducted wholly within an enclosed structure. In a C1 or C2 zone, location within an enclosed structure is required only when the lot is located within fifty (50) feet of a residential zone, except when required as a condition for permitting a major noise generator according to subsection B.

B. Major Noise Generators.

1. The following uses are considered major noise generators:

- a. Light and general manufacturing;
- b. Major vessel repair;
- c. Aircraft repair shops;
- d. Major vehicle repair;
- e. Cargo terminals;
- f. Recycling;
- g. Other similar uses.

2. Exterior heat exchangers and other similar devices (e.g., ventilation, air-conditioning, refrigeration) are considered major noise generators.

3. When a major noise generator is proposed, or when an existing major noise generator is proposed to be expanded, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks and use of specified construction techniques or building materials. Measures to be used shall be specified on the plans. After a permit has been issued, any measures that were required by the permit to limit noise shall be maintained.

23.47A.020 Odor standards.

A. The venting of odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten (10) feet above finished

sidewalk grade, and directed away to the extent possible from residential uses within fifty (50) feet of the vent.

## B. Major Odor Sources.

1. Uses that employ the following odor-emitting processes or activities are considered major odor sources:

- a. Lithographic, rotogravure or flexographic printing;
- b. Film burning;
- c. Fiberglassing;
- d. Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;
- e. Handling of heated tars and asphalts;
- f. Incinerating (commercial);
- g. Tire buffing;
- h. Metal plating;
- i. Vapor degreasing;
- j. Wire reclamation;
- k. Use of boilers (greater than 106 British Thermal Units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);
- l. Animal food processing;
- m. Other similar processes or activities.

2. Uses that employ the following processes are considered major odor sources, except when the entire activity is conducted as part of a commercial use other than food processing:

- a. Cooking of grains;
- b. Smoking of food or food products;
- c. Fish or fishmeal processing;
- d. Coffee or nut roasting;
- e. Deep fat frying;
- f. Dry cleaning;
- g. Other similar processes or activities.

C. When an application is made for a use that is a major odor source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA), will determine the appropriate measures to be taken by the applicant in order to significantly reduce potential odor emissions and airborne pollutants. The measures to be taken must be indicated on plans submitted to the Director and may be required as conditions for the issuance of any permit. After a permit has

been issued, any measures that were required by the permit must be maintained.

#### 23.47A.022 Light and glare standards.

A. Exterior lighting must be shielded and directed away from adjacent uses.

B. Interior lighting in parking garages must be shielded to minimize nighttime glare affecting nearby uses.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two (2) vehicles shall be screened from adjacent properties by a fence or wall between five (5) feet and six (6) feet in height, or solid evergreen hedge or landscaped berm at least five (5) feet in height. If the elevation of the lot line is different from the finished elevation of the driveways or parking surface, the difference in elevation may substitute for a portion of the required height of the screen so long as the screen itself is a minimum of three (3) feet in height. The Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

D. Height.

1. Exterior lighting on poles is permitted up to a maximum height of thirty (30) feet from finished grade. In zones with a forty (40) foot or greater height limit, exterior lighting on poles is permitted up to a height of forty (40) feet from finished grade, provided that the ratio of watts to area is at least twenty (20) percent below the maximum exterior lighting level permitted by the Energy Code.

2. Athletic Fields.

a. Light poles for illumination of athletic fields on new and existing public school sites may exceed the maximum permitted height set forth in subsection D1, above, up to a maximum height of one hundred (100) feet, where determined by the Director to be necessary to ensure adequate illumination and where the Director determines that impacts from light and glare are minimized to the greatest extent practicable. The applicant must submit an engineer's report demonstrating that impacts from light and glare are minimized to the greatest extent practicable. When proposed light poles are reviewed as part of a project being reviewed pursuant to Chapter 25.05, Environmental Policies and Procedures, and requiring a SEPA determination, the applicant must demonstrate that the additional height contributes to a reduction in impacts from light and glare.

b. When proposed light poles are not included in a proposal being reviewed pursuant to Chapter 25.05, the Director may permit the additional height as a special exception subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

(1) When seeking a special exception for taller light standards, the applicant must submit an engineer's report demonstrating that the additional height contributes to a reduction in impacts from light and glare. When the proposal will result in extending the lighted area's duration of use, the applicant must address and mitigate potential impacts, including but not limited to, increased duration of noise, traffic, and parking demand. The applicant also must demonstrate it has conducted a public workshop for residents within (1/8) one-eighth of a mile of the affected school in order to solicit comments and suggestions on design as well as potential impacts.

(2) The Director may condition a special exception to address negative impacts from light and glare on surrounding areas, and may also impose conditions to address other impacts associated with increased field use due to the addition of lights, including, but not limited to, increased noise, traffic, and parking demand.

E. Glare diagrams that clearly identify potential adverse glare impacts on residential zones and on arterials shall be required when:

1. Any structure is proposed to have a facade of reflective coated glass or other highly reflective material, and/or new or expanded structures greater than sixty-five (65) feet in height are proposed to have more than thirty (30) percent of a

facade composed of clear or tinted glass; and

2. The facade(s) surfaced or composed of materials referred to in subsection 1 above either:

a. Are oriented toward and are less than two hundred (200) feet from any residential zone, and/or

b. Are oriented toward and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day, according to Seattle Department of Transportation data.

3. When glare diagrams are required, the Director may require modification of the plans to mitigate adverse impacts, using methods including but not limited to the following:

a. Minimizing the percentage of exterior facade that is composed of glass;

b. Using exterior glass of low reflectance;

c. Tilting glass areas to prevent glare that could affect arterials, pedestrians or surrounding structures;

d. Alternating glass and non-glass materials on the exterior facade; and

e. Changing the orientation of the structure.

#### 23.47A.024 Residential Amenity Areas.

A. Residential amenity areas, including but not limited to decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts, are required in an amount equal to five (5) percent of the total gross floor area in residential use, except as otherwise specifically provided in this chapter. Gross floor area, for the purposes of this subsection, excludes areas used for mechanical equipment, accessory parking and residential amenity areas.

B. Required residential amenity areas must meet the following conditions, as applicable:

1. All residents must have access to at least one residential amenity area;

2. Residential amenity areas may not be enclosed;

3. Parking areas, driveways, and pedestrian access to building entrances, except for pedestrian access meeting the Seattle Building Code, Chapter 11 -- Accessibility, do not count as residential amenity areas;

4. Common recreational areas must have a minimum horizontal dimension of at least ten (10) feet, and no common recreational area can be less than two hundred and fifty (250) square feet;

5. Private balconies and decks must have a minimum area of sixty (60) square feet, and no horizontal dimension shall be less than six (6) feet.

6. Rooftop areas excluded pursuant to Section 23.57.012C1d do not qualify as residential amenity areas.

#### 23.47A.027 Landmark Districts and designated landmark structures.

A. The Director may waive or allow departures from standards for residential amenity areas, setbacks, width and depth limits and screening and landscaping for designated landmark structures or for development within a Landmark District pursuant to Seattle Municipal Code, Title 25 or within a Special Review District pursuant to Seattle Municipal Code, Chapter 23.66.

B. The Director's decision to waive or allow departures from development standards shall be consistent with adopted



District design and development guidelines and shall be consistent with the recommendations of the Landmarks Preservation Board or the Director of Neighborhoods except when potential environmental impacts clearly require denial or granting lesser waivers or departures.

23.47A.028 Standards for drive-in businesses.

A. Number of Drive-in Lanes and Fuel Pumps Permitted.

1. Drive-in lanes are permitted, conditioned, or prohibited as follows:

NC1, except NC2, except NC3, except Pedestrian-designated C1 and C2, pedestrian-designated pedestrian-designated zones except designated designated pedestrian-designated

Gas Stations 4 lanes 4 lanes 4 lanes Prohibited Permitted subject to subject to subject to conditions conditions in conditions in subsections in subsections 2, 3 and 4 subsections 2, 3 and 4 2, 3 and 4

Restaurants Prohibited Prohibited 4 lanes Prohibited Permitted subject to conditions in subsection 4

Other Drive-in Prohibited 2 lanes 4 lanes Prohibited Permitted Businesses

2. In NC zones, gas stations may contain no more than four (4) fuel pumps capable of fueling no more than eight (8) automobiles simultaneously, except as may be allowed under subsection A3 of this section.
3. The Director shall permit one (1) additional lane and one (1) additional fuel pump provided that the additional lane serves, and the additional fuel pump dispenses, one or more of the following fuels: natural gas, bio-diesel, or hydrogen.
4. Gas stations in all NC zones, and restaurants with drive-in lanes in NC3 zones, are permitted subject to the following requirements:
- a. The design, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity;
  - b. Appropriate litter-control measures are provided; and
  - c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the drive-in lanes will not:
    - (1) Cause significant additional traffic to circulate through adjacent residential neighborhoods;
    - (2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts;
    - (3) Create traffic or access problems that will require the expenditure of City funds to mitigate;
    - (4) Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot;
    - (5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or
    - (6) Interrupt established retail or service frontage designed to serve pedestrians.

B. Drive-in businesses must provide queuing spaces according to the following:

1. Banks with drive-in facilities: a minimum of five (5) queuing spaces per lane when the number of lanes does not exceed two (2). When the number of drive-in lanes exceeds two (2) a minimum of three (3) queuing spaces per lane is

required.

2. Car washes: a minimum of ten (10) queuing spaces.

C. If the drive-in bank or car wash is located along either a principal arterial or a minor arterial, or along a street with only one lane for moving traffic in each direction, the Director will determine as a Type I Master Use Permit decision, after consulting with the Director of Transportation, whether additional queuing spaces are necessary or whether access should be restricted. The Director may restrict access to the facility from that arterial or street, or may require additional queuing space up to a maximum of:

- 1. Banks with one (1) or two (2) drive-in lanes, eight (8) spaces per lane;
- 2. Banks with three (3) or more drive-in lanes, six (6) spaces per lane;
- 3. Car washes, twenty (20) spaces per lane.

D. The Director will determine the minimum number of queuing spaces needed for drive-in business uses not specifically identified in subsection B and C above.

E. Screening and landscaping of drive-in businesses is required in accordance with subsection 23.47A.016 D2.

23.47A.029 Solid waste and recyclable materials storage space.

A. Storage space for solid waste and recyclable materials containers shall be provided as indicated in the table below for all new structures permitted in NC zones or C zones and for existing multifamily structures with ten (10) or more units when expanded by two (2) or more units.

Table for Sec. 23.47A.029

Structure Type    Structure Size    Minimum Area for Container Type Storage Space

Residential\*    7--15 units    75 square feet    Rear-loading

16--25 units    100 square feet    Rear-loading

26--50 units    150 square feet    Front-loading

51--100 units    200 square feet    Front-loading

More than 100    200 square feet plus    Front-loading units    2 square feet for each additional unit

Nonresidential    0--5,000    82 square feet    Rear-loading (1) square feet

5,001--15,000    125 square feet    Rear-loading square feet

15,001--50,000    175 square feet    Front-loading square feet

50,001--100,000    225 square feet    Front-loading square feet

100,001--200,00    275 square feet    Front-loading 0 square feet

200,001 plus    500 square feet    Front-loading square feet

(1) Mixed-Use Buildings. Buildings containing residential and nonresidential uses with eighty (80) percent or more of

gross floor area designated for residential use will be considered residential buildings. All other mixed-use buildings will be considered nonresidential buildings.

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

1. The storage space shall have no horizontal dimension (width and depth) less than six (6) feet;
2. The floor of the storage space shall be level and hard- surfaced (garbage or recycling compactors require a concrete surface); and
3. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

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

1. The storage space must be located on the lot of the structure it serves and, if located outdoors, it shall not be located between a street-facing facade of the structure and the street;
2. The storage space must not be located in any required driveways, parking aisles, or parking spaces for the structure;
3. The storage space must not block or impede any fire exits, any public rights-of-ways or any pedestrian or vehicular access; and
4. The storage space must be located to minimize noise and odor to building occupants and neighboring developments.

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

1. For rear-loading containers:

- a. Any proposed ramps to the storage space shall be of six (6) percent slope or less, and
- b. Any proposed gates or access routes must be a minimum of six (6) feet wide; and

2. For front-loading containers:

- a. Direct access shall be provided from the alley or street to the containers,
- b. Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and
- c. When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be provided.

E. The solid waste and recyclable materials storage space specifications required in subsections A, B, C, and D above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

F. The Director, in consultation with the Director of Seattle Public Utilities, has the discretion to grant departures from the requirements of subsections A, B, C, and D of this section above, as a Type I Master Use Permit decision, under the following circumstances:

1. When either:

- a. The applicant can demonstrate difficulty in meeting any of the requirements of subsections A, B, C, and D of this section; or

b. The applicant proposes to expand a multifamily structure or mixed use building, and the requirements of subsections A, B, C, and D of this section conflict with opportunities to increase residential densities and/or retain ground-level retail uses; and

2. When the applicant proposes alternative, workable measures that meet the intent of this section.

#### 23.47A.030 Required parking and loading.

A. Off-street parking spaces may be required as provided in Section 23.54.015, Required parking.

B. Loading berths are required for certain commercial uses according to the requirements of Section 23.54.035.

#### 23.47A.032 Parking location and access.

##### A. Access to parking

1. NC zones. The following rules apply in NC zones, except as may be permitted under subsection C of this section:

a. Access to parking must be from the alley if the lot abuts an alley improved to the standards of Section 23.53.030C.

b. If the lot does not abut an improved alley and abuts only one street, access is permitted from the street, and limited to one two-way curb cut.

c. If the lot does not abut an improved alley but abuts two or more streets, access to parking must be from the street with the fewest lineal feet of commercially zoned frontage, except as provided in subsection A2b of this Section.

d. For each permitted curb cut, street-facing facades may contain one (1) garage door, not to exceed the maximum width allowed for curb cuts.

2. Pedestrian-Designated Zones. The following rules apply in pedestrian-designated zones, except as may be permitted under subsection C of this section:

a. Access to parking shall be from an alley if the lot abuts an alley improved to the standards of Section 23.53.030C.

b. If the lot does not abut an improved alley but abuts two or more streets, access to parking shall be from a street that is not a principal pedestrian street.

c. If the lot does not abut an improved alley, and abuts only a principal pedestrian street or streets, access is permitted from the principal pedestrian street, and limited to one two-way curb cut.

3. C1 and C2 zones. In C zones, access to off-street parking may be from a street, alley or both when the lot abuts an alley. However, structures in C zones with residential uses and structures in C zones across the street from residential zones must meet the requirements for parking access for NC zones as provided in subsection A1.

##### B. Location of parking

1. NC zones. The following rules apply in NC zones, except as provided in subsection B2 of this section or as may be permitted under subsection C of this section.

a. Parking may not be located between a structure and a street lot line (Exhibit 23.47A.032 A).

#### [Exhibit 23.47A.032 A](#)

b. Parking may not be located inside a structure adjacent to a street-level street-facing facade according to Section

23.47A.005C. This requirement shall not apply to access to parking meeting the standards of subsection A1, above.

c. Parking to the side of a structure shall not exceed sixty (60) feet of lineal street frontage (Exhibit 23.47A.032 B).

[Exhibit 23.47A.032 B](#)

d. Parking may be located within eight hundred (800) feet of the lot with the use to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

2. Pedestrian-designated Zones. The following rules apply in pedestrian-designated zones.

a. Parking may not be located between a structure and a street lot line.

b. Parking may not be located inside a structure at street level along a principal pedestrian street. This requirement shall not apply to access to parking meeting the standards of subsection A2, above.

c. Parking may be located at the rear of a structure, or may be built into or under a structure, or be located within eight hundred (800) feet of the lot with the use to which it is accessory, according to the provisions of Section 23.54.025, Parking covenants.

3. C1 and C2 zones. Off-street parking may generally be located anywhere on a lot in C1 and C2 zones. However, structures with residential uses in C zones and structures in C zones across the street from residential zones must meet the requirements for parking location for NC zones as provided in subsection B.

C. Exceptions to parking location and access requirements.

1. Access to off-street parking may be from a street when, due to the relationship of an alley to the street system, use of the alley for parking access would create a significant safety hazard as determined by the Director as a Type I Master Use Permit decision.

2. When a lot fronts on two or more streets on which the

lineal feet of commercially zoned frontage are equal, the Director will determine the front lot line for the purposes of location of parking and may allow parking between a building and the street. In making a determination, the Director will consider the following criteria:

a. The extent to which parking along a street would disrupt an established commercial street's pedestrian-oriented character or commercial continuity;

b. The potential for pedestrian and automobile conflicts;

c. The relative traffic capacity of a street as an indicator of a street's role as a principal commercial street.

3. On waterfront lots in the Shoreline District, parking may be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water as required by the Shoreline Master Program.

D. Direct access to a loading berth from a street is permitted only when no alley improved to the standards of Section 23.53.030C is available for access.

E. Parking must be screened according to the provisions of Section 23.47A.016.

F. Surface Parking.

1. Pedestrian access through surface parking areas. Where a pedestrian entrance to one or more general sales and service or major durables retail sales uses greater in the aggregate than 30,000 square feet is oriented to a parking lot, a five (5) foot wide pedestrian walkway through the parking lot to the pedestrian entrance must be provided for each 50 spaces of parking provided.
2. Surface parking separating the building from the street. Where a pedestrian entrance to one or more general sales and service or major durables retail sales uses greater in the aggregate than 30,000 square feet is oriented to a surface parking area separating a building from a street, at least one five (5) foot wide pedestrian walkway from the street to the pedestrian entrance must be provided.

#### 23.47A.033 Transportation concurrency level-of-service standards.

Proposed uses in NC zones or C zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

#### 23.47A.035 Assisted living facilities development standards.

A. Assisted living facilities are subject to the development standards of the zone in which they are located except that the residential amenity requirements of Section 23.47A.024 do not apply.

#### B. Other Requirements.

1. Minimum Unit Size. Assisted living units must be designed to meet the minimum square footage required by WAC 388-110-140.
2. Facility Kitchen. A kitchen that serves the entire assisted living facility must be provided on-site.
3. Communal Area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family must be provided.
  - a. The total amount of communal area must equal at least ten (10) percent of the total floor area in assisted living units. In calculating the total floor area in assisted living units, all of the area of each of the individual units is counted, including counters, closets and built-ins, but excluding the bathroom;
  - b. No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, may be counted toward the communal area requirement; and
  - c. A minimum of four hundred (400) square feet of the required communal area must be provided outdoors, with no dimension less than ten (10) feet.

#### 23.47A.037 Keeping of animals.

The keeping of animals is regulated by Section 23.42.052, Keeping of Animals.

#### 23.47A.038 Home occupations.

Home occupations are regulated by Section 23.42.050, Home Occupations.

#### 23.47A.039 Provisions for pet daycare centers.

In addition to the development standards of the zone, pet daycare centers are subject to the following:

- A. Operating business establishments that have been providing pet daycare services as of July 31, 2006 may continue not withstanding nonconformities to applicable development standards, provided the provisions of this section are met.
- B. The pet daycare center must be permitted by Public Health- Seattle & King County, as required by SMC 10.72.020.
- C. Facilities for the boarding of animals may occupy no more than thirty (30) percent of the gross floor area of the pet daycare center.
- D. Required loading pursuant to 23.54.015 may be provided in a public right of way if the applicant can demonstrate to the Director, in consultation with the Seattle Transportation Department, that pedestrian circulation or vehicle traffic will not be significantly impacted.
- E. Applicants must submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which are to be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.
- F. Violations of this Section.

- 1. Any violation in a pet daycare center of SMC 25.08.500, Public disturbance noises, shall be a violation of this title.
- 2. When a notice of violation is issued for animal noise, the Director may require a report from an acoustical consultant to describe measures to be taken by the applicant to mitigate adverse noise impacts. The Director may require measures, including but not limited to: development or modification of operating procedures; cessation of the use of outdoor area(s); closure of windows and doors; reduction in hours of operation; use of sound attenuating construction or building materials such as insulation and noise baffles.

Section 45. Section 23.48.006 of the Seattle Municipal Code, which Section was enacted by ordinance 118302, is amended as follows:

23.48.006 Prohibited uses.

The following uses ~~are~~ shall be prohibited as both principal and accessory uses, except as otherwise noted:

- A. All high-impact uses;
- B. All heavy manufacturing uses;
- C. General manufacturing uses greater than twenty-five thousand (25,000) square feet of gross floor area for an individual business establishment;
- D. Drive-in businesses, except gas stations;
- E. Jails;
- F. Adult motion picture theaters and adult panorams;
- G. Outdoor storage, except for outdoor storage associated with florists and horticulture~~at~~ uses;
- H. Principal use surface parking;
- I. Animal shelters and K kennels;

J. ~~Animal shelters~~husbandry;

K. ~~Animal husbandry~~Park and pool lots;

L. Park and ~~pool~~ ride lots;

M. ~~Park and ride lots~~Work release centers;

N. ~~Work release centers~~ Recycling;

O. ~~All salvage and recycling uses, except recycling collection stations~~ Solid waste management; and

P. Mobile home parks.

Section 46. Subsection A of Section 23.48.016 of the Seattle Municipal Code, which section was last amended by Ordinance 121782, is amended as follows:

23.48.016 Standards applicable to specific areas.

A. Seattle Mixed/Residential (SM/R).

1. Height Limit.

a. New single purpose nonresidential structures shall have a height limit of fifty-five (55) feet.

b. Single purpose residential structures and mixed-use structures with sixty (60) percent or more of the structure's gross floor area in residential use are permitted to a height of seventy- five (75) feet.

2. Scale of Development.

a. Single purpose, nonresidential development, except hotels with one hundred (100) rooms/suites or fewer, is limited to a lot area of twenty-one thousand six hundred (21,600) square feet or less.

b. Development on lots with areas greater than twenty-one thousand six hundred (21,600) square feet must include residential use in an amount of gross floor area equal to sixty (60) percent or more of the gross floor area in nonresidential use, except schools, elementary and secondary, and hotels with one hundred (100) rooms/suites or fewer.

c. Two (2) lots of up to twenty-one thousand six hundred (21,600) square feet each, separated by an alley and connected above grade by a skybridge or other similar means shall be considered two (2) separate lots for the purposes of this subsection A2. Such a connection above grade, across the alley may be allowed pursuant to the Council's approval of an aerial alley vacation or temporary use permit process.

d. Single purpose nonresidential structures on adjacent lots not separated by an alley, subject to this subsection, may not be internally connected.

3. Nonresidential uses existing prior to November 6, 1996 and

that do not meet the requirements of this section shall be allowed to expand by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area without meeting the requirements of this section. This provision may only be used once for an individual use.

4. Single purpose nonresidential exception. A single purpose, nonresidential structure may be permitted where a single purpose residential or mixed use structure would otherwise be required, subject to the following:



- a. The proposal is comprised of two (2) or more lots within the same SM/R designated area; and
- b. The amount of gross floor area in residential use in the structures on both lots is equal to at least sixty (60) percent of the total gross floor area of the total combined development on the lots included in the proposal; and
- c. The nonresidential structure is subject to design review to ensure compatibility with the residential character of the surrounding area; and
- d. The proposal meets one or more of the following:
  - (1) The project includes the rehabilitation of a landmark structure or incorporates structures or elements of structures of architectural or historical significance as identified in an adopted neighborhood plan or design guidelines, or
  - (2) The project includes ~~personal household retail~~ general sales and service uses, eating and drinking establishments, major durables retail sales uses, ~~customer service offices~~, entertainment uses, ~~or~~ human service uses or child care centers at the street level in an amount equal to at least fifty (50) percent of the structure's footprint, or
  - (3) The lot accommodating the required residential use contributes: a minimum of ten (10) percent of all new housing units in the proposal to the supply of low-~~and low-moderate~~ income housing for a period of at least twenty (20) years, or a minimum of ten (10) percent of all new housing units in the proposal to be provided as townhouses.

\* \* \*

Section 47. Subsection A of Section 23.48.019 of the Seattle Municipal Code, which section was adopted by Ordinance 121782, is amended as follows:

23.48.019 Street-level uses.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated as Class 1 Pedestrian Streets shown on Map B, located at the end of this Chapter. Required street-level uses shall meet the standards of this Section.

A. The following uses qualify as required street-level uses:

1. ~~Personal and household retail~~ General sales and service uses;
2. Eating and drinking establishments;
3. ~~Customer service offices~~;
4. ~~3.~~ Entertainment uses;
5. ~~Pet grooming services~~;
6. ~~4.~~ Public libraries; and
7. ~~5.~~ Public parks.

\* \* \*

Section 48. Section 23.48.026 of the Seattle Municipal Code, which Section was enacted by Ordinance 118302, is amended as follows:

23.48.026 Noise standards.

All permitted uses ~~shall be~~are subject to the noise standards of Section 23.47A.018.

Section 49. Section 23.48.028 of the Seattle Municipal Code, which Section was enacted by Ordinance 118302, is amended as follows:

23.48.028 Odor standards.

All permitted uses ~~shall be~~are subject to the odor standards of Section 23.47A.020.

Section 50. Section 23.48.030 of the Seattle Municipal Code, which Section was enacted by Ordinance 118302, is amended as follows:

23.48.030 Light and glare.

All permitted uses ~~shall be~~are subject to the light and glare standards of Section 23.47A.022.

Section 51. Section 23.48.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended as follows:

23.48.032 Required parking and loading.

A. ~~Each use shall provide a minimum number of o~~ Off-street parking spaces may be required according to the requirements of Section 23.54.015, Required parking, ~~except as modified by this section.~~

B. Loading berths must~~requirements shall~~ be provided pursuant to Section 23.54.035, Loading berth requirements and space standards.

C. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve (12) feet ~~shall be~~is required for the loading berth, measured from the centerline of the alley (Exhibit 23.47A.014 ~~DE--in Chapter 23.47.~~ This setback shall be maintained up to a height of sixteen (16) feet.

~~D. Reduction in the Amount of Parking Required.~~

~~1. Reductions to required parking shall be permitted according to the provisions of Section 23.54.020, Parking quantity exceptions. Further reductions or exceptions are permitted per business establishment for street-level uses on Class 1 and 2 Pedestrian Streets, shown on Map B, located at the end of this Chapter, as follows:~~

~~Uses Class 1 Pedestrian Streets Class 2 Pedestrian Streets~~

~~Retail sales and No parking required for No parking required for service uses, except the first 25,000 square the first 7,500 square eating and drinking feet feet establishments; customer service offices; and entertainment uses, except motion picture theaters.~~

~~Motion picture No parking required for No parking required for theaters. the first 150 seats the first 150 seats~~

~~Eating and drinking No parking required for No parking required for establishments. the first 7,500 square the first 7,500 square feet feet~~

~~Human Service and child No parking required No parking required care uses.~~

~~2. No additional parking shall be required when an existing structure is expanded by up to two thousand five hundred (2,500) square feet, provided that this exemption may be applied only once to any individual structure.~~

~~E. Payment in Lieu. In lieu of providing all or a portion of the required parking, an applicant may make a payment to the South Lake Union Parking Fund if the Director determines that the payment will contribute to the purchase and/or development of an identified public parking garage that is consistent with City policy and priorities, that the parking will mitigate the impacts of the project, and that construction of the public parking garage (if applicable) is assured. The payment and use thereof shall be consistent with RCW 82.02.020.~~

~~1. An in-lieu-of payment shall equal the cost to develop such parking on the project site.~~

~~2. Funds received in-lieu-of providing parking shall be applied to acquisition or development of a new public parking garage(s) in the South Lake Union Urban Center, within eight hundred (800) feet of the contributing site(s), except that when a contributor(s) agrees with the City that a new parking garage, available to the public, within the SM zone more than eight hundred (800) feet from the project site(s) would be an appropriate mitigation of the project's impacts, the in-lieu-of payment(s) from those projects may be used for that garage.~~

~~3. Limitations. Parking stalls within a shared parking garage(s), satisfying the requirements of this section for any project, shall not be used to satisfy the parking requirement for any other project.~~

Section 52. Subsection A of Section 23.49.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 122235, is amended as follows:

23.49.009 Street-level use requirements.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated on Map 1G. Required street-level uses shall meet the standards of this section.

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

1. ~~Retail~~General sales and services~~except lodging~~;

2. Human service uses and childcare facilities;

3. ~~Customer service offices~~Retail sales, major durables;

4. Entertainment uses;

5. Museums, and administrative offices within a museum expansion space meeting the requirement of subsection 23.49.011 B1h;

6. Libraries;

7. Elementary and secondary schools;~~and~~

8. Public atriums~~;~~

9. Eating and drinking establishments;

10. Sales and services, automotive;

11. Sales and services, marine; and

12. Animal shelters and kennels.

\* \* \*

Section 53. Subsection A1a of Section 23.49.019 of the Seattle Municipal Code, which Section was last amended by Ordinance 122235, is amended as follows:

23.49.019 Parking quantity, location and access requirements, and screening and landscaping of surface parking areas.

The regulations in this section do not apply to the Pike Market Mixed zones.

#### A. Parking Quantity Requirements

1. No parking, either long-term or short-term, is required for uses on lots in Downtown zones, except as follows:

a. In the International District Mixed and International District Residential zones, parking requirements for restaurants, motion picture theaters, and other entertainment uses ~~and places of public assembly~~ are as prescribed by Section 23.66.342.

\*\*\*

Section 54. Subsection B of Section 23.49.034 of the Seattle Municipal Code, which Section was last amended by Ordinance 122054, is amended as follows:

SMC 23.49.034 Modification of plazas and other features bonused under Title 24.

\* \* \*

B. Except as provided in subsections E2 and E3, no modification to a plaza or other feature listed in subsection A may be made under this section if it will increase the total floor area ratio (FAR) of the structure. Except as permitted in subsections E2 and E3, no reduction in the area of the bonused feature may be made for addition or expansion of any uses, except for the following uses, to the extent permitted:~~retail sales and services,~~

1. general sales and services,

2. major durables retail sales,

3. eating and drinking establishments,

4. lodging,

5. entertainment,

6. automotive sales and services,

7. marine sales and services,

8. animal shelters and kennels,

9. medical services,

10. human service uses, or

11. ~~day~~child care centers,

unless the loss of area is offset by the conversion of existing floor area in the structure to uses exempt from chargeable floor area under Section 23.49.011~~FAR calculation in the zone.~~

\* \* \*

Section 55. Section 23.49.044 of the Seattle Municipal Code, which Section was last amended by Ordinance 122054, is amended as

follows:

23.49.044 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial prohibited uses.

The following uses are prohibited as both principal and accessory uses in DOC1, DOC2, and DMC zones, or where a single zone classification is specified, in zones with that classification only:

- A. Drive-in businesses, except gas stations located in parking garages;
- B. Outdoor storage;
- C. All general and heavy manufacturing uses;
- D. Solid waste management; ~~All salvage and recycling uses except recycling collection stations;~~
- E. Recycling;
- ~~F.~~ All high-impact uses;
- ~~FG.~~ In DMC zones, adult motion picture theaters and adult panorams; and
- ~~GH.~~ Principal use parking garages for long-term parking.

Section 56. Section 23.49.092 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is amended as follows:

23.49.092 Downtown Retail Core, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

- A. Drive-in businesses, except gas stations located in parking garages;
- B. Outdoor storage;
- C. All general and heavy manufacturing uses;
- D. Solid waste management; ~~All salvage and recycling uses except recycling collection stations; and~~
- E. Recycling; and
- ~~F.~~ All high-impact uses.

Section 57. Section 23.49.144 of the Seattle Municipal Code, which Section was last amended by Ordinance 114623, is amended as follows:

23.49.144 Downtown Mixed Residential, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

- A. Drive-in businesses, except gas stations located in parking garages;
- B. Outdoor storage;
- C. Helistops and heliports;
- D. Adult motion picture theaters and adult panorams;
- E. Light manufacturing uses in DMR/R areas;
- F. All general and heavy manufacturing uses;
- G. Solid waste management~~All salvage and recycling uses, except recycling collection stations;~~
- H. Recycling;
- I. All high-impact uses; and
- ~~J.~~ J. Work-release centers.

Section 58. Section 23.49.320 of the Seattle Municipal Code, which Section was last amended by Ordinance 114623, is amended as follows:

23.49.320 Downtown Harborfront 2, prohibited uses.

The following uses shall be prohibited as both principal and accessory uses:

- A. Drive-in businesses, except gas stations located in parking garages;
- B. Outdoor storage, except when accessory to water-dependent or water-related uses located in Downtown Harborfront 1 or Downtown Harborfront 2;
- C. Adult motion picture theaters and adult panorams;
- D. All general and heavy manufacturing uses;
- E. Solid waste management~~All salvage and recycling uses except recycling collection stations;~~
- F. Recycling;
- G. All high-impact uses; and
- ~~H.~~ H. Work-release centers.

Section 59. Subsection A of Section 23.49.338 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.49.338 Pike Market Mixed, prohibited uses.

- A. The following uses are prohibited as both principal and accessory uses in areas outside of the Pike Place Market Historical District, Map 1K~~E~~:
  - 1. Drive-in businesses, except gas stations located in parking garages;

2. Outdoor storage;
3. Adult motion picture theaters and adult panorams;
4. Transportation facilities, except principal use parking;
5. Major communication utilities;
6. All general manufacturing uses;
7. Solid waste management; ~~All salvage and recycling uses, except recycling collection stations~~;
8. Recycling;
9. All industrial uses;
- ~~10.9.~~ Jails; and
- ~~11.10.~~ Work-release centers.

