Council Bill Number: 116551
Ordinance Number: 123046

AN ORDINANCE relating to land use and zoning; amending Sections 23.22.062, 23.24.045, 23.34.010, 23.34.018, 23.40.020, 23.41.006, 23.42.112, 23.43.008, 23.43.010, 23.43.012, 23.44.006, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.018, 23.44.022, 23.44.051, 23.44.060, 23.45.008, 23.45.016, 23.45.160, 23.46.004, 23.46.012, 23.47A.002, 23.47A.004, 23.47A.005, 23.47A.018, 23.47A.020, 23.49.014, 23.49.017, 23.49.030, 23.49.046, 23.49.096, 23.49.148, 23.49.324, 23.50.012, 23.50.022, 23.50.051, 23.53.015, 23.53.020, 23.53.030, 23.55.020, 23.55.022, 23.55.028, 23.55.030, 23.55.034, 23.69.021, 23.71.016, 23.74.004, 23.74.010, 23.76.004, 23.76.024, 23.76.058, 23.76.060, 23.84A.006, 23.84A.024, 23.84A.036, 23.84A.038, and 23.86.010 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments; adding a new Section 23.42.030; repealing Section 23.40.050; and authorizing the Code Reviser to amend all references in Title 23 of the Seattle Municipal Code to "chart."

Status: Passed
Note: 2009 Omnibus Land Use Code Amendments
Vote: 9-0
Date filed with the City Clerk: 2009/07/30
Date of Mayor's signature: 2009/07/27 (about the signature date)

Date introduced/referred to committee: 2009/06/08
Committee: Planning, Land Use and Neighborhoods
Sponsor: CLARK
Committee Recommendation: Pass

Index Terms: LAND-USE-CODE

Fiscal Note: Fiscal Note to Council Bill No. 116551

Electronic Copy: PDF scan of Ordinance No. 123046

Reference: Related: Clerk File 309942

Text:

AN ORDINANCE relating to land use and zoning; amending Sections 23.22.062, 23.24.045, 23.34.010, 23.34.018, 23.40.020, 23.41.006, 23.42.112, 23.43.008, 23.43.010, 23.43.012, 23.44.006, 23.44.010, 23.44.012, 23.44.014, 23.44.016, 23.44.017, 23.44.018, 23.44.022, 23.44.051, 23.44.060, 23.45.008, 23.45.016, 23.45.160, 23.46.004, 23.46.012, 23.47A.002, 23.47A.004, 23.47A.005, 23.47A.018, 23.47A.020, 23.49.014, 23.49.017, 23.49.030, 23.49.046, 23.49.096, 23.49.148, 23.49.324, 23.50.012, 23.50.022, 23.50.051, 23.53.015, 23.53.020, 23.53.030, 23.55.020, 23.55.022, 23.55.028, 23.55.030, 23.55.034, 23.69.021, 23.71.016, 23.74.004, 23.74.010, 23.76.004, 23.76.024, 23.76.058, 23.76.060, 23.84A.006, 23.84A.024, 23.84A.036, 23.84A.038, and 23.86.010 of the Seattle Municipal Code, to correct typographical errors, correct section references, clarify regulations, and make minor amendments; adding a new Section 23.42.030; repealing Section 23.40.050; and authorizing the Code Reviser to amend all references in Title 23 of the Seattle Municipal Code to "chart."

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 23.22.062 of the Seattle Municipal Code, which section was last amended by Ordinance 122190, is amended as follows:

23.22.062 Unit lot subdivisions.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential and cluster developments, for housing, as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in zones where such uses are permitted Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

* * *

Section 2. Subsection A of Section 23.24.045 of the Seattle Municipal Code, which section was last amended by Ordinance 122190, is amended as follows:

23.24.045 Unit lot subdivisions.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential and cluster developments for housing, as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in zones where such uses are permitted Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

* * *

Section 3. Section 23.34.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122575, is amended as follows:

23.34.010 Designation of single-family zones.

A. Except as provided in subsections B or C of this s Section 23.34.010, single-family zoned areas may be rezoned to zones more intense than sSingle-family 5000 only if the City Council determines that the area does not meet the criteria for single-family designation.

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

1. A neighborhood plan 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' foot or 40'foot height limit., or

c. Within the residential urban village west of Martin Luther King Junior Way South in the adopted Rainier Beach Neighborhood Plan, and the rezone is to a Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1) or Lowrise 2 (L2) zone.

C. Areas zoned single-family within the Northgate Overlay District, established pursuant to Chapter 23.71, that consist of one or more lots and meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 may be rezoned through a contract rezone to a neighborhood commercial zone if the rezone is limited to blocks (defined for the purpose of this subsection C as areas bounded by street lot lines) in which more than 80 % percent of that block is

already designated as a neighborhood commercial zone.

Section 4. Section 23.34.018 of the Seattle Municipal Code, which section was last amended by Ordinance 118794, is amended as follows:

23.34.018 Lowrise 2 (L2) zone, function and locational criteria~~.~~

* * *

B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Areas.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one ~~(1)~~ or two ~~(2)~~ lots, with heights generally less than ~~thirty (~~30~~)~~ feet;

b. Areas suitable for multifamily development ~~where~~ if topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development ~~where~~ if factors such as narrow streets, on- street parking congestion, local traffic congestion, lack of alleys , and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

2. Relationship to the Surrounding Areas.

a. Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area. However, this is not a necessary condition ~~where~~ if existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas;

b. Properties that are definable pockets within a more intensive area, ~~where~~ if it is desirable to preserve a smaller scale character and mix of densities;

c. Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

C. Areas zoned single family that meet the locational criteria for single-family designation may be rezoned to L2 only if the provisions of subsection 23.34.010.B are met.

Section 5. Subsection A of Section 23.40.020 of the Seattle Municipal Code, which section was last amended by Ordinance 120691, is amended as follows:

23.40.020 Variances~~.~~

A. Variances may be sought from the provisions of Subtitle ~~IV, Parts~~III, Divisions 2 and 3 of this Land Use Code, ~~as applicable,~~ except for the establishment of a use ~~which~~ that is otherwise not permitted in the zone in which it is proposed, for a structure ~~maximum~~ height in excess of that~~which is~~ shown on the Official Land Use Map, from the provisions of Section 23.55.014.A, or from the provisions of Chapter 23.52. Applications for prohibited variances shall not be accepted for filing.

* * *

Section 6. Section 23.40.050, relating to the Demonstration program for innovative housing design, which section was last amended by Ordinance 122311 of the Seattle Municipal Code, is repealed.

Section 7. Section 23.41.006 of the Seattle Municipal Code, which section was last amended by Ordinance 119972, is amended as follows:

23.41.006 Design Review Districts Map~~.~~

For the purposes of design review, the City shall be divided into seven ~~(7)~~ districts, as depicted on the Design Review Districts Map, Map A for ~~Exhibit~~23.41.006~~A~~.

Section 8. Exhibit 23.41.006 A of the Seattle Municipal Code, which section was last amended by Ordinance 119972, is amended by replacing Exhibit 23.41.006 A with a new map, as follows:

Map A for 23.41.006

New Map A for 23.41.006

Design Review Board Districts

Section 9. A new section, Section 23.42.030, is added to the Seattle Municipal Code as follows:

23.42.030 Access to Uses

Vehicular and pedestrian access may be provided to a use in one zone across property in a different zone, but only if the use to which access is being provided is permitted, either outright or as a conditional use, in the zone across which access is to be provided.

Section 10. Subsection A of Section 23.42.112 of the Seattle Municipal Code, which section was last amended by Ordinance 121762, is amended as follows:

23.42.112 Nonconformity to Development Standards~~.~~

A. A structure nonconforming to development standards may be maintained, renovated, repaired or structurally altered but ~~shall be prohibited from~~ may not be expand~~inged~~ or extend ~~inged~~ in any manner that increases the extent of nonconformity or creates additional nonconformity, except:

1. Any portion ~~Portions~~ of a principal structure~~s~~ in a Single Family zone~~s~~ that is ~~are~~ nonconforming to front and/or rear yard requirements may be increased in height by up to ~~five (~~5~~)~~ feet, but not to exceed the height limit of the zone, and only to the extent necessary to achieve minimum ceiling height in an existing basement or ~~attic~~ another floor within the principal structure to conform to the City's regulations for habitable rooms or to accommodate a pitched roof on the principal structure. If the height of a principal structure is being raised to increase ceiling height in a basement or another floor, existing porches or steps may extend into a required yard to the extent necessary to meet Building Code standards, but in no case shall they be located closer than 3 feet to any lot line.

2. As otherwise required by law;

3. As necessary to improve access for the elderly or disabled; or

4. As specifically permitted for nonconforming uses and nonconforming structures elsewhere in this Code.

* * *

Section 11. Subsection D of Section 23.43.008 of the Seattle Municipal Code, which Section was amended by Ordinance 122823, is amended as follows:

23.43.008 Development standards for one dwelling unit per lot~~.~~

* * *

D. Yards and Setbacks.

1. Front and Rear Yards.

a. The sum of the front yard plus the rear yard shall be a minimum of ~~thirty (~~30~~)~~ feet.

b. In no case shall either yard have a depth of less than ~~ten (~~10~~)~~ feet.

c. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ~~ten (~~10~~)~~ feet, provided that the requirement of subsection 23.43.008.D.1.a ~~of this section~~ shall not be increased or decreased, and the requirement of subsection 23.43.008.D.1.b ~~of this section~~ shall not be reduced.

2. Side Setbacks. The required minimum side setback is ~~shall be five (~~5~~)~~ feet. The side setback may be averaged. No portion of the side setback shall be less than ~~three (~~3~~)~~ feet, except as follows:

a. Street side setbacks shall be a minimum of ~~five (~~5~~)~~ feet.

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a ~~ten (~~10~~)~~ foot separation between the two ~~(~~2~~)~~ principal structures of the two ~~(~~2~~)~~ lots, the required side yard may be reduced from the requirement of subsection 23.43.008.D.2 ~~above~~. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of ~~eighteen (~~18~~)~~ inches into the easement area. No portion of any structure, including eaves, shall cross the property line.

3. Exceptions from Standard Yard and Setback Requirements. For all developments except cluster developments, only structures that comply with the following may project into a required yard or setback:

a. Uncovered Porches or Steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.

b. Certain Features of a Structure.

1) External architectural features with no living area such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback;

2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback;

3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

4) The combined area of features that project into a required yard or setback pursuant to subsection 23.43.008.D.3.b may comprise no more than 30 percent of the area of the facade on which the features are located.

* * *

Section 12. Subsection C of Section 23.43.010 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, is amended as follows:

23.43.010 Tandem housing~~.~~

* * *

C. Yards and Setbacks.

1. Front Yard. The front yard ~~shall~~ is required to be a minimum of ~~ten (~~10~~)~~ feet.

2. Interior Separation between Tandem Houses. The interior separation between the residential structures ~~shall~~ is required to be a minimum of ~~ten (~~10~~)~~ feet.

3. Rear Yard. Where no platted alley exists, the rear yard for a lot containing tandem houses shall be a minimum of ~~ten (~~10~~)~~ feet. Where a platted developed alley exists, this rear yard requirement ~~shall~~ does not apply.

4. Total Combined Yards. The total of the front yard, rear yard (if any), and the interior separation ~~shall~~ is required to be a minimum of ~~thirty-five (~~35~~)~~ feet.

5. Modification of Front and Rear Yards. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yard setbacks greater than ~~ten (~~10~~)~~ feet (except for rear yards where platted and developed alleys exist), subject to the provisions of subsections 23.43.010.C.1, C.2, C.3, and C.4 ~~of this section~~, and provided that the required total combined yards ~~shall~~ does not exceed ~~thirty-five (~~35~~)~~ feet.

6. Side Setbacks. The required minimum side setback is ~~shall be five (~~5~~)~~ feet. The side setback may be averaged. No portion of the side setback shall be less than ~~three (~~3~~)~~ feet, except as follows:

a. Street side setbacks ~~shall~~ is required to be a minimum of ~~five (~~5~~)~~ feet.

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a ~~ten (~~10~~)~~ foot separation between the two ~~(2)~~ principal structures of the two ~~(2)~~ lots, the required side setback may be reduced from the requirement of Section ~~23.43.008 D2~~23.43.010.C.6. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities on the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that eaves of a principal structure may project a maximum of ~~eighteen (~~18~~)~~ inches into the easement area. No portion of any structure, including eaves shall cross the property line.

7. Exceptions from Standard Yard, Setback and Interior Separation Requirements. For all developments, only structures that comply with the following may project into a required yard, setback or interior separation:

a. Uncovered Porches or Steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps are no higher than 4 feet on average above existing grade, no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard, and no more than 3 feet into the interior separation between residential structures. The heights of porches and steps are to be calculated separately.

b. Certain Features of a Structure.

1) External architectural features with no living area such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard, setback or interior separation between residential structures;

2) Bay windows that are no wider than 8 feet in width and project no more than 2 feet into a required front or rear yard or street side setback;

3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard, setback, or interior separation between residential structures starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

4) The combined area of features that project into a required yard, setback or interior separation between residential structures pursuant to subsection 23.43.010. C.7.b may comprise no more than 30 percent of the area of the facade on which the features are located.

* * *

Section 13. Subsection E of Section 23.43.012 of the Seattle Municipal Code, which Section was adopted by Ordinance 117430, is amended as follows:

23.43.012 Cottage Housing Developments (CHDs).

* * *

E. Yards and Setbacks.

1. Front ~~Yards~~ Setback. The minimum front ~~yard~~ setback for cottage housing developments ~~shall be~~ is an average of ~~ten (~~10~~)~~ feet, and at no point shall it be less than ~~five (~~5~~)~~ feet.