\* \* \*

Section 60. Subsection C of Section 23.50.002 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

23.50.002 Scope of provisions.

\* \* \*

C. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking access and design are provided

in Chapter 23.54. Signs are regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Definitions are in Chapter 23.84A.

\* \* \*

Section 61. Chart A of Section 23.50.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121476, is amended as follows:

~~Industrial Uses Chart A for Section 23.50.012~~

~~Zones~~

~~Uses IB IC IG1 and IG2 IG1 in the IG2 in the (general) Duwamish Duwamish M/I M/I Center Center~~

~~I. Manufacturing.~~

~~A. Light P P P P P manufacturing~~

~~B. General P P P P P manufacturing~~

~~C. Heavy CU X or CU1 P or CU2 P P manufacturing~~

~~H. High-impact Uses. X X or CU3 X or CU4 X or CU4 X or CU4~~

~~III. Commercial.~~

~~A. Retail sales and service~~

~~1. Personal and P P P P P household sales and services~~

~~2. Medical services P/CU5 P/CU5 P/CU5 P/CU5 P/CU5~~

~~3. Animal services~~

~~a. Animal P P P P P health services~~

~~b. Kennel X P P P P~~

~~c. Animal P P P P P control shelter~~

~~d. Pet grooming P P P P P services~~

~~4. Automotive P P P P P retail sales and service~~

~~5. Marine retail P P P P P sales and service~~

~~6. Eating and P P P P P drinking establishment~~

~~7. Lodging CU CU CU X X~~

~~8. Mortuary service P P P X X~~

~~9. Existing P P P P P cemeteries~~

~~10. New cemeteries X X X X X~~

~~B. Principal use P P P X X parking, surface area or garage~~

~~C. Nonhousehold sales P P P P P and services~~

~~D. Office P P P P P~~

~~E. Entertainment~~

~~1. Places of public assembly~~

~~a. Performing arts P P P X X theater~~

~~b. Spectator sports P P P X6 X6 facility~~

~~c. Lecture and meeting P P P P P halls~~

~~d. Motion picture P P P X X theater~~

~~e. Motion picture X X X X X theater, adult~~



- f. ~~Adult panorams X X X X X~~
- 2. Participant sports and recreation
  - a. ~~Indoor P P P X P~~
  - b. ~~Outdoor P P P X P~~
- F. ~~Wholesale Showroom P P P P P~~
- G. ~~Mini-warehouse P P P X P~~
- H. ~~Warehouse P P P P P~~
- I. ~~Outdoor Storage P P P P P~~
- J. ~~Transportation Facilities~~
  - 1. ~~Personal P P P P P transportation services~~
  - 2. ~~Passenger P P P P P terminal~~
  - 3. ~~Cargo terminal P P P P P~~
  - 4. ~~Transit vehicle CU CU CU CU CU base~~
  - 5. ~~Helistop CCU CCU CCU CCU CCU~~
  - 6. ~~Heliport X CCU CCU CCU CCU~~
  - 7. ~~Airport, X CCU CCU CCU CCU~~  
~~land-based~~
  - 8. ~~Airport, X CCU CCU CCU CCU water-based~~
  - 9. ~~Railroad P P P P P switchyard~~
  - 10. ~~Railroad X X CU CU CU)) switchyard with mechanized hump~~
- K. ~~Food processing and P P P P P craft work~~
- L. ~~Research and P P P P P development laboratory~~
- IV. ~~Salvage and Recycling.~~
  - A. ~~Recycling P P P P P collection station~~
  - B. ~~Recycling center P P P P P~~
  - C. ~~Salvage yard X X P P P~~
- V. ~~Utilities.~~

~~A. Utility services P P P P P use~~

~~B. Major CU CU CU CU CU communication utility<sup>7</sup>~~

~~C. Minor P P P P P communication utility<sup>7</sup>~~

~~D. Solid waste transfer X CU CU CU CU Station~~

~~E. Power plant X CCU P P P~~

~~F. Sewage treatment X CCU CCU CCU CCU Plant~~

~~G. Solid waste X CCU CCU CCU CCU Incineration Facility~~

~~H. Solid waste X X X X X landfills~~

#### ~~VI. Institutions:~~

~~A. Institute for P P P X X advanced study~~

~~B. Private clubs EB EB EB X X~~

~~C. Child care center P P P P P~~

~~D. Museum EB EB EB X8 X8~~

~~E. School, elementary EB EB EB X X or secondary~~

~~F. College EB EB EB X9 X~~

~~G. Community center EB EB EB P P~~

~~H. Community club EB EB EB X P~~

~~I. Vocational or fine P P P P P arts school~~

~~J. Hospital EB EB CU10 P P~~

~~K. Religious facility EB EB EB EB EB~~

~~L. University EB EB EB X9 X9~~

~~M. Major institutions. EB EB EB EB EB subject to the provisions of Chapter 23.69~~

#### ~~VII. Public Facilities:~~

~~A. Jails X X X X X~~

~~B. Work-release centers X X X X X~~

~~C. Secure Community X X X X X Transition Facility~~

~~D. Other public CCU CCU CCU CCU CCU facilities~~

~~VIII. Park and Pool/Ride Lots:~~

~~A. Park and pool lots P11 P11 P11 CU CU~~

~~B. Park and ride lots CU CU CU CU CU~~

~~IX. Residential:~~

~~((A. Single-family X X X X X dwelling units~~

~~B. Multi-family X X X X X structures~~

~~C. Congregate X X X X X residences~~

~~D. Adult family homes X X X X X~~

~~E. Floating homes X X X X X~~

~~F. Mobile home park X X X X X~~

~~G. Nursing homes X X X X X~~

~~H. Artist's EB/CU EB/CU EB/CU EB/CU EB/CU studio/dwelling~~

~~I. Caretaker's quarters P P P P P~~

~~J. Assisted living X X X X X facility~~

~~K. Residential use, CU CU CU CU CU except artist's studio/dwelling and caretaker's quarters, in a landmark structure or landmark district~~

~~X. Live-work units X X X X X~~

~~XI. Open Space~~

~~A. Parks P P P P P~~

~~B. Playgrounds P P P P P~~

~~XII. Agricultural Uses~~

~~A. Animal husbandry X X X X X~~

~~B. Horticultural use X X X X X~~

~~C. Aquaculture P P P P P))~~

PERMITTED AND PROHIBITED USES BY ZONE

USES IB IC IG1 and IG1 in IG2 in the IG2 the Duwamish (general) Duwamish M/I Center M/I Center

A. AGRICULTURAL USES A.1. Animal Husbandry X X X X X A.2. Aquaculture P P P P P A.3. Horticulture X X X X X

## B. CEMETERIES X X X X X

C. COMMERCIAL USES C.1. Animal Shelters and X(1) P P P P Kennels C.2. Eating and drinking P P P P P establishments C.3. Entertainment Uses C.3.a. Motion picture X X X X X theaters, adult C.3.b. Panorams, adult X X X X X C.3.c. Sports and recreation, P P P X P indoor C.3.d. Sports and recreation, P P P X P outdoor C.3.e. Theaters and spectator sports facilities C.3.e.i. Lecture and meeting P P P P P halls C.3.e.ii. Motion picture theaters P P P X X C.3.e.iii. Performing arts P P P X X theaters C.3.e.iv. Spectator sports P P P X(2) X(2) facilities C.4. Food processing and P P P P P craft work C.5. Laboratories, Research P P P P P and development C.6. Lodging uses CU CU CU X X C.7. Medical services (3) P P P P P C.8. Offices P P P P P C.9. Sales and services, P P P P P automotive C.10. Sales and services, P P P P P general C.11. Sales and services, P P P P P heavy C.12. Sales and services, P P P P P marine

## D. HIGH-IMPACT USES X X or X or X or X or CU(5) CU(4) CU(5) CU(5)

E. INSTITUTIONS E.1. Adult care centers X X X X X E.2. Child care centers P P P P P E.3. Colleges EB EB EB X(6) X(6) E.4. Community centers and EB EB EB P P Family support centers E.5. Community clubs EB EB EB X P E.6. Hospitals EB EB CU(7) P P E.7. Institutes for advanced P P P X X study E.8. Libraries X X X X X E.9. Major institutions EB EB EB EB EB subject to the provisions of Chapter 23.69 E.10. Museums EB EB EB X(8) X(8) E.11. Private Clubs EB EB EB X X E.12. Religious facilities P P P P P E.13. Schools, elementary or P P P P P secondary E.14. Vocational or fine arts P P P P P schools

## F. LIVE-WORK UNITS X X X X X

G. MANUFACTURING USES G.1. Manufacturing, light P P P P P G.2. Manufacturing, general P P P P P G.3. Manufacturing, heavy CU X or P or P P CU(9) CU(10)

## H. PARKS AND OPEN SPACE P P P P P

I. PUBLIC FACILITIES I.1. Jails X X X X X I.2. Work-release centers X X X X X I.3. Other public facilities CCU CCU CCU CCU CCU

J. RESIDENTIAL USES J.1. Residential uses not X X X X X listed below J.2. Artist's EB/CU EB/CU EB/CU EB/CU EB/CU studio/dwellings J.3. Caretaker's quarters P P P P P J.4. Residential use, except CU CU CU CU CU artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district

K. STORAGE USES K.1. Mini-warehouses P P P X P K.2. Storage, outdoor P P P P P K.3. Warehouses P P P P P

## L. TRANSPORTATION FACILITIES

L.1. Cargo terminals P P P P P L.2. Parking and moorage L.2.a. Boat moorage P P P P P L.2.b. Dry boat storage P P P P P L.2.c. Parking, principal use, P P P X(2) X(2) except as listed below L.2.c.i. Park and Pool Lots P(11) P(11) P(11) CU CU L.2.c.ii. Park and Ride Lots CU CU CU CU CU L.2.d. Towing services P P P P P L.3. Passenger terminals P P P P P L.4. Rail Transit Facilities P P P P P L.5. Transportation facilities, air L.5.a. Airports (land-based) X CCU CCU CCU CCU L.5.b. Airports (water-based) X CCU CCU CCU CCU L.5.c. Heliports X CCU CCU CCU CCU L.5.d. Helistops CCU CCU CCU CCU CCU L.6. Vehicle storage and maintenance L.6.a. Bus bases CU CU CU CU CU L.6.b. Railroad switchyards P P P P P L.6.c. Railroad switchyards X X CU CU CU with a mechanized hump L.6.d. Transportation P P P P P services, personal

M. UTILITY USES M.1. Communication CU C CU CU CU Utilities, major M.2. Communication P P P P P Utilities, minor M.3. Power Plants X CCU P P P M.4. Recycling P P P P P M.5. Sewage Treatment Plants X X X X X M.6. Solid waste management M.6.a. Salvage yards X X P P P M.6.b. Solid waste transfer X CU CU CU CU stations M.6.c. Solid waste X CCU CCU CCU CCU incineration facilities M.6.d. Solid waste landfills X X X X X M.7. Utility Services Uses P P P P P

## KEY

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 5, 1987:

EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.

P = Permitted

X = Prohibited

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

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

~~3. The high-impact uses listed at subsection B10 of Section 23.50.014 may be permitted as conditional uses.~~

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

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

~~6. Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved, non-required, parking is allowed, shall be permitted to be used for general parking purposes and is exempt from the one (1) space per six hundred fifty (650) square feet ratio under the following circumstances: if~~

~~(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and~~

~~(b) Is reserved for events in the spectator sports facility or exhibition hall, and~~

~~(c) The reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.~~

~~7. See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.~~

~~8. Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.~~

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

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

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

(1) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray,

unwanted, dead or injured animals are permitted.

(2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one (1) space per six hundred fifty (650) square feet ratio under the following circumstances:

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and

(c) The reserved parking is outside of the Stadium Transition Overlay Area District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.

(3) 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. See Section 23.50.014.

(4) The high-impact uses listed at subsection B10 of Section 23.50.014 may be permitted as conditional uses.

(5) High-impact uses may be permitted as conditional uses as provided at subsection B5 of Section 23.50.014.

(6) A college or university offering a primarily vocational curriculum within the zone is permitted.

(7) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014 B14.

(8) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.

(9) The heavy manufacturing uses listed in subsection B9 of Section 23.50.014 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.

(10) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

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

Section 62. Subsection B of Section 23.50.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.50.014 Conditional uses.

\* \* \*

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

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

- a. Artist's studio/dwellings shall generally be discouraged along arterials such as freeways, state routes and freight lines;
  - b. Artist's studio/dwellings shall not be allowed in areas where existing industrial uses may cause environmental or safety problems;
  - c. Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity;
  - d. The nature of the artist's work shall be such that there is a genuine need for the space; and
  - e. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the Director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns, including any lessees of the artist's studio/dwellings.
2. Park-and-pool lots in IG1 and IG2 zones in the Duwamish Manufacturing/Industrial Center, and park-and-ride lots in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones may be permitted as a conditional use according to the following criteria:
- a. The park-and-pool lot shall not create conflict with industrial activity by causing significant additional traffic to circulate through the area;
  - b. The park-and-pool lot has direct vehicular access to a designated arterial improved to City standards;
  - c. The park-and-pool lot shall be located on an existing parking area unless no reasonable alternative exists;
  - d. If the proposed park-and-pool lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the lot and the other uses; and
  - e. The park-and-pool lot is not located within three thousand (3,000) feet of downtown.
3. Except in the Duwamish Manufacturing/Industrial Center, lodging uses may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones according to the following criteria:
- a. The use is designed primarily to serve users in the industrial area; and
  - b. The use is designed and located to minimize conflicts with industrial uses in the area.
4. A residential use not otherwise permitted in the zone may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones within a structure designated as a Landmark, pursuant to the Seattle Municipal Code, Chapter 25.12, Landmarks Preservation, or within a structure in a Landmark District, pursuant to the Seattle Municipal Code, Chapters 25.16, Ballard Avenue Landmark District, or Chapter 25.28, Pioneer Square Historical District, subject to the following criteria:
- a. The use shall be compatible with the historic or landmark character of the structure. The Director shall request a determination regarding compatibility by the respective Board having jurisdiction over the structure or lot;
  - b. The residential use shall not restrict or disrupt industrial activity in the zone, and
  - c. The surrounding uses would not be detrimental to occupants of the Landmark structure.
5. High-Impact Uses may be permitted as a conditional use in General Industrial 1 (IG1), and General Industrial 2 (IG2) zones, according to the following criteria:

- a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;
  - b. A management plan may be required. The Director may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation and other factors may be required.
6. A new railroad switchyard with a mechanized hump, or the expansion of such a use beyond the lot occupied as of October 5, 1987~~at the date of adoption of the ordinance codified in this section~~ may be permitted as a conditional use in General Industrial 1 (IG1) and General Industrial 2 (IG2) zones, according to the following criteria:
- a. The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;
  - b. Measures to minimize the impacts of noise, light and glare, and other measures to ~~ensure~~ ensure the compatibility of the use with the surrounding area and to mitigate adverse impacts shall be incorporated into the design and operation of the facility.
7. Solid waste transfer stations may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2) and Industrial Commercial (IC) zones according to the following criteria:
- a. Measures to minimize potential odor emissions and airborne pollutants shall be determined in consultation with the Puget Sound Clean Air Agency (PSCAA). These measures shall be incorporated into the design and operation of the facility;
  - b. Measures to maximize control of rodents, birds and other vectors shall be determined in consultation with the Seattle/King County Department of Public Health. These measures shall be incorporated into the design and operation of the facility;
  - c. The Director may require a transportation plan.~~A transportation plan may be required.~~ The Director shall determine the level of detail to be disclosed in the plan such as estimated trip generation, access routes and surrounding area traffic counts, based on the probable impacts and/or scale of the proposed facility; and
  - d. Measures to minimize other impacts are incorporated into the design and operation of the facility.
8. Heavy manufacturing uses may be permitted in the Industrial Buffer (IB) zone as a conditional use according to the following criteria:
- a. The use shall be located within an enclosed building except for shipbuilding;
  - b. The hours of operation for all processes creating any adverse impacts on residentially or commercially zoned land may be limited;
  - c. Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;
  - d. The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use; and
  - e. The use shall not produce sustained or recurrent vibrations exceeding 0.002g acceleration as measured on lots in nonindustrial zones.



9. The ~~H~~heavy ~~M~~manufacturing uses listed in subsection B9a of this section may be permitted in the Industrial Commercial (IC) zone as a conditional use according to criteria contained in subsection B9b.

a. Uses.

- (1) Mass production of commercial or recreational vessels of any size and the production of vessels up to one hundred and twenty (120) feet in length, constructed to individual specifications; and
- (2) Manufacturing of electrical components, such as semiconductors and circuit boards, using chemical processes such as etching or metal coating; and
- (3) Production of industrial organic and inorganic chemicals, and soaps and detergents.

b. Criteria.

- (1) Except for shipbuilding, the use shall be located within an enclosed building;
- (2) The hours of operation for all processes creating any impacts on residentially or commercially zoned land may be limited;
- (3) Truck and service traffic associated with the heavy manufacturing use shall be directed away from streets serving lots in nonindustrial zones;
- (4) The infrastructure of the area shall be capable of accommodating the traffic generated by the proposed use;
- (5) The use shall not produce sustained or recurrent vibrations exceeding 0.002g acceleration as measured on lots in nonindustrial zones;
- (6) The finished product as packaged for sale or distribution shall be in such a form that product handling and shipment does not constitute a significant public health risk; and
- (7) The nature of the materials produced and/or the scale of manufacturing operations may be limited in order to minimize the degree and severity of risks to public health and safety.

10. The ~~H~~high-~~i~~impact uses listed in subsection B10a of this section may be permitted as conditional uses in the Industrial Commercial (IC) zone according to the criteria contained in subsection B10b of this section.

a. Uses.

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

b. Criteria.

- (1) The lot is located so that large concentrations of people, particularly in residential and commercial areas, are not exposed to unreasonable adverse impacts;
- (2) A management plan may be required. The Director may determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation and other factors may be required;

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

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

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

- a. The amount of industrial land occupied by the facility shall be minimized. To avoid disruption of the industrial function of the area, the presence of the facility shall not obstruct the operation or likely expansion of existing industrial uses;
- b. The location of the facility shall not result in significant displacement of viable industrial uses or support activities;
- c. The amount of land occupied by the facility that has access to industrial shorelines or major rail facilities shall be minimized; and
- d. A transportation plan may be required to prevent conflicts with nearby industrial uses. The Director shall determine the level of detail to be disclosed in the plan based on the probable impacts and/or scale of the proposed facility.

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

- a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the manufacturing or heavy commercial character of the industrial area; and
- b. Whether medical service use development would displace existing manufacturing or heavy commercial uses or usurp vacant land, in areas with parcels particularly suited for manufacturing or heavy commercial uses.

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

- a. New uses shall be limited to those first permitted in the next more intensive zone;
- b. The Director shall evaluate the relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated;
- c. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

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

- a. The hospital facility is an integral element of a research and development laboratory or an institute for advanced study to which it is accessory; and
- b. The hospital use shall not be allowed in areas where industrial activity may adversely affect hospital activity.

\* \* \*

Section 63. Section 23.50.015 of the Seattle Municipal Code, which section was last amended by Ordinance 120691, is amended as follows:

23.50.015 Major Phased Development.

A. An applicant may seek approval of a Major Phased Development, as defined in Section 23.84~~A~~.025. A Major Phased Development proposal is subject to the provisions of the zone in which it is located and shall meet the following thresholds:

1. A minimum site size of five (5) acres, where the site is composed of contiguous parcels or contains a right-of-way within;
2. The project, which at time of application shall be a single, functionally interrelated campus, contains more than one building, with a minimum total gross floor area of two hundred thousand (200,000) square feet;
3. The first phase of the development consists of at least one hundred thousand (100,000) square feet in gross building floor area; and
4. At the time of application, the project is consistent with the general character of development anticipated by Land Use Code regulations.

\* \* \*

Section 64. Subsection B of Section 23.50.022 of the Seattle Municipal Code, which subsection was last amended by Ordinance 119370, is amended as follows:

23.50.022 General Industrial 1 and 2 - Structure height.

\* \* \*

B. Except for the provisions of Section 23.50.020 and of subsection C below, the maximum structure height for any portion of a structure ~~that which contains the following commercial uses other than spectator sports facilities and food processing and craft work uses,~~ whether they are principal or accessory, shall be thirty (30) feet, forty-five (45) feet, sixty-five (65) feet, or eighty-five (85) feet, as designated on the Official Land Use Map, Chapter 23.32, (also see Exhibit 23.50.022 A):

- ~~1. Retail sales and services;~~
- ~~2. Nonhousehold sales and services;~~
- ~~3. Offices;~~
- ~~4. Entertainment uses, except spectator sports facilities;~~
- ~~5. Research and development laboratories; and~~
- ~~6. Institutions.~~

\* \* \*

Section 65. Subsection B of Section 23.50.024 of the Seattle Municipal Code, which subsection was last amended by Ordinance 121278, is amended as follows:

23.50.024 Industrial Buffer -- Structure height.

\* \* \*

B. Except for the provisions of Section 23.50.020, and except for structures on lots subject to the provisions of subsections C, D, E and F below, the maximum height for any portion of a structure ~~that~~<sup>which</sup> contains commercial ~~the following uses other than spectator sports facilities and food processing and craft work uses~~, whether principal or accessory, shall be thirty (30) feet, forty-five (45) feet, sixty-five (65) feet or eighty-five (85) feet, as designated on the Official Land Use Map, Chapter 23.32.

~~1. Retail sales and services;~~

~~2. Nonhousehold sales and services;~~

~~3. Offices;~~

~~4. Entertainment uses, except spectator sports facilities;~~

~~5. Research and development laboratories; and~~

~~6. Institutions.~~

\* \* \*

Section 66. Subsections D and E of Section 23.53.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 122205, are amended as follows:

SMC 23.53.015 Improvement requirements for existing streets in residential and commercial zones.

\* \* \*

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection A6 of this section, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:

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

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

(3) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures ~~which~~<sup>that</sup> are exempt from environmental review.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 ~~5~~ of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional three (3) foot setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures that would

not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.

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

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

## 2. Projects With Reduced Improvement Requirements.

a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed- rock roadway at least sixteen (16) feet in width shall be required, according to the Right-of-Way Improvements Manual.

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

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

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

### (1) Types of Projects.

i. Proposed developments that contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose ~~convenience~~retail stores;

iii. Nonresidential structures that have less than four thousand (4,000) square feet of gross floor area and that do not contain uses listed in subsection D2b(1)ii ~~that~~which are larger than seven hundred fifty (750) square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections D2b(1)ii and D2b(1)iii;

v. Remodeling and use changes within existing structures;

vi. Additions to existing structures that are exempt from environmental review; and

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

area or number of parking spaces.

(2) Paving Requirement. For the types of projects listed in subsection D2b(1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen (18) feet wide. If there is not an eighteen (18) foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty (20) feet from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred (100) feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(3) Other Requirements. The setback, grading and no-protest agreement requirements of subsection D1b shall also be met.

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

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

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

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

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

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

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

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

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

E. Exceptions.

1. Streets With Existing Curbs.

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

- (1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.
  - (2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.
  - (3) If there is no sidewalk, a sidewalk shall be constructed, except when the following projects are proposed:
    - i. Remodeling and use changes within existing structures;
    - ii. Additions to existing structures ~~which~~that are exempt from environmental review.
- b. Streets With Less Than the Minimum Right-of-way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 of this section, the following requirements shall be met:
- (1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures ~~which~~that would not prevent the future widening and improvements of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.
  - (2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street, according to the Right-of-Way Improvements Manual.
  - (3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.
2. Projects with Reduced Improvement Requirements. The following types of projects are exempt from all dedication and improvement requirements of subsections B, C and D of this section, but shall meet the setback, grading and no-protest requirements of subsection E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width established in subsection A of this section or does not meet the grade of future street improvements.
- a. Structures with fewer than ten (10) artist's studio/ dwellings;
  - b. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose ~~convenience stores~~retail sales;
  - c. Nonresidential structures ~~which~~that have less than four thousand (4,000) square feet of gross floor area and ~~which~~that do not contain uses listed in subsection E2b of this section ~~which~~that are larger than seven hundred fifty (750) square feet;
  - d. Structures containing a mix of artist's studio/ dwellings and nonresidential uses, if there are fewer than ten (10) artist's studio/ dwellings, and the square footage of nonresidential use is less than specified in subsections E2b and E2c of this section;
  - e. Remodeling and use changes within existing structures;
  - f. Additions to existing structures ~~which~~that are exempt from environmental review; and
  - g. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

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

- a. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.
- b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.
- c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for Green Streets, boulevards, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan.
- d. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.
- e. Widening and/or improving the right-of-way would eliminate street access to an existing lot.
- f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.
- g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.
- h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

\* \* \*

Section 67. Subsection E of Section 23.53.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 122205, is amended as follows:

\* \* \*

E. Existing Alleys That Meet the Minimum Width. Except as provided in subsection G of this section and except for one (1) and two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D of this

section, the following requirements shall be met:

- 1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:
  - a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent of a crushed rock surface, according to the Right-of-Way Improvements Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.



- (1) Residential structures with fewer than ten (10) units;
- (2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose ~~convenience stores~~ retail sales;
- (3) Nonresidential structures or structures with one (1) or more live-work units that: (a) have less than four thousand (4,000) square feet of gross floor area; and (b) do not contain uses listed in subsection E1a(2) that are larger than seven hundred fifty (750) square feet;
- (4) Structures containing a mix of residential and either nonresidential uses, or live-work units, if the residential use is less than ten (10) units, and the total square footage of nonresidential uses and live-work units is less than specified in subsections E1a(2) and E1a(3);
- (5) Remodeling and use changes within existing structures;
- (6) Additions to existing structures that are exempt from environmental review; and
- (7) Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

\* \* \*

Section 68. Section 23.54.015 of the Seattle Municipal Code, which was last amended by Ordinance 122208, is amended as follows:

#### 23.54.015 Required parking.

~~A. The minimum number of off-street parking spaces required for specific uses shall be based upon gross floor area, unless otherwise specified, as set forth in Chart A, except for uses located in downtown zones, which are regulated by Section 23.49.019, and Major Institution uses, which are regulated by Section 23.54.016. (See Chart A for Section 23.54.015.)~~

~~Minimum parking requirements for uses in the Stadium Transition Area Overlay District to which a maximum parking ratio applies shall be reduced to the extent necessary, if any, to allow compliance with the maximum parking ratio as it applies to all such uses on the same lot.~~

~~If floor area of a use for which parking is required is added to a lot for which one or more minimum parking ratios has been reduced under the previous sentence, or if the floor area of any such existing uses on such a lot are modified, or both, then any reductions in minimum required parking ratios shall be adjusted so that the total of all reductions in required parking for uses on that lot is the amount necessary to permit compliance with the applicable maximum parking ratio.~~

~~B. In the case of a use not specifically mentioned on Chart A, the requirements for off-street parking shall be determined~~

~~by the Director. If there is/are comparable uses, the Director's determination shall be based on the requirements for the most comparable use(s). Where, in the judgment of the Director, none of the uses on Chart A are comparable, the Director may base his or her determination as to the amount of parking required for the proposed use on detailed information provided by the applicant. The information required may include, but not be limited to, a~~

~~description of the physical structure(s), identification of potential users, and analysis of likely parking demand.~~

~~C. If an entire use or structure, or the same portion of a use or structure, falls under more than one category in Chart A, then unless otherwise specified the category requiring the least amount of parking spaces shall apply, but only so long as the criteria in that category are satisfied.~~

~~D. Existing legal parking deficits of legally established uses shall be allowed to continue even if a change of use occurs. This subsection shall not apply to a change of use to one defined as a heavy traffic generator. This subsection shall not be construed to permit a parking deficit caused by the failure to satisfy conditions of a reduced parking requirement for any use or structure.~~

~~E. In all zones, no parking shall be required for the first twenty-five hundred (2,500) square feet of gross floor area of nonresidential uses in a structure. This waiver shall not apply to structures or portions of structures occupied by restaurants with drive-in lanes, motion picture theaters, administrative offices or institutional uses, including Major Institution uses. When two (2) or more uses, with different parking ratios occupy a structure, the twenty-five (2,500) square foot waiver shall be prorated based on the area occupied by the nonresidential uses for which the parking waiver is permitted.~~

~~F. Exceptions to the parking requirements set forth in this section are provided in Section 23.54.020, Parking quantity exceptions, unless otherwise specified in Chart A.~~

~~G. Except in downtown zones, off-street parking for fleet vehicles shall be provided separately, in addition to the minimum parking requirements.~~

~~H. For nonschool uses permitted to locate in a former or existing public school by a School Use Advisory Committee (SUAC), parking requirements shall be determined by the school use criteria, according to Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.~~

#### ~~I. Bicycle Parking.~~

~~1. In L2, L3, L4, MR and HR zones, and the SM zone, for apartments and terraced housing, spaces for bicycles shall be provided in a safe and convenient location, according to the following chart:~~

~~Number of Units Number of Bicycle Spaces Required 5 -- 10 1 11 -- 20 2 More than 20 1 for every 10 units~~

~~2. Bicycle parking spaces shall be provided by all institutions in multifamily zones. The number of required bicycle parking spaces shall be five (5) percent of the number of required vehicle spaces. All bicycle spaces should be sheltered from the weather, visible from the institution, and conveniently located.~~

~~3. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in NC1, NC2, NC3, C1 zones, and the SM zone for any new use that requires twenty (20) or more automobile parking spaces according to Chart A. Automobile service stations, and other drive-in businesses except restaurants with drive-in lanes, shall be exempted from this requirement. All bicycle parking facilities in the street right-of-way shall conform to Seattle Department of Transportation standards.~~

~~a. The number of required bicycle parking spaces shall be ten (10) percent of the number of required off-street auto parking spaces.~~

~~b. When any covered automobile parking is provided, all bicycle parking shall be covered.~~

~~4. Bicycle parking facilities accessory to nonresidential uses or live-work units shall be located on the lot or within eight hundred (800) feet of the lot. Bicycle parking accessory to residential uses shall be located on-site. Bicycle parking facilities shared by more than one (1) use are encouraged. When located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines. Chart A for Section 23.54.015 PARKING~~

#### Use Parking Requirements

~~Adult care center 1 space for each 10 adults (clients) or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)~~

~~Adult family home 1 space for each dwelling unit~~

~~Adult motion picture theater 1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats~~

~~Adult panoram 1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats~~

~~Airport, land-based (waiting 1 space for each 100 square feet area)~~

~~Airport, water-based (waiting 1 space for each 100 square feet area)~~

~~Animal services 1 space for each 350 square feet~~

~~Animal husbandry (retail area 1 space for each 350 square feet only)~~

~~Aquaculture (retail area only) 1 space for each 350 square feet~~

~~Artist's studio/dwelling 1 space for each dwelling unit~~

~~Assisted living facility 2 1 space for each 4 assisted living units plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space; plus loading berth requirements per Section 23.54.035~~

~~Automotive parts or accessory 1 space for each 350 square feet sales~~

~~Ball courts 1 space per court~~

~~Bed and breakfast 1 space for each dwelling, plus 1 space for each 2 guest rooms or suites~~

~~Bowling alley 5 spaces for each lane~~

~~Business support services 1 space for each 2,000 square feet~~

~~Business incubators 1 space for each 1,000 square feet~~

~~Carwash 1 space for each 2,000 square feet~~

~~Caretaker's quarters 1 space for each dwelling unit~~

~~Cargo terminal 1 space for each 2,000 square feet~~

Cemetery None

Child care center 1,9 1 space for each 10 children or 1 space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children

Colleges A number of spaces equal 15 percent of the maximum number of students present at peak hour; plus 30 percent of the number of employees present at peak hour; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities

Commercial laundries 1 space for each 2,000 square feet

Commercial moorage 1 space for each 140 lineal feet of moorage

Communication utilities 1 space for each 2,000 square feet

Community centers 1,2 and 1 space for each 80 square feet of floor Community clubs 1,2 area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts

Community centers owned and 1 space for each 555 square feet operated by the Seattle Department of Parks and Recreation (DOPAR) 1,2,3

Congregate residences 1 space for each 4 residents

Construction services 1 space for each 2,000 square feet

Custom and craft work 1 space for each 1,000 square feet

Dance halls (dance floor and 1 space for each 100 square feet table area)

Drinking establishment 1 space for each 200 square feet

Dry storage of boats 1 space for each 2,000 square feet

Family support centers located in 1 space for each 100 square feet community centers owned and operated by the Seattle DOPAR 3

Floating homes 1 space for each dwelling unit

Food processing for human 1 space for each 1,000 square feet consumption

Gas station 1 space for each 2,000 square feet

General retail sales and services 1 space for each 350 square feet

Ground-floor businesses in None, maximum of 10 spaces

multifamily zones

Heavy commercial services 1 space for each 2,000 square feet

Heliports (waiting area) 1 space for each 100 square feet

High-impact uses 1 space for each 1,500 square feet or as determined by the Director

Horticultural uses (retail area 1 space for each 350 square feet only)

Hospitals 1 1 space for each 2 staff doctors; plus 1 additional space for each 5 employees; plus 1 space for each 6 beds

Hotels 1 space for each 4 sleeping rooms or suites

Institute for advanced study 1 1 space for each 1,000 square feet of administrative offices and similar spaces; plus 1 space for each 10 fixed seats in all auditoria and public assembly rooms; or 1 space for each 100 square feet of public assembly area not containing fixed seats

Institutes for advanced study in 3.5 spaces for each 1,000 square feet of single-family zones (existing) office space; plus 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of actual conference rooms to be constructed, whichever is greater

Kennel 1 space for each 2,000 square feet

Lecture and meeting hall 1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats

Library 10 1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms

Live-work unit up to 2,500 square 1 space for each unit feet

Live-work unit greater than 2,500 1 space for each unit; plus the number of square feet spaces required for the commercial or manufacturing activity conducted in the unit, based on the most similar nonresidential use and subject to Section 23.54.015 E

Major durables, sales, service, 1 space for each 2,000 square feet and rental

Manufacturing, general 1 space for each 1,500 square feet

Manufacturing, heavy 1 space for each 1,500 square feet

Manufacturing, light 1 space for each 1,500 square feet

Marine service station 1 space for each 2,000 square feet

Medical services 1 space for each 350 square feet

Miniature golf 1 space for each 2 holes

Mini-warehouse 1 space for each 30 storage units

Mobile home park 1 space for each mobile home

Mortuary services 1 space for each 350 square feet

Motels 1 space for each sleeping room or suite

Motion picture studio 1 space for each 1,500 square feet

Motion picture theater 1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not

~~containing fixed seats~~

~~Multifamily uses, except as Development sites containing 2- 10 dwelling otherwise provided below<sup>13</sup> units: 1.1 spaces for each dwelling unit Development sites containing 11- 30 dwelling units: 1.15 spaces for each dwelling unit Development sites containing 31- 60 dwelling units: 1.2 spaces for each dwelling unit Development sites containing more than 60 dwelling units: 1.25 spaces for each dwelling unit In addition, for all multifamily uses whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units, exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and When at least 50 percent of the dwelling units in a multifamily use have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms shall be required; and Any multifamily use that contains a dwelling unit with 4 or more bedrooms shall be required to provide an additional .25 spaces per bedroom for each unit with 4 or more bedrooms<sup>5</sup> Multifamily uses, containing 1.5 spaces per unit with 2 or more dwelling units with 2 or more bedrooms. The requirement for units with 3 bedrooms, when within the area or more bedrooms contained above shall also impacted by the University of apply. All other requirements for units Washington as shown on Map A with fewer than 2 bedrooms shall be as following this section, unless contained above.<sup>5</sup> another provision below allows fewer parking spaces, except within the University District Northwest Urban Center Village<sup>13</sup>~~

~~Multifamily uses, when within the 1.5 spaces for each dwelling unit Alki area as shown on Map B following this section, unless another provision below allows fewer parking spaces<sup>13</sup>~~

~~Multifamily uses, for development 1 space for each dwelling unit sites that contain a total of 10 or fewer dwelling units, all in ground-related structures, except within the University District Northwest Urban Center Village<sup>13</sup>~~

~~Multifamily uses, when located in 0.33 space for each dwelling unit with 2 or Center City neighborhoods<sup>12</sup>, for fewer bedrooms, and 0.5 space for each each dwelling unit rented to and dwelling unit with 3 or more bedrooms occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by the United States Department of Housing and Urban Development ("HUD")<sup>14</sup>, for the life of the building<sup>13</sup>~~

~~Multifamily uses, when located in 0.5 space for each dwelling unit with 2 or Center City neighborhoods<sup>12</sup>, for fewer bedrooms, and 1 space for each each dwelling unit rented to and dwelling unit with 3 or more bedrooms occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by the HUD<sup>14</sup>, for the life of the building<sup>13</sup>~~

~~Multifamily uses, when located 0.33 space for each dwelling unit with 2 or outside of Center City fewer bedrooms, and 1 space for each neighborhoods<sup>12</sup>, for each dwelling unit with 3 or more bedrooms dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD<sup>14</sup>, for the life of the building<sup>13</sup>~~

~~Multifamily uses, when located 0.75 spaces for each dwelling unit outside of Center City neighborhoods<sup>12</sup>, for each dwelling unit with 2 or fewer bedrooms rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median family income, adjusted for household size, for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as defined by HUD<sup>14</sup>, for the life of the building<sup>13</sup>~~

~~Multifamily uses occupied by 1 space for each 6 dwelling units low-income elderly households<sup>13</sup>~~

~~Multifamily uses occupied by 1 space for each 4 dwelling units low-income disabled households<sup>13</sup>~~

~~Multifamily uses occupied by 1 space for each 5 dwelling units low-income elderly/low-income disabled households<sup>13</sup>~~

~~Multifamily uses, when within the 0.5 spaces for each dwelling unit First Hill Urban Center Village<sup>13</sup>~~

~~Multifamily uses when within the 1 space for each dwelling unit with 2 or fewer bedrooms 1.5 spaces for each dwelling unit with 3 or more bedrooms, plus .25 space for each bedroom in dwelling units with more than 3 bedrooms~~

~~Multifamily uses, when within the 1 space for each dwelling unit~~ Capitol Hill Urban Center Village<sup>13</sup>

~~Multifamily uses, when within the 1 space for each dwelling unit~~ Seattle Mixed zone, or the Pike/Pine Overlay District<sup>13</sup>

~~Multifamily uses, when within the 0.5 spaces for each dwelling unit~~ Pike/Pine Urban Center Village<sup>13</sup>

~~Multipurpose convenience store 1 space for each 350 square feet~~

~~Museum 1 1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; or 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public~~

~~Nonhousehold sales and services, 1 space for each 2,000 square feet except sales, service and rental of office equipment~~

~~Nursing homes 6 1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds~~

~~Office, administrative 1 space for each 1,000 square feet~~

~~Office, customer service 1 space for each 350 square feet~~

~~Outdoor storage 1 space for each 2,000 square feet~~

~~Parks None~~

~~Participant sports and 1 space for each 350 square feet recreation, indoor or outdoor, unless otherwise specified~~

~~Passenger terminals (waiting 1 space for each 100 square feet area)~~

~~Performing arts theater 1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats~~

~~Personal transportation services 1 space for each 2,000 square feet~~

~~Playgrounds None~~

~~Power plants 1 space for each 2,000 square feet~~

~~Private club 1 1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts~~

~~Railroad rights-of-way None~~

~~Railroad switchyard with or 1 space for each 2,000 square feet without mechanized hump~~

~~Recreational marinas 1 space for each 75 lineal feet of moorage~~

~~Recycling center 1 space for each 2,000 square feet~~

~~Recycling collection station~~ None

~~Religious facility~~ 1 1 space for each 80 square feet of all auditoria and public assembly rooms

~~Research and development~~ 1 space for each 1,000 square feet laboratory

~~Research and development~~ 1 space for each 1,500 square feet laboratory located within the South Lake Union Hub  
~~Urban Village~~

~~Restaurant~~ 1 space for each 200 square feet

~~Sale and rental of large boats~~ 1 space for each 2,000 square feet

~~Sale and rental of motorized~~ 1 space for each 2,000 square feet vehicles

~~Sale of boat parts and~~ 1 space for each 350 square feet accessories

~~Sale of heating fuel~~ 1 space for each 2,000 square feet

~~Sales, service and rental of~~ 1 space for each 2,000 square feet commercial equipment

~~Sales, service and rental of~~ 1 space for each 350 square feet office equipment

~~Salvage yard~~ 1 space for each 2,000 square feet

~~School, private elementary and~~ 1 space for each 80 square feet of all secondary 1,2 auditoria and public assembly rooms;  
~~or if no auditorium or assembly room,~~ 1 space for each staff member

~~School, public elementary and~~ 1 space for each 80 square feet of all secondary 1,2,7 auditoria or public assembly rooms;  
~~or 1 space for every 8 fixed seats in auditoria or public assembly rooms, containing fixed seats, for new public schools~~  
~~on a new or existing public school site~~

~~Sewage treatment plant~~ 1 space for each 2,000 square feet

~~Single-family dwelling units~~ 1 space for each dwelling unit

~~Skating rink (rink area)~~ 1 space for each 100 square feet

~~Solid waste transfer station~~ 1 space for each 2,000 square feet

~~Spectator sports facility~~ 1 1 space for each 10 fixed seats or 1 space for each 100 square feet of spectator assembly area  
~~not containing fixed seats~~

~~Sport range~~ 1 space for each 2 stations

~~Swimming pool (water area)~~ 1 space for each 150 square feet

~~Transit vehicle base~~ 1 space for each 2,000 square feet

~~Universities~~ 8 A number of spaces equal to 15 percent of the maximum number of students present at peak hour; plus 30  
~~percent of the number of employees present at peak hour; plus 1 space for each 100 square feet of spectator assembly~~  
~~area in outdoor spectator sports facilities~~



~~Utility service uses 1 space for each 2,000 square feet~~

~~Vehicle and vessel repair 1 space for each 2,000 square feet~~

~~Vocational or fine arts school 1 space for each 2 faculty plus full-time employees; plus 1 space for each 5 students (based on the maximum number of students in attendance at any one time)~~

~~Warehouse 1 space for each 1,500 square feet~~

~~Wholesale showroom 1 space for each 1,500 square feet~~

[Exhibit 23.54.015 A](#) Map A

[Exhibit 23.54.015 B](#) Map B

A. Minimum parking requirements. The minimum number of off- street motor vehicle parking spaces required for specific uses is set forth in Chart A for nonresidential uses other than institutional uses, Chart B for residential uses, and Chart C for institutional uses, except as otherwise provided in this Section and Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use within a structure and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking requirements set forth in this section are provided in subsection B and in Section 23.54.020, Parking quantity exceptions, unless otherwise specified.

B. Exceptions to Required Parking.

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this section;
2. No parking for motor vehicles is required for uses in commercial zones in urban centers and in the Station Area Overlay District, except that parking for fleet vehicles is required;
3. Parking for major institution uses is regulated by Section 23.54.016 and not by this Section;
4. Parking for motor vehicles for uses located in the Northgate Overlay District is regulated by Section 23.71.016 and not by this Section; and
5. No parking is required for business establishments permitted in multifamily zones.

C. Maximum parking limits.

1. In the Stadium Transition Area Overlay District certain uses are subject to a maximum parking ratio pursuant to subsection 23.74.010A1b. When there are multiple uses on a lot, the total parking requirement for all uses subject to a maximum ratio cannot exceed the aggregate maximum for those uses under Section 23.74.010.
2. In all commercial zones, except C2 zones outside of urban villages, no more than one hundred forty-five (145) spaces per lot may be provided as surface parking.
3. In all multifamily zones, no more than ten (10) parking spaces may be provided per business establishment.

D. Parking waivers for nonresidential uses.

1. In pedestrian-designated zones, parking is waived for uses listed on Chart D. The parking waivers permitted in Chart D apply to each business establishment on a lot.
  - a. Additional parking waivers beyond those in Chart D may be permitted as a special exception for the following uses:

(1) Eating and drinking establishments, up to a maximum waiver of five thousand (5,000) square feet; and

(2) Motion picture theaters, up to a maximum waiver of three hundred (300) seats.

b. The following factors will be considered by the Director in determining whether to permit additional parking waivers:

(1) Anticipated parking demand for the proposed use;

(2) The extent to which an additional parking waiver is likely to create or add significantly to spillover parking in adjacent residential areas;

(3) The availability of shared parking within eight hundred (800) feet of the business; and

(4) Whether land is available for parking without demolishing an existing commercial structure, displacing a commercial use, or rezoning property to commercial.

2. In all other commercial zones and in pedestrian designated zones for uses not listed in Chart D, no parking is required for the first one thousand five hundred (1,500) square feet of each business establishment.

3. In all other zones, no parking is required for the first two thousand five hundred (2,500) square feet of gross floor area of nonresidential uses in a structure, except for the following:

a. structures or portions of structures occupied by restaurants with drive-in lanes,

b. motion picture theaters,

c. offices, or

d. institutional uses, including Major Institution uses.

When two or more uses with different parking ratios occupy a structure, the twenty-five thousand (2,500) square foot waiver is prorated based on the area occupied by the nonresidential uses for which the parking waiver is permitted.

E. Fleet vehicles. Notwithstanding any other provisions of this section, off-street parking shall be provided for all fleet vehicles and those parking spaces will not be counted toward the parking requirements of Chart A, Chart B, or Chart C.

F. Use and reuse of schools. For non-school uses permitted to locate in a former or existing public school, parking requirements will be determined by school use pursuant to criteria adopted according to Chapter 23.78, Establishment of Criteria for Joint Use or Reuse of Schools.

G. New nonresidential uses in existing structures. Up to twenty (20) required parking spaces are waived for a new nonresidential use established in an existing structure or the expansion of an existing nonresidential use entirely within an existing structure. For purposes of this section, "existing structure" means a structure that was established under permit, or for which a building permit has been granted and has not expired, at least two (2) years prior to the application to establish the new use or expand the use.

H. Uses not shown on parking charts. In the case of a use not shown on Chart A, Chart B, or Chart C, the requirements for off- street parking will be determined by the Director based on the requirements for the most comparable use. Where, in the judgment of the Director, none of the uses on Chart A, Chart B, and Chart C are comparable to a proposed use, the Director may base his or her determination as to the amount of parking required for the proposed use on detailed information provided by the applicant. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

- I. Uses in multiple parking chart categories. If an entire use or structure, or the same portion of a use or structure, falls under more than one category in Chart A, Chart B or Chart C then, unless otherwise specified, the category requiring the smallest number of parking spaces applies except as expressly set forth on such charts.
- J. Existing parking deficits. Existing legal parking deficits of legally established uses are allowed to continue even if a change of use occurs. This subsection will not be construed to permit a parking deficit caused by the failure to satisfy conditions of a reduced parking requirement for any use or structure.
- K. Bicycle parking. The minimum number of off-street parking spaces for bicycles required for specified uses is set forth in Chart E. In the case of a use not shown on Chart E, there is no minimum bicycle parking requirement. The minimum requirements are based upon gross floor area of the use in a structure, or the square footage of the use when located outside of an enclosed structure, or as otherwise specified.
1. After the first fifty (50) spaces for bicycles are provided, additional spaces are required at one half (1/2) the ratio shown in Chart E, except for rail transit facilities; passenger terminals; and park and ride lots. Spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.
  2. Required bicycle parking shall be provided in a safe, accessible and convenient location. Bicycle parking hardware shall be installed so that it can perform to its manufacturer's specifications and any design criteria promulgated by the Director of Transportation, allowing adequate clearance for bicycles and their riders. Directional signage shall be installed when bike parking facilities are not clearly visible from the street or sidewalk. When any covered automobile parking is provided, all required long-term bicycle parking shall be covered. When located off-street, bicycle and automobile parking areas must be separated by a barrier or painted lines.
  3. Long-term parking for bicycles shall be for bicycles parked four (4) hours or more. Short-term parking for bicycles shall be for bicycles parked less than four (4) hours.
  4. Bicycle parking required for residential uses must be located on-site.
  5. Bicycle parking facilities shared by more than one use are encouraged.
  6. Bicycle parking facilities required for nonresidential uses shall be located on the lot or in a shared bicycle parking facility within one hundred (100) feet of the lot, except as provided in subsection 7 below.
  7. Bicycle parking may be located in a facility within one hundred (100) feet of the lot that is not a shared bicycle parking facility, or the applicant may make a payment to the City to fund public bicycle parking in lieu of providing required on-site bicycle parking, if the Director determines that:
    - a. Safe, accessible and convenient bicycle parking accessory to a nonresidential use cannot be provided on-site or in a shared bicycle parking facility within one-hundred (100) feet of the lot, without extraordinary physical or financial difficulty;
    - b. The payment is comparable to the cost of providing the equivalent bicycle parking on-site, and takes into consideration the cost of materials, equipment and labor for installation;
    - c. The bicycle parking funded by the payment is located within sufficient proximity to serve the bicycle parking demand generated by the project; and
    - d. Construction of the bicycle parking funded by the payment is assured before issuance of a certificate of occupancy for the development.

Chart A for Section 23.54.015

## PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS

Chart A for Section 23.54.015 PARKING FOR NONRESIDENTIAL USES OTHER THAN INSTITUTIONS

Use Minimum parking required

A. AGRICULTURAL USES 1 space for each 2,000 square feet

B. COMMERCIAL USES

B.1. Animal shelters and kennels 1 space for each 2,000 square feet

B.2. Eating and drinking 1 space for each 250 square feet establishments

B.3. Entertainment Uses (1) 1 space for each 8 fixed seats, or 1 space for each 100 square feet of public assembly area not containing fixed seats

B.4. Food processing and craft work 1 space for each 2,000 square feet

B.5. Laboratories, research and 1 space for each 1,500 square development feet

B.6. Lodging uses 1 space for each 4 rooms; For bed and breakfast facilities in single family and multifamily zones, 1 space for each dwelling unit, plus 1 space for each 2 guest rooms

B.7. Medical services 1 space for each 500 square feet

B.8. Offices 1 space for each 1,000 square feet

B.9. Sales and services, automotive 1 space for each 2,000 square feet

B.10. Sales and services, general, 1 space for each 500 square feet except as noted below

B.10.a. Pet Daycare Centers (2) 1 space for each 10 animals or 1 space for each staff member, which ever is greater; plus 1 loading and unloading space for each 20 animals.

B.11. Sales and services, heavy 1 space for each 2,000 square feet

B.12. Sales and services, marine 1 space for each 2,000 square feet

C. HIGH IMPACT USES 1 space for each 2,000 square feet

D. LIVE-WORK UNITS 1 space for each unit, plus if the unit exceeds 2,500 square feet, the parking requirement for the use most similar to the nonresidential space

E. MANUFACTURING USES 1 space for each 2,000 square feet

F. STORAGE USES 1 space for each 2,000 square feet

G. TRANSPORTATION FACILITIES

G.1. Cargo terminals 1 space for each 2,000 square feet

G.2. Parking and moorage

G.2.a. Principal use parking None

G.2.b. Towing services None

G.2.c. Boat moorage 1 space for each 2 berths

G.2.d. Dry storage of boats 1 space for each 2,000 square feet

G.3. Passenger terminals 1 space for each 100 square feet of waiting area

G.4. Rail transit facilities None

G.5. Transportation facilities, air 1 space for each 100 square feet of waiting area

G.6. Vehicle storage and maintenance 1 space for each 2,000 square uses feet

H. UTILITIES 1 space for each 2,000 square feet

(1) Required parking for spectator sports facilities or exhibition halls must be available when the facility or exhibition hall is in use. A facility shall be considered to be "in use" during the period beginning three (3) hours before an event is scheduled to begin and ending one (1) hour after a scheduled event is expected to end. For sports events of variable or uncertain duration, the expected event length shall be the average length of the events of the same type for which the most recent data are available, provided it is within the past five (5) years. During an inaugural season, or for nonrecurring events, the best available good faith estimate of event duration will be used. A facility will not be deemed to be "in use" by virtue of the fact that administrative or maintenance personnel are present. The Director may reduce the required parking for any event when projected attendance for a spectator sports facility is certified to be fifty (50) percent or less of the facility's seating capacity, to an amount not less than that required for the certified projected attendance, at the rate of one (1) space for each ten (10) fixed seats of certified projected attendance. An application for reduction and the certification shall be submitted to the Director at least fifteen (15) days prior to the event. When the event is one of a series of similar events, such certification may be submitted for the entire series fifteen (15) days prior to the first event in the series. If the Director finds that a certification of projected attendance of fifty (50) percent or less of the seating capacity is based on satisfactory evidence such as past attendance at similar events or advance ticket sales, the Director shall, within fifteen (15) days of such submittal, notify the facility operator that a reduced parking requirement has been approved, with any conditions deemed appropriate by the Director to ensure adequacy of parking if expected attendance should change. The parking requirement reduction may be applied for only if the goals of the facility's Transportation Management Plan are otherwise being met. The Director may revoke or modify a parking requirement reduction approval during a series, if projected attendance is exceeded. (2) The amount of required parking is calculated based on the maximum number of staff or animals the center is designed to accommodate.

Chart B for Section 23.54.015 PARKING FOR RESIDENTIAL USES

Use Minimum parking required

A. General Residential Uses

A. Adult family homes 1 space for each dwelling unit

B. Artist's studio/dwellings 1 space for each dwelling unit

C. Assisted living facilities 1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space

D. Caretaker's Quarters 1 space for each dwelling unit

E. Congregate residences 1 space for each 4 residents

F. Floating homes 1 space for each dwelling unit

G. Mobile home parks 1 space for each mobile home lot as defined in Chapter 22.904

H. Multifamily structures, Lots containing: except as provided in 2-10 dwelling units: 1.1 spaces for each Sections B or C of this dwelling unit chart (1) (2) 11-30 dwelling units: 1.15 spaces for each dwelling unit 31-60 dwelling units: 1.2 spaces for each dwelling unit More than 60 dwelling units: 1.25 spaces for each dwelling unit In addition, for all multifamily structures whose average gross floor area per dwelling unit, excluding decks and all portions of a structure shared by multiple dwelling units, exceeds 500 square feet, an additional .0002 spaces per square foot in excess of 500 shall be required up to a maximum additional .15 spaces per dwelling unit; and When at least 50 percent of the dwelling units in a multifamily structure have 3 bedrooms, an additional .25 spaces per bedroom for each unit with 3 bedrooms; and When a multifamily structure contains a dwelling unit with 4 or more bedrooms, an additional .25 spaces per bedroom for each unit with 4 or more bedrooms

I. Nursing homes (3) 1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds

J. Single-family dwelling 1 space for each dwelling unit units

B. Residential or Multifamily Requirements with Location Criteria

K. Residential uses in No minimum requirement commercial zones within urban centers and Station Area Overlay District

L. Residential uses in 1 space for each dwelling unit commercial zones (1)

M. Multifamily structures For units with less than two bedrooms, as within the University of required in row H. Washington parking impact 1.5 spaces per unit with 2 or more area shown on Map A (1) bedrooms; plus .25 spaces per bedroom for units with 3 or more bedrooms

N. Multifamily structures 1 space for each dwelling unit with 2 or within multifamily zones in fewer bedrooms; the University District 1.5 spaces for each dwelling unit with 3 Northwest Urban Center or more bedrooms, plus Village (1) .25 spaces for each bedroom in dwelling units with more than 3 bedrooms

O. Multifamily structures, 1.5 spaces for each dwelling unit within the Alki area shown on Map B following this section (1)

P. Multifamily structures, on 1 space for each dwelling unit lots that contain a total of 10 or fewer dwelling units, all in ground-related structures, except within the University District Northwest Urban Center Village (1)

Q. Multifamily structures, 1 space for each dwelling unit within multifamily zones in the Capitol Hill Urban Center Village (1)

R. Multifamily structures, 0.5 spaces for each dwelling unit within multifamily zones in the First Hill or Pike/Pine Urban Center Villages (1)

C. Multifamily Requirements with Income Criteria or Location Criteria and Income Criteria

S. Multifamily structures 0.33 space for each dwelling unit with 2 located in multifamily or fewer bedrooms, and zones in the Capitol Hill, 0.5 space for each dwelling unit with 3 First Hill, Pike/Pine, or more bedrooms South Lake Union, 12th Avenue and Uptown Urban Center Villages: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income (4), for the life of the building (1)

T. Multifamily structures 0.5 space for each dwelling unit with 2 located in multifamily or fewer bedrooms, and zones in the Capitol Hill, 1 space for each dwelling unit with 3 or South Lake Union, 12th more bedrooms Avenue and Uptown Urban Center Villages: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income (4), for the life of the building (1)

U. Multifamily structures 0.33 space for each dwelling unit with 2 located outside of or fewer bedrooms, and 1 space for each commercial zones in urban dwelling unit with 3 or more bedrooms centers: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income (4), for the life of the building (1)

V. Multifamily structures 0.75 spaces for each dwelling unit located outside of commercial zones in urban centers: for each dwelling unit with 2 or fewer bedrooms rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income (4), for the life of the building (1)

W. Low-income elderly 1 space for each 6 dwelling units multifamily structures (1) (4)

X. Low-income disabled 1 space for each 4 dwelling units multifamily structures (1) (4)

Y. Low-income 1 space for each 5 dwelling units elderly/low-income disabled multifamily structures (1) (4)

(1) The general requirements of line H of Chart B for multifamily structures are superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement under any other multifamily provision. To the extent that a multifamily structure fits within more than one line in Chart B, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section B of Chart B requires more parking than line H, the parking requirement in line H does not apply. The different parking requirements

listed for certain categories of multifamily structures shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title.

(2) Parking spaces required for multifamily structures may be provided as "tandem parking" spaces according to subsection B of Section 23.54.020.

(3) For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015.

(4) Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily use or structure, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Office of Records and Elections a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.

Exhibit for Chart A, Section 23.54.015 [Exhibit 23.54.015 A](#)

Map A - University District Parking Impact Area

[Exhibit 23.54.015 B](#) Map B - Alki Area Parking Overlay

Chart C for Section 23.54.015 PARKING FOR PUBLIC USES AND INSTITUTIONS

Chart C for Section 23.54.015 PARKING FOR PUBLIC USES AND INSTITUTIONS

Use Minimum parking required

- A. Adult care centers (1), 1 space for each 10 adults (clients) or 1 (2) space for each staff member, whichever is greater; plus 1 loading and unloading space for each 20 adults (clients)
- B. Child care centers (1), 1 space for each 10 children or 1 space for (2), (3) each staff member, whichever is greater; plus 1 loading and unloading space for each 20 children
- C. Colleges A number of spaces equal to 15 percent of the maximum number of students that the facility is designed to accommodate; plus 30 percent of the number of employees the facility is designed to accommodate; plus 1 space for each 100 square feet of spectator assembly area in outdoor spectator sports facilities
- D. Community centers owned 1 space for each 555 square feet; or and operated by the For family support centers, 1 space for each Seattle Department of 100 square feet Parks and Recreation (DOPAR) (1), (4)
- E. Community clubs, and 1 space for each 80 square feet of floor area community centers not of all auditoria and public assembly rooms not owned and operated by containing fixed seats; plus DOPAR (1), (5) 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
- F. Hospitals 1 space for each 2 staff doctors; plus 1 additional space for each 5 employees other than staff doctors; plus 1 space for each 6 beds
- G. Institutes for advanced 1 space for each 1,000 square feet of offices study, except as and similar spaces; plus provided in line H 1 space for each 10 fixed seats in all below auditoria and public assembly rooms; or 1 space for each 100 square feet of public assembly area not containing fixed seats
- H. Institutes for advanced 3.5 spaces for each 1,000 square feet of study in single family office space; plus zones (existing) (1) 10 spaces for each 1,000 square feet of additional building footprint to house and support conference center activities; or 37 spaces for each 1,000 square feet of conference room space, whichever is greater
- I. Libraries (1) (6) 1 space for each 80 square feet of floor area of all auditoria and public meeting rooms; plus 1 space for each 500 square feet of floor area, excluding auditoria and public meeting rooms
- J. Museums 1 space for each 80 square feet of all auditoria and public assembly rooms, not containing fixed seats; plus 1 space for every 10 fixed seats for floor area containing fixed seats; plus 1 space for each 250 square feet of other gross floor area open to the public
- K. Private clubs 1 space for each 80 square feet of floor area of all auditoria and public assembly rooms not containing fixed seats; or 1 space for every 8 fixed seats for floor area containing fixed seats; or if no auditorium or assembly room, 1 space for each 350 square feet, excluding ball courts
- L. Religious facilities 1 space for each 80 square feet of all (1) auditoria and public assembly rooms
- M. Schools, private 1 space for each 80 square feet of all elementary and auditoria and public assembly rooms, or secondary (1) if no auditorium or assembly room, 1 space for each staff member
- N. Schools, public 1 space for each 80 square feet of all elementary and auditoria or public assembly rooms, or secondary (7) (8) 1 space for every 8 fixed seats in auditoria or public assembly rooms containing fixed seats, for new public schools on a new or existing public school site
- O. Vocational or fine arts 1 space for each 2 faculty that the facility schools is designed to accommodate; plus 1 space for each 2 full-time employees other than faculty that the facility is designed to accommodate; plus 1 space for each 5 students, based on the maximum number of students that the school is designed to accommodate

(1) When this use is permitted in a single-family zone as a conditional use, the Director may modify the parking



requirements pursuant to Section 23.44.022; when the use is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122. The Director, in consultation with the Director of the Seattle Department of Transportation, may allow adult care and child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists.

(2) The amount of required parking is calculated based on the maximum number of staff, children, or clients that the center is designed to accommodate on site at any one time.

(3) A child care facility, when co-located with an assisted living facility, may count the passenger load/unload space required for the assisted living facility toward its required passenger load/unload spaces.

(4) When family support centers are located within community centers owned and operated by DOPAR, the Director may lower the combined parking requirement by up to a maximum of fifteen (15) percent, pursuant to Section 23.54.020 I.

(5) Indoor gymnasiums shall not be considered ball courts, nor shall they be considered auditoria or public assembly rooms unless they contain bleachers (fixed seats). If the gymnasium contains bleachers, the parking requirement for the entire gymnasium shall be one (1) parking space for every eight (8) fixed seats. Each twenty (20) inches of width of bleachers shall be counted as one (1) fixed seat for the purposes of determining parking requirements. If the gymnasium does not contain bleachers and is in a school, there is no parking requirement for the gymnasium. If the gymnasium does not contain bleachers and is in a community center, the parking requirement shall be one (1) space for each three hundred fifty (350) square feet.

(6) When a library is permitted in a single-family zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.44.022; when a library is permitted in a multifamily zone as a conditional use, the Director may modify the parking requirements pursuant to Section 23.45.122; and when a library is permitted in a commercial zone, the Director may modify the parking requirements according to Section 23.44.022 L.

(7) For public schools, when an auditorium or other place of assembly is demolished and a new one built in its place, parking requirements shall be determined based on the new construction. When an existing public school on an existing public school site is remodeled, additional parking is required if any auditorium or other place of assembly is expanded or additional fixed seats are added. Additional parking is required as shown on Chart A for the increase in floor area or increase in number of seats only. If the parking requirement for the increased area or seating is ten (10) percent or less than that for the existing auditorium or other place of assembly, then no additional parking shall be required.

(8) Development standard departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to reduce the required or permitted number of parking spaces.

#### Chart D for Section 23.54.015 PARKING WAIVERS FOR PEDESTRIAN-DESIGNATED ZONES

##### Use Parking waivers (1)

A. General sales and service uses; NC1 zones - Parking waived for first Medical service uses; 4,000 square feet of each business Lodging uses; and establishment Entertainment uses, except motion NC2 and NC3 zones - Parking waived for picture theaters first 5,000 square feet of each business establishment

B. Motion picture theaters Parking waived for first 150 seats

C. Eating and drinking NC1, NC2 and NC3 - Parking waived for

establishments first 2,500 square feet of each business establishment

(1) Additional parking waiver up to the limits in subsection 23.54.015 D1a may be permitted as a special exception according to criteria of subsection 23.54.015 D1b.

Chart E for Section 23.54.015 PARKING FOR BICYCLES (1)

Bike Parking Requirements

Use Long-term Short-term

A. COMMERCIAL USES

1. Eating and drinking 1 per 12,000 sq ft 1 per 4,000 sq ft; establishments 1 per 2,000 sq ft in UC/SAO (2)
2. Entertainment Uses 1 per 12,000 sq ft 1 per 40 seats and 1 per 1000 sq ft of non-seat area; 1 per 20 seats and 1 per 1,000 sq ft of non-seat area in UC/SAO(2)
3. Lodging Uses 1 per 20 rentable rooms 2
4. Medical services 1 per 12,000 sq ft 1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)
5. Offices and 1 per 4,000 sq ft; 1 per 40,000 sq ft. Laboratories, research 1 per 2,000 sq ft in and Development UC/SAO (2)
6. Sales and services, 1 per 12,000 sq ft 1 per 4,000 sq ft; general 1 per 2,000 sq ft in UC/SAO (2)
7. Sales and services, 1 per 4,000 sq ft 1 per 40,000 sq ft. heavy

B. INSTITUTIONS

- B.1. Institutions not listed 1 per 4,000 sq ft; 1 per 40,000 sq ft. below 1 per 2,000 sq ft in UC/SAO (2)
- B.2. Child care centers 1 per 4,000 sq ft 1 per 40,000 sq ft.
- B.3. Colleges A number of spaces equal None to ten (10) percent of the maximum students present at peak hour plus five (5) percent of employees.
- B.4. Community clubs or 1 per 4,000 sq ft 1 per 4,000 sq ft centers
- B.5. Hospitals 1 per 4,000 sq ft; 1 per 40,000 sq ft. 1 per 2,000 sq ft in UC/SAO (2)
- B.6. Libraries 1 per 4,000 sq ft 1 per 4,000 sq ft; 1 per 2,000 sq ft in UC/SAO (2)
- B.7. Museums 1 per 4,000 sq ft 1 per 4,000 sq ft
- B.8. Religious facilities 1 per 12,000 sq ft 1 per 40 seats or 1 per 1000 sq ft of non-seat area
- B.9. Schools, elementary 1 per classroom None
- B.10. Schools, secondary 2 per classroom None (middle and high)
- B.11. Vocational or fine arts A number of spaces equal None schools to ten (10) percent of the maximum students present at peak hour plus five (5) percent of employees.