2. Rear Yards. The ~~minimum~~ rear yard for a cottage housing development shall be ~~ten (~~10~~)~~ feet.

3. Side Yards. The ~~minimum required~~ side yard for a cottage housing development shall be ~~five (~~5~~)~~ feet. ~~When~~ If there is a principal entrance along a side facade, the side yard shall be no less than ~~ten (~~10~~)~~ feet along that side for the length of the pedestrian route. This ~~ten (~~10~~)~~ foot side yard ~~shall apply~~requirement applies only to a height of ~~eight (~~8~~)~~ feet above the access route.

4. Interior Separation ~~for Cottage Housing Developments~~. ~~There shall be a~~A minimum separation of ~~six (~~6~~)~~ feet is required between principal structures. Facades of principal structures facing facades of accessory structures shall be separated by a minimum of ~~three (~~3~~)~~ feet. ~~When~~ If there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ~~ten (~~10~~)~~ feet.

5. Exceptions from Standard Yard, Setback and Interior Separation Requirements. For all developments, only structures that comply with the following may project into a required yard, setback or interior separation:

a. Uncovered Porches or Steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required front setback, a side or a rear yard, if the porch or steps are no higher than 4 feet on average above existing grade, no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front setback or rear yard. The heights of porches and steps are to be calculated separately. If an interior separation of 10 feet is required pursuant to subsection 23.43.012.E.4, uncovered, unenclosed steps no higher than 4 feet on average above existing grade may project up to 3 feet into the interior separation. If an interior separation of 6 feet or less is required, porches and steps may not project into the interior separation.

b. Certain Features of a Structure.

1) External architectural features with no living area such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or into a required interior separation between structures;

2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front setback or rear yard;

3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required front setback or rear yard, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width;

4) The combined area of features that project into a required yard or interior separation pursuant to subsection 23.43.012.E.5.b may comprise no more than 30 percent of the area of the facade on which the features are located.

Section 14. Subsection C of Section 23.44.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.44.006 Principal uses permitted outright~~.~~

* * *

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

* * *

Section 15. Subsection D of Section 23.44.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122823, is amended as follows:

23.44.010 Lot requirements~~.~~

* * *

D. Lot Coverage Exceptions.

1. Lots Abutting Alleys. For purposes of computing the lot coverage only:

a. The area of a lot with an alley or alleys abutting any lot line may be increased by ~~one-half (~~1/2~~)~~ of the width of the abutting alley or alleys.

b. The total lot area for any lot may not be increased by the provisions of this section by more than ~~ten~~10 percent ~~(10%)~~.

2. Special Structures and Portions of Structures. The following structures and portions of structures ~~shall~~ are not ~~be~~ counted in lot coverage calculations:

a. Access Bridges. Uncovered, unenclosed pedestrian bridges 5 feet or less in width and of any height necessary for access ~~and five (5) feet or less in width~~;

b. Barrier-free Access. Ramps or other access for the disabled or elderly that comply with ~~meeting~~ Washington State Building Code, Chapter 11;

c. Decks. Decks or parts of a deck ~~which~~ that are ~~thirty-six (~~36~~)~~ inches or less above ~~the~~ existing grade;

d. Freestanding Structures and Bulkheads. Fences, ~~arbors and~~ freestanding walls, ~~except~~ bulkheads, signs and other similar structures;

e. Underground Structures. An underground structure, or underground portion of a structure ~~, may occupy any part of the entire lot~~;

f. Eaves and Gutters. The first ~~thirty-six (~~36 ~~)~~ inches of eaves and gutters that project ~~projecting~~ from principal and accessory structures ~~, except that eaves associated with the roof of an arbor shall be included in lot coverage calculations~~;

g. Solar collectors ~~meeting the provisions of~~ that comply with Section 23.44.046 and swimming pools ~~meeting the provisions of~~ that comply with Section 23.44.044.

Section 16. Subsection A of Section 23.44.012 of the Seattle Municipal Code, which section was last amended by Ordinance 122823, is amended as follows:

23.44.012 Height limits~~.~~

A. Maximum Height Established.

1. Except as permitted in Section 23.44.041.B, and except as provided in subsection~~s~~ 23.44.012.A.2 ~~below~~, the maximum permitted height for any structure not located in a required yard~~s shall not exceed thirty (~~ is 30~~)~~ feet.

2. The maximum permitted height for any structure on a lot~~s thirty (~~30~~)~~ feet or less in width ~~shall not exceed~~ is ~~twenty-five (~~25~~)~~ feet.

3. The method of determining structure height and lot width ~~are~~is detailed in Chapter 23.86, Measurements.

* * *

Section 17. Section 23.44.014 of the Seattle Municipal Code, which section was last amended by Ordinance 122823, is amended as follows:

23.44.014 Yards~~.~~

Yards are required for every lot in a single-family residential zone. A yard ~~which~~ that is larger than the minimum size may be provided.

* * *

C. Side yards. The side yard shall be ~~five (~~5~~)~~ feet except as follows:

1. In the case of a reversed corner lot, the key lot of which is in a single-family zone, the width of the side yard on the street side of the reversed corner lot shall be not less than ~~ten (~~10~~))~~ feet.

2. ~~When~~ If the side yard of a lot borders on an alley, a single-family structure may be located in the required side yard, provided that no portion of the structure may cross the side lot line.

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following ~~subsections~~:

1. Garages. Garages may be located in a required yard~~s~~ subject to the standards of Section 23.44.016.

2. Certain Accessory Structures in Side and Rear Yards.

a. Any accessory structure that complies with the requirements of Section 23.44.040 may be constructed in a side yard

~~which~~ that abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within ~~five (~~5~~)~~ feet of the key lot and not abutting the front yard of the key lot, upon recording with the King County Department of Records and Elections an agreement to this effect between the owners of record of the abutting properties. ~~Garages may be located in that portion of a side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.~~

b. Any detached accessory structure that complies with the requirements of Section 23.44.040 may be located in a rear yard, provided that on a reversed corner lot, no accessory structure shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot, nor shall the accessory structure be located closer than 5 feet from the key lot's side lot line unless the provisions of subsections 23.44.014.D.2.a or 23.44.016.D.9 apply.

3. A single-family structure may extend into one ~~(~~1~~)~~ side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a ~~ten (~~10~~)~~ foot separation between that structure and any principal ~~or accessory~~ structure~~s~~ on the abutting lot. The 10 foot separation shall be measured from the wall of the principal structure that is proposed to extend into a side yard to the wall of the principal structure on the abutting lot.

a. No structure or portion of a structure may be built on either lot within the 10 foot separation, except as provided in this section.

b. Accessory structures and ~~F~~features of and projections from principal structures, such as porches, eaves, and chimneys ~~shall be~~ are permitted in the ~~ten (~~10~~)~~ foot separation area if allowed by subsection 23.44.014.D.~~as if the property line were five (5) feet from the wall of the house on the dominant lot, provided that no~~ For purposes of calculating the distance a structure or feature may project into the 10 foot separation, assume the property line is 5 feet from the wall of the principal structure proposed to extend into a side yard and consider the 5 feet between the wall and the assumed property line to be the required side yard.

c. No portion of ~~either principal~~ any structure, including ~~eaves~~any projection, shall cross the ~~actual~~ property line.

d. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required 5 foot side yard.

4. Certain Additions. Certain additions may extend into a required yard ~~when~~ if the existing single-family structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least ~~sixty (~~60~~)~~ percent of the total width of the respective facade of the structure prior to the addition. The line formed by the existing nonconforming wall of the structure ~~shall be~~ is the limit to which any additions may be built, except as described below. ~~They~~ Additions may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls shall comply with the following requirements (Exhibit A for 23.44.014 ~~A~~:

a. Side Yard. ~~When~~ If the addition is a side wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than ~~three (~~3~~)~~ feet to the side lot line;

b. Rear Yard. ~~When~~ If the addition is a rear wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than ~~twenty (~~20~~)~~ feet to the rear lot line or centerline of an alley abutting the rear lot line;

c. Front Yard. ~~When~~ If the addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than ~~fifteen (~~15~~)~~ feet to the front lot line;

d. ~~When~~ If the nonconforming wall of the single-family structure is not parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the limit of the wall extension, except that the wall extension shall not be located closer than specified in subsections 23.44.014.D~~3~~. 4.a, b, and ~~-~~ c ~~above~~.

e. Roof eaves, gutters, and chimneys on such additions may extend an additional 18 inches into a required yard, but in no case shall such features be closer than 2 feet to the side lot line.

5. Uncovered Porches or Steps. Uncovered, unenclosed porches or steps may project into any required yard~~, provided that~~ if they are no higher than ~~four (~~4~~)~~ feet on average above existing grade, no closer than ~~three (~~3~~)~~ feet to any side lot line, no wider than ~~six (~~6~~)~~ feet and project no more than ~~six (~~6~~)~~ feet into required front or rear yards. The height of porches and steps are to be calculated separately ~~from each other~~.

6. ~~Special~~ Certain Features of a Structure. ~~Special~~ Unless otherwise provided elsewhere in this chapter, certain features of a structure may extend into required yards ~~subject to the following standards~~ only if they comply with the following ~~, unless permitted elsewhere in this chapter~~:

a. External architectural details with no living area, such as chimneys, eaves, cornices and columns, may project no more than ~~eighteen (~~18~~)~~ inches into any required yard;

b. Bay windows ~~shall be~~ are limited to ~~eight (~~8~~)~~ feet in width and may project no more than ~~two (~~2~~)~~ feet into a required front, rear, and street side yard;

c. Other projections ~~which~~ that include interior space, such as garden windows, may extend no more than ~~eighteen (~~18~~)~~ inches into any required yard, starting a minimum of ~~thirty (~~30~~)~~ inches above finished floor, and with maximum dimensions of ~~six (~~6~~)~~ feet ~~tall~~ in height and ~~eight (~~8~~)~~ feet ~~wide~~ in width;

d. The combined area of features permitted by ~~in~~ subsections 23.44.014.D.6.b and c ~~above~~ may comprise no more than ~~thirty (~~30~~)~~ percent of the area of the facade.

7. Covered Unenclosed Decks~~,~~ and Roofs Over Patios~~, and Other Accessory Structures in Rear Yards~~. ~~a.~~ Covered, unenclosed decks and roofs over patios, if attached to a principal structure, may extend into the required rear yard, but shall not be within ~~twelve (~~12~~)~~ feet of the centerline of any alley, ~~n~~or within ~~twelve (~~12~~)~~ feet of any rear lot line ~~which~~ that is not an alley lot line, or closer to any side lot line in the required rear yard than the side yard requirement of the principal structure along that side, ~~n~~or closer than ~~five (~~5~~)~~ feet to any accessory structure. The height of the roof over unenclosed decks and patios shall not exceed 12 feet. The roof over such decks or patios shall not be used as a deck.

8. Access Bridges. Uncovered, unenclosed pedestrian bridges 5 feet or less in width and of any height~~,~~ necessary for access ~~and five (5) feet or less in width~~, are permitted in required yards, except that in side yards an access bridge must be at least ~~three (~~3~~)~~ feet from any side lot line.

9. Barrier-free Access. Access facilities for the disabled and elderly ~~meeting~~ that comply with Washington State Building Code, Chapter 11 are permitted in any required yard~~s~~.

10. Freestanding Structures and Bulkheads.

a. Fences, freestanding walls, bulkheads, signs and similar structures ~~six (~~6~~)~~ feet or less in height above existing or finished grade, whichever is lower, may be erected in any required yard. 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. Architectural features may be added to the top of the fence or freestanding wall above the ~~six (~~6~~)~~ foot height ~~when~~if the features comply with the following ~~provisions are met~~: horizontal architectural feature(s), no more than ~~ten (~~10~~)~~ inches high, and separated by a minimum of ~~six (~~6~~)~~ inches of open area, measured vertically from the top of the fence, ~~may be~~are permitted ~~when~~if the overall height of all parts of the structure, including post caps, ~~are~~is no more than ~~eight (~~8~~)~~ feet ~~high;~~ . ~~a~~Averaging the ~~eight (~~8~~)~~ foot height is not permitted. Structural supports for the horizontal architectural feature(s) may be spaced no closer than ~~three (~~3~~)~~ feet on center.

b. The Director may allow variation from the development standards listed in subsection 23.44.014.D.10 .a ~~above~~, according to the following:

~~(~~1) No part of the structure may exceed ~~eight (~~8~~)~~ feet; and

~~(~~2) Any portion of the structure above ~~six (~~6~~)~~ feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard 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~~February 20, 1982. 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.

d. 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~~If 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.

e. ~~When~~If located in ~~the~~ shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60, ~~these~~ structures shall not obscure views protected by Chapter 23.60, and the Director shall determine the permitted height.

11. Decks in Yards. Decks no ~~greater~~higher than ~~eighteen (~~18~~)~~ inches above existing or finished grade, whichever is lower, may extend into required yards.

12. Heat Pumps. Heat pumps and similar mechanical equipment, not including incinerators, ~~may be~~are permitted in required yards if they comply with the requirements of ~~the Noise Control Ordinance,~~ Chapter 25.08, Noise Control~~are not violated~~. Any heat pump or similar equipment shall not be located within ~~three (~~3~~)~~ feet of any lot line.

13. Solar Collectors. Solar collectors may be located in required yards, subject to the provisions of Section 23.44.046.

14. Front Yard Projections for Structures on Lots ~~Thirty (~~30~~)~~ Feet or Less in Width. For a structure on a lot ~~which~~that is ~~thirty (~~30~~)~~ feet or less in width, portions of the front facade ~~which~~that begin ~~eight (~~8~~)~~ feet or more above finished grade may project up to ~~four (~~4~~)~~ feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than ~~five (~~5~~)~~ feet to the front lot line

(Exhibit B for 23.44.014 ~~B~~.

Exhibit B for 23.44.014

15. Front and rear yards may be reduced by ~~twenty-five (~~25~~)~~ percent, but no more than ~~five (~~5~~)~~ feet, if the site contains a required environmentally critical area buffer or other area of the property ~~which~~that cannot be disturbed pursuant to subsection A of Section 25.09.280 ~~of SMC Chapter 25.09, Regulations for Environmentally Critical Areas~~.