C. MANUFACTURING USES 1 per 4,000 sq ft None

D. RESIDENTIAL USES

D.1. Congregate residences 1 per 20 residents None

D.2. Multi-family structures 1 per 4 units None

E. TRANSPORTATION FACILITIES

E.1. Park and ride lots At least 20 (3) None

E.2. Principal use parking 1 per 20 auto spaces None except Park and ride lots

E.3. Rail transit facilities At least 20 (3) None and Passenger terminals

(1) If a use is not shown on this Chart E, there is no minimum bicycle parking requirement. (2) For the purposes of this chart, UC/SAO means urban centers or the Station Area Overlay District. (3) The Director in consultation with the Director of Transportation may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and, other relevant transportation and land use information.

Section 69. The introductory subsection and Subsection B of Section 23.54.016 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, are amended as follows:

23.54.016 Major Institutions -- Parking and transportation.

Major Institution uses ~~shall be~~ are subject to the following transportation and parking requirements:

\* \* \*

B. Parking Quantity Required. The minimum number of parking spaces required for a Major Institution shall be as follows:

1. Long-term Parking.

a. Medical Institutions. A number of spaces equal to eighty (80) percent of hospital-based doctors; plus twenty-five (25) percent of staff doctors; plus thirty (30) percent of all other employees present at peak hour;

b. Educational Institutions. A number of spaces equal to

fifteen (15) percent of the maximum students present at peak hour, excluding resident students; plus thirty (30) percent of employees present at peak hour; plus twenty-five (25) percent of the resident unmarried students; plus one (1) space for each married student apartment unit.

2. Short-term Parking.

a. Medical Institutions. A number of spaces equal to one (1) space per six (6) beds; plus one (1) space per five (5) average daily outpatients;

b. Educational Institutions. A number of spaces equal to five (5) percent of the maximum students present at peak hour excluding resident students.

3. Additional Short-term Parking Requirements. When one (1) of the following uses is a Major Institution use, the following additional short-term parking requirements shall be met. Such requirements may be met by joint use of parking areas and facilities if the Director determines that the uses have different hours of operation according to

Section 23.54.020 G:

- a. Museum. One (1) space for each two hundred fifty (250) square feet of public floor area;
- b. Theater, Auditorium, or Assembly Hall. One (1) space for each two hundred (200) square feet of audience assembly area not containing fixed seats, and one (1) space for every ten (10) seats for floor area containing fixed seats;
- c. Spectator Sports Facility Containing Fewer than Twenty Thousand (20,000) Seats. One (1) space for each ten (10) permanent seats and one (1) space for each one hundred (100) square feet of spectator assembly area not containing fixed seats;
- d. Spectator Sports Facility Containing Twenty Thousand (20,000) or More Seats. One (1) space for each ten (10) permanent seats and one (1) bus space for each three hundred (300) permanent seats.

4. Bicycle Parking. Bicycle parking meeting the development standards of ~~Section 23.54.015 I4~~ subsections 23.54.015 K2-6 and subsection D2 of this section shall be provided in the following quantities:

- a. Medical Institutions. A number of spaces equal to two (2) percent of employees, including doctors, present at peak hour;
- b. Educational Institutions. A number of spaces equal to ten (10) percent of the maximum students present at peak hour plus five (5) percent of employees.

If at the time of application for a master use permit, the applicant can demonstrate that the bicycle parking requirement is inappropriate

for a particular institution because of topography, location, nature of the users of the institution or other reasons, the Director may modify the bicycle parking requirement.

5. Parking Deficits. In addition to providing the minimum required parking for a new structure, five (5) percent of any vehicular or bicycle parking deficit as determined by the minimum requirements of this subsection, existing on the effective date of the ordinance codified in this section, shall be supplied before issuance of a certificate of occupancy.

\* \* \*

Section 70. Section 23.54.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 122054, is amended as follows:

23.54.020 Parking quantity exceptions.

The parking quantity exceptions set forth in this section ~~shall~~ apply in all zones except downtown zones, which are regulated by Section 23.49.019, and Major Institution Overlay Districts ~~zones~~, which are regulated by Section 23.54.016.

A. Adding Units to Existing Structures in Multifamily and Commercial Zones.

1. For the purposes of this section, "existing structures" ~~means~~ shall be those structures ~~that which~~ were established under permit, or for which a permit has been granted and has not expired as of the ~~effective~~ applicable date of the ~~applicable chapter of this Land Use Code~~, as follows:

- a. In multifamily zones, August 10, 1982;
- b. In commercial zones, June 9, 1986.

2. If an existing residential structure in a multifamily or commercial zone has parking ~~which~~that meets the development standards, and the lot area is not increased, one (1) unit may be added without additional parking. If two (2) units are added, one (1) space will be required; three (3) units will require two (2) spaces, etc. Additional parking must meet all development standards for the particular zone.

3. In a Lowrise Duplex/Triplex zone:

a. When an existing residential structure provides less than one (1) parking space per unit, one (1) parking space ~~is shall~~ be required for each additional dwelling unit when dwelling units are added to the structure or the structure is altered to create additional dwelling units;

b. When an existing nonresidential structure is partially or completely converted to residential use, then no parking space shall be required for the first new dwelling unit, provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical. Additional parking provided shall meet all development standards for the Lowrise Duplex/Triplex zone.

~~4. If an existing structure does not conform to the development standards for parking, or is occupied by a nonconforming use, when:~~

~~-- Dwelling units are added to the structure; or~~

~~-- The structure is altered to create additional dwelling units; or~~

~~-- The structure is completely converted to residential use, then no parking space need be provided for the first new or added dwelling unit, provided that the lot area is not increased and existing parking is screened and landscaped to the greatest extent practical. Additional parking provided shall meet all development standards for the particular zone. This exception shall not apply in Lowrise Duplex/Triplex zones.~~

4. If an existing structure does not conform to the development standards for parking, or is occupied by a nonconforming use, no parking space is required for the first new or added dwelling unit, provided:

a. The lot area is not increased and existing parking is screened and landscaped to the greatest extent practical.

b. Additional parking provided shall meet all development standards for the particular zone.

c. This exception shall not apply in Lowrise Duplex/Triplex zones.

B. Tandem Parking in Multifamily Structures.

1. Off-street parking required for multifamily structures may be provided as tandem parking, as defined in Section 23.54.030. A tandem parking space shall equal counts as one and one-half (1 1/2) parking spaces, except as provided in subsection B2

below, and shall must meet the minimum size requirements of subsection A of Section 23.54.030.

2. ~~A~~When a minimum of at least one (1) parking space per multifamily dwelling unit in a multifamily structure is required, the total number of parking spaces provided, counting each tandem parking space as one space, may not be less than the total number of dwelling units whether provided as a regular space or as a tandem space .

C. Parking Exception for Landmark Structures. The Director may reduce or waive the minimum accessory off-street parking requirements for a use permitted in a Landmark structure, or when a Landmark structure is completely converted to residential use according to Sections 23.42.108 or 23.45.006, or for a use in a Landmark district ~~which~~that is located in a commercial zone, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

1. In making any such reduction or waiver, the Director ~~will~~ shall assess area parking needs. The Director may require a survey of on- and off-street parking availability. The Director may take into account the level of transit service in the immediate area; the ~~probably~~ relative importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operation; and any other factor or factors considered relevant in determining parking impact.

2. The Director may also consider the types and scale of uses proposed or practical in the Landmark structure, and the controls imposed by the Landmark designation.

3. ~~Such a reduction or waiver may be allowed if~~ For conversion of structures to residential use, only if the Director ~~shall~~ also determines that there is no feasible way to meet parking requirements on the lot.

D. Expansion of Existing Nonresidential Uses in Commercial Zones ~~and in the Seattle Mixed (SM) Zone~~. In commercial zones ~~and within the Seattle Mixed (SM) zone~~ additional parking spaces for nonresidential uses ~~are~~ shall not be required for the expansion of existing structures if the minimum parking requirement would not be increased by more than ten (10) percent. If the minimum parking requirement would be increased by more than ten (10) percent, the parking spaces required for the entire expansion shall be provided. This ~~exception provision~~ may be used only once for any individual structure.

E. Reductions to required parking in pedestrian-designated ~~commercial zones are~~ shall be permitted according to the provisions of Section 23.54.015 ~~Chart D23.47.044. Further reductions to required parking for nonresidential use in the Seattle Mixed (SM) zone shall be permitted according to the provisions of Section 23.48.032 E.~~

F. Reductions to Minimum Parking Requirements for Nonresidential Uses.

1. Reductions to minimum parking requirements permitted by this subsection ~~will~~ shall be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection ~~may~~ shall not exceed forty (40) percent.

2. Transit Reduction.

a. In ~~NC zones and C commercial~~ zones, except pedestrian-designated zones, and in the Seattle Mixed (SM) zone, except on Class 1 Pedestrian Streets, the minimum parking requirement for a nonresidential use, except institutions, may be reduced by twenty (20) percent when the use is located within eight hundred (800) feet of a street with midday transit service headways of fifteen (15) minutes or less in each direction. This distance ~~will~~ shall be the walking distance measured from the nearest bus stop to the property line of the lot containing the use.

b. In industrial zones, the minimum parking requirement for a nonresidential use may be reduced by fifteen (15) percent when the use is located within eight hundred (800) feet of a street with peak transit service headways of fifteen (15) minutes or less in each direction. This distance ~~will~~ shall be the walking distance measured from the nearest bus stop to the property line of the lot containing the use.

3. Substitution of Alternative Transportation. For new or expanding ~~administrative~~ offices or manufacturing uses ~~that~~ which require forty (40) or more parking spaces, the minimum parking requirement may be reduced up to a maximum of forty (40) percent by the substitution of alternative transportation programs, according to the following provisions:

a. For every certified carpool space accompanied by a cash fee, performance bond or alternative guarantee acceptable to the Director, the total parking requirement ~~will~~ shall be reduced by one and nine-tenths (1 9/10) spaces, up to a maximum of forty (40) percent of the parking requirement. The Director ~~will~~ shall consult with the Seattle Rideshare Office in certifying carpool spaces and the location of carpool parking.

b. For every certified vanpool purchased or leased by the applicant for employee use, or equivalent cash fee for purchase of a van by the public ridesharing agency, the total parking requirement ~~will~~ shall be reduced by six (6) spaces, up to a

maximum of twenty (20) percent of the parking requirement. Before a certificate of occupancy may be issued, details of the vanpool program shall be ~~specified spelled out~~ in a Memorandum of Agreement executed between the proponent, the Director, and the Seattle Rideshare Office.

- c. If transit or transportation passes are provided with a fifty (50) percent or greater cost reduction to all employees in a proposed structure for the duration of the business establishment(s) within it, or five (5) years, whichever is less, and if transit service is located within eight hundred (800) feet, the parking requirement shall be reduced by ten (10) percent. With a twenty-five (25) percent to forty-nine (49) percent cost reduction, and if transit service is located within eight hundred (800) feet, the parking requirement shall be reduced by five (5) percent.
- d. For every four (4) covered bicycle parking spaces provided, the total parking requirement shall be reduced by one (1) space, up to a maximum of five (5) percent of the parking requirement, provided that there is access to an arterial over improved streets.

## G. Shared Parking.

### 1. Shared Parking, General Provisions.

- a. Shared parking ~~is shall be~~ allowed between two (2) or more uses to satisfy all or a portion of the minimum off- street parking requirement of those uses as provided in subsections G2 and G3.
- b. Shared parking ~~is shall be~~ allowed between different categories of uses or between uses with different hours of operation, but not both.
- c. A use for which an application is being made for shared parking ~~must shall~~ be located within eight hundred (800) feet of the parking.
- d. No reduction to the parking requirement ~~may shall~~ be made if the proposed uses have already received a reduction through the provisions for cooperative parking, subsection H.
- e. ~~The r~~Reductions to parking permitted through shared use of parking ~~will shall~~ be determined as a percentage of the minimum parking requirement as modified by the reductions permitted in subsections A though F.
- f. An agreement providing for the shared use of parking, executed by the parties involved, ~~must shall~~ be filed with the Director. Shared parking privileges ~~will shall~~ continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking ~~must shall~~ be provided as otherwise required by this chapter.

### 2. Shared Parking for Different Categories of Uses.

- a. A business establishment may share parking according to only one ~~(1)~~ of the following subsections G2b, G2c or G2d.
- b. If an office use shares parking with one of the following uses: ~~and a retail sales and service use share parking,~~
  - (1) general sales and services,
  - (2) heavy sales and services uses,
  - (3) eating and drinking establishments,
  - (4) lodging uses,
  - (5) entertainment,

(6) medical services,

(7) animal shelters and kennels,

(8) automotive sales and services, or

(9) maritime sales and services;

the parking requirement for the ~~non-office~~retail sales and service use may be reduced by twenty (20) percent, provided that the reduction ~~will~~shall not exceed the minimum parking requirement for the office use.

c. If a residential use shares parking with ~~one of the following uses: a retail sales and service use other than lodging uses, eating and drinking establishments or entertainment uses,~~

(1) general sales and services,

(2) heavy sales and services uses,

(3) medical services,

(4) animal shelters and kennels,

(5) automotive sales and services, or

(6) maritime sales and services;

the parking requirement for the residential use may be reduced by thirty (30) percent, provided that the reduction does not exceed the minimum parking requirement for the ~~nonresidential~~retail sales and service use.

d. If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by fifty (50) percent, provided that the reduction ~~does~~shall not exceed the minimum parking requirement for the office use.

### 3. Shared Parking for Uses With Different Hours of Operation.

a. For the purposes of this section, the following uses ~~will~~shall be considered daytime uses:

~~(1) Commercial uses~~Customer service and administrative offices;

~~(2) Retail sales and services,~~ except eating and drinking establishments, lodging uses, and entertainment uses;

~~(3) Wholesale,~~(2) Storage and distribution uses;

~~(4)(3)~~ Manufacturing uses; and

~~(5)(4)~~ Other similar primarily daytime uses, when authorized by the Director.

b. For the purposes of this section, the following uses ~~will~~shall be considered nighttime or Sunday uses:

(1) Auditoriums accessory to public or private schools;

(2) Religious facilities;

(3) Entertainment uses, such as theaters, bowling alleys, and dance halls;



(4) Eating and drinking establishments; and

(5) Other similar primarily nighttime or Sunday uses, when authorized by the Director.

c. Up to ninety (90) percent of the parking required for a

daytime use may be supplied by the off-street parking provided by a nighttime or Sunday use and vice-versa, when authorized by the Director, except that this may be increased to one hundred (100) percent when the nighttime or Sunday use is a religious facility.

d. The applicant ~~must~~shall show that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

e. The establishment of park-and-pool lots ~~is~~shall be permitted, provided that the park-and-pool lot will ~~shall~~ not use spaces required by another use if there is a substantial conflict in the principal operating hours of the park-and-pool lot and the use.

#### H. Cooperative Parking.

1. Cooperative parking ~~is~~shall be permitted between two (2) or more business establishments ~~that~~which are commercial uses, according to the provisions of this subsection.

2. Up to a twenty (20) percent reduction in the total number of required parking spaces for four (4) or more separate business establishments, fifteen (15) percent reduction for three (3) business establishments, and ten (10) percent reduction for two (2) commercial uses may be authorized by the Director under the following conditions:

a. No reductions to the parking requirement ~~may~~shall be made if the proposed business establishments have already received a reduction through the provisions for shared parking, subsection G of this section.

b. ~~Each~~The business establishments for which the application is being made for cooperative parking ~~is~~shall be located within eight hundred (800) feet of the parking, and the parking ~~is~~shall be located in a commercial or residential-commercial zone or the Seattle Mixed (SM) zone.

c. The reductions to parking permitted through cooperative parking will ~~shall~~ be determined as a percentage of the minimum parking requirement as modified by the reductions permitted in subsections A through F of this section.

d. An agreement providing for the cooperative use of parking ~~must~~shall be filed with the Director when the facility or area is established as cooperative parking. Cooperative parking privileges will ~~shall~~ continue in effect only as long as the agreement to use the cooperative parking remains in force. If the agreement is no longer in force, then parking ~~must~~shall be provided as otherwise required by this chapter. New business establishments seeking to meet parking requirements by becoming part of an existing cooperative arrangement ~~must~~shall provide the Director with an amendment to the agreement stating their inclusion in the cooperative parking facility or area.

#### I. Reductions to Minimum Parking Requirements for Department of Parks and Recreation (DOPAR) Community Centers.

1. When family support centers are located within DOPAR community centers, the Director may, upon request by DOPAR, lower the combined parking requirement for the community center and the family support center ~~by~~ up to a maximum of fifteen (15) percent.

2. The parking requirement may be reduced only if the reduction is supported by a recommendation of the Project Advisory Committee formed to review the DOPAR community center, and the Director determines and makes written findings that:

- a. The lower parking requirement is necessary to preserve existing natural features or recreational facilities deemed significant by DOPAR and the Project Advisory Committee formed to review the DOPAR community center, and the reduction is the minimum necessary to preserve such features and/or facilities; and
- b. The surrounding streets can accommodate overflow parking from the combined community center and family support center or, alternatively, any adverse parking impacts on the neighborhood from the combined community center and family support center will be mitigated.

#### J. Parking for City-recognized Car-sharing Programs.

1. For any development, ~~One~~ (1) space or up to five (5) percent of the total number of required spaces, whichever is greater, may be used to provide parking for vehicles operated by a ~~City-recognized~~ car-sharing program. The number of required ~~accessory~~ parking spaces will be reduced by one (1) space for every parking space leased by a ~~City-recognized~~ car-sharing program.

2. For any development requiring twenty (20) or more parking spaces under Section 23.54.015 that provides a space for vehicles operated by a car-sharing program, the number of required parking spaces may be reduced by the lesser of three (3) required parking spaces for each car-sharing space or fifteen (15) percent of the total number of required spaces. In order to gain this exception, an agreement between the property owner and a car-sharing program must be approved by the Director and the agreement, along with a notice that the agreement is the basis for this exception to the parking requirement, must be recorded with the title to the property before a Master Use Permit is issued.

Section 71. The introductory subsection and subsection F of Section 23.54.030 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, are amended as follows:

#### 23.54.030 Parking space standards.

On lots subject to this Code, all parking spaces provided ~~must~~shall meet the following standards whether or not the spaces are required by this Code:

\* \* \*

F. Curb\_cuts. Curb\_cut requirements shall be determined by whether the parking served by the curb\_cut is for residential or nonresidential use, and by the zone in which the use is located. When a curb\_cut is used for more than one (1) use or for one (1) or more live-work units, the requirements for the use with the largest curb\_cut requirements shall apply.

1. Residential ~~Uses in S~~single-family and M~~multi-family Z~~ones and residential structures~~Single-purpose Residential Uses in A~~ll O~~ther Z~~ones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, ~~the number of curb\_cuts are~~ permitted shall be according to the following chart:

Street or Easement Number of Curb Frontage of the Lot	<u>C</u> uts Permitted	0 -- 80 feet	1	81 -- 160 feet	2	161 -- 240 feet	3
		241 -- 320 feet	4				

For lots with frontage in excess of three hundred twenty (320) feet, the pattern established in the chart ~~is~~shall be continued.

b. Curb\_cuts ~~must~~shall not exceed a maximum width of ten (10) feet except that:

(1) One (1) curb\_cut greater than ten (10) feet but in no case greater than twenty (20) feet in width may be substituted for each two (2) curb\_cuts permitted by subsection F1a; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten (10) feet in width, the curb\_cut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curb\_cuts of a maximum width of twenty-three (23) feet ~~are~~shall be permitted according to the following chart:

Street Frontage Number of Of the Lot CurbeCuts Permitted 0 -- 160 feet 1 161 -- 320 feet 2 321 -- 480 feet 3

For lots with street frontage in excess of four hundred eighty (480) feet, the pattern established in the chart ~~is~~shall be continued.

d. There ~~must~~shall be at least thirty (30) feet between any two (2) curb\_cuts located on a lot.

e. A curb\_cut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

f. Where two (2) adjoining lots share a common driveway according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2) lots ~~will~~shall be considered one (1) in determining the maximum number of permitted curb\_cuts.

2. Nonresidential ~~Uses in S single-family and M multifamily Z zones, and in all other zones except industrial zones, all uses except residential structures. Single-purpose Residential Uses, in all other zones except industrial zones.~~

a. Number of Curb\_cuts.

(1) In RC, NC1, NC2 and NC3 zones and within Major Institution Overlay Districts, ~~the number of two-way curb\_cuts are permitted shall be~~ according to the following chart:

Street Frontage Number of Curb of the Lot Ceuts Permitted 0--80 feet 1 81--240 feet 2 241--360 feet 3 361--480 feet 4

For lots with frontage in excess of four hundred eighty (480) feet the pattern established in the chart ~~is~~shall be continued. The Director may allow two (2) one-way curb\_cuts to

be substituted for one (1) two-way curb\_cut, after determining that there would not be a significant conflict with pedestrian traffic.

(2) In C1 and C2 zones and the SM zone, the Director ~~will~~shall review and make a recommendation on the number and location of curb\_cuts.

(3) In downtown zones, a maximum of two (2) curb cuts for one (1) way traffic at least forty (40) feet apart, or one (1) curb cut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section 23.49.019 H. No curb cut shall be located within forty (40) feet of an intersection. These standards may be modified by the Director as a Type I Master Use Permit decision on lots with steep slopes or other special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

(4) For public schools, the Director ~~shall permit the minimum number of curb\_cuts that he or she determines to be determined necessary by the Director shall be permitted.~~

b. Curb\_cut ~~W~~widths.

(1) For one (1) way traffic, the minimum width of curb cuts ~~is~~shall be twelve (12) feet, and the maximum width ~~is~~shall be fifteen (15) feet.

(2) For two (2) way traffic, the minimum width of curb\_cuts ~~is shall be~~ twenty-two (22) feet, and the maximum width ~~is shall be~~ twenty-five (25) feet, except that the maximum width may be increased to thirty (30) feet when truck and auto access are combined.

(3) For public schools, the maximum width of curb\_cuts ~~is shall be~~ twenty-five (25) feet. Development standard s departures may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

(4) When one (1) of the following conditions applies, the Director may require a curb\_cut of up to thirty (30) feet in width, if it is found that a wider curb\_cut is necessary for safe access:

i. The abutting street has a single lane on the side that abuts the lot; or

ii. The curb lane abutting the lot is less than eleven (11) feet wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

iv. Off-street loading space is required according to subsection ~~HQ~~ of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses or live-work units and the entrances to all principal use parking garages shall be at least six (6) feet nine (9) inches high.

3. All ~~U~~ses in ~~I~~ndustrial ~~Z~~ zones.

a. Number and ~~E~~location of ~~C~~urb cuts. The number and location of curb\_cuts ~~will shall~~ be determined by the Director.

b. Curb\_cut ~~W~~width. Curb\_cut width in ~~I~~ndustrial zones ~~must shall~~ be provided as follows:

(1) When the curb\_cut provides access to a parking area or structure it ~~must shall~~ be a minimum of fifteen (15) feet wide and a maximum of thirty (30) feet wide.

(2) When the curb\_cut provides access to a loading berth, the maximum width of thirty (30) feet set in subsection F3b(1) may be increased to fifty (50) feet.

(3) Within the minimum and maximum widths established by this subsection, the Director shall determine the size of the curb cuts.

4. Curb\_cuts for ~~A~~ccess ~~E~~e asements.

a. When a lot is crossed by an access easement serving other lots, the curb cut serving the easement may be as wide as the easement roadway.

b. The curb cut serving an access easement shall not be counted against the number or amount of curb\_cut permitted to a lot if the lot is not itself served by the easement.

5. Curb cut ~~F~~flare. A flare with a maximum width of two and one-half (2 1/2) feet ~~is shall be~~ permitted on either side of curb\_cuts in any zone.

6. Replacement of ~~U~~nused ~~C~~urb\_cuts. When a curb\_cut is no longer needed to provide access to a lot, the curb and any planting strip ~~must shall~~ be replaced.

\* \* \*

Section 72. Subsection H of Section 23.57.008 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

23.57.008 Development standards.

\* \* \*

H. Equipment shelters and other accessory structures shall comply with the development standards of this section whether or not physical expansion, as defined in Section 23.84A.006, is proposed.

Section 73. Subsections C1c and C1d of Section 23.57.012 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, are amended as follows:

23.57.012 Commercial zones.

\*\*\*

c. Any height above the underlying zone height limit permitted under ~~Paragraphs 1.a and 1.b, above~~ subsections C1a and C1b, shall be allowed only if the combined total coverage by communication utilities and accessory communication devices, in addition to the roof area occupied by rooftop features listed in Section 23.47A.012 ~~DH-4~~, does not exceed twenty percent (20%) of the total rooftop area, or twenty-five percent (25%) of the rooftop area when including ~~screened~~ mechanical equipment is screened.

d. The following rooftop areas shall not be counted towards ~~open space requirements for the building~~ residential amenity area requirements:

- (i) The area eight feet (8') from and in front of a directional antenna and the area two feet (2') from and in back of a directional antenna.
- (ii) The area within eight feet (8') in any direction from an omnidirectional antenna.
- (iii) Such other areas in the vicinity of paging facilities as determined by the Seattle-King County Health Department after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

\*\*\*

Section 74. Section 23.61.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 122043, is amended as follows:

23.61.008 Prohibited Uses.

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

- A. Drive-in businesses, except as provided in 23.61.014, Nonconforming uses;
- B. Dry boat storage ~~of boats~~;
- C. General manufacturing;
- D. Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- E. Sales and rental of large boats;

- F. Vessel repair (major or minor);
- G. Mini-warehouse;
- H. Principal use, nonresidential long-term parking;
- I. Outdoor storage;
- J. ~~Heavy commercial sales;~~ Sale of heating fuel;
- K. Sales and rental of motorized vehicles, except within an enclosed structure;
- L. ~~Sales, service and rental of commercial equipment and construction materials;~~ Solid waste management;
- M. ~~Salvage and r~~ Recycling uses;
- N. Towing services;
- O. Principal use vehicle repair (major or minor);
- P. Wholesale showroom; and
- Q. Warehouse.

Section 75. Section 23.61.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 120452, is repealed.

Section 76. Section 23.61.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 120452, is amended as follows.

23.61.012 Residential structures. ~~Single-purpose residential development.~~

~~A. Residential uses~~ Single-purpose residential structures located in a commercial zone are permitted outright anywhere in a structure in C zones and NC zones, unless the structure is located on a lot in a pedestrian- designated zone, in which case where they are prohibited limited to 20% of each street-level street-facing facade facing a principal pedestrian street, or in the Pike Pine Overlay district where the provisions of that eChapter 23.73 apply.

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

Section 77. Section 23.61.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 122043, is amended as follows:

23.61.014 Nonconforming uses.

A. Expansion. Uses listed in this subsection may be expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area of the use provided that this exception may be applied only once to an individual business establishment.

1. The provisions of this subsection apply to the following station areas:

- a. Henderson;

b. Othello;

c. Edmunds; and

d. McClellan.

2. The provisions of this subsection apply to the following nonconforming uses:

a. ~~Gas stations;~~ Automotive retail sales and services;

b. General manufacturing;

c. Heavy commercial services; and

d. Mini-warehouse and warehouses ~~;~~ and

e. ~~Vehicle repair, (minor).~~

B. Relocation. In the University District Station Area, banks with a drive-in facility may be moved to another location within the station area provided:

1. The use was in existence on May 5, 2006 ~~the effective date of this ordinance;~~

2. This exception may be applied only once to any individual business establishment;

3. The new location is not within a ~~pedestrian-designated zone~~ designated Pedestrian District;

4. The curb cut(s) at the new location will serve both the drive-in lane and access to parking for the use;

5. The use at the new location is limited to one drive-in lane; and

6. The drive-in lane may not be located between the structure containing the bank use and a street right-of-way.

Section 78. Subsection A of Section 23.66.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 122054, is amended as follows:

23.66.122 Prohibited uses.

A. The following uses are prohibited in the entire Pioneer Square Preservation District as both principal and accessory uses:

Retail ice dispensaries;

Plant nurseries;

Frozen food lockers;

~~Animal services;~~ shelters and kennels;

Animal health services;

Pet grooming;

Automotive ~~retail~~ sales and service, except gas stations located in parking garages;

Marine ~~retail~~ sales and service;

Heavy commercial services;

Heavy commercial sales;

~~Fuel sales;~~

~~Sales, service and rental of commercial equipment and construction materials;~~

Adult motion picture theaters;

Adult panorams;

Bowling alleys;

Skating rinks;

Major communication utilities;

Advertising signs and off-premises directional signs;

Transportation facilities, except passenger terminals, rail transit facilities and parking garages;

Outdoor storage;

Jails;

Work-release centers;

General and heavy manufacturing uses;

~~Salvage and recycling uses, except recycling collection stations;~~

Solid waste management;

Recycling uses; and

High-impact uses.

\*\*\*

Section 79. Subsections B, C and E of Section 23.66.130 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, are amended as follows:

23.66.130 Street-level uses.

\* \* \*

B. Preferred Street-level Uses.

1. Preferred uses at street level ~~must~~shall be highly visible and pedestrian oriented. Preferred street-level uses either



display merchandise in a manner that contributes to the character and activity of the area, and/or promote residential uses, including but not limited to the following uses:

a. Any of the following uses under 3,000 square feet in size: Art galleries and other general sales and service uses, restaurants and other eating and drinking establishment uses, and other retail sales and service lodging uses under three thousand (3,000) square feet in size;

b. Theaters.

2. Accessory parking garages ~~that which~~ serve preferred street-level uses on streets or malls, parks or alleys designed for pedestrian uses are ~~shall~~ also be preferred.

C. Discouraged Street-level Uses.

1. The following ~~uses~~ are discouraged at street-level in the area designated on Map B:

a. Any use occupying more than fifty (50) percent of any block frontage;

b. ~~Retail~~ Any of the following with gross floor area over three thousand (3,000) square feet: general sales and services uses, eating and drinking establishment uses, and lodging uses; over three thousand (3,000) square feet and

c. ~~All~~ other uses with gross floor area over ten thousand (10,000) square feet;

d. Professional services establishments or offices that occupy ~~which comprise~~ more than twenty (20) percent of any block frontage; and

e. Parking garages ~~that which~~ are not accessory to preferred uses.

2. Discouraged uses may be approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board if an applicant demonstrates that the proposed use is compatible with uses preferred at street level.

\* \* \*

E. The following uses ~~shall be~~ are prohibited at street-level in the area designated on Map B:

Wholesaling, storage and distribution uses;

Vocational ~~and~~ or fine arts schools;

Research and development laboratories;

Radio and television studios;

Taxidermy shops;

Appliance repair shops;

Upholstery establishments; and

Other similar uses.

\*\*\*

Section 80. Subsection A of Section 23.66.322 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.66.322 Prohibited uses.

A. The following uses ~~shall be~~are prohibited as both principal and accessory uses in the entire International Special Review District:

Adult motion picture theaters;

Adult panorams;

All general and heavy manufacturing uses;

All high-impact uses;

Solid waste management;

Recycling uses~~All salvage and recycling uses, except recycling collection stations;~~

Automotive ~~retail~~sales and service;

Bowling lanes;

Major communication utilities;

~~Sales, service and rental of commercial equipment and construction materials;~~Heavy commercial sales;

Drive-in businesses;

Frozen food lockers;

Heavy commercial services;

Marine ~~retail~~sales and services;

Medical testing laboratories;

Mortuary services;

Motels;

Outdoor storage;

Plant nurseries;

Retail ice dispensaries;

Shooting galleries;

Skating rinks;

Mobile home parks;

Transportation facilities except: passenger terminals ,rail transit facilities, and parking and moorage uses;

Animal ~~services~~ shelters and kennels;

Veterinary offices;

Pet grooming;

Jails;

Work-release centers.

\* \* \*

Section 81. Subsections B, C and E of Section 23.66.326 of the Seattle Municipal Code, which Section was last amended by Ordinance 116744, are amended as follows:

23.66.326 Street-level uses.

\* \* \*

B. Preference shall be given to pedestrian-oriented retail shopping and service businesses ~~uses~~ that are highly visible or prominently display merchandise in a manner that contributes color and activity to the streetscape, including but not limited to:

Apparel shops;

Bakeries;

Banks;

Barbecue shops;

Bookstores;

Coffee shops;

Floral shops;

Groceries;

Museums;

Oriental crafts shops;

Personal services such as beauty shops and barbershops;

Restaurants;

Sidewalk cafes;

Travel agencies;

Variety stores.

C. The Board may, following a special review of potential impacts, including, but not limited to traffic, parking, noise and the scale and character of the pedestrian environment, recommend to the Department of Neighborhoods Director that the following uses at street level be approved when the impacts of such uses are not significantly adverse:

Appliance repair shops;

~~Experimental~~ Research and development laboratories;

Radio and television studios;

Residential uses;

Taxidermy shops;

Upholstery establishments;

Vocational or fine arts schools;

Warehouses or wholesale showrooms, especially when including storage of jewelry, optical or photographic goods, pharmaceuticals, cosmetics, and other similar high-value, low-bulk articles.