16. Arbors. Arbors may be permitted in required yards under the following conditions:

a. In any required yard, an arbor may be erected with no more than a ~~forty (~~40~~)~~ square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of ~~eight (~~8~~)~~ feet. Both the sides and the roof of the arbor ~~must~~shall be at least ~~fifty (~~50~~)~~ percent open, or~~,~~ if latticework is used, there ~~must~~shall be a minimum opening of ~~two (~~2~~)~~ inches between crosspieces.

b. In each required yard abutting a street, an arbor over a private pedestrian walkway with no more than a ~~thirty (~~30 ~~)~~ square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of ~~eight (~~8~~)~~ feet. The sides of the arbor shall be at least ~~fifty (~~50~~)~~ percent open, or if latticework is used, there ~~must~~shall be a minimum opening of ~~two (~~2~~)~~ inches between crosspieces.

E. Additional Standards for Structures if Allowed in Required Yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

2. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of 5 feet. This requirement does not apply to terraced garages that comply with Section 23.44.016.D.9.b.

3. Except for detached accessory dwelling units in subsection 23.44.041.B, any accessory structure located in a required yard shall not exceed 12 feet in height or 1,000 square feet in area.

Section 18. Section 23.44.016 of the Seattle Municipal Code, which section was last amended by Ordinance 122823, is amended as follows:

23.44.016 Parking and Garages.

A. Parking Quantity. Off-street parking is required pursuant to Section 23.54.015.

B. Access to Parking.

1. Vehicular access to parking from an improved street, alley or easement is required ~~when~~if parking is required pursuant to Section 23.54.015.

2. Access to parking is permitted through a required yard abutting a street only if the Director determines that one ~~(1)~~ of the following conditions exists:

a. There is no alley improved to the standards of Section 23.53.030.C, and there is no unimproved alley in common usage that currently provides access to parking on the lot or to parking on adjacent lots in the same block; or

b. Existing topography does not permit alley access; or

c. A portion of the alley abuts a nonresidential zone; or

d. The alley is used for loading or unloading by an existing nonresidential use; or

e. Due to the relationship of the alley to the street system, use of the alley for parking access would create a significant safety hazard; or

f. Parking access must be from the street in order to provide access to a parking space~~(s)~~ that ~~meet~~ complies with the Washington State Building Code, Chapter 11.

C. Location of Parking.

1. Parking shall be located on the same lot as the principal use, except as otherwise provided in this subsection.

2. Parking on planting strips is prohibited.

3. No more than three ~~(3)~~ vehicles may be parked outdoors on any lot.

4. Parking accessory to a floating home may be located on another lot if within ~~six hundred (~~600~~)~~ feet of the lot on which the floating home is located. The accessory parking shall be screened and landscaped according to subsection

23.44.016.G.

5. Parking accessory to a single-family structure existing on June 11, 1982 may be established on another lot if all the following conditions are met:

a. There is no vehicular access to permissible parking areas on the lot.

b. Any garage constructed is for no more than two two- (2) axle, or two (2) up - to - four- (4) wheeled vehicles.

c. Any garage is located and Parking is screened or landscaped per Section 23.44.016 G if applicable, as required by the Director, who shall consider development patterns of the block or nearby blocks.

d. The lot providing the parking is within the same block or across the alley from the principal use lot.

e. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Department of Records and Elections.

D. Parking and Garages in Required Yards.

1. Parking and garages shall not be located in the required front yard except as provided in subsections 23.44.016. D.7, D.9, D.10, D.11 and D.12.

2. Parking and garages shall not be located in a required side yard abutting a street or the first ten (10) feet of a required rear yard abutting a street except as provided in subsections 23.44.016.D.7, D.9, D.10, D.11 and D.12.

3. Parking and gGarages shall not be located in a required side yard thatwhich abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within five (5) feet of the key lot's side lot line and not abutting the front yard of the key lot unless:

a. The garage is located entirely in that portion of a side yard that is either within 35 feet of the centerline of an alley or within 25 feet of any rear lot line that is not an alley lot line; or

b. Aan agreement between the owners of record of the abutting properties, authorizing the garage in that location, is executed and recorded, pursuant to Ssubsection 23.44.014.D.2.a , provided, that no such agreement is required if the garage is located entirely in that portion of a side yard which is either within thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line which is not an alley lot line.

4. Detached gGarages with vehicular access facingfrom an alley shall not be located within twelve (12) feet of the centerline of the alley except as provided in subsections 23.44.016.D.9, D.10, D.11 and D.12.

5. Attached garages shall not be located within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of any rear lot line thatwhich is not an alley lot line, except as provided in subsections 23.44.016.D.9, D.10, D.11 and D.12.

6. On a reversed corner lot, no garage shall be located in that portion of the required rear yard whichthat abuts the required front yard of the adjoining key lot unless the provisions of Ssubsection 23.44.016.D.9b apply.

7. WhereIf access to required parking spaces passes through a required yard, automobiles, motorcycles and similar vehicles may be parked on the open access located in a required yard.

8. Trailers, boats, recreational vehicles and similar equipment shall not be parked in required front and side yards or the first ten (10) feet of a rear yard measured from the rear lot line.

9. Lots With Uphill Yards Abutting Streets. Parking for one (1) two- (2) axle or one (1) up - to - four- (4) wheeled

vehicle may be established in a required yard abutting a street according to subsection 23.44.016.D.9.a or b ~~below~~ only if access to parking is permitted through that yard pursuant to subsection ~~A of this section~~ 23.44.016.B.

a. Open Parking Space.

~~i.~~ 1) The existing grade of the lot slopes upward from the street lot line an average of at least ~~six (~~6~~)~~ feet above sidewalk grade at a line that is ~~ten (~~10~~)~~ feet from the street lot line; and

~~ii.~~ 2) The parking area shall be at least an average of ~~six (~~6~~)~~ feet below the existing grade prior to excavation and/or construction at a line that is ~~ten (~~10~~)~~ feet from the street lot line; and

~~iii.~~ 3) The parking space shall be no wider than ~~ten (~~10~~)~~ feet for one ~~(1)~~ parking space at the parking surface and no wider than ~~twenty (~~20~~)~~ feet for two ~~(2)~~ parking spaces if~~when~~ permitted as provided in subsection 23.44.016.D.12.

b. Terraced Garage.

~~i.~~ 1) The height of a terraced garage ~~shall be~~is limited to no more than ~~two (~~2~~)~~ feet above existing or finished grade, whichever is lower, for the portions of the garage that are ~~ten (~~10~~)~~ feet or more from the street lot line. The ridge of a pitched roof on a terraced garage may extend up to ~~three (~~3~~)~~ feet above this ~~two (~~2~~)~~ foot height limit. All parts of the roof above the ~~two (~~2~~)~~ foot height limit shall be pitched at a rate o~~r~~f not less than four to twelve (4:12). No portion of a shed roof shall be permitted to extend beyond the ~~two (~~2~~)~~ foot height limit of this provision. Portions of a terraced garage that are less than ~~ten (~~10~~)~~ feet from the street lot line shall comply with the height standards in Section 23.44.016.E .2;

~~ii.~~ 2) The width of a terraced garage structure ~~width may~~shall not exceed ~~fourteen (~~14~~)~~ feet for one ~~(1)~~ two- ~~(2)~~ axle or one ~~(1)~~ up -to -four- ~~(4)~~ wheeled vehicle, or ~~twenty-four (~~24~~)~~ feet ~~when~~if permitted to have two ~~(2)~~ two- ~~(2)~~ axle or two ~~(2)~~ up -to -four- ~~(4)~~ wheeled vehicles as provided in subsection 23.44.016. D.12;

~~iii.~~ 3) All above ground portions of the terraced garage shall be included in lot coverage; and

~~iv.~~ 4) The roof of the terraced garage may be used as a deck and shall be considered to be a part of the garage structure even if it is a separate structure on top of the garage.

10. Lots With Downhill Yards Abutting Streets. Parking, either open or enclosed in an attached or detached garage, for one ~~(1)~~ two- ~~(2)~~ axle or one ~~(1)~~ up - to -four- ~~(4)~~ wheeled vehicle may be located in a required yard abutting a street ~~when~~if the following conditions are met:

a. The existing grade slopes downward from the street lot line ~~which~~that the parking faces;

b. For front yard parking, the lot has a vertical drop of at least ~~twenty (~~20~~)~~ feet in the first ~~sixty (~~60~~)~~ feet, ~~as~~ measured along a line from the midpoint of the front lot line to the midpoint of the rear lot line;

c. Parking is~~shall~~ not ~~be~~ permitted in ~~downhill~~required side yards abutting a street~~s~~;

d. Parking in a~~downhill~~ rear yard~~s shall be in accordance~~complies with S~~subs~~ection s 23.44.016.~~, subsections~~ D.2, D.5 and D.6;

e. Access to parking is permitted through the required yard abutting the street by subsection 23.44.016.B~~of this section~~; and

f. A driveway access bridge is~~may be~~ permitted in the~~any~~ required ~~downhill~~ yard abutting the street if~~where~~ necessary for access to parking. The access bridge shall be no wider than ~~twelve (~~12~~)~~ feet for access to one ~~(1)~~ parking space or ~~eighteen (~~18~~)~~ feet for access to two ~~(2)~~ or more parking spaces. The driveway access bridge may not be located closer than ~~five (~~5~~)~~ feet to an adjacent property line and shall not be included in lot coverage calculations.

11. Through Lots. On through lots less than ~~one hundred twenty-five (~~125~~)~~ feet in depth, parking, either open or enclosed in an attached or detached garage, for one ~~(1)~~ two ~~(2)~~ axle or one ~~(1)~~ up ~~to four (4)~~ wheeled vehicle may be located in one ~~(1)~~ of the required front yards. The front yard in which the parking may be located shall be determined by the Director based on the location of other garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

12. Lots With Uphill Yards Abutting Streets or Downhill or Through Lot Front Yards Fronting on Streets That Prohibit Parking. Parking for two ~~(2)~~ two ~~(2)~~ axle or two ~~(2)~~ up ~~to four (4)~~ wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsections 23.44.016.D.9, D.10 or D.11 if, in consultation with Seattle Department of Transportation, it is found that uninterrupted parking for ~~twenty- four (~~24~~)~~ hours is prohibited on at least one ~~(1)~~ side of the street within ~~two hundred (~~200~~)~~ feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary for access.

E. Standards for Garages ~~when Permitted~~if Allowed in Required Yards. Garages that are either detached structures or portions of a principal structure for the primary purpose of enclosing a two ~~(2)~~ axle or four ~~(4)~~ wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum Coverage and Size.

a. Garages, together with any other accessory structures and other portions of the principal structure, are limited to a maximum combined coverage of ~~forty (~~40~~)~~ percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

b. Garages located in side or rear yards shall not exceed ~~one thousand (~~1,000~~)~~ square feet in area.

c. In front yards, the area of garages ~~shall be~~ is limited to ~~three hundred (~~300~~)~~ square feet with ~~fourteen (~~14~~)~~ foot maximum width ~~where~~ if one ~~(1)~~ space is ~~allowed~~ provided, and ~~six hundred (~~600~~)~~ square feet with ~~twenty-four (~~24~~)~~ foot maximum width ~~where~~ if two ~~(2)~~ spaces are ~~allowed~~ provided. Access driveway bridges permitted under Section 23.44.016.D.10.f shall not be included in this calculation.

2. Height Limits.

a. Garages ~~shall be~~ are limited to ~~twelve (~~12~~)~~ feet in height ~~as~~ measured on the facade containing the entrance for the vehicle.

b. The ridge of a pitched roof on a garage located in a required yard may extend up to ~~three (~~3~~)~~ feet above the ~~twelve (~~12~~)~~ foot height limit. All parts of the roof above the height limit shall be pitched at a rate of not less than four to twelve (4:12). No portion of a shed roof ~~shall be~~ is permitted to extend beyond the ~~twelve (~~12~~)~~ foot height limit under this provision.

c. Open rails around balconies or decks located on the roofs of garages may exceed the ~~twelve (~~12~~(~~ foot height limit by a maximum of ~~three (~~3~~)~~ feet. The roof over a garage shall not be used as a balcony or deck in rear yards.

3. Separations.~~a.~~ Any garage located in a required yard shall be separated from its principal structure by a minimum of ~~five (~~5~~)~~ feet. This requirement does not apply to terraced garages that comply with Section 23.44.016.D.9.b.

4. Roof eaves and gutters of a garage located in a required yard may extend a maximum of 18 inches from the exterior wall of the garage. Such roof eaves and gutters are excluded from the maximum coverage and size limits of subsection 23.44.016.E.1 and the separation requirements of subsection 23.44.016.E.3, except that all portions of a detached garage, including projecting eaves and gutters, shall be separated by at least 5 feet from all portions of a principal structure, including any eaves and gutters of the principal structure.

5. Except for terraced garages that comply with Section 23.44.016.D.9.b, the roof over a garage in a rear yard shall not be used as a balcony or deck.

* * *

Section 19. Subsection C of Section 23.44.017 of the Seattle Municipal Code, which section was last amended by Ordinance 122823, is amended as follows:

23.44.017 Development standards for public schools.

* * *

C. Setbacks.

1. General Requirements.

a. No setbacks areshall be required for new public school construction or for additions to existing public school structures for that portion of the site across a street or an alley or abutting a lot in a nonresidential zone. IfWhen any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks areshall be required for areas facing or abutting residential zones, as provided in subsections 23.44.017.C.2 through 23.44.017.C.5 below. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone classification of the RC lot.

b. The minimum setback requirement may be averaged along the structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections 23.44.017. C.2.b, C.3.b and C.4.b.

c. Trash disposals, openable operable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least thirty (30) feet from any single-family zoned lot and twenty (20) feet from any multi-family zoned lot.

d. The exceptions of subsections 23.44.014 D4, D.5, D.6, D.7, D.8, D.9, D.10, D.11 and D.12 of Section 23.44.014 shallapply.

* * *

Section 20. Subsection F of Section 23.44.018 of the Seattle Municipal Code, which section was last amended by Ordinance 119239, is amended as follows:

23.44.018 General provisions.

* * *

F. Minor structural work whichthat does not increase usable floor area or seating capacity and that does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, facilities for barrier-free access, bay windows, dormers, and eaves.

Section 21. Subsection L of Section 23.44.022 of the Seattle Municipal Code, which section was last amended by Ordinance 122823, is amended as follows:

23.44.022 Institutions.

***

L. Parking and Loading Berth Requirements.

1. Quantity and Location of Off-street Parking.

a. Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles is~~shall be~~ encouraged.

b. Parking and loading is~~shall be~~ required as provided in Section 23.54.015.

c. The Director may modify the parking and loading requirements of Section 23.54.015~~, Required parking,~~ and the requirements of Section 23.44.016~~, Parking location and access,~~ on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection 23.44.022. M~~ of this section~~. The modification shall be based on adopted City policies and shall:

~~i.~~ 1) Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and

~~ii.~~ 2) Not cause undue traffic through residential streets nor create a ~~serious~~ safety hazard.

2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

3. Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

* * *

Section 22. Subsection A of Section 23.44.051 of the Seattle Municipal Code, which section was last amended by Ordinance 122208, is amended as follows:

23.44.051 Bed and breakfasts~~.~~

A bed and breakfast use is permitted if it meets the following standards:

A. General Provisions.

1. The bed and breakfast use must have a business license issued by the Department of ~~Finance~~ Executive Administration;

* * *

Section 23. Subsection C of Section 23.44.060 of the Seattle Municipal Code, which section was last amended by Ordinance 110669, is amended as follows:

23.44.060 Uses accessory to parks and playgrounds~~.~~

* * *

C. Storage structures and areas and other structures and activities customarily associated with parks and playgrounds are subject to the following development standards in addition to the general development standards for accessory uses:

1. Any active play area shall be located ~~thirty (~~30 ~~)~~ feet or more from any lot in a single-family zone.

2. Garages and service or storage areas shall be ~~screened from view from abutting lots in residential zones~~ located 100 feet or more from any other lot in a residential zone and obscured from view from each such lot.

Section 24. Subsection F of Section 23.45.008 of the Seattle Municipal Code, which section was last amended by Ordinance 122235, is amended as follows:

23.45.008 Density - Lowrise zones~~.~~

* * *

F. Adding Units to Existing Structures in Multifamily zones.

1. In all multifamily zones, one additional dwelling unit may be added to an existing multifamily structure regardless of the density restrictions in subsections 23.45.008.A, ~~.~~B~~,~~ ~~and~~.C, and .D above, and regardless of the open space requirements in Section 23.45.016. ~~This provision shall only apply when~~ An additional unit is allowed only if the proposed additional unit is to be located entirely within an existing structure.

2. For the purposes of this subsection, "existing structures" ~~shall be~~ are those structures or portions of structures that were established under permit, or for which a permit has been granted and the permit has not expired as of October 31, 2001.

Section 25. Subsections A and C of Section 23.45.016 of the Seattle Municipal Code, which section was last amended by Ordinance 120928, is amended as follows:

23.45.016 Open Space requirements - Lowrise zones~~.~~

A. Quantity of Open Space.

1. Lowrise Duplex/Triplex Zones.

a. Single-family Structures. A minimum of ~~six hundred (~~600~~)~~ square feet of landscaped area shall be provided, except for cottage housing developments.

b. Cottage Housing Developments. A minimum of ~~four hundred (~~400~~)~~ square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

~~(~~1) A minimum of ~~two hundred (~~200 ~~)~~ square feet per unit shall be private usable open space; and

~~(~~2) A minimum of ~~one hundred fifty (~~150~~)~~ square feet per unit shall be provided as common open space.

c. Additional Dwelling Unit Added to Existing Structure Pursuant to Section 23.45.008.F. No open space is required for an additional dwelling unit added to an existing multifamily structure pursuant to Section 23.45.008.F.

~~c.~~d. Structures with Two Dwelling Units. At least one ~~(1)~~ unit shall have direct access to a minimum of ~~four hundred (~~400~~)~~ square feet of private, usable open space. The second unit shall also have direct access to ~~four hundred (~~400~~)~~ square feet of private, usable open space; or ~~six hundred (~~600~~)~~ square feet of common open space shall be provided on the lot.

~~d.~~e. Structures with Three Dwelling Units. At least two ~~(2)~~ units shall have direct access to a minimum of ~~four hundred (~~400~~)~~ square feet of private, usable open space per unit. The third unit shall have direct access to ~~four hundred (~~400~~)~~ square feet of private, usable open space; or ~~six hundred (~~600~~)~~ square feet of common open space shall be provided on the lot.

2. Lowrise 1 Zones.

a. Ground-related Housing.

~~(~~1) An average of ~~three hundred (~~300~~)~~ square feet per unit of private, usable open space, at ground level and directly accessible to each unit~~, shall be~~ is required, except for cottage housing developments and for an additional unit added to an existing multifamily structure pursuant to Section 23.45.008.F. No unit shall have less than ~~two hundred (~~200~~)~~ square feet of private, usable open space, except for an additional unit added to an existing multifamily structure pursuant to Section 23.45.008.F, for which no open space is required. ~~When a new unit that is not a ground-related unit is added to an existing structure, common open space at ground level shall be provided for the new unit. As long as the average per unit amount of open space is maintained at three hundred (300) square feet on the lot, a minimum of two hundred (200) square feet of common open space at ground level shall be provided for the unit but it does not have to be directly accessible to the unit.~~

~~(~~2) On lots with slopes of ~~twenty (~~20~~)~~ percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, ~~such~~ the decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

b. Apartments. An average of ~~three hundred (~~300~~)~~ square feet per unit of common open space, with a minimum of ~~two hundred (~~200~~)~~ square feet, shall be provided at ground level, but it does not have to be directly accessible to the unit, except that no open space is required for an additional dwelling unit added to an existing multifamily structure pursuant to Section 23.45.008.F. Except for an additional dwelling unit added to an existing multifamily structure pursuant to Section 23.45.008.F, if an additional unit that is not a ground-related unit is added to an existing structure, common open space at ground level shall be provided for the additional unit. As long as the average per unit amount of open space is maintained at 300 square feet on the lot, a minimum of 200 square feet of common open space at ground level shall be provided for the unit but it does not have to be directly accessible to the unit.

c. Cottage Housing Developments. A minimum of ~~three hundred (~~300~~)~~square feet per unit of landscaped area is required. This quantity shall be allotted as follows:

~~(~~1) A minimum of ~~one hundred fifty (~~150~~)~~ square feet per unit shall be private, usable open space; and

~~(~~2) A minimum of ~~one hundred fifty (~~150~~)~~ square feet per unit shall be provided as common open space.

3. Lowrise 2, Lowrise 3 and Lowrise 4 Zones.

a. Ground-Related Housing.

~~(~~1) In Lowrise 2 and Lowrise 3 zones an average of ~~three hundred (~~300~~)~~ square feet per unit of private, usable open space, at ground level and directly accessible to each unit, ~~shall be~~ is required, except that no open space is required for an additional dwelling unit added to an existing multifamily structure pursuant to Section 23.45.008.F except as allowed by Section 23.45.008.F, n~~N~~o unit shall have less than ~~two hundred (~~200~~)~~ square feet of private, usable open space.

~~(~~2) In Lowrise 4 zones a minimum of ~~fifteen (~~15~~)~~ percent of lot area, plus ~~two hundred (~~200~~)~~ square feet per unit of private usable open space, at ground level and directly accessible to each unit, ~~shall be~~ isrequired, except that no open space is required for an Additional dwelling unit added to an existing multifamily structure pursuant to Section 23.45.008.F.

~~(~~3) On lots with slopes of ~~twenty (~~20~~)~~ percent or more, decks of the same size as the required ground-level open space may be built over the sloping ground-level open space. In order to qualify for this provision, ~~such~~ the decks shall not cover the open space of another unit, nor be above the living space of any unit. Decks may project into setbacks in accordance with subsection F of Section 23.45.014.

b. Apartments.

~~(~~1) Lowrise 2 Zones. A minimum of ~~thirty (~~30~~)~~ percent of the lot area shall be provided as usable open space at ground level, except that no open space is required for an additional dwelling unit added to an existing multifamily structure pursuant to Section 23.45.008.F.

~~(~~2) Lowrise 3 and Lowrise 4 Zones.

i. A minimum of ~~twenty-five (~~25~~)~~ percent of the lot area shall be provided as usable open space at ground level, except as provided in subsection 23.45.016. A.3.b.~~(2).~~ii and except that no open space is required for an additional dwelling unit added to an existing multifamily structure pursuant to Section 23.45.008.F.

ii. A maximum of ~~one-third (~~1/3~~)~~ of the required open space may be provided above ground in the form of balconies, decks, individual unit decks on roofs or common roof gardens if the total amount of required open space is increased to ~~thirty (~~30~~)~~ percent of lot area.

* * *

C. Open Space Relationship to Grade.

1. The elevation of open space for ground-related housing must be within ~~ten (~~10~~)~~ vertical feet of the elevation of the dwelling unit it serves. The ~~ten (~~10~~)~~ feet ~~shall be~~is measured between the finished floor level of the principal living areas of a dwelling unit and the grade of at least ~~fifty (~~50~~)~~ percent of the required open space. Direct access to the open space shall be from at least one ~~(1)~~ habitable room of at least ~~eighty (~~80~~)~~ square feet of the principal living areas of the unit. Principal living areas ~~shall~~ do not include foyers, entrance areas, closets or storage rooms, hallways, bathrooms or similar rooms alone or in combination. This subsection 23.45.016.C.1 does not apply to townhouses or single-family structures.

2. The grade of the ground level open space ~~can either be~~ shall be no higher than 18 inches above the existing grade ~~or within eighteen (18) inches of existing grade~~. The portion of the open space ~~which~~ that is within ~~ten (~~10~~)~~ vertical feet of the unit shall include the point where the access to the open space from the unit occurs.

3. The elevation of private usable open space for Lowrise Duplex/Triplex structures must be within ~~four (~~4~~)~~ feet of the elevation of the dwelling unit it serves. The ~~four (~~4~~)~~ feet ~~shall be~~is measured between the finished floor level of the dwelling unit and the grade of at least ~~fifty (~~50~~)~~ percent of the required open space. The grade of the ground level open space ~~can either be~~ shall be no higher than 18 inches above the existing grade ~~or within eighteen (18) inches of existing grade~~. The maximum difference in elevation at the point of access shall be ~~four (~~4~~)~~ feet.

* * *

Section 26. Subsection A of Section 23.45.160 of the Seattle Municipal Code, which section was last amended by Ordinance 122208, is amended as follows:

23.45.160 Bed and breakfasts~~.~~

A bed and breakfast use may be operated in a dwelling unit that is at least five ~~(5)~~ years old by a resident of the dwelling unit under the following conditions:

A. The bed and breakfast use must have a business license issued by the Department of ~~Finance~~ Executive Administration.

* * *

Section 27. Subsection D of Section 23.46.004 of the Seattle Municipal Code, which section was last amended by

Ordinance 122311, is amended as follows:

23.46.004 Uses.

* * *

D. Permitted commercial uses ~~shall be~~ are allowed only in structures containing at least one ~~(1)~~ dwelling unit ~~, which may be a~~ or live-work unit, according to the development standards of Section 23.46.012~~, Location of commercial uses~~.

* * *

Section 28. Subsection A of Section 23.46.012 of the Seattle Municipal Code, which section was last amended by Ordinance 121196, is amended as follows:

23.46.012 Location of commercial uses.

A. Commercial uses ~~shall be~~ are permitted only on or below the ground floor of a structure that contains at least one ~~(1)~~ dwelling unit ~~, which may be a~~ or live-work unit, except as provided in the Northgate Overlay District, Chapter 23.71 , and except that if there is an existing established commercial use in a structure that does not contain a dwelling unit or live-work unit, the existing established commercial use may be converted to another permitted commercial use without providing a dwelling unit or live-work unit in the structure and without obtaining an administrative conditional use.

* * *

Section 29. Subsection C of Section 23.47A.002 of the Seattle Municipal Code, which section was adopted by Ordinance 122311, is amended as follows:

23.47A.002 Scope of provisions.

* * *

C. Other regulations, ~~such as, and~~ including butnot 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 , Communications Regulations.

Section 30. Subsection H of Section 23.47A.004 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

23.47A.004 Permitted and prohibited uses

* * *

H. Adult Cabarets.

1. Any lot line of property containing any proposed new or expanding adult cabaret must be ~~eight hundred (~~800~~)~~ feet or more from any lot line of property ~~containing any~~ on which any of the following uses has been established by permit or otherwise recognized as a legally established use: community center; child care center; school, elementary or secondary; or public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be ~~six hundred (~~600~~)~~ feet or more from any lot line of property ~~containing~~ for which a permit has been issued for any other adult cabaret.

3. The dispersion analysis required by subsections 23.47A.004.H.1 and 2 shall be based on the facts that exist on the earlier of:

a) the date a complete application for a building permit for an adult cabaret for the property proposed to contain the new or expanding adult cabaret is made, or

b) the date of publication of notice of the Director's decision on the Master Use Permit application to establish or expand an adult cabaret use, if the decision can be appealed to the Hearing Examiner, or the date of the Director's decision if no Hearing Examiner appeal is available.

* * *

Section 31. Subsection C of Section 23.47A.005 of the Seattle Municipal Code, which section was last amended by Ordinance 123020, is amended as follows:

23.47A.005 Street-level uses

* * *

C. 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 23.47A.005.C.2 and 23.47A.005.C. 3.

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

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

b. Within the Bitter Lake Village Hub Urban Village; or

c. Within the Lake City Hub Urban Village, except as provided in subsection 23.47A.005.C.4.