The Board may recommend, and the Director may impose, conditions to mitigate the impacts of approved uses.

\* \* \*

E. Non-pedestrian-oriented uses and businesses ~~which~~ that are not typically visible from the sidewalk ~~may~~ shall not exceed twenty-five (25) feet of street frontage per use when located within the interior portion of a block, or one hundred forty-five (145) feet of street frontage per use when located on a corner. ~~Examples of n~~ Non pedestrian-oriented uses include but are not limited to:

Community clubs ~~and/or~~ centers;

Family associations;

Human service uses;

Nonprofit community service organizations;

~~Places of public assembly~~ Theaters and spectator sports facilities.

Section 82. Subsection B1 of Section 23.66.342 of the Seattle Municipal Code, which Section was last amended by Ordinance 116744, is amended as follows:

23.66.342 Parking and access.

\*\*\*

B. Accessory Parking and Loading.

1. Parking Quantity. The number of parking spaces required for any use shall be the number required by the underlying zoning, except that restaurants shall be required to provide one space per five hundred (500) square feet for all gross floor area in excess of two thousand five hundred (2,500) square feet; motion picture theaters shall be required to provide one (1) space per fifteen (15) seats for all seats in excess of one hundred fifty (150); and other entertainment

~~uses and places of public assembly~~ shall be required to provide one (1) space per four hundred (400) square feet for all gross floor area in excess of two thousand five hundred (2,500) square feet.

\*\*\*

Section 83. Section 23.67.050 of the Seattle Municipal Code, which Section was enacted by Ordinance 116145, is amended as follows:

23.67.050 Use restrictions -- Prohibited uses.

A. Whether a use is permitted outright, or as a conditional use, or ~~whether a use is prohibited is~~ shall be governed by the applicable provisions of the ~~other chapters of this title~~ underlying zone; provided that in addition to uses otherwise prohibited by the underlying zone, the following principal uses ~~are~~ shall be prohibited throughout the Southeast Seattle Reinvestment Area:

1. Outdoor storage (accessory outdoor storage permitted);
2. Animal ~~control~~shelters and kennels;
3. Helistops;
4. Heliports;
5. Adult motion picture theaters;
6. Adult panorams;
7. Salvage yards;
8. Recycling uses ~~centers~~;
9. Work release centers;
10. Construction services;
11. Towing services.

Section 84. Subsection C3 of Section 23.69.008 of the Seattle Municipal Code, which section was last amended by Ordinance 118362, is amended as follows:

\* \* \*

3. Where the underlying zone is commercial, uses at street level shall complement uses in the surrounding commercial area and be located in a manner ~~which that~~ provides continuity to the commercial street front. Where the underlying zoning is a pedestrian-designated zone, the ~~regulations~~ provisions of Section 23.47A.00542 governing ~~required~~ street-level uses shall apply.

\* \* \*

Section 85. Section 23.69.022 of the Seattle Municipal Code, which section was last amended by Ordinance 118362, is amended as follows:

23.69.022 Uses permitted within 2,500 feet of a Major Institution Overlay District.

A. A Major Institution shall be permitted to lease space, or otherwise locate a use outside a Major Institution Overlay (MIO) District, and within two thousand five hundred (2,500) feet of the MIO District boundary, subject to the following limitations:

1. The provisions of this section shall not apply to contractual arrangements with other entities, except for leases or other agreements for occupying space.
2. No such use shall be allowed at ~~the street-~~ level in a commercial zone, unless the use is determined to be similar to a ~~personal and household retail~~ general sales and service use, eating and drinking establishment, major durables retail sales, ~~customer service office~~, entertainment use or child care center and is allowed in the zone. If the use is allowed in the zone but is determined not to be similar to a ~~personal and household retail~~ general sales and service use, eating and drinking establishment, major durables retail sales, ~~customer service office~~, entertainment use or child care center, the Director may not allow the use at street level in a commercial zone unless provided otherwise in an adopted master plan or in a Council-approved neighborhood plan.~~;~~
3. Except as permitted in an adopted master plan, the use shall not result in the demolition of a structure(s) that contains a residential use nor shall it change a residential use to a nonresidential use;~~and~~.
4. The use(s) shall conform to the use and development standards of the applicable zone;~~and~~.
5. The use shall be included in the Major Institution's approved Transportation Management Program if it contains students or employees of the Major Institution;~~and~~
6. If a Master Use Permit is required for the use, the Director shall notify the Advisory Committee of the pending permit application and the committee shall be given the opportunity to comment on the impacts of the proposed use.

B. A medical service use that is over ten thousand (10,000) square feet shall be permitted to locate within two thousand five hundred (2,500) feet of a medical MIO District only as an administrative conditional use subject to the conditional use requirements of Section 23.47A.006 B48 or Section 23.50.014 B1312.

C. A Major Institution that leases space or otherwise locates a use in a Downtown zone shall not be subject to the limitations established in subsections A or B of this section, except that subsections A3 and A4 shall apply.

Section 86. Subsection B of Section 23.69.024 of the Seattle Municipal Code, which section was last amended by Ordinance 120691, is amended as follows:

23.69.024 Major Institution designation.

\* \* \*

B. New Major Institutions.

1. When a medical or educational institution makes application for new development, or when a medical or educational institution applies for designation as a Major Institution, the Director will ~~shall~~ determine whether the institution meets, or would meet upon completion of the proposed development, the definition of a Major Institution in Section 23.84A.025. Measurement of an institution's site or gross floor area in order to determine whether it meets minimum standards for Major Institution designation must ~~shall~~ be according to the provisions of Section 23.86.036.
2. If the Director determines that Major Institution designation is required, the Director may ~~shall~~ not issue any permit that would result in an increase in area of Major Institution uses until the institution is designated a Major Institution, a Major Institution Overlay District is established, and a master plan is prepared according to the provisions of Part 2, Major Institution Master Plan.
3. The Director's determination that an application for a Major Institution designation is required will ~~shall~~ be made in

the form of an interpretation and ~~is~~<sup>shall</sup> be subject to the procedures of Section 23.88.020.

4. The procedures for designation of a Major Institution ~~are~~<sup>shall</sup> be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The Council ~~will~~<sup>shall</sup> grant or deny the request for Major Institution designation by resolution.
5. When the Council designates a new Major Institution, a Major Institution Overlay District ~~must~~<sup>shall</sup> be established by ordinance according to the procedures for amendments to the Official Land Use Map (rezones) in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.
6. A new Major Institution Overlay District ~~may~~<sup>shall</sup> not be established and a Major Institution Overlay District Boundary ~~may~~<sup>shall</sup> not be expanded in Single-family or Industrial zones.
7. Boundaries of a Major Institution Overlay District and maximum height limits ~~must~~<sup>shall</sup> be established or amended in accordance with the rezone criteria contained in Section 23.34.124, and the purpose and intent of this chapter as described in Section 23.69.006, except that acquisition, merger or consolidation involving two (2) Major Institutions ~~is~~<sup>shall</sup> be governed by the provisions of Section 23.69.023.

\* \* \*

Section 87. Subsection B of Section 23.71.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 121362, is amended as follows:

23.71.008 Development along major pedestrian streets.

\* \* \*

B. Standards for Required Street-level Uses.

1. A minimum of sixty (60) percent of a commercially zoned lot's frontage on a major pedestrian street shall be occupied by one or more of the following uses, referred to in this section as required street-level uses, provided that drive-in businesses and outdoor storage are prohibited:
- a. ~~Personal and household retail sales and service use~~ General sales and services;
  - b. Major durables retail sales;
  - ~~b.c.~~ Eating and drinking establishments;
  - ~~c.~~ Customer service offices;
  - d. Entertainment uses;
  - e. Lodging uses;
  - f. Public libraries;
  - g. Parks and open space.

If a portion of the major pedestrian street frontage is required for access to on-site parking due to limited lot dimension, the Director may permit less than sixty (60) percent of the frontage to be occupied by such uses.

2. A minimum of eighty (80) percent of each structure fronting on a major pedestrian street ~~must~~<sup>shall</sup> be occupied at street-level by required street-level uses ~~one or more of the uses listed in subsection B1 of this section~~ or a building

lobby permitting access to uses above or behind street-front uses. In no case ~~may~~shall pedestrian access to uses above or behind required street-front uses exceed twenty (20) percent of the structure's major pedestrian street front. The remaining twenty (20) percent of the structure's street frontage may contain other permitted uses or pedestrian entrances (Exhibit 23.71.008 A).

- 3. Street-level uses ~~must~~shall occupy a minimum of the first ten (10) feet above sidewalk grade.
- 4. All required street-level uses along major pedestrian streets ~~may~~shall be set back no more than ten (10) feet from the street ~~property~~lot line, except as necessary to provide open space as defined in Section 23.71.014 C or for bedrooms in a lodging structure, which may be set back a maximum of fifteen (15) feet. The owner shall design the area subject to this setback to include special pavers, as an extension of the sidewalk or with landscaping.
- 5. The principal entrances to required street-level uses on major pedestrian streets shall have direct access to the sidewalk and be within three (3) feet of the sidewalk grade elevation.
- 6. ~~Personal and household retail~~General sales and service uses ~~or major durables retail sales uses, in each case~~ greater than thirty thousand (30,000) square feet, may locate a principal pedestrian entrance on a facade oriented to a parking area or the major pedestrian street. Where a principal pedestrian entrance is oriented to a parking area, an additional pedestrian entrance shall be located along the major pedestrian street. In lieu of the additional entrance, the owner may provide a ten (10) foot wide, landscaped pedestrian walkway from the major pedestrian street to the principal pedestrian entrance, provided that the walkway does not go through other businesses or parking areas.

\* \* \*

Section 88. Subsection A of Section 23.71.016 of the Seattle Municipal Code, which section was last amended by Ordinance 117432, is amended as follows:

23.71.016 Parking and access.

A. Required Parking.

- 1. Off-street parking requirements are prescribed in Chapter 23.54, except as modified by this chapter. Minimum and maximum parking requirements for specified uses in the Northgate Overlay District are identified in Table 23.71.016 A.

Table 23.71.016 A Minimum and Maximum Parking Requirements

	LONG TERM	SHORT TERM	Minimum	Maximum	Minimum
Office, <del>Administrative</del>	0.9/1000	2.6/1000	0.2/1000		
<u>General</u>	1.0/1000	2.4/1000	1.6/1000	<u>sales and service (Customer service office)</u>	<del>Office, Customer Service</del>
<del>Commercial Retail Sales &amp;</del>	<del>0.93/1000</del>	2.4/1000	2.0/1000	<del>Service</del>	<u>General sales and service (other) and Major durables retail sales</u>
Motion Ppicture	N/A	N/A	Min: 1/8 seats	<u>theaters</u>	Max: 1/4 seats

- 2. Parking waivers as provided under Section 23.54.015 D ~~shall~~ apply in the Northgate Overlay District, except that no waiver of parking may be granted to medical service uses.
- 3. Parking may exceed the maximums when provided in a structure, pursuant to a joint use parking agreement with the Metro Transit Center, if the spaces are needed only to meet evening and



weekend demand or as overflow on less than ten percent (10%) of the weekdays in a year, and will otherwise be available for daytime use by the general public.

4. Short-term parking for motion picture ~~theatres~~ theaters may be increased by ten percent (10%) beyond the maximum requirement, if these additional spaces are not provided as surface parking, will not adversely impact pedestrian circulation and will reduce the potential for overflow parking impacts on surrounding streets.

\* \* \*

Section 89. Section 23.71.038 of the Seattle Municipal Code, which Section was last amended by Ordinance 121828, is amended as follows:

23.71.038 ~~Standards for~~ Definition of mixed- use development in commercial zones within the Northgate Overlay District.

"Mixed use development," for the purposes of this chapter, means development in a commercial zone containing both R residential and nonresidential uses or live-work units in a mixed-use development in a commercial zone shall and that meets the requirements of Section 23.47A.008 B to qualify as a mixed use development.

Section 90. Section 23.71.044 of the Seattle Municipal Code, which Section was last amended by Ordinance 121362, is amended as follows:

23.71.044 ~~Standards for single-purpose residential development~~ residential uses in C commercial zones within the Northgate Overlay District.

A. In C and NC zones with height limits less than eight-five (85) feet, residential uses, in aggregate, may exceed 20% of the street-level street-facing facade only as a special exception under the following conditions or criteria: Single-purpose residential structures are subject to the conditional use requirements of Section 23.47.006 B and the following development standards within the Northgate Overlay District:

1. Either:

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

b. There is substantial excess supply of land available for commercial use near the lot, as evidenced by conditions such as lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, or vacant or underused commercially zoned land; and

2. The residential structure would not interrupt an established commercial street front. As used in this subsection, the phrase "established commercial street front" may include a street front intersected by streets or alleys, and some lots with no current commercial use.

B. When permitted, structures with residential uses exceeding 20% of the street-level street-facing facade are subject to the following development standards:

1. In all C and NC Commercial zones with a height limit of thirty (30) feet, single-purpose residential structures shall meet the development standards for residential structures in Lowrise 3 zones, except that no front setback is required.

2. In all C and NC Commercial zones with a height limit of forty (40) feet, single-purpose residential structures shall meet the development standards for residential structures in Lowrise 4 zones, except that no front setback is required.

3. In all C and NC Commercial zones with a height limit of sixty-five (65) feet, single-purpose residential structures shall meet the development standards for residential structures in Midrise zones, except that no front setback is

required.

~~C. B. Single-purpose residential structures are prohibited in all commercial In C and NC zones with a height limit of eighty-five (85) feet or greater, residential uses may occupy, in aggregate, more than 20% of the street-level street-facing facade.~~

Section 91. Section 23.72.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 121145, is amended as follows:

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District.

A. Uses Permitted Within Portions of Subarea B Zoned Single-family as Depicted on Map A ~~Zones Single-family~~.

1. Principal Uses Permitted Outright. In addition to the uses permitted by the provisions of Section 23.44.006, the following principal uses are permitted outright in structures existing as of July 18, 1997 ~~the effective date of this chapter, in all portions of Subarea B that are in single-family zones.~~

a. Custom and craft work and accessory retail sales and services;

b. Institutions, except hospitals;

c. Lecture and meeting halls;

d. Motion picture studios;

e. ~~Participant~~ Indoor and outdoor sports and recreation;

f. Police training facilities;

g. Research and development laboratories;

h. Storage of fleet vehicles and accessory service and repair; and

i. Warehouses.

2. When not in use as a motion picture studio, a structure may be used for ~~participant~~ indoor and outdoor sports and recreation.

3. Within Subarea A, Park Area depicted on Map A, area not occupied by existing structures, existing paved parking areas or rights-of-way ~~shall be~~ limited to open space uses, such as parks and playgrounds.

B. Uses Permitted Within Portions of Subarea B Zoned Lowrise 3 as Depicted on Map A ~~Zoned Lowrise 3, Principal Uses Permitted Outright~~. In addition to the uses permitted outright in accordance with Section 23.45.006, the following principal uses are permitted outright within structures existing as of July 18, 1997 ~~the effective date of this chapter, in the portions of Subarea B zoned L3:~~

1. Food processing ~~for human consumption~~;

2. Horticultural ~~use~~;

3. Institutions, except hospitals;

4. Lecture and meeting halls;

5. Medical service uses;
6. Offices; and
7. Restaurants.

Section 92. Section 23.73.008 of the Seattle Municipal Code, which section was last amended by Ordinance 121476, is amended as follows:

23.73.008 Uses.

~~A. Drive-in businesses are prohibited In addition to uses otherwise prohibited in zones comprising the Pike/Pine Overlay District, the following use is prohibited:~~

~~Drive-in businesses.~~

~~B. Required Uses at Street Level.~~

~~1. Residential uses may not exceed, in the aggregate, 20% of the street-level street-facing facade along the following streets: Commercial use is required at street level for all structures fronting on the following streets:~~

~~East Pike Street;~~

~~East Pine Street; and~~

~~East Union Street, east of Broadway; and.~~

~~2. Mixed-use structures must meet the standards prescribed by Section 23.47.008.~~

~~C. Single-purpose Residential Structures.~~

~~1. Single-purpose residential structures are permitted outright where commercial use is not required is not required by subsection B, above, or as provided for in Section 23.47.023 B.~~

~~2. A density of one (1) unit per four hundred (400) square feet of lot area is permitted except that density shall be unlimited in areas where single-purpose residential is permitted outright as per Section 23.73.008 C1 subject to the following:~~

Residential uses may not exceed, in the aggregate, twenty (20) percent of the street-level street-facing facade along streets not listed in subsection B1 above, except that there is no limit on the location of residential uses in structures meeting the following conditions:

a. ~~Single-purpose residential structures are~~ The structure is located in an NC zones with a height limit of sixty-five (65) feet or more; and

b. At least forty (40) percent of all units are rented to households at rents not exceeding thirty (30) percent of sixty (60) percent of the median income for the Seattle-Everett Standard Metropolitan Statistical Area, as defined by the United States Department of Housing and Urban Development (HUD); and

c. Applicants shall demonstrate compliance with the se income criteria condition in subsection B2b for the life of the building.

~~D. Commercial C. Nonresidential Use Limit. In A all structures greater than thirty (30) feet in height, are limited to no more than fifty (50) percent of the structure's gross floor area in nonresidential use is limited to the lesser of fifty (50)~~

~~percent of the structure's gross floor area, or . In no case shall nonresidential use exceed the total gross floor area of the first two (2) floors stories of the structure.~~

Section 93. Section 23.73.010 of the Seattle Municipal Code, which section was last amended by Ordinance 121196, is amended as follows:

23.73.010 Development standards.

A. Height Exception for Mixed Use Structures.

1. In zones with a sixty-five (65) foot height limit, the Director may permit the height of the structure to exceed the height limit of the zone by up to four (4) feet, only if the residential use and either the nonresidential use or the live-work units are located in the same structure and subject to the following:
  - a. The nonresidential use or live-work unit at street level requires a floor to ceiling height that exceeds ~~the minimum required ceiling height~~ of thirteen (13) feet to support business operations; and
  - b. The additional height will not permit an additional story to be built beyond what could be built under a sixty-five (65) foot height limit if a floor to ceiling height of more than thirteen (13) feet ~~floor to ceiling~~ is not needed to support street-level ~~commercial~~ nonresidential uses.

B. Residential Amenity ~~Open~~ Space.

1. Residential amenity ~~Open~~ space is not required for structures existing as of April 1, 2000, that are repaired, renovated or structurally altered to the extent permitted by the development standards of the Land Use Code, provided that street facing facades are retained and fifty (50) percent or more of the gross floor area is retained.
2. Residential amenity ~~Open~~ space is not required for new construction, when affordable housing ~~is provided by a nonprofit organization~~ that meets the following criteria is provided by a nonprofit organization:
  - a. At least forty (40) percent of the units are rented to households at annual rents not exceeding thirty (30) percent of sixty (60) percent of the median income, ~~adjusted for household size, for the Seattle-Everett Standard Metropolitan Statistical Area, as defined by the United States Department of Housing and Urban Development (HUD); and~~
  - b. Applicants ~~shall~~ demonstrate compliance with these income criteria for the life of the building.
3. Existing residential uses that meet the ~~open space~~ residential amenity requirements of Section 23.47A.024, ~~Open space~~ Residential amenity standards, may eliminate the ~~open residential amenity~~ space, provided they comply with the requirements of Section 23.73.010 B2.

C. Parking.

1. Required Parking. The minimum number of off-street parking spaces required for multifamily ~~uses~~ structures and live-work units is specified in ~~Chart A~~ of Section 23.54.015, Required parking.
2. Location of Parking. Parking for residential uses shall be provided on the same lot as the principal use. Parking for nonresidential uses and live-work units may be located on the lot or built into or under the structure or within eight hundred (800) feet of the lot on which the use is located. When parking is provided on a lot other than the lot of the use to which it is accessory, the provisions of Section 23.54.025, Parking covenants, shall apply.

Section 94. Section 23.74.008 of the Seattle Municipal Code, which Section was enacted by Ordinance 119972, is amended as follows:

23.74.008 Uses.

Notwithstanding the use provisions of the underlying zone, the following use provisions apply:

A. The following uses are permitted outright:

1. Medical services;
2. Museums;
3. Community clubs or centers;
4. Private clubs; and
5. Religious facilities; ~~and~~
6. ~~Community clubs.~~

B. The following uses are permitted in buildings existing on September 1, 1999:

1. ~~Artist/Studio dwellings;~~ Artist's studio/dwellings;
2. Major institutions.

C. The following uses are prohibited:

1. Heavy manufacturing uses;
2. High-impact uses;
3. Solid waste management; ~~Salvage and recycling facilities;~~
4. Recycling uses; ~~Solid waste transfer stations;~~
5. Animal shelters and kennels ~~services;~~
6. Veterinary offices;
7. Pet grooming;
8. Airports, land and water based;
7. ~~Sewage treatment plants;~~
8. ~~Solid waste incineration facilities;~~
9. Hospitals;
10. Elementary and secondary schools;
11. Drive-in businesses, except gas stations;
12. ~~Transit vehicle~~ Bus bases;
13. Principal use parking<sup>1</sup>;

14. Lodging uses; and

15. Colleges<sup>2</sup>, ~~and~~

~~16. Universities<sup>2</sup>~~

1. Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Overlay Area District may reserve nonrequired parking only outside the overlay district. ~~Such reserved, nonrequired parking is allowed, shall be permitted to be used for general parking purposes, and is exempt from the maximum parking ratio, and only if:~~

(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall; and

(b) The parking is reserved for events in the spectator sports facility or exhibition hall; and

(c) The reserved parking is south of South Royal Brougham Way, west of 6th Avenue; South and north of South Atlantic Street.

Parking that is provided to meet required parking will not be considered reserved parking.

2. Training facilities for industrial trades operated by colleges and universities are permitted.

Section 95. Subsections A1, B2 and C3 of Section 23.74.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 122054, are amended as follows:

23.74.010 Development Standards.

\* \* \*

1. Accessory Parking and Outdoor Storage.

a. Accessory parking or outdoor storage on any lot to the side of a structure on that lot shall not exceed sixty (60) feet of street frontage along 1st Avenue South or along Occidental Avenue South, and may not be located within the first forty (40) feet from any intersection described in Section 23.74.010 C. Parking shall be screened in accordance with screening standards for Class II Pedestrian Streets in downtown zones.

b. The maximum parking ratio is one (1) space per six hundred fifty (650) square feet of gross floor area of all uses for which required parking is expressed in terms of square footage, except for institutions for which minimum parking requirements apply, and except for parking accessory to a spectator sports facility or exhibition hall. Nonrequired parking accessory to a spectator sports facility or exhibition hall is not permitted in the overlay district, ~~and is subject to the further limitations in footnote 6, Section 23.50.012, Chart A and footnote 1, Section 23.74.008.~~

\* \* \*

2. Exemptions. The first seventy-five thousand (75,000) square feet of street-level general retail sales and service, medical services, animal shelters or kennels, automotive sales and services, marine sales and services, eating and drinking establishments, or lodging or street-level customer service office uses on any lot are exempt from the maximum FAR limit. Exemptions in Section 23.50.028 E also apply.

\* \* \*

3. Screening and Landscaping. The requirements of Sections 23.50.016, 23.50.034, and 23.50.038, including

requirements contingent on location near a commercial zone, apply to all new uses and structures. Requirements in Section 23.50.038 contingent on location near a residential lot do not apply. In addition, the screening and landscaping requirements for outdoor storage in subsections ~~la, m and ne~~ of ~~§ subsection 23.47A.016 D25~~ apply, with respect to street ~~property lot~~ lines abutting the pedestrian environment, to the following uses, where a principal or accessory use is located outdoors: outdoor storage (except for outdoor storage associated with florists and horticultural uses), ~~surface parking~~, sales and rental of motorized vehicles, towing services, sales and rental of large boats, dry ~~boat storage of boats~~, ~~heavy commercial sales~~, ~~service and rental of commercial equipment and construction materials~~except fuel sales, heavy commercial services, outdoor ~~participant~~ sports and recreation, wholesale showrooms, mini-warehouse, warehouse ~~and outdoor storage~~, transportation facilities except rail transit facilities, and utilities (except for utility service uses), and light and general manufacturing.

\* \* \*

Section 96. Section 23.76.026 of the Seattle Municipal Code, which section was last amended by Ordinance 122235, is amended as follows:

23.76.026 Vesting of development rights.

\* \* \*

B. Subdivision and Short Subdivision Components of Master Use Permits. An application for approval of a subdivision or short subdivision of land, ~~as defined in Section 23.84.036 "S,"~~ shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete Master Use Permit application for such approval ~~which~~that satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

\*\*\*

Section 97. Subsection A1d of Section 23.76.032 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

SMC 23.76.032 Expiration and renewal of Type I and II Master Use Permits.

A. Expiration.

1. An issued Type I or II Master Use Permit shall expire three (3) years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

\* \* \*

d. Master Use Permits with a Major Phased Development or Planned Community Development component established under Section 23.47A.007, 23.50.015 or 23.49.036 shall expire as follows:

(1) For the first phase, three (3) years from the date the permit is approved for issuance;

(2) For subsequent phases, expiration shall be determined at the time of permit issuance.

\*\*\*

Section 98. Section 23.76.042 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended by adding a subsection as follows:

23.76.042 Notice of Application.

\*\*\*

D. Additional Notice for Modification of Overlay Districts Established Pursuant to Neighborhood Plans. When considering modifications to an overlay district established pursuant to an adopted neighborhood plan that specifically addresses the overlay district, the Director must directly solicit comment by mail, or e-mail, from any City-recognized stewardship group for that neighborhood plan as well as established community groups and chambers of commerce for the area of the overlay.

Section 99. Chapter 23.84 of the Seattle Municipal Code, which chapter was last amended by Ordinance 122054, is amended to add a new Section 23.84.001 as follows:

#### 23.84.001 Applicability and interpretation

A. The definitions in this chapter provide the meanings of terms for chapter 23.60, to the extent so provided by chapter 23.60.

B. Except as provided in subsection A of this Section, the definitions in this chapter apply only for the purpose of interpreting the Land Use Code as in effect prior to the effective date of the ordinance enacting chapter 23.84A.

C. Unless the context of a provision of this title clearly requires otherwise:

1. Words defined in the singular number include the plural and words defined in the plural number include the singular; and

2. Definitions apply to variants formed by changes in format, word order, and spelling or omissions of alternatives from terms. For example, the definition of "curb-cut," applies to "curbcut," and "curb cut," and the definition of "Parking, principal use, surface area or garage" applies to "principal use surface parking area."

Section 100. A new Chapter 23.84A of the Seattle Municipal Code is adopted to read as follows:

#### 23.84A.001 Applicability and interpretation

A. The definitions in this chapter provide the meanings of terms used in this title, except as otherwise provided by this title or as the context may otherwise clearly require.

B. Unless the context of a provision of this title clearly requires otherwise:

1. Words defined in the singular number include the plural and words defined in the plural number include the singular; and

2. Definitions apply to variants formed by changes in format, word order, spelling, insertion of additional words, or omission of alternatives from terms. For example, the definition of "curbcut" applies to "curb-cut," and "curb cut," and the definition of "Facade, street-level" includes "street-level street-facing facade."

#### 23.84A.002 "A."

"Abut" means to border upon.

"Access bridge" means a structure that is designed and necessary for pedestrian access from an alley, street or easement to a principal structure or accessory structure.

"Accessory dwelling unit." See "Residential use."

"Accessory parking." See "Parking, accessory."



"Accessory structure" means a structure that is incidental to the principal structure.

"Accessory use." See "Use, accessory."

"Addition to existing public school structures" means any extension of an existing public school structure or rebuilding of an existing public school structure any portion of which remains intact. Building of an entirely new public school structure when part of an existing public school complex is considered an addition to an existing public school structure when the proposed new structure is on an existing public school site.

"Adjacent" means near but not necessarily touching.

"Administrative conditional use." See "Use, conditional."

"Administrative office." See "Office."

"Adult care center." See "Institution."

"Adult family home." See "Residential use."

"Adult motion picture theater." See "Entertainment use."

"Adult panoram." See "Entertainment use."

"Advertising sign." See "Billboard."

"Affordable housing." See "Housing, affordable."

"Agricultural use" means a business establishment in which crops are raised or animals are reared or kept, but not including animal shelters and kennels. Agricultural uses include animal husbandry uses such as poultry farms and rabbitries, aquaculture uses such as fish farms and shellfish beds, and horticulture uses such as nurseries and orchards.

1. "Animal husbandry" means an agricultural use in which animals are reared or kept in order to sell the products they produce, such as meat, fur or eggs.

2. "Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or animals are cultured or grown in fresh or salt waters.

3. "Horticulture" means an agricultural use in which plants are raised outdoors or in greenhouses for sale either as food or for use in landscaping. Examples include but are not limited to nurseries, flower raising, orchards, vineyards, and truck farms.

"Airport." See "Air transportation facilities" under "Transportation facility."

"Aisle" means a passageway for vehicles within a parking garage or surface parking area, other than a driveway.

"Alley" means a public right-of-way not designed for general travel and primarily used or intended as a means of vehicular and pedestrian access to the rear of abutting properties. An alley may or may not be named.

"Alley, existing" means any alley that is not a new alley.

"Alley, new" means an alley proposed to be created through the subdivision or short subdivision process.

"Animal health services." See "Medical services."

"Animal husbandry." See "Agricultural use."

"Animal shelters and kennels" means a use in which four (4) or more small animals are boarded, impounded, cared for, or bred for sale as pets, and which may include on-site outdoor exercise space, and disposing of lost, stray, unwanted, dead or injured animals.

"Apartment" means a multi-family structure in which one (1) or more of the dwelling units is not ground-related.

"Appeal, open record." See "Hearing, open record."

"Application, fully complete, for preliminary plat approval of a subdivision" means an application meeting the requirements of Section 23.22.020.

"Application, fully complete, for short plat approval" means an application meeting the requirements of Sections 23.24.020 and 23.24.030.

"Aquaculture." See "Agricultural use."

"Arbor" means a landscape structure consisting of an open frame with horizontal and/or vertical latticework often used as a support for climbing plants. An arbor may be freestanding or attached to another structure.

"Areaway" means a space or court, either covered or uncovered, that affords room, access or light to a structure.

"Arterial." See "Street, arterial."

"Artist's studio/dwelling." See "Residential use."

"Assisted living facility." See "Residential use."

"Atrium, public." See "Public atrium."

"Atrium, shopping." See "Shopping atrium."

"Automobile wrecking yard." See "Solid waste management, Salvage yard," under "Utility."

"Automotive parts and accessory sales." See "Retail sales and services, automotive" under "Sales and services, automotive."

"Automotive repair, major." See "Sales and services, automotive."

"Automotive retail sales and service." See "Sales and services, automotive."

"Automotive sales and service." See "Sales and services, automotive."

"Avenue," when used with reference to a downtown zone, means one of the following public rights-of-way: Elliott, Western, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Terry, Boren, Minor and Yale Avenues and Occidental and Maynard Avenue South.

"Average daily outpatients" means a number equal to the annual number of outpatients divided by the number of days the hospital receiving them is open.

"Awning, fixed" means a protective covering of fixed, non-collapsible, rigid construction, attached to a structure, the upper surface of which has a pitch of at least thirty (30) degrees from the horizontal.

23.84A.004 "B."

"Balcony" means "Deck" or "Ledge."

"Bay window" means a window feature comprising three (3) or more wall planes that projects beyond a structure face.

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

"Bedroom" means any habitable space primarily used for sleeping that meets applicable requirements of the Building Code (SMC 22.100).

"Billboard." See "Sign, advertising."

"Block." In areas outside downtown zones, a block consists of two (2) facing block fronts bounded on two (2) sides by alleys or rear lot lines and on two (2) sides by the centerline of platted streets, with no other intersecting streets intervening, as depicted in Exhibit 23.84A.004 A1.

[Exhibit 23.84A.004 A1](#)

In downtown zones, a block consists of the area bounded by street lot lines, Exhibit 23.84A.004 A2.

[Exhibit 23.84A.004 A2](#)

"Block face." See "Block front."

"Block front" means the land area along one (1) side of a street bound on three (3) sides by the centerline of platted streets and on the fourth side by an alley or rear lot lines (Exhibit 23.84A.004 B).

[Exhibit 23.84A.004 B](#)

"Boat moorage." See "Parking and moorage" under "Transportation facility."

"Boat moorage, public" means a boat moorage that is owned, operated or franchised by a governmental agency for use by the general public.

"Bridge, access." See "Access bridge."

"Building." See "Structure."

"Bus base." See "Vehicle storage and maintenance" under "Transportation facility."

"Business district identification sign" means an off-premises sign that gives the name of a business district or industrial park and which may list the names of individual businesses within the district or park.

"Business establishment" means an economic or institutional unit organized for the purposes of conducting business and/or providing a service. In order to be considered a separate business establishment, a business shall be physically separated from other businesses. Businesses that share common facilities, such as reception areas, checkout stands, and similar features (except shared building lobbies and restrooms) are considered the same business establishment. A business establishment may be within one structure or many, and may be located on a single lot or on multiple adjacent lots. A business establishment may be a commercial, manufacturing, institutional, or any other type of nonresidential use or live-work unit.

"Business incubator." See "Retail sales and services, non-household."

"Business sign." See "Sign, business."

"Business support service." See "Retail sales and services, non-household" under "Sales and services, heavy."

"Butterfly roof" means a roof having planes that slope upward from the interior of a structure toward its exterior walls.

23.84A.006 "C."

"C zone." See "Zone, general commercial."

"Candelabra mounting." See "Communication devices and utilities."

"Canopy" means a non-rigid, retractable or non-retractable, protective covering located at the entrance to a structure.

"Car wash." See "Retail sales and services, automotive."

"Caretaker's quarters." See "Residential use."

"Cargo terminal." See "Transportation facility."

"Carpool" means a highway vehicle with a seating capacity of less than eight (8) persons, including the driver, that is used primarily to convey a group of two (2) or more employees between home and work.

"Carport" means a private garage that is open to the weather on at least forty (40) percent of the total area of its sides. (See also "Garage.")

"Car-sharing program" means a membership based organization that offers use of motor vehicles twenty-four (24) hours a day and seven (7) days a week to its members who reserve vehicles in advance, and that charges members for the time and/or miles.

"Cemetery" means a place dedicated and used or intended to be used as a burial ground.

"Chargeable floor area" means gross floor area of all structures on any lot in a downtown zone, except portions of structures or uses that are expressly exempt from floor area limits under the provisions of this title, and after reduction by any applicable adjustment for mechanical equipment. Chargeable floor area is computed using the exemptions and adjustments in effect at the time the computation is made. Chargeable floor area includes any floor area, not otherwise exempt, that is in a structure in a downtown zone where floor area limits do not apply or that is permitted to be occupied by reason of the Landmark status of the structure in which it is located.

"Child care center." See "Institution."

"Church." See "Religious facility" under "Institution."

"Cinema." See "Theaters and spectator sports facilities" under "Entertainment."

"City facility" means a facility owned and/or operated for public purposes by The City of Seattle.

"City transportation authority" means a city transportation authority within the meaning of RCW Chapter 35.95A.

"Clerestory" means an outside wall of a building that rises above an adjacent roof of that building and contains vertical windows.

"Club, private." See "Institution."

"Cluster development" means a development containing two (2) or more principal structures on one (1) lot, except that a cottage housing development is not considered a cluster development. In

Highrise zones, two (2) or more towers on one (1) base structure will be considered a cluster development.

"College." See "Institution."

"Columbarium" means a structure or space in a structure containing niches for permanent inurnment of cremated remains.

"Commercial laundry." See "Commercial services, heavy" under "Sales and services, heavy."

"Commercial moorage." See "Boat moorage" under "Parking and moorage" under "Transportation facility."

"Commercial pickup and delivery" means the pickup and delivery of goods or merchandise by, or for, a business operated on the lot.

"Commercial use" means one of the following categories of uses:

Animal shelters and kennels;

Eating and drinking establishments;

Entertainment uses;

Food processing and craft work;

Laboratories, research and development;

Lodging uses;

Medical services;

Offices;

Sales and services, automotive;

Sales and services, general;

Sales and services, heavy; and

Sales and services, marine.

Communication Devices and Utilities (and Related Terms).

1. "Antenna, dish" means a round parabolic device for the reception and/or transmission of radiofrequency communication signals. A dish antenna may serve either as a major or minor communication utility or may be an accessory communication device. A dish antenna may be either

a) a satellite earth station antenna, which receives signals from and/or transmits signals to satellites, or

b) a point-to-consecutive-point antenna, which receive signals from terrestrial sources. Also called "Satellite dish antenna."

2. "Antenna, whip" means an omnidirectional antenna, cylindrical in shape, four (4) inches or less in diameter and twelve (12) feet or less in length.
3. "Candelabra mounting" means a single spreader that supports more than two (2) antennas.
4. "Communication device, accessory" means a device by which radiofrequency communication signals are transmitted and/or received, such as but not limited to whip, horn and dish antennas, and that is accessory to the principal use on the site.
5. "Communication device, receive-only" means a radio frequency device with the ability to receive signals, but not to transmit them.
6. "Communication utility, major" means a use in which the means for radiofrequency transfer of information are provided by facilities with significant impacts beyond their immediate area. These utilities include, but are not limited to, FM and AM radio and UHF and VHF television transmission towers. A major communication utility use does not include communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.
7. "Communication utility, minor" means a use in which the means for radiofrequency transfer of information are provided but do not have significant impacts beyond the immediate area. These utilities are smaller in size than major communication utilities and include two (2) way, land-mobile, personal wireless services and cellular communications facilities; cable TV facilities; point-to-point microwave antennas; FM translators; and FM boosters with under ten (10) watts transmitting power. A minor communication utility does not include wire, cables, or communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.
8. "Communication utility, physical expansion of major or minor" means any increase in footprint and/or envelope of transmission towers. Physical expansion does not include an increase in height of the tower resulting from repair, reconstruction, replacement or modification to the antenna that would result in lower radio frequency radiation exposure readings at ground level or in greater public safety, as long as the height above mean sea level does not increase by more than ten (10) percent and in any event does not exceed one thousand one hundred (1,100) feet above mean sea level. Replacement of existing antennas or addition of new antennas is not considered physical expansion, unless such replacement or addition increases the envelope of the transmission tower by such means as utilizing a candelabra mounting. Replacement or expansion of an equipment building is not considered physical expansion.
9. "Reception window obstruction" means a physical barrier that would block the signal between an orbiting satellite and a land-based antenna.
10. "Telecommunication facility, shared-use" means a telecommunication facility used by two (2) or more television stations or five (5) or more FM stations.
11. "Telecommunication facility, single-occupant" means a telecommunication facility used only by one (1) television station or by one (1) television station and one (1) to four (4) FM stations.
12. "Transmission tower" means a tower or monopole on which communication devices are placed. Transmission towers may serve either as a major or minor communication facility.
13. "Wireless service, fixed" means the transmission of commercial non-broadcast communication signals via wireless technology to and/or from a fixed customer location. Fixed wireless service does not include AM radio, FM radio,

amateur ("HAM") radio, Citizen's Band (CB) radio, and Digital Audio Radio Service (DARS) signals.

14. "Wireless service, personal" means a commercial use offering cellular mobile services, unlicensed wireless services and common carrier wireless exchange access services.

"Community clubs or centers." See "Institution."

"Conditional use." See "Use, conditional."

"Congregate residence." See "Residential use."

"Construction services." See "Commercial services, heavy" under "Sales and services, heavy."

"Control of access" means the condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a public street is fully or partially controlled by public authority.

"Control of access, full" means the condition where the authority to control access is exercised to give preference to through traffic by providing access connections with selected public streets only and by prohibiting crossings at grade and direct driveway connections.

"Control of access, partial" means the condition where the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public streets, there may be some crossings at grade and some direct connections.

"Corner lot." See "Lot, corner."

"Cottage housing development" means a development consisting of at least four (4) cottages that are single-family dwelling units arranged on at least two (2) sides of a common open space with a maximum of twelve (12) cottages per development.

"Council" means the City Council of The City of Seattle.

"Council conditional use." See "Conditional use."

"Craft work." See "Food processing and craft work."

"Cul-de-sac" means a street closed at one end by a widened pavement of sufficient size for automotive vehicles to be turned around.

"Curb" means a physical curb constructed from cement concrete, asphalt concrete, or granite.

"Curb cut" means a depression in the curb, for the purpose of accommodating a driveway, that provides vehicular access between private property and the street or easement, or where there is no curb, the intersection of the driveway and the curbline.

"Curbline" means the edge of a roadway, whether marked by a curb or not. When there is not a curb, the curbline shall be established by the Director of Seattle Department of Transportation.

"Custom and craft work." See "Food processing and craft work."

"Customer service office." See "Retail sales and services, general" under "Sales and services, general."

23.84A.008 "D."

"Deck" means a platform extending more than eighteen (18) inches from a structure, or an unattached platform. A deck may be cantilevered or connected to the ground by posts and may have steps or ramps to the ground and a door to the structure. (See also "Porch.")

"Dedication" means an appropriation or giving up of property to public use that precludes the owner or others claiming under the owner from asserting any right of ownership inconsistent with the use for which the property is dedicated.

"Department" means the Department of Planning and Development.

"Depth." See "Structure depth."

"Detached accessory dwelling unit." See "Residential use."

"Development regulations." See RCW 36.70A.030.

"Director" means the Director of the Department of Planning and Development, or the Director's designee.

"Dish antenna." See "Communication devices and utilities."

"Dispersion criteria" means standards regulating the maximum concentration of and/or minimum distance between particular uses.

"Display of rental equipment, outdoor." See "Outdoor display of rental equipment."

"DMC housing TDR site." See "TDR site, DMC housing."

"Doctor, hospital-based" means a physician having an office and/or principal practice based in and/or salaried by a major institution.

"Doctor, staff" means a physician with staff privileges at a hospital who has an office outside the boundaries of the major institution.

"Domestic violence shelter." See "Residential use."

"Dormer" means a minor gable in a pitched roof, usually bearing a window on its vertical face. A dormer is part of the roof system.

"Downtown Amenity Standards" means the provisions contained in Attachment 3 to Ordinance 122054, as they may be amended from time to time by ordinance.

"Drinking establishment." See "Eating and drinking establishment"

"Drive-in business" means a business or a portion of a business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or packaging procedures, to carry on business in the off-street parking or paved area accessory to the business, while seated in a motor vehicle or while out of the vehicle but in the immediate vicinity of the vehicle. This definition shall include but not be limited to gas stations, car washes, and drive-in restaurants or banks.

"Drive-in lane" means an aisle that gives vehicle access to a drive-in window or other drive-in facility such as a gasoline pump or car wash bay.

"Driveway" means that portion of a street, alley or private lot that provides access to, but not within, an off-street parking facility from a curb cut, and may include portions of the sidewalk.



"Dry boat storage." See "Parking and moorage" under "Transportation facility."

"Duplex" means a single structure containing only two dwelling units, neither of which is an accessory dwelling unit authorized under Section 23.44.041.

"Dwelling unit" means a room or rooms located within a structure, designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

"Dwelling unit, accessory." See "Residential use."

"Dwelling unit, detached accessory." See "Residential use."

23.84A.010 "E."

"Easement" means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.

"Eating and drinking establishment" means a use in which food and/or beverages are prepared and sold at retail for immediate consumption. Eating and drinking establishments include restaurants and drinking establishments.

1. "Drinking establishment" means an establishment other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol; and in which limited food service may be accessory to the service of alcoholic beverages. Drinking establishments may include but are not limited to taverns, saloons, brewpubs, bars, pubs, or cocktail lounges associated with restaurants.

2. "Restaurant" means a use in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premise, and in which any service of alcoholic beverages is accessory to the service of food.

"Edge" means the boundary between two (2) kinds of areas that are identified by the uses within them, degree of activity, topography or other special characteristics.

"EIS" means an environmental impact statement required by the State Environmental Policy Act, including as the context may require a draft, final or supplemental EIS.

"Electric-assisted bicycle" shall have the same meaning accorded by RCW 46.04.169, as that section currently exists or is hereafter amended.

"Electric scooter" means a vehicle: (1) with a handlebar for steering, two wheels less than 18 inches in diameter, and a saddle or seat for the operator and any passenger; (2) propelled by an electric motor or by an electric motor in combination with human propulsion; and (3) incapable of exceeding a speed of 30 miles per hour on level ground.

"Elevated walkway" means a pedestrian walkway connecting structures within a cluster development and located above existing grade.

"Entertainment use" means a commercial use in which recreational, entertainment, athletic, and/or cultural opportunities are provided for the general public, either as participants or spectators. Uses accessory to institutions or to public parks or playgrounds shall not be considered entertainment uses. Entertainment uses include the following uses:

1. "Motion picture theater, adult" means a use in which, in an enclosed building, motion picture films are presented that are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas," as defined in this subsection, for observation by patrons therein:

a. "Specified sexual activities":

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

b. "Specified anatomical areas":

- (1) Less than completely and opaquely covered:
  - (a) Human genitals, pubic region,
  - (b) Buttock, or
  - (c) Female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. "Panoram, adult" means a device which exhibits or displays for observation by a patron a picture or view from film or videotape or similar means which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in subsection 1.

3. "Sports and recreation, indoor" means an entertainment use in which facilities for engaging in sports and recreation are provided within an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.

4. "Sports and recreation, outdoor" means an entertainment use in which facilities for engaging in sports and recreation are provided outside of an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include tennis courts, water slides, and driving ranges.

5. "Theaters and spectator sports facilities" means an entertainment use in which cultural, entertainment, athletic, or other events are provided for spectators either in or out of doors. Adult motion picture theaters and adult panoramas shall not be considered theaters and spectator sports facilities for the purposes of this definition. Theaters and spectator sports facilities include, but are not limited to, the following uses:

a. "Lecture and meeting hall" means a theater and spectator sports facility intended and expressly designed for public gatherings such as but not limited to commercial spaces available for rent or lease for the purpose of holding meetings or the presentation of public speeches.

b. "Motion picture theater" means a theater and spectator sports facility use intended and expressly designed for the presentation of motion pictures, other than an adult motion picture theater.

c. "Performing arts theater" means a theater and spectator sports facility intended and expressly designed for the presentation of live performances of drama, dance and music.

d. "Spectator sports facility" means a theater and spectator sports facility intended and expressly designed for the presentation of sports events, such as a stadium or arena.

"Entrance ramp" means any public road or turning roadway, including acceleration lanes, by which traffic enters the main traveled way of a limited-access facility from the general street system; such designation applying to that portion of the roadway along which there is full control of access.

"Environmentally critical area" means any of those areas regulated as an environmentally critical area by SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

"Essential public facilities" means airports, sewage treatment plants, jails, light rail transit systems, monorail transit systems, and power plants.

"Existing lot grade." See "Lot grade, existing."

"Exit ramp" means any public road or turning roadway, including deceleration lanes, by which traffic leaves the main traveled way of a freeway to reach the general street system within the city; such designation applying to that portion of the roadway along which there is full control of access.

"Expressway" means a divided arterial street for through traffic with full or partial control of access and generally with grade separations at intersections.

23.84A.012 "F."

"Facade" means any exterior wall of a structure including projections from and attachments to the wall. Projections and attachments include balconies, decks, porches, chimneys, unenclosed corridors and similar projections.

"Facade, front" means the facade, other than an interior facade, extending the full width of the structure, including modulations, that is closest to and most nearly parallels the front lot line.

"Facade, interior" means any facade of a structure within a cluster development, that faces, or portions of which face, the facade(s) of another structure(s) within the same development.

"Facade, perimeter" means any facade of a structure within a cluster development, that is either a front, rear or side facade.

"Facade, rear" means the facade, other than an interior facade, extending the full width of the structure, including modulations, that is closest to and most nearly parallels the rear lot line.

"Facade, side" means a facade, other than an interior facade, extending the full depth of the structure, including modulations, that is closest to and most nearly parallels the side lot line.

"Facade, street-facing" means for any street lot line, all portions of the facade, including modulations, that are:

1. oriented at less than a ninety (90) degree angle to the street lot line; and
2. not separated from the street lot line by any structure or another lot.

"Facade, street-level" means the portion of the facade that covers the street-level story or stories of a structure along an abutting street. On streets with little or no slope, the street-level facade is the exterior wall of the story of a structure with its floor closest to street-level. On sloped streets, the street-level facade may cover portions of more than one story.

"Family support center." See "Institution."

"FAR." See "Floor area ratio."

"Fast food restaurant, formula" means, for purposes of application within the International Special Review District, an establishment required by contractual or other arrangements to offer some or all of the following:

1. standardized menus, ingredients, food preparation, decor, external facade and/or uniforms;

2. prepared food in a ready-to-consume state;
3. food sold over the counter in disposable containers and wrappers;
4. food selected from a limited menu.

"Fixed wireless service." See "Communication Devices and Utilities."

"Flat" means a dwelling unit that is located entirely on one (1) level in a multi-family structure.

"Fleet vehicles" means more than three (3) vehicles having a gross vehicle weight (gvw) not exceeding ten thousand (10,000) pounds, or more than one (1) vehicle having a gvw exceeding ten thousand (10,000) pounds permanently located at a business establishment or operated on a daily basis in connection with business activities. This definition shall not include vehicles that are available for rent to the public.

"Floating homes." See "Residential use."

"Floor area, gross." See "Gross floor area."

"Floor area ratio" means a ratio expressing the relationship between the amount of gross floor area or chargeable floor area permitted in one or more structures and the area of the lot on which the structure is, or structures are, located, as depicted in Exhibit 23.84A.012 A.

#### [Exhibit 23.84A.012 A](#)

"Florist" means a retail sales and service use in which cut flowers and other plants are sold.

"Food preparation area" means a room or portion of a room designed, arranged, intended or used for cooking or otherwise making food ready for consumption.

"Food processing and craft work" means a commercial use in which food items and craft work are produced without the use of a mechanized assembly line and includes but is not limited to the following:

1. "Custom and craft work" means a food processing and craft work use in which nonfood, finished, personal or household items, which are either made to order or which involve considerable handwork, are produced. Examples include but are not limited to pottery and candlemaking, production of orthopedic devices, motion picture studios, printing, creation of sculpture and other art work, and glassblowing. The use of products or processes defined as high-impact uses shall not be considered custom and craft work.
2. "Food processing" means a food processing and craft work use in which food for human consumption in its final form, such as candy, baked goods, seafood, sausage, tofu, pasta, etc., is produced, when the food is distributed to retailers or wholesalers for resale off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods is not included in this definition, but shall be considered to be light manufacturing.

"Formula fast-food restaurant." See "Fast food restaurant, Formula."

"Freeway" means an expressway with full control of access.

"Fuel pump" means a device for retail deliveries of motor

fuels, including but not limited to gasoline, diesel, natural gas, bio-diesel, or hydrogen, to individual motor vehicles.

"Fuel sales" see "Sales, Heavy commercial" under "Sales and services, Heavy

23.84A.014 "G."

"Garage, private" means an accessory structure or an accessory portion of a principal structure, designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal structure. (See "Carport.")

"Garage, terraced" means a private garage that is partially below existing and/or finished grade.

"Garden wall crypt" means an outdoor freestanding wall or exterior wall of a structure containing niches for permanent inurnment of cremated remains.

"Gas station." See "Retail sales and services, automotive" under "Sales and services, automotive."

"General mailed release" means an information mailing to the individuals and groups on a master mailing list as may be established by the Department.

"General manufacturing." See "Manufacturing"

"General retail sales and services." See "Sales and services, general."

"General sales and services." See "Sales and services, general."

"Grade." See "Lot grade."

"Green area factor" means a number determined under Section 23.47A.016.

"Green roof" means a landscaped area on the roof of a structure.

"Green street" means a street right-of-way that is part of the street circulation pattern, that through a variety of treatments, such as sidewalk widening, landscaping, traffic calming, and pedestrian-oriented features, is enhanced for pedestrian circulation and open space use.

"Green street, designated" means a portion of a street designated as a green street on a map in this Title.

"Grocery store" means a business establishment (or portion thereof) in multipurpose retail sales use where food and beverages for home consumption, and household supplies, are the principal products sold.

"Gross floor area" means the number of square feet of total floor area bounded by the inside surface of the exterior wall of the structure as measured at the floor line.

"Ground-related dwelling unit" means a dwelling unit with direct access to private ground-level usable open space. The open space may be located at the front, sides or rear of the structure, and not more than ten (10) feet above or below the unit. Access to the open space shall not go through or over common circulation areas, common or public open spaces, or the open space of another unit.

"Ground-related structure" means a structure containing only ground-related dwelling units.

23.84A.016 "H."

"Hard-surfaced street" means a street that has been surfaced with a material other than crushed rock so that a hard, smooth, strong surface exists.

"Hazardous materials" means substances that are capable of posing risk to health, safety or property as defined in the

Seattle Fire Code.

"Hearing Examiner" means the official appointed by the Council and designated as the Hearing Examiner, or that person's designee (Deputy Hearing Examiner, Hearing Examiner Pro Tem, etc.).

"Hearing, open record." See RCW 36.70B.020.

"Heat recovery incinerator" means an accessory facility designed for the conversion of at least one (1) ton per day of solid waste into useful energy, together with storage and handling bins and machinery required for its operation.

"Heavy commercial services." See "Commercial services, heavy" under "Sales and services, heavy."

"Heavy commercial sales." see "Commercial sales, heavy" under "Sales and services, heavy."

"Heavy manufacturing." See "Manufacturing."

"Heavy sales and services" See "Sales and services, heavy."

"Heavy traffic generator," means any use that generates more than seventy-five (75) trips per hour per one thousand (1,000) square feet of gross floor area at peak hour, according to the Institute of Transportation Engineers' (ITE) Trip Generation Manual.

"Heliport." See "Air transportation facility" under "Transportation facility."

"Helistop." See "Air transportation facility" under "Transportation facility."

"High-impact use" means a business establishment that is considered to be dangerous and/or noxious due to the probability and/or magnitude of its effects on the environment; and/or has the potential for causing major community or health impacts, including but not limited to nuisance, odors, noise, and/or vibrations; and/or is so chemically intensive as to preclude site selection without careful assessment of potential impacts and impact mitigation. The Director shall consult as necessary with the Chief of the Seattle Fire Department, the Director of the Seattle-King County Health Department, and other local, state, regional and federal agencies to determine when a business establishment shall be regulated as a high-impact use.

"Hillclimb assist" means an amenity feature consisting of a pedestrian corridor that incorporates a mechanical device or combination of mechanical and non-mechanical features to connect avenues across lots with slopes of ten (10) percent or more to aid pedestrian movement up and down the slopes.

"Hillside terrace" means an amenity feature consisting of an extension of the public sidewalk on lots with slopes of ten (10) percent or more, which through design features provides public street space, helps integrate street-level uses along the sidewalk, and makes pedestrian movement up and down steep slopes easier and more pleasant.

"Home occupation" means a nonresidential use that is clearly incidental and secondary to the use of a dwelling for residential purposes and does not change the character of the dwelling.

"Horticulture." See "Agricultural use."

"Hospital." See "Institution."

"Hotel." See "Lodging use."

"Household" means a housekeeping unit consisting of any number of related persons; eight (8) or fewer non-related, non-transient persons; or eight (8) or fewer related and non-related non-transient persons, unless a grant of special or reasonable accommodation allows an additional number of persons.

"Household, low-income" means a household whose income does not exceed eighty (80) percent of median income.

"Household, moderate-income" means a household whose income does not exceed median income.

"Household, very low-income" means a household whose income does not exceed fifty (50) percent of median income.

"Housing, affordable" means a housing unit for which the occupant is paying no more than thirty (30) percent of household income for gross housing costs, including an allowance for utility costs paid by the occupant.

"Housing, low-income" means housing affordable to, and occupied by, low-income households.

"Housing, moderate-income" means housing affordable to, and occupied by, moderate-income households.

"Housing, very low-income" means housing affordable to, and occupied by, very low-income households.

"Housing TDR site." See "TDR site, housing."

"Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or single occupancy unit.

"Human service use" means a use in which structure(s) and related grounds or portions thereof are used to provide one or more of the following: emergency food, medical or shelter services; community health care clinics, including those that provide mental health care; alcohol or drug abuse services; information and referral services for dependent care, housing, emergency services, transportation assistance, employment or education; consumer and credit counseling; or day care services for adults. Human service uses provide at least one (1) of the listed services directly to a client group on the premises, rather than serve only administrative functions.

23.84A.018 "I."

"Infill development" means development consisting of either:

1. Construction on one (1) or more lots in an area that is mostly developed, or
2. New construction between two (2) existing structures.

"Institute for advanced study." See "Institution."

"Institution" means structure(s) and related grounds used by organizations for the provision of educational, medical, cultural, social and/or recreational services to the community, including but not limited to the following uses:

1. "Adult care center" means an institution that regularly provides care to a group of adults for less than twenty-four (24) hours a day, whether for compensation or not.
2. "College" means a post-secondary educational institution, operated by a nonprofit organization, granting associate, bachelor and/or graduate degrees.
3. "Community club or center" means an institution used for athletic, social, civic or recreational purposes, operated by a nonprofit organization, and open to the general public on an equal basis. Activities in a community club or center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar activities.
  - a. "Community center" means a community club or center use, providing direct services to people on the premises rather than carrying out only administrative functions, that is open to the general public without membership.

- b. "Community club" means a community club or center use, membership to which is open to the general public on an equal basis.
4. "Child care center" means an institution that regularly provides care to a group of children for less than twenty-four (24) hours a day, whether for compensation or not. Preschools shall be considered to be child care centers.
5. "Family support center" means an institution that offers support services and instruction to families, such as parenting classes and family counseling, and is co-located with a Department of Parks and Recreation community center.
6. "Hospital" means an institution that provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more, for observation, diagnosis and care of individuals who are suffering from illness, injury, deformity or abnormality or from any condition requiring obstetrical, medical or surgical services, or alcohol or drug detoxification. This definition excludes nursing homes.
7. "Institute for advanced study" means an institution operated by a nonprofit organization for the advancement of knowledge through research, including the offering of seminars and courses, and technological and/or scientific laboratory research.
8. "Library" means an institution where literary, musical, artistic or reference materials are kept for use but not generally for sale.
9. "Museum" means an institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.
10. "Private club" means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.
11. "Religious facility" means an institution, such as a church, temple, mosque, synagogue or other structure, together with its accessory structures, used primarily for religious worship.
12. "School, elementary or secondary" means an institution operated by a public or nonprofit organization primarily used for systematic academic or vocational instruction through the twelfth grade.
13. "School, vocational or fine arts " means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level, or which teaches fine arts such as music, dance or painting to any age group, whether operated for nonprofit or profit-making purposes.
14. "University." See "College."

23.84A.020 "J."

"Jail" means a public facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. This definition does not include facilities for programs providing alternatives to imprisonment such as prerelease, work release or probationary programs.

"Junk storage" means the temporary or permanent storage outdoors of junk, waste, discarded, salvaged or used materials or inoperable vehicles or vehicle parts. This definition shall include but not be limited to the storage of used lumber, scrap metal, tires, household garbage, furniture, and inoperable machinery.

"Junkyard." See "Salvage and recycling."



23.84A.022 "K."

"Kennel." See "Animal shelters and kennels."

"Kitchen." See "Food preparation area."

23.84A.024 "L."

"Laboratory, research and development" means a use in which research and experiments leading to the development of new products are conducted. This use may be associated with an institutional, clinical or commercial use. Space designed for this use typically includes features such as: floor to floor ceiling heights, generally fourteen (14) feet in height or greater to accommodate mechanical equipment and laboratory benches plumbed for water service.

"Landmark housing TDR site." See "TDR site, Landmark housing."

"Landscape section" means a section of the right-of-way of a freeway, expressway, parkway or scenic route, at least one (1) side of which is improved by the planting, for other than the sole purpose of soil erosion control, of ornamental trees, shrubs, lawn or other vegetation, or at least one (1) side of which is endowed by nature with native trees and shrubs that are reasonably maintained, and which has been so designated by this Code.

"Landscaping" means live planting materials, including but not limited to, trees, shrubs, vegetables, fruits, grass, vines, ground cover or other growing horticultural material. Landscaping may also include features intended to enhance a landscaped area, including water features, pathways or materials such as wood chips, stone, permeable paving or decorative rock.

"Laundry, commercial." See "Commercial services, heavy" under "Sales and services, heavy."

"Lecture and meeting halls." See "Theaters and spectator sports facilities" under "Entertainment."

"Ledge" means a cantilevered or posted platform extending no more than eighteen (18) inches from a structure.

"LEED" (Leadership in Energy & Environmental Design) means the U.S. Green Building Council's Green Building Rating System. LEED is a voluntary consensus-based national standard for developing high-performance, sustainable buildings. LEED provides standards for higher performance in the following categories: Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, and Innovation and Design Process.

"LEED-CS" (LEED for Core & Shell) means a standard for core and shell construction and covers base building elements, such as the structure, envelope and building level systems. LEED-CS recognizes the division between owner and tenant responsibility for design and construction of certain elements of the building.

"LEED-NC" (LEED for New Construction) means a standard for new construction and major renovation projects. LEED-NC covers all building elements, including core and shell and interiors. LEED-NC was designed for commercial, institutional, high-rise residential, and mixed-use projects, but has also been applied to K-12 schools, industrial, laboratories, and many other building types.

"LEED Silver rating" means a level of performance for a new structure that earns at least the minimum number of credits specified to achieve a "Silver" certification either for "LEED-NC" or for "LEED-CS," at the election of the applicant, according to the criteria in the U.S. Green Building Council's LEED Green Building Rating System, LEED-NC Version 2.2 and LEED-CS Pilot Version, copies of which are filed with the City Clerk in C.F. 307824, and incorporated in this section by reference.

"Library." See "Institution."

"Light manufacturing." See "Manufacturing."

"Light rail transit facility." See "Rail transit facility" under "Transportation facility."

"Light rail transit system." See "Rail transit facility" under "Transportation facility."

"Live-work unit" means a structure or portion of a structure:~~(1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

"Loading berth" means an off-street space for the temporary parking of a vehicle while loading or unloading merchandise or materials and that abuts on a street, alley or easement.

"Lodging use" means a commercial use in which the primary activity is the provision of rooms to transients. Lodging uses include but are not limited to the following uses:

1. "Bed and breakfast" means a lodging use, where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.
2. "Hotel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common interior hallways, and in which a majority of the rooms are provided to transients for a fee on a daily or short-term basis.
3. "Motel" means a lodging use, located in a structure in which access to individual units is predominantly by means of common exterior corridors, and in which a majority of the rooms are provided to transients on a daily or short-term basis, and in which off-street parking is provided on the lot.

"Lot" means, except for the purposes of a TDR sending lot for Landmark TDR or housing TDR, one or more platted or unplatted parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley (Exhibit 23.84A.024 A). For purposes of a TDR sending lot for Landmark TDR, "lot" means the parcel described in the ordinance approving controls for the sending lot. For purposes of a sending lot for housing TDR, "lot" means the smallest parcel or combination of contiguous parcels, as described in the County real property records at any time after January 4, 1993, that contain the structure or structures that make the TDR eligible for transfer.

#### [Exhibit 23.84A.024 A](#) Lot Types

"Lot area" means the total area of the horizontal plane within the lot lines of a lot.

"Lot, corner" means a lot situated at the intersection of two (2) streets, or bounded on two (2) or more adjacent sides by street lot lines, provided that the angle of intersection of the street lot lines does not exceed one hundred thirty-five (135) degrees.

"Lot coverage" means that portion of a lot occupied by structures, expressed as a percentage of the total lot area (Exhibit 23.84A.024 B ).

#### [Exhibit 23.84A.024 B - Lot Coverage](#)

"Lot depth" means the horizontal distance between the front and rear lot lines.

"Lot grade, existing" means the natural surface contour of a lot, as modified by minor adjustments to the surface of the lot in preparation for construction.

"Lot, interior" means a lot other than a corner lot.

"Lot, key" means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

"Lot line, front" means, in the case of an interior lot, the lot line separating the lot from the street, and in the case of a corner lot, the lot line separating the lot from any abutting street, provided the other lot line(s) that abut streets are considered to be side street lot line(s).

"Lot line, rear" means a lot line that is opposite and most distant from the front lot line.

"Lot line, side" means any lot line other than a front lot line or a rear lot line.

"Lot line, side street" means a lot line, other than the front lot line, abutting upon a street.

"Lot line, street" means a front lot line or a side street lot line.

"Lot lines" means the property lines bounding a lot.

"Lot, parent" means the initial lot from which unit lots are subdivided.

"Lot, reversed corner" means a corner lot, the side street lot line of which is substantially a continuation of the front lot line of the lot to its rear, whether or not separated by an alley.

"Lot, through" means a lot abutting on two (2) streets that are parallel or within fifteen (15) degrees of parallel with each other.

"Lot, unit" means one of the individual lots created from the subdivision of a parent lot pursuant to Section 23.22.062 or Section 23.24.045.

"Lot, waterfront" means a lot or parcel any portion of which is offshore of or abuts upon the ordinary high water mark or mean high water mark and any other lot or parcel partially or entirely within the Shoreline District that is not separated from the water by a street, arterial, highway or railroad right-of-way, that was a legal right-of-way as of March 17, 1977, but does not include any legally dedicated right-of-way.

"Lot width" means the mean horizontal distance between side lot lines measured at right angles to the lot depth.

"Low-income disabled multifamily structure." See "Multifamily structure, low-income disabled."

"Low-income elderly multifamily structure." See "Multifamily structure, low-income elderly."

"Low-income elderly/low-income disabled multifamily structure." See "Multifamily structure, low-income elderly/low-income disabled."

"Low-income household." See "Household, low-income."

"Low-income housing." See "Housing, low-income."

23.84A.025 "M."

"Mailed notice" means notice mailed to such property owners, commercial lessees and residents of the area within three hundred (300) feet of the boundaries of a specific site as can be determined from the records of the King County

Department of Assessments and such additional references as may be identified by the Director; provided, that in the downtown area bounded by Denny Way, Interstate 5, South Royal Brougham Way and Elliott Bay, mailed notice provided by the Director shall mean notice mailed to owners, lessees and building managers on the project site and to property owners and building managers within three hundred (300) feet of a specific site and the posting by the applicant of one (1) land use sign visible to the public at each street frontage abutting the site but not to exceed ten (10) land use signs. When there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within fourteen (14) days after final action on the application has been completed. Annually, the Director shall publish in the City's official newspaper additional reference(s) to be used to supplement the information obtained from the King County records. The mailed notice shall request that property managers post the notice in a public area of the commercial or multifamily building.