3. Residential uses may not exceed, in the aggregate, 20 percent of the street-level street-facing facades when facing an arterial or within a zone that has a height limit of 85 feet or higher, except that there is no limit on residential uses 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. Residential uses may occupy 100 percent of the street-level street-facing facade in a structure if the structure:

a. Is developed and owned by the Seattle Housing Authority;

b. Is located on a lot zoned NC1 or NC3 that was owned by the Seattle Housing Authority as of January 1, 2009;

c. Is not located in a pedestrian-designated zone or a zone that has a height limit of 85 feet or higher; and

d. Does not face a designated principal pedestrian street.

~~4.~~ 5. Additions to, or on-site accessory structures for, existing single-family structures are permitted outright.

~~5.~~ 6. Where residential uses at street level are limited to 20 percent of the street-level street-facing facade, such limits do not apply to residential structures separated from the street lot line by an existing structure meeting the standards of this section and Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

* * *

Section 32. Subsection A of Section 23.47A.018 of the Seattle Municipal Code, which section was adopted by Ordinance 122311, is amended as follows:

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~~ structure 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 23.47A.018.B. Doors on such a structure that are further than 50 feet from the residential zone and that face away from the residential zone may remain open.

* * *

Section 33. Subsection B of Section 23.47A.020 of the Seattle Municipal Code, which section was adopted by Ordinance 122311, is amended as follows:

23.47A.020 Odor Standards~~.~~

* * *

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 or heavy commercial services:

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~~.

* * *

Section 34. Subsection B of Section 23.49.014 of the Seattle Municipal Code, which section was last amended by Ordinance 122611, is amended as follows:

23.49.014 Transfer of development rights (TDR)~~.~~

* * *

B. Standards for sending lots.

1. a. The maximum amount of floor area that may be transferred, except as open space TDR, Landmark TDR, or Landmark housing TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of any chargeable gross floor area existing or, if a DMC housing TDR site, to be developed on the sending lot, plus any TDR previously transferred from the sending lot.

b. The maximum amount of floor area that may be transferred from an eligible open space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of ~~(~~a) any existing chargeable gross floor area that is built on or over the ~~eligible lot area on the~~ portion of the sending lot that is not made ineligible by Section 23.49.017.C, plus ~~(~~b) the amount, if any, by which the total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of the sending lot, as provided in Section 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus ~~(~~c) any TDR previously transferred from the sending lot.

c. The maximum amount of floor area that may be transferred from an eligible Landmark housing TDR site is the

amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds TDR previously transferred from the sending lot, if any.

d. The maximum amount of floor area that may be transferred from an eligible Landmark TDR site, when the chargeable floor area of the landmark structure is less than or equal to the base FAR permitted in the zone, is equivalent to the base FAR of the sending lot, minus any TDR that have been previously transferred. For landmark structures having chargeable floor area greater than the base FAR of the zone, the amount of floor area that may be transferred is limited to an amount equivalent to the base FAR of the sending lot minus the sum of (i) any chargeable floor area of the landmark structure exceeding the base FAR and (ii) any TDR that have been previously transferred.

e. For purposes of this subsection 23.49.014.B.1, the eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over ~~one-quarter (~~1/4~~)~~ of the total area of the footprints of all structures on the sending lot; and for an open space TDR site, further reduced by the area of any portion of the lot ineligible under Section 23.49.01~~6~~7.C.

2. ~~When~~If the sending lot is located in the PSM or IDM zone, the gross floor area that may be transferred is ~~six (6)~~ 6 FAR, minus the sum of any existing chargeable gross floor area and any floor area in residential use on the sending lot, and further reduced by any TDR previously transferred from the sending lot.

3. ~~When~~If TDR are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot ~~shall be~~is equal to the area of the lot multiplied by the applicable base FAR limit set in Section 23.49.011, minus the total of:

a. The existing chargeable floor area on the lot; plus

b. The amount of gross floor area transferred from the lot.

4. ~~When~~If TDR are sent from a sending lot in a PSM zone, the combined maximum chargeable floor area and residential floor area that may then be established on the sending lot ~~shall be~~ is equal to the total gross floor area that could have been built on the sending lot consistent with applicable development standards as determined by the Director had no TDR been transferred, less the sum of:

a. The existing chargeable floor area on the lot; plus

b. The amount of gross floor area that was transferred from the lot.

5. Gross floor area allowed above base FAR under any bonus provisions of this title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only if the TDR are from an eligible Landmark site, consistent with subsection 23.49.014.B.1.c above, or to the extent, if any, that:

a. TDR were previously transferred to such lot in compliance with the Land Use Code provisions and applicable rules then in effect;

b. Those TDR, together with the base FAR under Section 23.49.011, exceed the chargeable floor area on the lot and any additional chargeable floor area for which any permit has been issued or for which any permit application is pending; and

c. The excess amount of TDR previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions ~~of this s~~Section 23.49. 014 at the time of their original transfer from that lot.

6. Landmark structures on sending lots from which Landmark TDR or Landmark housing TDR are transferred shall be restored and maintained as required by the Landmarks Preservation Board.

7. Housing on lots from which housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least ~~fifty (~~50~~)~~ years from the time of the TDR transfer, as approved by the Director of the Office of Housing. Landmark buildings on lots from which Landmark housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable housing, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least ~~fifty (~~50~~)~~ years from the time of the TDR transfer, as approved by the Director of the Office of Housing and the Landmarks Preservation Board. If housing TDR or Landmark housing TDR are proposed to be transferred prior to the completion of work necessary to satisfy this subsection 23.49.014.B.7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

8. The housing units on a lot from which housing TDR, Landmark housing TDR, or DMC housing TDR are transferred, and that are committed to low-income housing use as a condition to eligibility of the lot as a TDR sending lot, shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director, after completion of any rehabilitation or construction undertaken in order to qualify as a TDR sending lot.

* * *

Section 35. Subsections D and H of Section 23.49.017 of the Seattle Municipal Code, which section was adopted by Ordinance 122054, are amended as follows:

23.49.017 Open space TDR Site Eligibility~~.~~

* * *

D. Basic requirements. In order to qualify as a sending lot for open space TDR, the sending lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to ~~(Section 23.49.039) subsection H of this s~~ subsection 23.49.017.H. A sending lot for open space TDR must:

1. Include a minimum area as follows:

a. Contiguous open space with a minimum area of ~~fifteen thousand (~~15,000~~)~~ square feet; or

b. A network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of ~~thirty thousand (~~30,000~~)~~ square feet;

2. Be directly accessible from the sidewalk or another public open space, including access for persons with disabilities;

3. Be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

4. Not have more than ~~twenty (~~20~~)~~ percent of the lot area occupied by any above grade structures; and

5. Be located a minimum of ~~one quarter (~~1/4~~)~~ of a mile from the closest lot approved by the Director as a separate open space TDR site.

* * *

H. Special exception for Open Space TDR sites. The Director may authorize an exception to the requirements for open space TDR sites in subsection ~~D of this Section~~ 23.49.017.D, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

1. The provisions of this subsection 23.49.017.H will be used by the Director in determining whether to grant, grant

with conditions or deny a special exception. The Director may grant exceptions only to the extent such exceptions further the provisions of this subsection 23.49.017.H.

2. In order for the Director to grant, or grant with conditions, an exception to the requirements for open space TDR sites, the following must be satisfied:

a. The exception allows the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; and

b. The applicant demonstrates that the exceptions would result in an open- space that better meets the intent of the provisions for open space TDR sites in subsection 23.49.017.G D of this Section.

Section 36. Section 23.49.030, which section was adopted by Ordinance 122411, is amended as follows:

23.49.030 Adult Cabarets.

A. Any lot line of property containing any proposed new or expanding adult cabaret must be eight hundred (800) feet or more from any lot line of property containing anyon which any of the following uses has been established by permit or otherwise recognized as a legally established use: community center; child care center; school, elementary or secondary; or public parks and open space use.

B. Any lot line of property containing any proposed new or expanding adult cabaret must be six hundred (600) feet or more from any lot line of property containing for which a permit has been issued for any other adult cabaret, and must be six hundred (600) feet or more from any lot line of property containing for which a permit has been issued for any adult panoram or adult motion picture theater.

C. The analysis required by subsections 23.49.030.A and B shall be based on the facts that exist on the earlier of:

1) the date a complete application is made for a building permit for an adult cabaret for the property proposed to contain the new or expanding adult cabaret, or

2) the date of publication of notice of the Director's decision on the Master Use Permit application to establish or expand an adult cabaret use, if the decision can be appealed to the Hearing Examiner, or the date of the Director's decision if no Hearing Examiner appeal is available.

Section 37. Subsection E of Section 23.49.046 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

23.49.046 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial conditional uses and Council decisions.

* * *

E. Rooftop features listed in subsection C4 of Section 23.49.008.D.1.c more than fifty (50) feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 38. Subsection F of Section 23.49.096 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

* * *

23.49.096 Downtown Retail Core, conditional uses and Council decisions ~~.~~

* * *

F. Rooftop features listed in subsection ~~C4 of Section~~ 23.49.008.D.1.c more than ~~fifty (~~50~~)~~ feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008~~, Structure height~~.

* * *

Section 39. Subsection E of Section 23.49.148 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

23.49.148 Downtown Mixed Residential, conditional uses and Council decisions~~.~~

* * *

E. Rooftop features listed in subsection ~~C4 of Section~~ 23.49.008.D.1.c more than ~~fifty (~~50~~)~~ feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008~~, Structure height~~.

* * *

Section 40. Subsection E of Section 23.49.324 of the Seattle Municipal Code, which section was last amended by Ordinance 122054, is amended as follows:

23.49.324 Downtown Harborfront 2, conditional uses~~.~~

* * *

E. Rooftop features listed in subsection ~~C4of Section~~ 23.49.008.D.1.c more than ~~fifty (~~50~~)~~ feet above the roof of the structure on which they are located may be authorized by the Director as an administrative conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008~~, Structure height~~.

* * *

Section 41. Subsection E of Section 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 122411, is amended as follows:

23.50.012 Permitted and prohibited uses~~.~~

* * *

E. Adult Cabarets.

1. Any lot line of property containing any proposed new or expanding adult cabaret must be ~~eight hundred (~~800~~)~~ feet or more from any lot line of property ~~containing any~~on which any of the following uses has been established by permit or otherwise recognized as legally established: community center; child care center; school, elementary or secondary; or

public parks and open space use.

2. Any lot line of property containing any proposed new or expanding adult cabaret must be ~~six hundred (~~600~~)~~ feet or more from any lot line of property ~~containing~~ for which a permit has been issued for any other adult cabaret .

3. The analysis required by subsections 23.50.012.E.1 and E.2 shall be based on the facts that exist on the earlier of:

a) the date a complete application is made for a building permit for an adult cabaret for the property proposed to contain the new or expanding adult cabaret, or

b) the date of publication of notice of the Director's decision on the Master Use Permit application to establish or expand an adult cabaret use, if the decision can be appealed to the Hearing Examiner, or the date of the Director's decision if no Hearing Examiner appeal is available.

Section 42. Subsection B of Section 23.50.022 and Exhibit 23.50.022A of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended and the Exhibit 23.50.022A replaced with a new Exhibit A, 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~~ subsection 23.50.022.C, the maximum structure height for any portion of a structure that contains commercial uses other than spectator sports facilities and food processing and craft work uses, whether they are principal or accessory, ~~shall be thirty (30)~~ is 30 feet, ~~forty-five (45)~~ 45 feet, ~~sixty-five (65)~~ 65 feet, or ~~eighty-five (85)~~ 85 feet, as designated on the Official Land Use Map, Chapter 23.32. (also see ~~Exhibit~~ Exhibit A for 23.50.022 ~~A~~

Exhibit A for 23.50.022

New Exhibit A for 23.50.022

* * *

Section 43. Subsections L, N and O of Section 23.50.051 of the Seattle Municipal Code, which section was adopted by Ordinance 122611, are amended as follows:

23.50.051 Additional floor area in certain IC-zoned areas in the South Lake Union Urban Center~~:~~

* * *

L. Energy Management Plan. The Master Use Permit application shall include an energy management plan, approved by the ~~Director~~ Superintendent of Seattle City Light, containing specific energy conservation or alternative energy generation methods or on-site electrical systems that together can ensure that the existing electrical system can accommodate the projected loads from the project. The Director, after consulting with the ~~Director~~ Superintendent of Seattle City Light, may condition the approval of the Master Use Permit on the implementation of the energy management plan.

* * *

N. Bonus floor area and TDR. A minimum of ~~seventy-five (~~75~~)~~ percent of floor area above ~~five (5)~~ 4.5 FAR may be gained only through bonuses under Section 23.50.052. The remaining ~~twenty-five (~~25~~)~~ percent may be gained either through TDR consistent with Section 23.50.053 or bonuses under Section 23.50.052, provided that the condition in ~~S~~ subsection 23.50.051.N is satisfied if applicable. The Master Use Permit application to establish any floor area above

~~five (5)~~ 4.5 FAR under this section shall include a calculation of the amount of floor area and shall identify the manner in which the conditions to added floor area will be satisfied.

O. Landmark TDR. If Landmark TDR is available, not less than ~~five (~~5~~)~~ percent of floor area on a lot above ~~five (5)~~ 4.5 FAR shall be gained through the transfer of Landmark TDR. Landmark TDR shall be considered "available" if, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR eligible for use on the lot for sale at a price per square foot no greater than the total bonus contribution under Section 23.50.052 for a project using the cash option for both housing and childcare facilities. An applicant may satisfy the condition in this section by purchase~~s~~ of Landmark TDR from private parties, by transfer of Landmark TDR from an eligible sending lot owned by the applicant, by purchase of Landmark TDR from the City, or by any combination of the foregoing.