"Major communication utility." See "Communication devices and utilities."

"Major durables retail sales." See "Sales and services, heavy."

"Major Institution" means an institution providing medical or educational services to the community. A Major Institution, by nature of its function and size, dominates and has the potential to change the character of the surrounding area and/or create significant negative impacts on the area. To qualify as a Major Institution, an institution must have a minimum site size of sixty thousand (60,000) square feet of which fifty thousand (50,000) square feet must be contiguous, and have a minimum gross floor area of three hundred thousand (300,000) square feet. The institution may be located in a single building or a group of buildings that includes facilities to conduct classes or related activities needed for the operation of the institution.

A Major Institution shall be determined to be either an educational Major Institution or a medical Major Institution, according to the following:

1. "Educational Major Institution" means an accredited post-secondary level educational institution, operated by a public agency or nonprofit organization, granting associate, baccalaureate and/or graduate degrees. The institution may also carry out research and other activities related to its educational programs.
2. "Medical Major Institution" means a licensed hospital.

"Major performing arts facility" means a facility specifically designed for the presentation of live performances of theater, dance or music, that at a minimum has one (1) auditorium with at least two thousand (2,000) seats.

"Major Phased Development" means a nonresidential, multiple building project that, by the nature of its size or function, is complex enough to require construction phasing over an extended period of time, excluding Major Institutions.

"Major retail store" means a structure or portion of a structure that provides adequate space of at least eighty thousand (80,000) square feet to accommodate the merchandising needs of a major new retailer with an established reputation, and providing a range of merchandise and services, including both personal and household items, to anchor downtown shopping activity around the retail core, thereby supporting other retail uses and the area's vitality and regional draw for customers.

"Manufacturing" means a use in which articles are produced by hand or by machinery, from raw or prepared materials, by giving to those materials new forms, qualities, properties, or combinations, in a process characterized by the repetitive production of items made to the same or similar specifications. Items produced are generally sold directly to other businesses, or are sold at wholesale. The retail sale of items to the general public is incidental to the production of goods. For the purpose of this definition, uses listed as food processing and craft work or high-impact uses are not considered manufacturing uses. Manufacturing uses include the following:

1. "Manufacturing, light" means a manufacturing use, typically having little or no potential of creating noise, smoke, dust, vibration or other environmental impacts or pollution, and including but not limited to the following:

a. Production, assembly, finishing, and/or packaging of articles from parts made at another location, such as assembly of clocks, electrical appliances, or medical equipment.

b. Production of finished household and office goods, such as jewelry, clothing or cloth, toys, furniture, or tents, from materials that are already refined, or from raw materials that do not need

refining, such as paper, fabric, leather, premilled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;

c. Canning or bottling of food or beverages for human consumption using a mechanized assembly line or food processing for animal consumption;

d. Printing plants with more than five thousand (5,000) square feet of gross floor area.

2. "Manufacturing, general" means a manufacturing use, typically having the potential of creating moderate noise, smoke, dust, vibration or other environmental impacts or pollution, and including but not limited to the following:

a. Production of items made from stone or concrete;

b. Production of items from ferrous or nonferrous metals through use of a machine shop, welding or fabrication; or from nonferrous metals through use of a foundry; or from ferrous metals through use of a foundry heated by electricity (induction melting);

c. Production of recreational or commercial vessels of less than one hundred twenty (120) feet in length to individual customer specifications;

d. Production of finished goods, that typically are not for household or office use, such as barrels, ceramic molds, or cardboard cartons, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, premilled wood; or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;

e. Production of finished goods, for household or non-household use, such as toys, film, pens, or linoleum from plastic, rubber, or celluloid;

f. Production of parts to be assembled into a finished product;

g. Development of film on a wholesale basis;

h. Production of items through biological processes, such as pharmaceuticals and industrial purifiers, manufactured by bioengineering techniques;

i. Production of items such as paint and coatings, dyestuffs, fertilizer, glue, cosmetics, clay, or pharmaceuticals that require the mixing or packaging of chemicals.

3. "Manufacturing, heavy" means a manufacturing use, typically having the potential of creating substantial noise, smoke, dust, vibration and other environmental impacts or pollution, and including but not limited to:

a. The extraction or mining of raw materials, such as quarrying of sand or gravel;

b. Processing or refining of raw materials, such as but not limited to minerals, petroleum, rubber, wood or wood pulp, into other products;

c. The milling of grain or refining of sugar, except when accessory to a use defined as food processing for human

consumption or as a retail sales and service use;

d. Poultry slaughterhouses, including packing and freezing of poultry;

e. Refining, extruding, rolling, or drawing of ferrous or nonferrous metals, or the use of a non-induction foundry for ferrous metal;

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

g. Production of large durable goods such as motorcycles, cars, manufactured homes, airplanes, or heavy farm, industrial, or construction machinery;

h. Manufacturing of electrical components, such as semiconductors and circuit boards, using chemical processes such as etching or metal coating;

i. Production of industrial organic and inorganic chemicals, and soaps and detergents; and

j. Conversion of solid waste into useful products or preparation of solid waste for disposal at another location by processing to change its physical form or chemical composition. This includes the off-site treatment or storage of hazardous waste as regulated by the State Department of Ecology. The on-site treatment and storage of hazardous waste is considered an incidental or accessory use.

"Marina, recreational." See "Boat moorage" under "Parking and moorage" under "Transportation facility."

"Marine retail sales and service." See "Sales and services, marine."

"Marine sales and service." See "Sales and services, marine."

"Master Use Permit" means the document issued to an applicant that records all land use decisions that are made by the Department on a master use application. Construction permits and land use approvals that must be granted by the City Council, citizen boards or the state are excluded.

"Mausoleum" means a structure or building for the entombment of human remains in crypts.

"Median income" means annual median family income for the Seattle area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD), with adjustments according to household size in a manner determined by the Director, which adjustments shall be based upon a method used by the United States Department of Housing and Urban Development to adjust income limits for subsidized housing, and which adjustments for purposes of determining affordability of rents or sale prices shall be based on the average size of household considered to correspond to the size of the housing unit (one (1) person for studio units and one and a half (1.5) persons per bedroom for other units).

"Medical services" means a commercial use in which health care for humans or animals is provided on an outpatient basis, including

but not limited to offices for doctors, dentists, veterinarians, chiropractors, and other health care practitioners, or in which mortuary or funeral services are provided. Permitted accessory uses include associated office, research and laboratory uses.

"Meeting, public." See RCW 36.70B.020.

"Mini-warehouse." See "Storage."

"Minor communication utility." See "Communication devices and utilities"

"Minor institution" means an institution that does not meet the criteria for a major institution.

"Mobile home park." See "Residential use."

"Moderate-income household." See "Household, moderate-income."

"Moderate-income housing." See "Housing, moderate-income."

"Modulation" means a stepping back or projecting forward of sections of the facade of a structure within specified intervals of structure width and depth, as a means of breaking up the apparent bulk of the continuous exterior walls (Exhibit 23.84A.025 A).

#### [Exhibit 23.84A.025 A - Modulation](#)

"Monorail guideway." See "Rail transit facility" under "Transportation facility."

"Monorail transit facility." See "Rail transit facility" under "Transportation facility"

"Monorail transit station." See "Rail transit facility"

under "Transportation facility."

"Monorail transit system." See "Rail transit facility" under "Transportation facility."

"Mortuary service." See "Medical services".

"Motel." See "Lodging use."

"Motion picture studio" means a facility for the production of motion pictures, intended for movie or television viewing, using video or film media. Motion picture studio use may be intermittent.

"Motion picture theater." See "Theaters and spectator sports facilities" under "Entertainment."

"Motion picture theater, adult." See "Entertainment."

"Multifamily structure." See "Residential use."

"Multifamily structure, low-income disabled" means a multifamily structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who constitute a low-income household.

"Multifamily structure, low-income elderly" means a structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons sixty-two (62) or more years of age who constitute a low-income household.

"Multifamily structure, low-income elderly/low-income disabled" means a multifamily structure in which at least ninety (90) percent of the dwelling units (not including vacant units) are occupied by a low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person sixty-two (62) years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

"Multifamily structure, very low-income disabled" means a multifamily structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendment Act and who constitute a very low-income household."

"Multifamily structure, very low-income elderly" means a structure in which at least ninety (90) percent of the dwelling units are occupied by one or more persons sixty-two (62) or more years of age who constitute a very low-income household.

"Multifamily structure, very low-income elderly/very low-income disabled" means a multifamily structure in which at least ninety (90) percent of the dwelling units (not including vacant units) are occupied by a very low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendments Act or a person sixty-two (62) years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

"Multiple business center" means a grouping of two (2) or more

business establishments that either share common parking on the lot where they are located, or occupy a single structure or separate structures that are physically attached or both. Shopping centers are considered to be multiple business centers.

"Museum." See "Institution."

23.84A.026 "N."

"NC zone." See "Zone, neighborhood commercial."

"Neighborhood plan" means the goals and policies adopted by the Council into the Comprehensive Plan's Neighborhood Planning Element, that are developed to guide the growth and development of a specific neighborhood and deal with other neighborhood related issues such as housing, institutions, transportation, economic development and other community development activities.

"Nonconforming to development standards" means a structure, site or development that met applicable development standards at the time it was built or established, but that does not now conform to one or more of the applicable development standards. Development standards include, but are not limited to height, setbacks, lot coverage, lot area, number and location of parking spaces, open space, density, screening and landscaping, lighting, maximum size of nonresidential uses, maximum size of non-industrial use, view corridors, sidewalk width, amenity features, street-level use requirements, street facade requirements, and floor area ratios.

"Nonconforming use." See "Use, nonconforming."

"Non-household sales and services." See "Sales and services, heavy."

"Nonresidential structure" means a structure containing no residential uses.

"Nursing home." See "Residential use."

23.84A.028 "O."

"Office" means a commercial use that provides administrative or professional services to individuals, businesses, institutions and/or government agencies primarily by phone or mail, by going to the customer's home or place of business, or on the premises by appointment; or in which customers are limited to holders of business licenses, but not including facilities where medical services are provided or customer service offices. Examples of services provided include general contracting, janitorial and housecleaning services; legal, architectural, and data processing;



broadcasting companies, administrative offices of businesses, unions or charitable organizations; and wholesalers and manufacturer's representatives' offices. Offices may include accessory storage, but not the storage of building materials, contractor's equipment or items, other than samples, for wholesale sale.

"Office, Customer service." See "Retail sales and services, General" under "Sales and services, general."

"Open space" means land and/or water area with its surface predominately open to the sky or predominantly undeveloped, that is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable natural resources, or structuring urban development and form.

"Open space, common" means usable open space that is available for use by all occupants of a residential structure.

"Open space, landscaped" means exterior space, at ground level,

predominantly open to public view and used for the planting of trees, shrubs, ground cover and other natural vegetation.

"Open space, usable" means an open space that is of appropriate size, shape, location and topographic siting so that it provides landscaping, pedestrian access or opportunity for outdoor recreational activity. Parking areas and driveways are not usable open spaces.

"Open space, private usable " means usable open space that is intended to be used only by the occupants of one ground-related dwelling unit.

"Ornamental feature" means a decorative object such as a lintel, cornice or sunshades extending from a structure.

"Outdoor display of rental equipment" means an outdoor area where merchandise available for rent is displayed, and that is freely accessible to the public. Outdoor display of rental equipment may be the principal use of a lot or may be accessory to a commercial use where the rental transactions occur within a structure.

"Outdoor sales" means an outdoor area where merchandise is sold or is displayed for sale, and which is freely accessible to the public, except that automotive retail sales areas shall be considered outdoor sales whether freely accessible or not. Outdoor sales may be the principal use of a lot or may be accessory to a commercial use where the sales transactions occur within a structure.

"Outdoor storage." See "Storage."

"Overhead weather protection" means a nonstructural feature, such as a canopy, awning or marquee, or a structural feature, such as a building overhang or arcade, that extends from a building and provides pedestrians with protection from inclement weather and adds visual interest at street level.

"Owner" means any person having a legal or equitable interest in, title to, responsibility for, or possession of a building or property, including, but not limited to, the interest of a lessee, guardian, receiver or trustee, and any duly authorized agent of the owner.

"Owner occupancy" means occupancy of a dwelling by the legal owner as reflected in title records, or by the contract purchaser. The owner occupant of a residence containing an accessory dwelling unit must have an interest equal to or greater than any other partial owner of the property, and the owner occupant's interest must be fifty (50) percent or greater.

23.84A.030 "P."

"Panoram, adult." See "Entertainment use."

"Parcel park" means an amenity feature consisting of a small open space that is accessible to the public and that

provides downtown pedestrians an opportunity to rest and relax in a developed urban environment through such amenities as seating, landscaping and artwork.

"Park." See "Parks and open space".

"Park and pool lot." See "Principal use parking" under "Parking and moorage" under "Transportation facility."

"Park and ride lot." See "Principal use parking" under "Parking and moorage" under "Transportation facility."

"Parking" when used as a noun means a surface parking area or parking garage.

"Parking, accessory" means one or more parking spaces that are either reserved or required for a particular use or structure.

"Parking and moorage." See "Transportation facility."

"Parking garage" means a structure or a portion of a structure used or intended to be used for parking or storage of vehicles.

"Parking, long-term" means one or more long-term parking spaces.

"Parking, non-required" means one or more parking spaces not required by either the Land Use Code (Title 23 SMC) or the Zoning Code (Title 24 SMC) as accessory to a principal use and not required as a mitigating measure pursuant to the State Environmental Policy Act.

"Parking, principal use." See "Parking and moorage" under "Transportation facility".

"Parking screen" means a screen that effectively obscures view of off-street parking from the public right-of-way or private lots. (See also "Screen.")

"Parking, short-term" means one or more short-term parking spaces.

"Parking space" means an area for the parking of one vehicle within a parking facility or parking area, exclusive of driveways, ramps, and office and work areas.

"Parking space, long-term" means a parking space that will be occupied by the same motor vehicle for four (4) hours or more, including a space generally used by persons who commute to work by private motor vehicle or by residents.

"Parking space, short-term" means a parking space occupied by individual motor vehicles for less than four (4) hours and generally used intermittently by shoppers, visitors, or outpatients.

"Parking, surface" means an open area used or intended to be used for the parking of vehicles. It may be available to the public or reserved to accommodate parking for a specific purpose.

"Parks and open space" means a use in which an area is permanently dedicated to recreational, aesthetic, educational or cultural use and generally is characterized by its natural and landscape features. A parks and open space use may be used for both passive and active forms of recreation.

"Parkway" means a thoroughfare located within a park, or including a park-like development and designated as a "parkway."

"Participant sports and recreation." See "Sports and recreation, indoor" and "Sports and recreation, outdoor" under "Entertainment".

"Party of record" means any person, group, association or corporation that files an appeal; a person granted party status through intervention; the City department making the decision or determination; and the person who files an application for a permit or other type of development authorization that is the subject of the appeal.

"Passenger terminal." See "Transportation facility."

"Paved" means surfaced with a hard, smooth surface, usually consisting of Portland cement concrete or asphaltic concrete underlain by a subgrade of crushed rock.

"Pedestrian orientation" means a condition in which the location of and access to structures, types of uses permitted at street level, and storefront design are based on needs of persons on foot.

"Pedestrian-designated zone." See "Zone, pedestrian- designated."

"Pedestrian walkway" means a surfaced walkway, separated from the roadway, usually of crushed rock or asphaltic concrete and following the existing ground surface (not at permanent grade).

"Performing arts theater." See "Theaters and spectator sports facilities" under "Entertainment."

"Person" means any individual, partnership, corporation, association, or public or private organization of any character.

"Personal and household retail sales and service." See "Sales and service, general".

"Personal transportation services." See "Transportation services, personal."

"Personal wireless service." See "Communication devices and facilities."

"Pet daycare center" means a general retail sales and service use that regularly provides care for animals, which may include boarding.

"Pet grooming services." See "Retail sales and services, general."

"Pitched roof" means any non-horizontal roof.

"Placard" means a highly visible notice at least eleven (11) by fourteen (14) inches in size with headings that can be read from a distance of seventy-five (75) feet by persons of normal visual acuity.

"Planned community development (PCD)" means a zoning process that authorizes exceptions from certain development standards for structures on large tracts of land in certain downtown zones. A PCD is developed as a single entity through a public process.

"Planned residential development (PRD)" means a zoning mechanism that allows for flexibility in the grouping, placement, size and use of structures on a fairly large tract of land. A PRD is developed as a single entity, using a public process that incorporates design review.

"Planting strip" means that portion of a street right-of-way lying between the curb and the street lot line, exclusive of the sidewalk; provided, that if there is no curb, then "planting strip" means that portion of the street lying between a sidewalk and the street lot line. If there is no curb and no constructed sidewalk, there is no "planting strip."

"Plat" means a map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

"Playgrounds." See "Parks and open space."

"Plaza, urban" means an amenity feature downtown satisfying the applicable conditions in the Downtown Amenity Standards.

"Porch" means an elevated platform extending from a wall of a principal structure, with steps or ramps to the ground providing access by means of a usable doorway to the structure. A porch may be connected to a deck. (See also "Deck.")

"Power plant." See "Utility."

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision, that is submitted to furnish a basis for the approval or disapproval of the general layout of a subdivision.

"Principal structure" means the structure housing one or more principal uses as distinguished from any separate structures housing accessory uses.

"Principal use." See "Use, principal."

"Private club." See "Institution. "

"Private usable open space." See "Open space, usable, private."

"Project permit" or "Project permit application." See RCW 36.70B.020.

"Public atrium" means a feature consisting of an indoor public open space that provides opportunities for passive recreational activities and events, and for public gatherings, in an area protected from the weather, and including such amenities as seating, landscaping and artwork.

"Public benefit feature" means an amenity, use, or other feature of benefit to the public in a Downtown zone, that is provided by a developer and that can satisfy wholly or in part conditions to qualify for an increase in chargeable floor area. Examples include public open space, pedestrian improvements, housing, and provision of human services.

"Public Benefit Features Rule" means the DPD Director's Rule 20-93, subject heading Public Benefit Features: Guidelines for Evaluating Bonus and TDR Projects, Administrative Procedures and Submittal Requirements in Downtown Zones, to the extent the provisions thereof have not been superseded by amendments to, or repeal of, provisions of this title. References to the "Public Benefit Features Rule" for provisions on a particular subject also shall include, where applicable, any successor rule or rules issued by the Director to incorporate provisions on that subject formerly included in Rule 20-93, with any appropriate revisions to implement amendments to this title since the date of such rule.

"Public boat moorage." See "Boat moorage, public."

"Public convention center" means a public facility of three hundred thousand (300,000) square feet or more, the primary purpose of which is to provide facilities for regional, national and international conventions and that is owned, operated or franchised by a unit of general or special-purpose government. A public convention center may include uses such as shops, personal services and restaurants, which may be owned, operated or franchised by either a unit of general- or special-purpose government or by a private entity.

"Public display space." See "Museum."

"Public facility" means a public project or city facility.

"Public project" means a facility owned, operated or franchised by a unit of general or special-purpose government except The City of Seattle.

"Public school site, existing" means any property acquired and developed for use by or for the proposed public school before November 12, 1985. A public school site may be divided by streets or alleys.

"Public school site, new" means any property that has not been previously developed for use by a public school that is to be constructed, expanded or remodeled. A public school site may be divided by streets or alleys. A school property may include both a new school site and existing school sites.

23.84A.032 "R."

"Rain garden" means a landscaped area designed with soils and plantings to intercept rainwater in order to slow stormwater runoff.

"Rail transit facility." See "Transportation facility."

"Railroad switchyard." See "Vehicle storage and maintenance" under "Transportation facility."

"Railroad switchyard with mechanized hump." See "Vehicle storage and maintenance" under "Transportation facility."

"Receive-only communication device." See "Communication devices and utilities."

"Reception window obstruction." See "Communication devices and utilities."

"Recreational area, common" means a space of appropriate size, shape, location and topographic siting to provide landscaping, pedestrian access or opportunity for recreational activity, either in or out of doors, for all the residents of a structure containing dwelling units. Parking areas and driveways are not common recreational areas.

"Recreational marina." See "Boat moorage" under "Parking and moorage" under "Transportation facility."

"Recreational vehicle" means a wheeled vehicle designed for temporary occupancy with self-contained utility systems and not requiring a separate highway movement permit for highway travel. A recreational vehicle is not a dwelling unit.

"Recycling." See "Utility."

"Religious facility." See "Institution."

"Research and development laboratory." See "Laboratory, research and development."

"Residential amenity" means an area that provides opportunity for recreational activity for residents of a development or structure.

"Residential district identification sign" means an off- premises sign that gives the name of the group of residential structures, such as a subdivision or cluster development.

"Residential structure" means a structure containing only residential uses and permitted uses accessory to the residential uses.

"Residential use" means any one (1) or more of the following:

1. "Accessory dwelling unit" means an additional room or set of rooms located within an owner-occupied single-family structure or within an accessory structure on the same lot as an owner-occupied single-family dwelling unit, meeting the standards of Section 23.44.041 and designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

2. "Adult family home" means a residential use as defined and licensed as such by The State of Washington in a dwelling unit.
3. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.
4. "Assisted living facility" means a use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. An "assisted living facility" contains multiple assisted living units. An assisted living unit is a dwelling unit permitted only in an assisted living facility.
5. "Caretaker's quarters" means a use accessory to a nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker or watchperson.
6. "Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for nine (9) or more non-transient persons not constituting a single household, excluding single-family dwelling units for which special or reasonable accommodation has been granted.
7. "Detached accessory dwelling unit" means an additional room or set of rooms located within an accessory structure on the same lot as an owner-occupied single-family dwelling unit, meeting the standards of Section 23.44.041, and designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household.
8. "Domestic violence shelter" means a dwelling unit managed by a nonprofit organization, which unit provides housing at a confidential location and support services for victims of family violence.
9. "Floating home" means a dwelling unit constructed on a float, that is moored, anchored or otherwise secured in the water.
10. "Mobile home park" means a use in which a tract of land is rented for the use of more than one (1) mobile home occupied as a dwelling unit.
11. "Multifamily structure" means a structure or portion of a structure containing two (2) or more dwelling units, but does not include a single-family dwelling unit.
12. "Nursing home" means a residence, licensed by the state, that provides full- time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals and sanitariums.
13. "Single-family dwelling unit" means a detached structure having a permanent foundation, containing only one (1) dwelling unit, except that the structure may also contain an accessory dwelling unit where expressly authorized pursuant to this title. A detached accessory dwelling unit is not considered a single-family dwelling unit for purposes of this chapter.

"Restaurant." See "Eating and drinking establishment."

"Retail sales and services, automotive." See "Sales and services, automotive."

"Retail sales and services, general." See "Sales and services, general."

"Retail sales and services, non-household." See "Sales and services, heavy"

"Retail sales, major durables." See "Sales and services, heavy"

"Retail sales, multi-purpose." See "Sales and services, general"

"Retail shopping" means an amenity feature consisting of uses provided at street level that contribute to pedestrian activity and interest.

"Rezone" means an amendment to the Official Land Use Map to change the zone classification of an area.

"Right-of-way" means a strip of land platted, dedicated, condemned, established by prescription or otherwise legally established for the use of pedestrians, vehicles or utilities.

"Right-of-Way Improvements Manual" means a set of detailed standards for street, alley and easement construction, adopted by a joint Administrative Rule of Seattle Department of Transportation and the Department of Planning and Development.

"Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel and parking, exclusive of the sidewalk or shoulder. Where there is a curb, the roadway is the curb-to-curb width of the street.

"Roof, butterfly." See "Butterfly roof."

"Roof, shed." See "Shed roof."

"Rooftop feature" means any part of or attachment to the structure that projects above a roof line.

"Rules" means administrative regulations promulgated and adopted pursuant to this Land Use Code and the Administrative Code.

"Rural development credit" means the allowance of floor area on a receiving lot that results from the transfer of development potential from rural unincorporated King County to the Downtown Urban Center pursuant to King County Code Chapter 21A.55 or successor provisions and pursuant to the provisions of Section 23.49.011.

23.84A.036 "S."

"Sale and rental of large boats." See "Sales and services, marine."

"Sale and rental of motorized vehicles." See "Sales and services, automotive."

"Sale and rental of small boats, boat parts and accessories." See "Sales and services, marine."

"Sale of heating fuel." See "Commercial sales, heavy" under "Sales and services, heavy."

"Sales and rental of commercial equipment and construction materials." See "Commercial sales, heavy" under "Sales and services, heavy."

"Sales and services, automotive" means a commercial use in which motorized vehicles or vehicle parts are rented, sold, serviced or repaired. Automotive sales and services uses exclude sales and services primarily relating to electric scooters or electric assisted bicycles. Automotive sales and services uses include but are not limited to the following:

1. "Retail sales and services, automotive" means an automotive sales and service use in which goods are rented or sold primarily for use in motor vehicles or minor services are provided to motor vehicles. Uses in this category may include gas stations, car washes, minor repair of vehicles not falling under the definition of major automotive vehicle repair, and towing of vehicles when no more than two (2) trucks are used or kept on site for towing purposes.

2. "Sales and rental of motorized vehicles" means an automotive sales and service use in which operable motorized vehicles, such as cars, trucks, buses, recreational vehicles or motorcycles, or related non-motorized vehicles, such as trailers, are rented or sold.

3. "Vehicle repair, major automotive" means an automotive sales and service use in which one (1) or more of the following activities are carried out:

- a. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over ten thousand (10,000) pounds gross vehicle weight;
- b. Collision services, including body, frame or fender straightening or repair;
- c. Overall painting of vehicles or painting of vehicles in a paint shop;
- d. Dismantling of motorized vehicles in an enclosed structure.

"Sales and services, general" means one of the uses listed below, in which goods are rented or sold or services are provided primarily for household and personal use rather than for business establishments, institutions, or government agencies, but excluding medical services and uses in which goods are sold that primarily need to be delivered by truck, such as building materials, major durables and/or heating fuel.

1. "Retail sales and services, general" means a general sales and service use that is not a multi-purpose retail sales use. General retail sales and services include general retail sales uses, general services uses, and customer service office uses. Examples of general retail sales include but are not limited to bookstores, florists, and clothing stores. Examples of general services include but are not limited to shoe repair, hair cutting salons, pet grooming, pet daycare centers and dry cleaning. Customer service offices are uses in which services are provided to individuals and households in an office setting in a manner that encourages walk-in clientele and in which generally an appointment is not needed to conduct business, including but not limited to uses such as branch banks, travel agencies, brokerage firms, real estate offices, and government agencies that provide direct services to clients.

2. "Retail sales, multipurpose" means a general sales and service use in which a wide range of items frequently purchased for household use are rented or sold. Examples of multi-purpose retail sales include but are not limited to grocery, hardware, drug, and variety stores.

"Sales and services, heavy " means one of the following uses:

1. "Commercial sales, heavy" means a heavy sales and services use in which goods that primarily require delivery or pickup by truck are sold. Examples include but are not limited to the sale of construction materials, heating fuel, or industrial supplies. Sales are retail and/or wholesale, and are made primarily to businesses rather than to individual households, or primarily delivered directly to households without customers visiting the business.

2. "Commercial services, heavy" means a heavy sales and service use that provides services that require significant truck traffic or the use, storage and disposal of chemicals as a significant part of the functioning of the business. Heavy commercial services include but are not limited to the following:

a. "Commercial laundry" means a heavy commercial service use in which items such as clothing and linens are cleaned. This definition includes uses such as laundering for hospitals, restaurants, hotels and diaper cleaning services, as well as rug and dry cleaning plants where on-premises retail services to individual households are incidental to the operation of the plant.

b. "Construction services" means a heavy commercial service use in which construction contracting services, including the final processing of building materials such as but not limited to the mixing of concrete or the heating of asphalt, are provided; or in which construction equipment is stored, either in conjunction with an office or as a separate use, but not including a construction site.



c. "Building maintenance services" means a heavy commercial service use that provides maintenance and cleaning services to other business establishments.

3. "Retail sales, major durables" means a heavy sales and service use in which large household items, such as but not limited to furniture or appliances, are rented or sold.

4. "Retail sales and services, Non-household" means a heavy sales and service use in which goods and services are provided primarily for businesses, institutions and/or government agencies, rather than for households. Examples include but are not limited to business support services, and the sale of office or restaurant supplies. Non-household retail sales and services include, but are not limited to:

"Business support services" means a non-household retail sales and service use in which services are provided primarily for businesses, institutions and/or government agencies, rather than for households. Examples include but are not limited to blueprint companies, medical laboratories, merchant banks, assaying services and microfilming and copying services.

5. "Wholesale showroom" means a heavy sales and service use in which merchandise is displayed and sold at wholesale to business representatives for resale, rather than to the general public for direct consumption, and that includes storage of goods for sale.

"Sales and services, marine." means one or more of the following uses:

1. "Marine service station" means a marine retail sales and service use in which fuel for boats is sold, and for which accessory uses including, but not limited to, towing or minor vessel repair may also be provided.

2. "Sale or rental of large boats" means a marine retail sales and service use in which boats sixteen (16) feet or more in length are rented or sold.

3. "Sale and rental of small boats, boat parts and accessories" means a marine retail sales and service use in which goods are rented or sold primarily for use on boats and ships, but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul weather gear, marine engines, and boats less than sixteen (16) feet in length.

4. "Vessel repair, minor" means a marine retail sales and service use, other than major vessel repair, in which one (1) or more of the following activities take place:

a. General boat engine and equipment repair;

b. The replacement of new or reconditioned parts;

c. Repair of boat hulls;

d. Painting and detailing; and

e. Rigging and outfitting.

5. "Vessel repair, major" means a marine retail sales and service use in which ferrous hulls are repaired; or in which boats and ships sixty-five (65) feet or more in length are converted, rebuilt, painted, repaired, or dismantled. Associated activities may include welding and sandblasting, as part of this use.

"Sales, service and rental of office equipment." See "Retail sales and services, non-household" under "Sales and services, heavy."

"Sales, service and rental of commercial equipment and construction materials." See "Commercial sales, heavy" under "Sales and services, general."

"Salvage and recycling." See "Utility."

"Sanitarium" means "Hospital."

"Satellite dish antenna." See "Communication devices and utilities"

"Scale" means the spatial relationship among structures along a street or block front, including height, bulk and yard relationships.

"Scenic route" means any of those streets designated by the Land Use Code as scenic routes.

"Scenic view section" means a section of the traveled way of a freeway, expressway, parkway, or scenic route that has been so designated by this Code.

"School, elementary or secondary." See "Institution."

"Screen" means a continuous wall or fence that effectively obscures view of the property that it covers and that is broken only for access drives and walks. See "Parking screen."

"Screening" means a screen, hedge or landscaped berm that effectively obscures a view between a use or activity and another use or activity.

"SEPA" means the State Environmental Policy Act.

"Setback" means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line described in a particular section of this title.

"Sewage treatment plant." See "Utility."

"Shared-use facility." See "Communication devices and utilities."

"Shed roof" means a roof having only one (1) sloping plane.

"Shopping atrium" means a feature consisting of a large enclosed space that is accessible to the public, and that provides a combination of retail stores and passive recreational space in a weather-protected, convenient, and attractive atmosphere for shoppers that also contributes to the activity and visual interest at street level.

"Shopping corridor" means a feature consisting of a passage that goes through a block and connects two avenues, and that is lined with retail uses, in order to make pedestrian circulation more convenient, provide more frontage for shops, give protection to pedestrians from inclement weather, and shorten walking distances.

"Short plat" means a map or representation of a short subdivision.

"Short plat approval, fully complete application." See "Application."

"Short subdivision" means the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, development or financing.

"Shoulder" means the graded area between the roadway edge and the sidewalk, or slope line where there is no sidewalk, on the portion of a street where there are no curbs.

"Shrub" means a plant defined as a shrub in the Sunset Western Garden Book, 7th Edition, 2001.

"Shrub, large" means a shrub normally expected to be taller than three (3) feet at maturity.

"Sidewalk" means a hard-surfaced pedestrian walkway, usually of Portland cement concrete, separated from the roadway by a curb, planting strip or roadway shoulder.

"Sidewalk widening" means an extension of the surface of a sidewalk, generally onto private property, which is free of all permanent obstructions.

"Sight triangle" means the area on both sides of a driveway that must be clear of any obstruction to permit optimal visibility from the driveway to the sidewalk and street.

"Sign" means any medium, including structural and component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes.

"Sign, advertising" means a sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the lot where the sign is located.

"Sign, awning" means graphics on a fixed awning used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. An awning sign shall not be considered a fabric sign.

"Sign, business" means an on-premises sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered on the lot where the sign is located. This definition shall not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, canopy" means graphics on a canopy used or intended to be used to attract attention to the subject matter for advertising, identification, or information purposes. A canopy sign shall not be considered a fabric sign.

"Sign, changing-image" means a sign, including a sign using a video display method, which changes its message or background by means of electrical, kinetic, solar or mechanical energy, not including message board signs. A video display method is a method of display characterized by real-time, full-motion imagery of at least television quality.

"Sign, chasing" means a sign that includes one or more rows of lights that light up in sequence.

"Sign, combination" means any sign incorporating any combination of the features of freestanding, projecting, and roof signs. The individual requirements of roof, projecting and pole signs shall be applied for combination signs incorporating any or all of

the requirements specified in this Code.

"Sign, double-faced" means a sign that has two display surfaces in approximately parallel planes backed against each other or against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction.

"Sign, electric" means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

"Sign, environmental review" means a sign with dimensions of four (4) feet by eight (8) feet constructed of a durable material, required for public notice of proposed land use actions according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

"Sign, externally illuminated" means a sign illuminated by an exterior light source.

"Sign, fabric" means a sign made of canvas, cloth or similar nonrigid material, but not including a canopy sign.

"Sign, flashing" means an electrical sign or portion of an electrical sign that changes light intensity in sudden transitory bursts. Flashing signs do not include changing image or chasing signs.

"Sign, freestanding" means a pole or ground sign.

"Sign, ground" means a sign that is six (6) feet or less in height above ground level and is supported by one (1) or more poles, columns or supports anchored in the ground.

"Sign, identification" means any ground, wall or roof sign which displays only (1) the name, address and/or use of the premises; and/or (2) noncommercial messages.

"Sign kiosk" means a small freestanding sign structure visible to the public used for posting small signs.

"Sign, land use" means a sign with dimensions of at least eighteen (18) inches by twenty-four (24) inches but smaller than an environmental review sign, constructed of a durable material, required for public notice of proposed land use actions according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

"Sign, large" means a sign four (4) by eight (8) feet, constructed of a durable material.

"Sign, marquee" means a sign placed on, constructed in or attached to a marquee.

"Sign, message board" means an electric sign which has a readerboard for the display of information, such as time, temperature, of public service or commercial messages, which can be changed through the turning on and off of different combinations of light bulbs within the display area.

"Sign, off-premises" means a sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

"Sign, off-premises directional" means an off-premises sign used to direct pedestrian or vehicular traffic to a facility, service, or business located on other premises within one thousand five hundred (1,500) feet of the sign, which sign does not include any reference to brand names of products or services whether or not available on such other premises, except the name of the facility, service or business.

"Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. This definition shall not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, on-premises directional" means an on-premises incidental sign designed to direct pedestrian or vehicular traffic.

"Sign, pole" means a sign wholly supported by a structure in the ground.

"Sign, portable" means a sign that is not permanently affixed and is designed for or capable of being moved, except those signs explicitly designed for people to carry on their persons or that are permanently affixed to motor vehicles.

"Sign, projecting" means a sign other than a wall sign, that projects from and is supported by a wall of a structure.

"Sign, public" means a sign in the right-of-way that is at least partially funded by public funds and is intended to carry messages of interest to the public.

"Sign, roof" means a sign erected upon or above a roof or parapet of a building or structure.

"Sign, rotating" means a sign that revolves on a fixed axis.

"Sign, side-by-side" means advertising signs that are adjacent to each other on the same plane and facing in the same direction, either on the same structure or within twenty-five (25) feet of one another.

"Sign, temporary" means any sign that is to be displayed for a limited period of time only, including but not limited to, banners, pennants, streamers, fabric signs, wind-animanted objects, clusters of flags, festoons of lights and searchlights. A temporary sign may be of rigid or non-rigid construction.

"Sign, under-marquee" means a lighted or unlighted sign attached to the underside of a marquee.

"Sign, visually blocked" means an advertising sign that is located against or attached to a building, thereby visible from only one (1) direction. To be considered visually blocked, the advertising sign must be within eight (8) feet of any building wall or walls that are used to block the back side of the advertising sign and the advertising sign cannot project above or beyond the blocking wall or walls.

"Sign, wall" means any sign attached to and supported by a wall of a structure, with the exposed face of the sign on a plane parallel to the plane of the wall, or any sign painted directly on a building facade.

"Single-family dwelling unit." See "Residential use."

"Single-occupant facility." See "Telecommunication facility, single-occupant" under "Communication devices and utilities."

"Skylight" means an opening in a roof that is covered with translucent or transparent material, designed to admit light, and incidental to the roof itself.

"Solar access" means the amount of unrestricted sunlight that reaches a structure, or portion thereof.

"Solar collector" means any device used to collect direct sunlight for use in the heating or cooling of a structure, domestic hot water, or swimming pool, or the generation of electricity.

"Solar greenhouse" means a solar collector that is a structure or portion of a structure utilizing glass or similar glazing material to collect direct sunlight for space heating purposes.

"Solid waste incineration facilities." See "Solid waste management" under "Utility."

"Solid waste landfills." See "Solid waste management" under "Utility"

"Solid waste management." See "Utility."

"Solid waste transfer station." See "Solid waste management" under "Utility."

"Spectator sports facility." See "Theaters and spectator sports facilities" under "Entertainment"

"Sports and recreation, indoor." See "Entertainment."

"Sports and recreation, outdoor." See "Entertainment."

"Storage" means a use in which goods or products are stored more than (72) hours. Storage uses include but are not limited to the following uses:

1. "Mini-warehouse" means a storage use in which enclosed storage space divided into separate compartments no larger than five hundred (500) square feet in area is provided for use by individuals to store personal items or by businesses to store material for operation of a business establishment at another location.
2. "Storage, outdoor" means a storage use in which an outdoor area is used for retention of materials, containers and/or equipment. Outdoor storage does not include sale, repair, incineration, recycling or discarding of materials or equipment. Outdoor storage areas are not accessible to the public unless an agent of the business is present. Outdoor parking areas for two (2) or more fleet vehicles of more than ten thousand (10,000) pounds gross vehicle weight shall also be considered outdoor storage. Temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or erect a structure and vehicle sales areas where motorized vehicles are stored for the purpose of direct sale to the ultimate consumer shall not be considered outdoor storage.
3. "Warehouse" means a storage use in which space is provided in an enclosed structure for the storage of goods produced off-site, for distribution or transfer to another location.

"Story" means that portion of a structure included between the surface of any floor and the surface of the floor next above, except that the highest story is that portion of the structure included between the highest floor surface and the ceiling or roof above.

"Street" means a right-of-way that is intended to provide or that provides a roadway for general vehicular circulation, is the principal means of vehicular access to abutting properties and includes space for utilities, pedestrian walkways, sidewalks and drainage. Any such right-of-way shall be included within this definition, regardless of whether it has been developed or not.

"Street, arterial" means every street, or portion thereof, designated as an arterial on Exhibit 23.53.015 A.

1. "Collector arterial" means a street or portion thereof designated as such on Exhibit 23.53.015 A.
2. "Minor arterial" means a street or portion thereof designated as such on Exhibit 23.53.015 A or on Map 1B for Chapter 23.49, or both.
3. "Principal arterial" or "major arterial" means a street or portion thereof designated as such on Exhibit 23.53.015 A or on Map 1B for Chapter 23.49, or both.

"Street, existing" means any street that is not a new street.

"Street-facing facade." See "Facade, street-facing".

"Street level" or "street-level" means the same grade as an abutting street or streets, or at that grade, as the context may require.

"Street-level facade" see "Facade, street-level".

"Street, new" means a street proposed to be created through the platting process, or by dedication to the City as part of a development proposal.

"Street, private" means a named, private permanent access easement exceeding thirty-two (32) feet in width not dedicated to public use but that provides a roadway at least twenty-four (24) feet wide for internal use within a subdivision or development, and that includes sidewalks and space for utilities and drainage. A private street shall be treated as a street for purposes of application of development standards to abutting properties.

"Streetscape" means the visual character of a street as determined by various elements such as structures, landscaping, open space, natural vegetation and view.

"Structural alterations" means any change in the supporting members of a building, such as foundations, bearing walls or bearing partitions, columns, beams or girders, or any structural change in the roof.

"Structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs, but not including poles, flowerbed frames and such minor incidental improvements.

"Structure depth" means that dimension of a structure extending between the front and rear lot lines.

"Structure width" means that dimension of a structure extending between side lot lines.

"Structure, accessory." See "Accessory structure."

"Structure, detached" means a structure having no common or party wall with another structure.

"Structure, enclosed" means a roofed structure or portion of a structure having no openings other than fixed windows and such exits as are required by law, and which is equipped with self-closing doors.

"Structure, nonconforming." See "Nonconforming structure."

"Structure, nonresidential." See "Nonresidential structure."

"Structure, principal." See "Principal structure."

"Structure, residential." See "Residential structure."

"Structure, single-family." See "Single-family dwelling unit."

"Subdivision" means the division or redivision of land into ten (10) or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

"Submerged land" means all lands waterward of the ordinary high water mark or mean higher high water, whichever is higher.

"Substandard size lot" means a lot that contains less land than the minimum size required for the zone in which it is located.

23.84A.038 "T."

"Tandem houses" means two (2) unattached ground-related dwelling units occupying the same lot.

"Tandem parking" means one (1) car parked behind another where aisles are not provided.

"Transferable development rights" or "TDR" means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title. Such terms do not include development credits transferable from King County pursuant to the City/County Transfer of Development Credits (TDC) program established by Ordinance 119728, or other rural development credits, nor do they include development capacity transferable between lots pursuant to Planned Community Development provisions. These terms do not denote or imply that the owner of TDR has a legal or vested right to construct or develop any project or to establish any use.

"TDR, DMC housing" means TDR that are eligible for transfer based on the status of the sending lot as a DMC housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as DMC housing TDR.

"TDR, housing" means TDR that are eligible for transfer based on the status of the sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

"TDR, Landmark" means TDR that are eligible for transfer based on the landmark status of the sending lot or a structure on such lot, except Landmark housing TDR.

"TDR, Landmark housing" means TDR that are eligible for transfer based on the status of the sending lot as a Landmark housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as Landmark housing TDR.

"TDR, open space" means TDR that may be transferred from a lot or lots based on the provision of public open space meeting certain standards on that lot.

"TDR site, DMC housing" means a lot meeting the following requirements:

1. The lot is located in a Downtown Mixed Commercial (DMC) zone;
2. Each structure to be developed on the lot has or will have a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years, unless such requirement is waived or modified by the Director of the Office of Housing for good cause;
3. The lot will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years; and
4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones;
2. Each structure on the lot has a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;
3. The lot has above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;
4. The above-grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of Ordinance 120443 and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and
5. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, Landmark housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except IDM, IDR, PSM, PMM, DH-1 and DH-2 zones;
2. The lot contains a designated landmark under SMC 25.12 and such structure will be renovated to include a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income



housing for a minimum of fifty (50) years;

3. The lot has or will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, open space" means a lot that has been approved by the Director as a sending lot for open space TDR, which approval is still in effect, and for which all the conditions to transfer open space TDR have been satisfied.

"Terraced housing" means a multi-family structure located on a sloping site in which a series of flat rooftops at different heights function as open space for abutting units.

"Theaters and spectator sports facilities." See

"Entertainment."

"Topographic break" means a separation of two (2) areas by an abrupt change in ground elevation.

"Towing service." See "Parking and moorage" under "Transportation facility."

"Townhouse" means a form of ground-related housing in which individual dwelling units are attached along at least one (1) common wall to at least one (1) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

"Transferable development rights." See "TDR."

"Transit facility, rail." See "Transportation facility."

"Transit station, light rail." See "Rail transit facility" under "Transportation facility."

"Transit station access easement" means an easement for a pedestrian route or connection to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit station access, grade-level" means a pedestrian connection that provides direct access from street level to transit tunnel stations or concourses and/or light rail transit facilities at approximately the same level as the station mezzanine.

"Transit station access, mechanical" means a pedestrian connection that incorporates a mechanical device, such as an escalator, to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit vehicle base." See "Bus base" under "Vehicle storage and maintenance" under "Transportation facility."

"Transparent" when used with reference to material in windows, doors and display windows, means clear or lightly tinted.

"Transmission tower." See "Communications utilities and devices."

"Transportation facility" means a use that supports or provides a means of transporting people and/or goods from one location to another. Transportation facilities include but are not limited to the following:

1. "Cargo terminal" means a transportation facility in which quantities of goods or container cargo are, without undergoing any manufacturing processes, transferred to carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.
2. "Parking and moorage" means the short term or long term storage of automotive vehicles or vessels or both when not in use. Parking and moorage uses include but are not limited to:
  - a. "Boat moorage" means a use, in which a system of piers, buoys or floats is used to provide moorage for vessels except barges, for sale or rent usually on a monthly or yearly basis. Minor vessel repair, haul out, dry boat storage, and other services are also often provided. Boat moorage includes, but is not limited to:
    - (1) "Commercial moorage" means a boat moorage primarily intended for commercial vessels except barges.
    - (2) "Recreational marina" means a boat moorage primarily intended for pleasure craft. (See also, "Boat moorage, public")
  - b. "Dry boat storage" means a use in which space on a lot on dry land, or inside a building over water or on dry land, is rented or sold to the public or to members of a yacht or boating club for the purpose of storing boats. Sometimes referred to as "dry storage."
  - c. "Parking, principal use" means a use in which an open area or garage is provided for the parking of vehicles by the public, and is not reserved or required to accommodate occupants, clients, customers or employees of a particular establishment or premises. Principal use parking includes but is not limited to the following uses:
    - (1) "Park and pool lot" means a principal use parking use, operated or approved by a public ridesharing agency, where commuters park private vehicles and join together in carpools or vanpools for the ride to work and back, or board public transit at a stop located outside of the park and pool lot.
    - (2) "Park and ride lot" means a principal use parking use where commuters park private vehicles and either join together in carpools or vanpools, or board public transit at a stop located in the park and ride lot.
  - d. "Towing services" means a parking and moorage use in which more than two (2) tow trucks are employed in the hauling of motorized vehicles, and where vehicles may be impounded, stored or sold, but not disassembled or junked.
3. "Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, trains, buses or planes that provide transportation to passengers for hire by land, sea or air. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, shops and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered part of the passenger terminal use and shall not be treated as separate uses. Metro street bus stops, monorail transit stations, and light rail transit stations are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.
4. "Rail transit facility" means a transportation facility used for public transit by rail. Rail transit facilities include but are not limited to the following:
  - a. "Light rail transit facility" means a structure, rail track, equipment, maintenance base or other improvement of a light rail transit system, including but not limited to ventilation structures, traction power substations, light rail transit stations and related passenger amenities, bus layover and intermodal passenger transfer facilities, and transit station access facilities.
  - b. "Light rail transit station" means a light rail transit facility whether at grade, above grade or below grade that provides

pedestrian access to light rail transit vehicles and facilitates

transfer from light rail to other modes of transportation. A light rail transit station may include mechanical devices such as elevators and escalators to move passengers and may also include such passenger amenities as informational signage, seating, weather protection, fountains, artwork or concessions.

c. "Light rail transit system" means a public rail transit line that operates at grade level, above grade level, or in a tunnel and that provides high-capacity, regional transit service, owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A light rail transit system may be designed to share a street right-of-way although it may also use a separate right-of-way. Commuter rail, and low capacity, or excursion rail transit service, such as the Waterfront Streetcar or Seattle Monorail, are not included.

d. "Monorail guideway" means the beams, with their foundations and all supporting columns and structures, including incidental elements for access and safety, along which a city transportation authority monorail train runs.

e. "Monorail transit facility" means a structure, guideway, equipment, or other improvement of a monorail transit system, including but not limited to monorail transit stations and related passenger amenities, power substations, maintenance and/or operations centers.

f. "Monorail transit station" means a monorail transit facility, whether at grade or above grade, that provides pedestrian access to monorail transit trains and facilitates transfer from monorail to other modes of transportation. A monorail transit station may include mechanical devices such as elevators and escalators to move passengers, and may also include such passenger amenities as informational signage, seating, weather protection, fountains, artwork or concessions.

g. "Monorail transit system" means a transportation system that uses train cars running on a guideway, along with related facilities, owned or operated by a city transportation authority.

6. "Transportation facility, air" means one of the following transportation facilities:

a. "Airport, land-based" means a transportation facility used for the takeoff and landing of airplanes.

b. "Airport, water-based" means a transportation facility used exclusively by aircraft that take off and land directly on the water.

c. "Heliport" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft, and one (1) or more of

the following services are provided: cargo facilities, maintenance and overhaul, fueling service, tie-down space, hangers and other accessory buildings and open spaces.

d. "Helistop" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft, but not including fueling service, hangars, maintenance, overhaul or tie-down space for more than one (1) aircraft.

7. "Vehicle storage and maintenance" means a use in which facilities for vehicle storage and maintenance are provided. Vehicle storage and maintenance uses include but are not limited to:

a. "Bus base" means a transportation facility in which a fleet of buses is stored, maintained, and repaired.

b. "Railroad switchyard" means a vehicle storage and maintenance use in which:

(1) Rail cars and engines are serviced and repaired; and

(2) Rail cars and engines are transferred between tracks and coupled to provide a new train configuration.

c. "Railroad switchyard with a mechanized hump" means a railroad switchyard that includes a mechanized classification system operating over an incline.

d. "Transportation services, personal" means a vehicle storage and maintenance use in which either emergency transportation to hospitals, or general transportation by car, van, or limousine for a fee is provided. Such uses generally include dispatching offices and facilities for vehicle storage and maintenance.

"Traveled way" means the portion of a freeway, expressway, or parkway, and its entrance or exit ramps, or scenic route, exclusive of shoulders, used for the movement of vehicles.

"Tree" means a plant defined as a tree in the Sunset Western Garden Book, 7th Edition, 2001. The size of a tree is identified as follows:

1. "Small tree" means a tree identified as a "small tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread less than or equal to fifteen (15) feet in diameter at maturity.

2. "Small/medium tree" means a tree identified as a "small/medium tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than fifteen (15) feet and less than or equal to twenty (20) feet in diameter at maturity.

3. "Medium/large tree" means a tree identified as a "medium/large tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than twenty (20) feet and less than or equal to twenty-five (25) feet in diameter at maturity.

4. "Large tree" means a tree identified as a "large tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than twenty-five (25) feet in diameter at maturity.

5. "Exceptionally large tree" means a tree with a trunk diameter exceeding twenty-four inches when measured at four and one-half (4.5) feet above the ground.

"Tree, exceptional" means a tree designated as such per Chapter 25.11.

"Triplex" means a single structure containing three (3) dwelling units.

23.84A.040 "U."

"Underground" means entirely below the surface of the earth excluding access.

"University." See "Institution."

"Urban plaza." See "Plaza, urban."

"Urban center" means an area designated as an urban center in Seattle's Comprehensive Plan.

"Urban center village" means a portion of a larger urban center designated in Seattle's Comprehensive Plan as an urban center village.

"Urban village" means an area designated in Seattle's Comprehensive Plan as an urban center, hub urban village or residential urban village.

"Urban village, hub" means an area designated in Seattle's Comprehensive Plan as a hub urban village.

"Urban village, residential" means an area designated in Seattle's Comprehensive Plan as a residential urban village.

"Usable open space." See "Open space, usable."

"Use" means the purpose for which land or a structure is designed, built, arranged, intended, occupied, maintained, let or leased.

"Use, accessory" means a use that is incidental to a principal use.

"Use, conditional" means a use or other feature of development that may be permitted when authorized by the Director of the Department of Planning and Development ("administrative conditional use"), or by the Council ("Council conditional use"), pursuant to specified criteria.

"Use, nonconforming" means a use of land or a structure that was lawful when established and that does not now conform to the use regulations of the zone in which it is located, or that has otherwise been established as nonconforming according to section 23.42.102.

"Use, principal" means a use that is not incidental to another use.

"Utility" means a use in which power, water or other similar items are provided or transmitted; or sewage is treated, or solid waste is stored, transferred, recycled or incinerated. High-impact uses and utility lines shall not be considered utilities. Subject to the foregoing exclusions, utilities include but are not limited to the following uses:

1. "Communication utilities, major." See "communication devices and utilities."

2. "Communication utilities, minor." See "communication devices and utilities."

3. "Power plant" means a utility use in which power in the form of electricity is produced by wind, solar or water forces or the combustion of materials such as coal, oil, or gas and/or in which steam is produced by combustion or electricity. A nuclear power plant, solid waste incineration facility and the concurrent incidental production of electricity or useful heating or mechanical energy, or cogeneration, as well as the recovery of waste heat, shall not be considered a power plant. The production and use of electricity produced from solar energy or other sources of natural energy as an accessory use is not a power plant use, and the sale of excess energy so produced is not evidence of a power plant use.

4. "Recycling" means a utility use in which recyclable materials are collected, stored, and/or processed, by crushing, breaking, sorting and/or packaging, but not including the collection of recyclable materials accessory to another use or any use which is defined as a solid waste management use.

5. "Sewage treatment plant" means a utility use in which sanitary or combined sewage is received, treated, and discharged, but does not include: Conveyance lines and associated underground storage facilities; pumping stations; or commercial or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.

6. "Solid waste management" means a utility use in which solid waste other than recyclable materials is collected, stored, processed or incinerated. Solid waste management includes, but is not limited to, the following uses:

a. "Salvage yard" means a solid waste management use in which junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house-wrecking yards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but only when such activity is not conducted entirely within an enclosed building, and excluding the following: pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

b. "Solid waste incineration facilities" means a solid waste management use in which solid waste is reduced by mass burning, prepared fuel combustion, pyrolysis or any other means, regardless of

whether or not the heat of combustion of solid waste is used to produce power. Heat-recovery incinerators and the incidental production of electricity or useful heating or mechanical energy, or cogeneration, shall not be considered a solid waste incineration facility.

c. "Solid waste landfills" means a solid waste management use in which solid waste is permanently placed in or on land, including sanitary landfills and compliance cell landfills.

d. "Solid waste transfer station" means a solid waste management use in which discarded materials are collected for transfer to another location for disposal by compaction, shredding or separating, but does not include processing that changes the chemical content of the material.

7. "Utility services use" means a utility use that provides the system for transferring or delivering power, water, sewage, storm water runoff, or other similar substances. Examples include electrical substations, pumping stations, and trolley transformers.

23.84A.042 "V."

"Vacation (of public right-of-way)" means an action taken by the Council that terminates or extinguishes a right-of-way easement when it is no longer necessary for a public right-of-way.

"Vanpool" means a highway vehicle with a seating capacity of eight (8) to fifteen (15) persons, including the driver, that is used primarily to transfer a group of three (3) or more employees between home and work.

"Variance" means relief from certain provisions of the Land Use Code authorized by the Director or Council after determining that the criteria established for the granting of variances have been satisfied.

"Vegetated wall. " see "Wall, vegetated"

"Vehicle repair, minor." See "Retail sales and services, automotive" under "Sales and services, automotive."

"Vehicle repair, major. " See "Sales and services, automotive. "

"Very low-income disabled multifamily structure." See "Multifamily structure, very low-income disabled. "

"Very low-income elderly multifamily structure." See "Multifamily structure, very low-income elderly."

"Very low-income elderly/very low-income disabled multifamily structure." See "Multifamily structure, very low-income elderly/very low-income disabled."

"Very low-income household." See "Household, very low-income."

"Very low-income housing." See "Housing, very low-income."

"Vessel repair, major." see "Sales and services, marine."

"Vessel repair, minor." See "Sales and services, marine."

"Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity.

"Vocational or fine arts school." See "Institution."

#### 23.84A.044 "W."

"Wall, exterior" means an upright member of a structure that forms the boundary between the interior and exterior of that structure.

"Wall, vegetated." means a vertical surface designed and planted to be covered at maturity by plants.

"Warehouse." See "Storage."

"Whip antenna." See "Communications devices and utilities".

"Wholesale showroom." See "Sales and services, heavy."

"Width, structure." See "Structure width."

"Work release center" means a use providing an alternative to imprisonment, including pre-release and work/training release programs that are under the supervision of a court, or a federal, state or local agency. This definition excludes at-home electronic surveillance.

#### 23.84A.046 "Y."

"Yard." See "Yard, front," "Yard, side" and "Yard, rear."

"Yard, front" means an area from the ground upward between the side lot lines of a lot, extending from the front lot line to a line on the lot parallel to the front lot line, the horizontal depth of which is specified for each zone.

"Yard, rear" means an area from the ground upward between the side lot lines of a lot, extending from the rear lot line to a line on the lot parallel to the rear lot line, the horizontal depth of which is specified for each zone.

"Yard, side" means an area from the ground upward between the front yard (or front lot line if no front yard is required); and the rear yard (or rear lot line if no rear yard is required); and extending from a side lot line to a line on the lot, parallel to the side lot line, the horizontal depth of which is specified for each zone.

#### 23.84A.048 "Z."

"Zone" means a portion of the City designated on the Official Land Use Map of The City of Seattle within one (1) of the land use classifications.

"Zone, commercial" means a zone with a classification that includes one of the following: NC1, NC2, NC3, C1, C2 and SM, which classification also may include one or more suffixes.

"Zone, general commercial" or "Zone, C" means a zone with a classification that includes one of the following: Commercial 1 (C1) or Commercial 2 (C2), which classification also may include one or more suffixes.

"Zone, downtown" means a zone with a classification that includes any of the following: DOC1, DOC2, DRC, DMC, DMR, IDM, IDR, PSM, PMM, DH1 and DH2, which classification also may include one or more suffixes.

"Zone, industrial" means a zone with a classification that includes any of the following: General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC).

"Zone, lowrise" means zone with a classification that includes any of the following: Lowrise Duplex/Triplex, Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4 multifamily residential zones, which classification also may include one or more suffixes.

"Zone, multifamily" means a zone with a classification that includes any of the following: Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR), Midrise/85 (MR/85), or Highrise (HR), which classification also may include one or more suffixes.

"Zone, neighborhood commercial" or "Zone, NC" means a zone with a classification that includes any of the following: Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), or Neighborhood Commercial 3 (NC3), which classification also may include one or more suffixes.

"Zone, next more intensive" means, with respect to a zone with one of the following designations, a zone that has the designation listed immediately after that designation in the following list:

1. Neighborhood Commercial 1 (NC1)
2. Neighborhood Commercial 2 (NC2)
3. Neighborhood Commercial 3 (NC3)
4. Commercial 1 (C1)
5. Commercial 2 (C2)
6. Industrial Buffer (IB)
7. Industrial Commercial (IC)
8. General Industrial 2 (IG2)
9. General Industrial 1 (IG1)

"Zone, pedestrian-designated" means a Neighborhood Commercial 1P (NC1P), Neighborhood Commercial 2P (NC2P), or Neighborhood Commercial 3P (NC3P) zone designated on the Official Land Use (Zoning) map.

"Zone, residential" means a zone with a classification that includes any of the following: SF9600, SF7200, SF5000, RSL, LDT, L1, L2, L3, L4, MR, HR, RC, DMR and IDR, which classification also may include one or more suffixes, but not including any zone with an RC designation.

"Zone, single family" or "SF zone" means a zone with a classification that includes any of the following: SF5000, SF7200 and SF9600. Solely for the purposes of the provisions of this title that impose standards or regulations based upon adjacency or any other juxtaposition or relationship to a single-family zone, "zone, single family" also shall include any zone with a classification that includes RSL, which classification also may include one or more suffixes.

Section 101. A new Section 23.86.023 of the Seattle Municipal Code is adopted to read as follows:

#### 23.86.023 Street-level facades.

A structure's street-level facade is the portion of the facade that covers the street-level story or stories of a structure along an abutting street. The street-level facade of a structure is measured independently along each abutting street. On flat or sloped streets that span only one story of a structure, the street-level facade is the exterior wall of the story with more than fifty (50) percent of its floor closer to street level than any other story. On sloped streets that span more than one story of a structure, the street-level facade is identified as covering that portion of each story with its floor closer to street level than the floor of any other story. If no floor is closer to street-level than any other floor, the Director shall determine which portion of the facade is the street level. (Exhibit 23.86.023 A).



[Exhibit 23.86.023 A](#)

Section 102. Subsection A of Section 23.91.002 of the Seattle Municipal Code, which section was last amended by Ordinance 119837, is amended as follows:

23.91.002 Scope.

A. Violations of the following provisions of Seattle Municipal Code Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage ~~as defined in SMC Section 23.84.020~~ in residential zones (Sections 23.44.006, 23.44.040, 23.45.004, and 23.45.140);
2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014, 23.44.040, 23.45.005, 23.45.014, 23.45.056, and 23.45.072);
3. Parking of vehicles in a single-family zone (Section 23.44.016);
4. Keeping of animals ~~(Sections 23.44.048 and 23.45.148)~~ (Section 23.42.050); and
5. Home occupations ~~(Sections 23.44.050 and 23.45.152)~~ (Section 23.42.052).

\* \* \*

Section 103. Section 25.08.225 of the Seattle Municipal Code, which section was last amended by Ordinance 121192, is amended as follows:

25.08.225 Residential disturbance.

"Residential disturbance" means a gathering of more than one (1) person at a residential property located in a single family or multifamily zone, as defined in SMC Section 23.84A.048 between the hours of ten o'clock (10:00) p.m. (eleven o'clock (11:00) p.m. on Friday and Saturday nights) and seven o'clock (7:00) a.m. at which noise associated with the gathering is frequent, repetitive or continuous and is audible to a person of normal hearing at a distance of seventy-five (75) feet or more from the property.

Section 104. Section 25.08.500 of the Seattle Municipal Code, which section was last amended by Ordinance 114656, is amended as follows:

SMC 25.08.500 Public disturbance noises.

It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow or originate from the property, unreasonable noise which disturbs another, and to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a police officer or, ~~pursuant to in the case of noise described in~~ subsection A of this section, when ordered to do so by any of the following: a police officer, an or animal control officer, or, in the case of a pet daycare center as defined in chapter 23.84A of this Code, any employee of the Department of Planning and Development authorized by the Director of that Department. "Unreasonable noise" shall include the following sounds or combination of sounds:

A. Loud and raucous, and frequent, repetitive, or continuous sounds made by any animal, except ~~that such~~ sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels that have current permits issued under licensed under and in compliance with Chapter 10.72 of this Code, are operated in compliance with that chapter, and are not pet daycare centers as defined in Chapter 23.84A of this Code shall be exempt from this subsection; provided, that notwithstanding any other provision of this chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of

this subsection, the animal shall be impounded by the poundmaster, subject to redemption in the manner provided by Chapter 9.25 of this Code;

\* \* \*

Section 105. The official Land Use Map, Chapter 23.32 of the Seattle Municipal Code is amended to rezone all property currently zoned with a Pedestrian 1 or Pedestrian 2 overlay to the same underlying zone as modified by a "Pedestrian" designation.

Section 106. The official Land Use Map, Chapter 23.32 of the Seattle Municipal Code is amended to rezone all property in NC zones that has an "R" designation by removing that designation.

Section 107. The official Land Use Map, Chapter 23.32 of the Seattle Municipal Code is amended to rezone property to add Pedestrian designations in five neighborhoods as indicated in Exhibit A, maps 1-5.

Section 108. Section 23.41.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 121759, is amended as follows:

23.41.010 Design review guidelines.

A. The "Guidelines for Multifamily and Commercial Buildings, 1998 (Amended 2006)" and neighborhood design guidelines approved by the City Council and identified in subsection B of this section, provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown, where the "Guidelines for Downtown Development, 1999" apply. Neighborhood design guidelines are intended to augment and make more specific the "Guidelines for Multifamily and Commercial Buildings, 1998 (Amended 2006)" and the "Guidelines for Downtown Development, 1999." To the extent there are conflicts between neighborhood design guidelines and the "Guidelines for Multifamily and Commercial Buildings, 1998 (Amended 2006)" or "Guidelines for Downtown Development, 1999", the neighborhood design guidelines shall prevail.

\* \* \*

Section 109. Exhibit B to this ordinance: Amendments to the "Guidelines for Multifamily and Commercial Buildings, 1998", is hereby adopted as Section D to the "Guidelines for Multifamily and Commercial Buildings, 1998", replacing the previously adopted Section D to "Guidelines for Multifamily and Commercial Buildings, 1998". Those guidelines, as so amended, constitute the "Guidelines for Multifamily and Commercial Buildings, 1998 (Amended 2006)."

Section 110. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances. To the extent that sections of this ordinance recodify or incorporate into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title in effect prior to such repeal.

Section 111. 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 \_\_\_\_ day of \_\_\_\_\_, 2006, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2006. \_\_\_\_\_ President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006. \_\_\_\_\_ Gregory J. Nickels,  
Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2006. \_\_\_\_\_ City Clerk

Exhibits: Exhibit A: Rezone Maps Map 1. Columbia City Rezone [Map 1. Columbia City Rezone](#)

Map 2. Eastlake Rezone [Map 2. Eastlake Rezone](#)

Map 3. Greenwood/Phinney Ridge Rezone [Map 3. Greenwood/Phinney Ridge Rezone](#)

Map 4. Lake City Rezone [Map 4. Lake City Rezone](#)

Map 5. Madison/Miller Rezone [Map 5. Madison/Miller Rezone](#)

Exhibit B: Amendments to the "Guidelines for Multifamily and Commercial Buildings, 1998"

Section D of the "Guidelines for Multifamily and Commercial Buildings, 1998" is replaced with the following new  
Section D. [Exhibit B](#) (This is a 1.8 MB PDF file, requiring Adobe Acrobat or equivalent program to view.)

December 1, 2006, Version # 9 t