Section 44. Subsections A, B and D of Section 23.53.015 of the Seattle Municipal Code, which sections were last amended by Ordinance 122615, is amended as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones~~:~~

A. General Requirements.

1. ~~When~~If new lots are proposed to be created, or if any type of development is proposed in residential or commercial zones, existing streets abutting the lot(s) are required to be improved in accordance with this ~~section~~ Section 23.53.015 and Section 23.53.006, Pedestrian access and circulation. One ~~(1)~~ or more of the following types of improvements may be required under this ~~section~~ Section 23.53.015:

a. Pavement;

b. Curb installation;

c. Drainage;

d. Grading to future right-of-way grade;

e. Design of structures to accommodate future right-of-way grade;

f. No-protest agreements; and

g. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of- way, may be required to accommodate the improvements.

2. ~~Subsection D of this section~~ Subsection 23.53.015.D contains exceptions from the standard requirements for street improvements, including exceptions for streets that already have curbs, projects that are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area or buffer.

3. Off-site improvements, such as provision of drainage systems or fire access roads, shall be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the Right-of-Way Improvements Manual.

5. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

6. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on ~~Exhibit 23.53.015 A~~ the Arterial street map, Section 11.18.010, ~~shall be~~are as specified in the Right-of-Way Improvements Manual.

b. Nonarterial~~s~~ streets.

~~(~~1) The minimum right-of-way width for an existing street that is not an arterial designated on ~~Exhibit 23.53.015 A~~ the Arterial street map, Section 11.18.010, ~~shall be~~is as shown on ~~Chart~~ Table A for ~~Section~~ 23.53.015.

~~Chart~~Table Afor ~~Section~~ 23.53.015 Minimum Right-of-Way Widths for Existing Nonarterial Streets

Zone Category Required Right-of-Way Width 1. SF, LDT, L1, L2 and NC1 zones; and 40 feet NC2 zones with a maximum height limit of ~~forty feet (~~40'~~)~~ or less

2. L3, L4, MR, HR, NC2 zones with height 52 feet limits of more than ~~forty feet (~~40'~~)~~, NC3, C1, C2 and SCM zones

~~(~~2) ~~When~~If a block is split into more than one ~~(1)~~ zone, the zone category with the most frontage shall determine the minimum width on ~~the~~ ~~chart~~ Table A for 23.53.015. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements to Arterial~~s~~ Streets. Except as provided in ~~subsection D of this section~~ Subsection 23.53.015.D, arterials shall be improved according to the following requirements:

1. ~~When~~If a street is designated as an arterial on ~~Exhibit 23.53.015 A~~ the Arterial street map, Section 11.18.010, a paved roadway with a curb and pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

2. If necessary to accommodate the right-of-way and roadway widths specified in the Right-of-Way Improvements Manual, dedication of right-of-way is required.

* * *

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width. ~~When~~ If 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 23.53.015.A.6 ~~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 and built to accommodate the grade of the future street improvements.

~~(~~2) A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

~~(~~3) Pedestrian access and circulation is required as specified in Section 23.53.006.

b. Streets With Less than the Minimum Right-of-Way Width. ~~When~~ If a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection 23.53.015.A.6 ~~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 23.53.015.A.6 ~~of this section~~ is 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~~ is also ~~be~~ required. 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 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~~If a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, as specified in the Right-of-Way Improvements Manual.

~~(~~3) No-protest Agreement Requirement. A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

~~(~~4) Pedestrian access and circulation is required as specified in Section 23.53.006.

2. Projects With Reduced Improvement Requirements.

a. One ~~(1)~~ or Two ~~(2)~~ Dwelling Units. ~~When~~If no more than ~~one (1) or~~ two ~~(2)~~ new dwelling units are proposed to be constructed, or no more than ~~one (1) or~~ two ~~(2)~~ new 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~~ is required, as specified in the Right-of-Way Improvements Manual.

~~(~~2) All structures on the lot(s) shall be designed and built to accommodate the grade of the future street improvements.

~~(~~3) A no-protest agreement to future street improvements ~~shall be~~ is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

~~(~~4) Pedestrian access and circulation is required as specified in Section 23.53.006.

b. Other Projects With Reduced Requirements. The types of projects listed in this subsection 23.53.015.D.2.b 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 more than two but fewer than ten ~~(10)~~ units in SF, RSL, LDT and L1 zones, ~~and~~ or fewer than six ~~(6)~~ residential units in all other zones, or proposed short plats in which no more than two additional lots are proposed to be created;

ii. The following uses ~~when~~if they are smaller than ~~seven hundred fifty (~~750~~)~~ square feet of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;

iii. Non-residential structures that have less than ~~four thousand (~~4,000~~)~~ square feet of gross floor area and that do not contain uses listed in subsection 23.53.015.D.2.b.~~(~~1~~)~~.ii that 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, RSL, 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 23.53.015.D.2.b.~~(~~1~~)~~ .ii and D.2.b.~~(~~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 surface parking, outdoor storage, outdoor sales or outdoor display of rental equipment of less than ~~twenty (~~20~~)~~ percent of the parking, storage, sales or display area or number of parking spaces.

~~(~~2) Paving Requirement. For the types of projects listed in subsection 23.53.015.D.2.b. ~~(~~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 as specified in 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 requirements of subsection 23.53.015.D.1.b shall also be met.

3. Exceptions from Required Street Improvements. The Director, in consultation with the Director of Transportation, may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping, and curb installation ~~when~~ if one ~~(~~1~~)~~ or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing access and circulation.

a. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees or other valuable and character-defining mature vegetation 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 in proximity to the project site makes widening and/or improving 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 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 preclude vehicular 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 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.

23.53.015 Segment A

23.53.015 Segment B

Section 45. Subsections A and B of Section 23.53.020 of the Seattle Municipal Code, which sections were last amended by Ordinance 122615, is amended as follows:

23.53.020 Improvement requirements for existing streets in industrial zones~~:~~

A. General Requirements.

1. ~~When~~If new lots are created or any type of development is proposed in an industrial zone, existing streets abutting the lot(s) are required to be improved in accordance with this ~~section~~ Section 23.53.020 and Section 23.53.006, Pedestrian access and circulation. One ~~(1)~~ or more of the following types of improvements may be required by this section:

a. Pavement;

b. Curb installation;

c. Drainage;

d. Grading to future right-of-way grade;

e. Design of structures to accommodate future right- of-way grade;

f. No-protest agreements; and

g. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way, may be required to accommodate the improvements.

2. Subsection 23.53.020.E ~~of this section~~ contains exceptions from the standard requirements for street improvements, including exceptions for streets that already have curbs, projects that are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area.

3. Off-site improvements such as provision of drainage systems or fire access roads, shall be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the Right-of-Way Improvements Manual.

5. The regulations in this ~~s~~Section 23.53.020 are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

6. Minimum Right-of-way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on ~~Exhibit 23.53.015 A~~ the Arterial street map, Section 11.18.010, ~~shall be~~are as specified in the Right-of-Way Improvements Manual.

b. Non-arterials.

~~(~~1) The minimum right-of-way width for an existing street that is not an arterial designated on ~~Exhibit 23.53.015 A~~ the Arterial street map, Section 11.18.010,~~shall be~~is as shown on ~~Chart~~ Table A for ~~Section~~ 23.53.020.

~~Chart~~ Table A for ~~Section~~ 23.53.020 Minimum Right-of-way Widths for Existing Nonarterial Streets

Zone Category Right-of-Way Widths 1. IB, IC 52 feet 2. IG1, IG2 56 feet

~~(~~2) ~~When~~If a block is split into more than one ~~(1)~~ zone, the zone category with the most frontage shall determine the minimum width on ~~the chart~~ Table A for 23.53.020. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones, except as provided in subsection 23.53.020.E ~~of this section~~, ~~when~~if a lot abuts a street designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, the following on-site improvements shall be provided:

1. Dedication Requirement. ~~When~~If the street right-of-way is less than the minimum width established in subsection 23.53.020.A.6 ~~of this section~~, dedication of additional right-of-way equal to half the difference between the current right-of-way and the minimum right-of-way width established in subsection 23.53.020.A.6 ~~of this section~~ is required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block ~~shall~~are not ~~be~~ required to dedicate more than that amount of right-of-way.

2. Improvement Requirements. A paved roadway with a concrete curb, pedestrian access and circulation as required by ~~s~~Section 23.53.006 and drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

3. Street Trees.

a. Street trees shall be provided along designated street frontages. Street trees shall be provided in the planting strip as specified in City Tree Planting Standards.

b. Exceptions to Street Tree Requirements.

~~(~~1) Street trees required by subsection 23.53.020.B.3.a may be located on the lot at least ~~two (2)~~ 2 feet from the street lot line instead of in the planting strip ~~when~~if:

i. Existing trees and/or landscaping on the lot provide improvements substantially equivalent to those required in this ~~section~~ Section 23.53.020;

ii. It is not feasible to plant street trees according to City standards. A ~~five (5)~~ 5 foot deep landscaped setback area ~~shall be~~is required along the street property lines, and trees shall be planted there. If an on-site landscaped area is already required, the trees shall be planted there if they cannot be placed in the planting strip.

* * *

Section 46. Subsection E of Section 23.53.030 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

23.53.030 Alley improvements in all zones~~.~~

* * *

E. Existing Alleys That Meet the Minimum Width. Except as provided in subsection 23.53.030.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~~if an existing alley meets the minimum right-of-way width established in subsection 23.53.030.D ~~of this section~~, the following requirements shall be met:

1. ~~When~~If 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~~ the Arterial street map, Section 11.18.010, 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~~ if they are smaller than ~~seven hundred fifty (750)~~ 750 square feet of gross floor area: major and minor vehicle repair uses, and multipurpose 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 23.53.030. E.1.a.~~(~~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 23.53.030.E.1.a~~(~~. 2~~)~~ and E.1.a~~(~~.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~~ 20 percent of the parking area~~, or~~ storage area or number of parking spaces.

b. For projects not listed in subsection 23.53.030.E.1.a, 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~~ the Arterial street map, Section 11.18.010, 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~~If 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 47. Subsection D of Section 23.55.020 of the Seattle Municipal Code, which section was last amended by Ordinance 121429, is amended as follows:

23.55.020 Signs in single-family zones~~.~~

* * *

D. The following signs ~~shall be~~ are permitted in all single-family zones:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding ~~sixty-four (~~64~~)~~ square inches in area;

2. Memorial signs or tables, and the name of buildings and dates of building erection ~~when~~if cut into a masonry surface or constructed of bronze or other noncombustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. ~~Properly displayed national~~ National, state and institutional flags;

5. For any ~~permitted~~ nonresidential use allowed in the zone except for ~~public~~ elementary or ~~public~~ secondary schools, one ~~(~~1~~)~~ electric or nonilluminated double-faced identifying wall or ground sign not to exceed ~~fifteen (~~15~~)~~ square feet of area per sign face on each street frontage;

6. On-premises directional signs not exceeding ~~eight (~~8~~)~~ square feet in area. One ~~(~~1~~)~~ such sign ~~shall be~~ is permitted for each entrance or exit to a surface parking area or parking garage;

7. For ~~public~~ elementary or ~~public~~ secondary schools, one ~~(~~1~~)~~ electric or nonilluminated double-faced identifying sign, not to exceed ~~thirty (~~30~~)~~ square feet of area per sign face on each street frontage, provided that the signs shall be located and landscaped so that light and glare impacts on surrounding properties are reduced, and so that any illumination is controlled by a timer set to turn off by 10 p.m.

* * *

Section 48. Subsection D of Section 23.55.022 of the Seattle Municipal Code, which section was last amended by Ordinance 121429, is amended as follows:

23.55.022 Signs in multi~~-~~family zones~~.~~

* * *

D. The following signs ~~shall be~~ are permitted in all multifamily zones:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding ~~sixty-four (~~64~~)~~ square inches in area;

2. Memorial signs or tablets, and the names of buildings and dates of building erection ~~when~~ if cut into a masonry surface or constructed of bronze or other noncombustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. ~~Properly displayed national~~ National, state and institutional flags;

5. One ~~(~~1~~)~~ electric, externally illuminated or nonilluminated sign bearing the name of a home occupation not exceeding ~~sixty-four (~~64~~)~~ square inches in area;

6. One ~~(~~1~~)~~ nonilluminated wall or ground identification sign for multifamily structures on each street or alley frontage in addition to signs permitted by subsection 23.55.022. D.2. For structures of ~~sixteen (~~16~~)~~ units or less, the maximum area of each sign face ~~shall be~~ is ~~sixteen (~~16~~)~~ square feet. One ~~(~~1~~)~~ square foot of sign area ~~shall be~~ is permitted for each additional unit over ~~sixteen~~16, to a maximum area of ~~fifty (~~50~~)~~ square feet per sign face;

7. For institutions other than ~~public~~ elementary and ~~public~~ secondary schools, one ~~(~~1~~)~~ electric or nonilluminated double-faced identifying wall or ground sign on each street frontage, not to exceed ~~twenty-four (~~24~~)~~ square feet of area per sign face;

8. One ~~(~~1~~)~~ electric, externally illuminated or nonilluminated sign bearing the name of a bed and breakfast, not exceeding ~~sixty-four (~~64~~)~~ square inches in area~~.~~ ;

9. For ~~public~~ elementary or ~~public~~ secondary schools, one ~~(~~1~~)~~ electric or nonilluminated double-faced identifying sign, not to exceed ~~thirty (~~30~~)~~ square feet of area per sign face on each street frontage, provided that the signs shall be located and landscaped so that light and glare impacts on surrounding properties are reduced, and that any illumination is controlled by a timer set to turn off by 10 p.m.

* * *

Section 49. Subsection D of Section 23.55.028 of the Seattle Municipal Code, which section was last amended by Ordinance 121196, is amended as follows:

23.55.028 Signs in NC1 and NC2 zones~~.~~

* * *

D. On-premises Signs.

1. The following signs ~~shall be~~ are permitted in addition to the signs permitted by subsections 23.55.028.D .2, D.3 and D.4:

a. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding ~~sixty-four (~~64~~)~~ square inches in area;

b. Memorial signs or tablets, and the names of buildings and dates of building erection ~~when~~ if cut into a masonry surface or constructed of bronze or other noncombustible materials;

c. Signs for public facilities indicating danger and/or providing service or safety information;

d. ~~Properly displayed national~~ National, state and institutional flags;

e. One ~~(~~1~~)~~ under-marquee sign ~~which~~ that does not exceed ~~ten (~~10~~)~~ square feet in area;

f. One ~~(~~1~~)~~ electric, externally illuminated or nonilluminated sign bearing the name of a home occupation, not exceeding ~~sixty-four (~~64~~)~~ square inches in area.

2. Number and Type of ~~Permitted~~ Signs Allowed for Business Establishments.

a. Each business establishment may have one ~~(~~1~~)~~ ground, roof, projecting or combination sign (Type A sign) for each ~~three hundred (~~300~~)~~ lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection 23.55.028.D.2.a, each business establishment may have one ~~(~~1~~)~~ wall, awning, canopy, marquee, or under-marquee sign (Type B sign) for each ~~thirty (~~30~~)~~ lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsections 23.55.028.D.2.a and D.2.b, each multiple business center and drive-in business may have one ~~(~~1~~)~~ pole sign for each ~~three hundred (~~300~~)~~ lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys. Such pole signs may be for a drive-in business or for an individual business establishment located in a multiple business center, or may identify a multiple business center.

d. Individual businesses ~~which~~ that are not drive-in businesses and ~~which~~ that are not located in a multiple business center may have one ~~(~~1~~)~~ pole sign in lieu of another Type A sign permitted by Section 23.55.028.D.2 .a for each ~~three hundred (~~300~~)~~ lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

3. Maximum Area of Signs for Nonresidential Uses and Live-work Units. The maximum area of all signs for each business establishment permitted in subsection 23.55.028.~~d~~D.2 ~~shall be~~ is ~~one hundred eighty-five (~~185~~)~~ square feet, and the maximum area of any one ~~(~~1~~)~~ Type A sign ~~shall be~~ is ~~seventy-two (~~72~~)~~ square feet, provided that the maximum area of pole signs for gas stations ~~which~~ that identify the price of motor fuel being offered by numerals of equal size ~~shall be~~ is ~~ninety-six (~~96~~)~~ square feet.

4. Identification Signs for Multifamily Structures.

a. One ~~(1)~~ identification sign bearing the name of a multifamily structure ~~shall be~~ is permitted on each street or alley frontage of a residential use in addition to the signs permitted by subsection 23.55.028.D.1.

b. Identification signs may be wall, ground, awning, canopy, marquee, under-marquee, or projecting signs.

c. For structures of ~~twenty-four (~~24~~)~~ units or less, the maximum area of each sign face ~~shall be~~ is ~~twenty-four (~~24~~)~~ square feet. One ~~(1)~~ square foot of sign area ~~shall be~~ is permitted for each additional unit over ~~twenty-four (~~24~~)~~, to a maximum of ~~fifty (~~ 50~~)~~ square feet per sign face.

5. Sign Height.

a. The maximum height for any portion of a pole, projecting or combination sign ~~shall be~~ is ~~twenty-five (~~25~~)~~ feet.

b. The maximum height for any portion of a wall or under-marquee sign ~~shall be~~ is ~~twenty (~~20~~)~~ feet or the height of the cornice of the structure to which the sign is attached, whichever is greater.

c. Marquee signs may not exceed a height of ~~thirty (~~30~~)~~ inches above the top of the marquee, and total vertical dimension shall not exceed ~~five (~~5~~)~~ feet.

d. No portion of a roof sign shall exceed a height of ~~twenty-five (~~25~~)~~ feet above grade.

* * *

Section 50. Subsection D of Section 23.55.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123020, is amended as follows:

E. On-premises Signs.

1. The following signs ~~shall be~~ are permitted in addition to the signs permitted by subsections 23.55.030.E.2 and 23.55.030.E.3:

a. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding 64 square inches in area;

b. Memorial signs or tablets, and the names of buildings and dates of building erection ~~when~~ if cut into a masonry surface or constructed of bronze or other noncombustible materials;

c. Signs for public facilities indicating danger and/or providing service or safety information;

d. ~~Properly displayed national~~ National, state and institutional flags;

e. One under-marquee sign ~~which~~ that does not exceed 10 square feet in area;

f. One electric, externally illuminated or nonilluminated sign bearing the name of a home occupation, not to exceed 64 square inches in area.

2. Number and Type of ~~Permitted~~ Signs Allowed for Business Establishments.

a. Each business establishment may have one ground, roof, projecting or combination sign (Type A sign) for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection 23.55.030.E.2.a ~~of this section~~, each business establishment may have

one wall, awning, canopy, marquee or under-marquee sign (Type B sign) for each 30 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsections 23.55.030.E.2.a and 23.55.030.E.2.b ~~of this section~~, each multiple business center and drive-in business may have one pole sign for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys. Such pole signs may be for a drive-in business or for an individual business establishment located in a multiple business center, or may identify a multiple business center.

d. Individual businesses ~~which~~ that are not drive-in businesses and ~~which~~ that are not located in multiple business centers may have one pole sign in lieu of another Type A sign permitted by subsection 23.55.030.E.2.a for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

e. ~~Where~~ If the principal use or activity on the lot is outdoor retail sales, banners and strings of pennants maintained in good condition ~~shall be~~ are permitted in addition to the signs permitted by subsections 23.55.030.E.2.a, 23.55.030.E.2.b and 23.55.030.E.2.c.

3. Maximum Area.

a. NC3 Zones and the SM zone.

~~(~~1) The maximum area of each face of a pole, ground, roof, projecting or combination sign~~s~~ ~~shall be~~ is 72 square feet plus 2 square feet for each foot of frontage over 36 feet on public rights-of-way, except alleys, to a maximum area of 300 square feet, provided that:

i. The maximum area for signs for multiple business centers, and signs for business establishments located within 100 feet of a state route right-of-way ~~which~~ that is not designated in Section 23.55.042 as a landscaped or scenic view section, ~~shall be~~ is 600 square feet; and

ii. The maximum area for pole signs for gas stations ~~which~~ that identify the price of motor fuel being offered by numerals of equal size ~~shall be~~ is 96 square feet.

~~(~~2) There ~~shall be~~ is no maximum area limit for wall, awning, canopy, marquee or under-marquee signs.

b. C1 and C2 Zones. There ~~shall be~~ is no maximum area limit~~s~~ for on-premises signs for business establishments in C1 and C2 zones.

4. Identification Signs for Multifamily Structures.

a. One identification sign ~~shall be~~ is permitted on each street or alley frontage of a multi-family structure.

b. Identification signs may be wall, ground, awning, canopy, marquee, under-marquee, or projecting signs.

c. The maximum area of each sign ~~shall be~~ is 72 square feet.

5. Sign Height.

a. The maximum height for any portion of a projecting or combination sign ~~shall be~~ is 65 feet above existing grade, or the maximum height limit of the zone, whichever is less.

b. The maximum height limit for any portion of a pole sign ~~shall be~~ is 30 feet; except for pole signs for multiple business centers and for business establishments located within 100 feet of a state route right-of-way ~~which~~ that is not designated in Section 23.55.042 as a landscaped or scenic view section, for which ~~shall have~~ a maximum height of 40 feet is permitted.

c. The maximum height for any portion of a wall, marquee, under-marquee or canopy sign ~~shall be~~ is 20 feet or the height of the cornice of the structure to which the sign is attached, whichever is greater.

d. No portion of a roof sign shall:

~~(~~1) Extend beyond the height limit of the zone;

~~(~~2) Exceed a height above the roof in excess of the height of the structure on which the sign is located; or

~~(~~3) Exceed a height of 30 feet above the roof, measured from a point on the roof line directly below the sign or from the nearest adjacent parapet.

* * *

Section 50. Subsection E of Section 23.55.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123020, is amended as follows:

23.55.030 Signs in NC3, C1, C2 and SM zones~~.~~

* * *

E. On-premises Signs.

1. The following signs ~~shall be~~ are permitted in addition to the signs permitted by subsections 23.55.030.E.2 and 23.55.030.E.3:

a. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding 64 square inches in area;

b. Memorial signs or tablets, and the names of buildings and dates of building erection ~~when~~ if cut into a masonry surface or constructed of bronze or other noncombustible materials;

c. Signs for public facilities indicating danger and/or providing service or safety information;

d. ~~Properly displayed national~~ National, state and institutional flags;

e. One under-marquee sign ~~which~~ that does not exceed 10 square feet in area;

f. One electric, externally illuminated or nonilluminated sign bearing the name of a home occupation, not to exceed 64 square inches in area.

2. Number and Type of ~~Permitted~~ Signs Allowed for Business Establishments.

a. Each business establishment may have one ground, roof, projecting or combination sign (Type A sign) for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

b. In addition to the signs permitted by subsection 23.55.030.E.2.a ~~of this section~~, each business establishment may have one wall, awning, canopy, marquee or under-marquee sign (Type B sign) for each 30 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

c. In addition to the signs permitted by subsections 23.55.030.E.2.a and 23.55.030.E.2.b ~~of this section~~, each multiple business center and drive-in business may have one pole sign for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys. Such pole signs may be for a drive-in business or for an individual business establishment located in a multiple business center, or may identify a multiple business center.

d. Individual businesses ~~which~~ that are not drive-in businesses and ~~which~~ that are not located in multiple business centers may have one pole sign in lieu of another Type A sign permitted by subsection 23.55.030.E.2.a for each 300 lineal feet, or portion thereof, of frontage on public rights-of-way, except alleys.

e. ~~Where~~ If the principal use or activity on the lot is outdoor retail sales, banners and strings of pennants maintained in good condition ~~shall be~~ are permitted in addition to the signs permitted by subsections 23.55.030.E.2.a, 23.55.030.E.2.b and 23.55.030.E.2.c.

3. Maximum Area.

a. NC3 Zones and the SM zone.

~~(~~1) The maximum area of each face of a pole, ground, roof, projecting or combination sign~~s~~ ~~shall be~~ is 72 square feet plus 2 square feet for each foot of frontage over 36 feet on public rights-of-way, except alleys, to a maximum area of 300 square feet, provided that:

i. The maximum area for signs for multiple business centers, and signs for business establishments located within 100 feet of a state route right-of-way ~~which~~ that is not designated in Section 23.55.042 as a landscaped or scenic view section, ~~shall be~~ is 600 square feet; and

ii. The maximum area for pole signs for gas stations ~~which~~ that identify the price of motor fuel being offered by numerals of equal size ~~shall be~~ is 96 square feet.

~~(~~2) There ~~shall be~~ is no maximum area limit for wall, awning, canopy, marquee or under-marquee signs.

b. C1 and C2 Zones. There ~~shall be~~ is no maximum area limit~~s~~ for on-premises signs for business establishments in C1 and C2 zones.

4. Identification Signs for Multifamily Structures.

a. One identification sign ~~shall be~~ is permitted on each street or alley frontage of a multi~~-~~family structure.

b. Identification signs may be wall, ground, awning, canopy, marquee, under-marquee, or projecting signs.

c. The maximum area of each sign ~~shall be~~ is 72 square feet.

5. Sign Height.

a. The maximum height for any portion of a projecting or combination sign ~~shall be~~ is 65 feet above existing grade, or the maximum height limit of the zone, whichever is less.

b. The maximum height limit for any portion of a pole sign ~~shall be~~ is 30 feet; except for pole signs for multiple business centers and for business establishments located within 100 feet of a state route right-of-way ~~which~~ that is not designated in Section 23.55.042 as a landscaped or scenic view section, for which ~~shall have~~ a maximum height of 40 feet is permitted.

c. The maximum height for any portion of a wall, marquee, under-marquee or canopy sign ~~shall be~~ is 20 feet or the height of the cornice of the structure to which the sign is attached, whichever is greater.

d. No portion of a roof sign shall:

~~(~~1) Extend beyond the height limit of the zone;

~~(~~2) Exceed a height above the roof in excess of the height of the structure on which the sign is located; or

~~(~~3) Exceed a height of 30 feet above the roof, measured from a point on the roof line directly below the sign or from the nearest adjacent parapet.

* * *

Section 51. Subsection B of Section 23.55.034 of the Seattle Municipal Code, which section was last amended by Ordinance 120466, is amended as follows:

23.55.034 Signs in downtown zones~~.~~

* * *

B. The following signs ~~shall be~~ are permitted in all downtown zones regulated by this section:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding ~~sixty-four (~~64~~)~~ square inches in area;

2. Memorial signs or tablets, and the names of buildings and dates of building erection ~~when~~ if cut into a masonry surface or constructed of bronze or other noncombustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. ~~Properly displayed national~~ National, state and institutional flags.

* * *

Section 52. Subsection B of Section 23.69.021 of the Seattle Municipal Code, which section was last amended by Ordinance 120466, is amended as follows:

23.69.021 Signs in Major Institution Overlay Districts~~.~~

* * *

B. The following signs ~~shall be~~ are permitted in all Major Institution overlay districts, regardless of the facing zone:

1. Electric, externally illuminated or nonilluminated signs bearing the name of the occupant of a dwelling unit, not exceeding ~~sixty-four (~~64~~)~~ square inches in area;

2. Memorial signs or tablets, and the names of buildings and dates of building erection ~~when~~ if cut into a masonry surface or constructed of bronze or other noncombustible materials;

3. Signs for public facilities indicating danger and/or providing service or safety information;

4. ~~Properly displayed national~~ National, state and institutional flags.

* * *

Section 53. Subsection A of Section 23.71.016 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, 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 A for 23.71.016 ~~A~~.

Table A for 23.71.016 ~~A~~ Minimum and Maximum Parking Requirements

LONG TERM SHORT TERM

Minimum Maximum Minimum

Office 0.9/1000 2.6/1000 0.2/1000

General sales and 1.0/1000 2.4/1000 1.6/1000 service (Customer service office) *

General sales and 0.93/1000 2.4/1000 2.0/1000 service (other and Major durables Retail sales)*

Motion picture N/A N/A Min: 1/8 seats theaters Max: 1/4 seats

*Except that the minimum requirements for pet daycare centers is pursuant to Table A for Section 23.54.015.

2. Parking waivers ~~as~~ provided under Section 23.54.015.D 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~~ if 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 theaters may be increased by ~~ten~~ 10 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 54. Section 23.74.004 and Exhibit 23.74.004 A of the Seattle Municipal Code, which section was adopted by Ordinance 119972, is amended and Exhibit 23.74.004 A replaced with a new Map A for Section 23.74.004, as follows:

23.74.004 Stadium Transition Area Overlay District established~~.~~

There is established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Stadium Transition Area Overlay District~~, and the Official Land Use Map, Chapter 23.32, is hereby amended to show such District, as depicted on Exhibit 23.74.004 A~~ as shown on Map A of 23.74.004.

23.74.004 A

New Map A to 23.74.004 Map A for 23.74.004 Stadium Transition Area Overlay District Stadium Transition Area Overlay District

Section 55. Subsection B of Section 23.74.010 and Exhibit 23.74.010 A of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended and Exhibit 23.74.010 A is replaced with a new Map A for Section 23.74.010, as follows:

23.74.010 Development standards~~.~~

* * *

B. For the areas marked on ~~Exhibit~~ Map A for 23.74.010 ~~A~~, the following development standards and provisions apply to all uses and structures except for spectator sports facilities:

1. Floor Area Ratio (FAR). The maximum FAR for all uses is 3.0. FAR limits of the underlying zone do not apply, but limits in Section 27.50.027.A.1 on gross floor area of certain uses, including limits based on lot area, do apply.

2. Exemptions. The first ~~seventy-five thousand (75,000)~~ 75,000 square feet of street-level general sales and service, medical services, animal shelters or kennels, automotive sales and services, marine sales and services, eating and drinking establishments, or lodging uses on any lot are exempt from the maximum FAR limit. Exemptions in Section 23.50.028.E also apply.

* * *

23.74.010 A

New Map A for 23.74.010 A Map A for 23.74.010 Stadium Transition Area Overlay District Development Standards

Section 56. Exhibit 23.76.004 A Land Use Decision Framework, which section was last amended by Ordinance 122816, is amended as follows:

23.76.004 Land use decision framework.

~~Exhibit~~Table A for 23.76.004~~A~~

~~Exhibit~~Table A for 23.76.004~~A~~ LAND USE DECISION FRAMEWORK

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

TYPE I TYPE II TYPE III Hearing Director's Decision Director's Decision Examiner's Decision (No Administrative (Appealable to Hearing (No Administrative Appeal) Examiner*) Appeal)

* Compliance with Temporary uses, more * Subdivisions development standards than four weeks, except (preliminary plats) for temporary relocation * Uses permitted of police and fire outright stations

* Temporary uses, four Variances weeks or less * Administrative * Intermittent uses conditional uses

* Certain street uses Shoreline decisions (*appealable to Shorelines * Lot boundary Hearings Board along with adjustments all related environmental appeals) * Modifications of features bonused under Short subdivisions Title 24 Special ~~e~~ * Determinations of Exceptions significance (EIS required) except for Design review determinations of significance based * Light rail transit solely on historic and facilities cultural preservation ~~Monorail transit~~ * Temporary uses for ~~facilities~~ relocation of police and fire stations The following environmental * Exemptions from determinations:~~right-of-way improvement requirements 1. Determination of nonsignificance (EIS not * Special accommodation required)

* Reasonable 2. Determination of final accommodation EIS adequacy

* Minor amendment to a 3. Determination of Major Phased Development significance based solely Permit on historic and cultural preservation * Determination of public benefit for 4. A decision by the combined lot FAR Director to approve, condition or deny a * Determination of project based on SEPA whether an amendment to Policies a Property Use and Development Agreement is 5. A decision by the major or minor Director that a project is consistent with a Planned * Other Type 1 decisions Action Ordinance and EIS that are identified as (no threshold such in the Land Use

determination or EIS Code required)

* Major Phased Development

* Downtown Planned Community Developments

COUNCIL LAND USE DECISIONS

TYPE IV TYPE V (Quasi-Judicial - subject to (Legislative) Hearing Examiner recommendation)

* Amendments to the Official Land Use * Land Use Code text amendments Map (rezones), except area-wide amendments, and adjustments pursuant * Area-wide amendments to the to Section 23.69.023 Official Land Use Map

* Public project approvals * Concept approval for City facilities * Major Institution master plans, including major amendments and renewal * Major Institution designations of a master plan's development plan component * Waiver or modification of development standards for City * Major amendments to Property Use facilities and Development agreements * Planned Action Ordinance * Council conditional uses Section 57. Subsection D of Section 23.76.024 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

23.76.024 Hearing Examiner open record hearing and decision for subdivisions.

* * *

D. Request for Further Consideration and Appeal. Any person significantly interested in or affected by the proposed subdivision may request further consideration of the Director's recommendation and may appeal the Director's procedural environmental determination and other Type II decisions. Such request for further consideration or appeal:

1. Shall be in writing, shall clearly state specific objections to the recommendation or environmental determination, and shall state the relief sought;

2. Shall be submitted to the Hearing Examiner by ~~five (5:00)~~ p.m. of the fourteenth calendar day following publication of notice of the Director's report, provided that when a ~~fifteen (15)~~ 14 -day DNS comment period is required pursuant to ~~SMC~~ Chapter 25.05, appeals may be filed until ~~five (5:00)~~ p.m. of the twenty-first calendar day following publication of notice of the decision. ~~When~~ If the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period ~~shall run~~ runs until ~~five (5:00)~~ p.m. the next business day. The request or appeal shall be accompanied by payment of any filing fee set forth in ~~SMC~~ Section 3.02.125, Hearing Examiner filing fees, and in form and content shall conform with the rules of the Hearing Examiner.

* * *

Section 58. Subsection B of Section 23.76.058 of the Seattle Municipal Code, which section was last amended by Ordinance 122497, is amended as follows:

23.76.058 Rules for specific decisions.

* * *

B. Contract Rezones.

1. ~~When~~ If a property use and development agreement is required as a condition to an amendment of the Official Land Use Map, the amendment shall not take effect until the later of:

~~(1)~~ a. the effective date of the ordinance approving the map amendment and accepting the property use and development agreement, as specified in the ordinance or pursuant to Section 1.04.020, or

~~(2)~~b. the recording in the King County Recorder's Office of the agreement executed by the legal and beneficial owners. The agreement shall be recorded in the real property records of King County and filed with the City Clerk within ~~thirty (30)~~ days after adoption of the ordinance approving the map amendment and accepting the agreement.

2. Amendment of Property Use and Development Agreements. Property use and development agreements recorded as a condition to a map amendment may be amended by agreement between the owner and the City, provided that any such amendment shall be approved by the Council.

a. A request to amend shall be submitted to the Department of Planning and Development and filed with the City Clerk. Notice of a request to amend and an opportunity to comment shall be provided in accordance with the notice requirements of Section 23.76.012.B.~~(1)~~ or B.~~(2)~~, and B.~~(3)~~, and notice and opportunity to comment shall also be provided to the parties of record in the original rezone decision and to those persons who were provided written notice of the Hearing Examiner's recommendation in the original rezone decision.

b. The Director shall determine whether the requested amendment is major or minor. This determination is a Type I decision.

~~(~~1) Minor amendments. A minor amendment is one that is within the spirit and general purpose of the prior decision of the Council, is generally consistent with the uses and development standards approved in the prior decision of the Council, would not result in significant adverse impacts that were not anticipated in the prior decision of the Council, and does not request any additional waivers or changes in the waivers of bulk or off-street parking and loading requirements other than those approved in the prior decision of the Council. If the Director determines that a proposed amendment is minor, the Director shall transmit to Council the request to amend, the Director's determination that the request is minor, any comments received by the Director on the proposed amendment, the Director's environmental determination, and the Director's recommendation on the amendment. A request to amend that is minor and that complies with the rezone criteria of Chapter 23.34 may be approved by the Council by ordinance after receiving any additional advice that it deems necessary.

~~(~~2) Major Amendments. Requests that are not minor are major. The Council shall not approve a major amendment to a property use and development agreement until the Council has received a recommendation from the Hearing Examiner after a public hearing held as provided for rezones in Section 23.76.052~~, Hearing Examiner open record predecision hearing and recommendation~~.

* * *

Section 59. Subsection D of Section 23.76.060 of the Seattle Municipal Code, which section was last amended by Ordinance 122497, is amended as follows:

23.76.060 Expiration of land use approvals - Extensions~~:~~

* * *

D. Extensions. The Council may extend the time limits on Type IV land use approvals for no more than two ~~(2)~~ years, upon an applicant's request for an extension filed with the City Clerk at least ~~thirty (30)~~120 days before the approval's expiration. The Council may request a recommendation on the extension request from the Director, but the Hearing Examiner hearing and recommendation requirements of Section 23.76.052 do not apply. Notice ~~for~~ of requests for extensions of Type IV land use decisions and an opportunity to comment shall be provided pursuant to Sections 23.76.012.B.~~(1)~~ or B.~~(2)~~, and B.~~(3)~~, and notice and an opportunity to comment shall also be provided to the parties of record in the Council's original Type IV land use proceeding and to those persons who were provided written notice of the Hearing Examiner's recommendation on the original Type IV application.

1. The Council may not extend the time limits for a Type IV land use approval for a project that is not in conformance with applicable regulations, including land use and environmentally critical areas regulations, in effect at the time an

extension is sought.

2. In deciding whether to grant a request for an extension, the Council shall consider:

a. The reason or basis for the request for the extension and whether it is reasonable under the circumstances;

b. Whether changed circumstances in the area support an extension;

c. Whether additional time is reasonably necessary to comply with a condition of approval adopted by the Council that is required to be fulfilled prior to expiration of the land use approval.

Section 60. Section 23.84A.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122411, is amended as follows:

23.84A.006 "C."

* * *

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. Antennas and other equipment associated with major and minor communication utilities are not accessory communication devices.

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.

* * *

Section 61. Section 23.84A.024 of the Seattle Municipal Code, which section was adopted by Ordinance 122311, is amended by adding an additional subsection to such section, to be codified in alphabetical order, and amending existing subsections, as follows:

23.84A.024 "L."

* * *

<u>"Landmark structure" means a structure designated as a landmark pursuant to the Landmark Preservation Ordinance, Chapter 25.12.</u>

* * *

"Lot, parent" means the initial lot from which unit lots are subdivided <u>under Section 23.22.062 or Section 23.24.045</u>.

* * *

"Lot, unit" means one of the individual ~~lots~~ <u>divisions</u> created from the subdivision of a parent lot pursuant to Section 23.22.062 or Section 23.24.045. <u>A unit lot is not a lot.</u>

* * *

Section 62. Section 23.84A.036 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

23.84A.036 "S."

* * *

"Street, arterial" means every street, or portion thereof, designated as an arterial on ~~Exhibit 23.53.015 A~~ the Arterial street map, Section 11.18.010.

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.~~ 2. "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~~.

* * *

Section 63. Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

23.84A.038 "T."

* * *

"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~~5. "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~~6. "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. "Streetcar maintenance base" means a transportation facility in which a fleet of streetcars is stored, maintained, and repaired.

e. "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.

* * *

Section 64. Subsection B of Section 23.86.010 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, is amended as follows:

23.86.010 Yards~~.~~

* * *

B. Front Yards.

1. Determining Front Yard Requirements. Front yard requirements are presented in the development standards for each

zone. Where the minimum required front yard is to be determined by averaging the setbacks of structures on either side of a lot, the following provisions ~~shall~~ apply:

a. The required depth of the front yard shall be the average of the distance between single-family structures and front lot lines of the nearest single-family structures on each side of the lot (Exhibit B for 23.86.010~~B~~. ~~When~~If the front facade of the single-family structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes (Exhibit C for 23.86.010 ~~C~~.

b. The yards used for front yard averaging shall be on the same block front as the lot, and shall be the front yards of the nearest single-family structures within ~~one hundred (~~100~~)~~ feet of the side lot lines of the lot.

c. For averaging purposes, front yard depth shall be measured from the front lot lines to the wall nearest to the street or, where there is no wall, the plane between supports, which comprises ~~twenty (~~20~~)~~ percent or more of the width of the front facade of the single-family structure. Enclosed porches shall be considered part of the single-family structure for measurement purposes. Attached garages or carports permitted in front yards under ~~either Sections 23.44.014 D7 or~~ 23.44.016.~~C~~D, decks, uncovered porches, eaves, attached solar collectors, and other similar parts of the structure shall not be considered part of the structure for measurement purposes.

d. ~~When~~If there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes the amount of the dedication shall be subtracted from the front yard depth of the structures on either side.

e. ~~When~~If the first single-family structure within ~~one hundred (~~100~~)~~ feet of a side lot line of the lot is not on the same block front, or does not provide its front yard on the same street, or ~~when~~if there is no single-family structure within ~~one hundred (~~100~~)~~ feet of the side lot line, the yard depth used for averaging purposes on that side shall be ~~twenty (~~20~~)~~ feet (Exhibits D and E for 23.86.010 ~~D and 23.86.010 E~~.

f. ~~When~~If the front yard of the first single-family structure within ~~one hundred (~~100~~)~~ feet of the side lot line of the lot exceeds ~~twenty (~~20~~)~~ feet, the yard depth used for averaging purposes on that side shall be ~~twenty (~~20~~)~~ feet (Exhibit F for 23.86.010~~F~~.

g. In cases where the street is very steep or winding, the Director shall determine which adjacent single-family structures should be used for averaging purposes.

2. Sloped Lots in Single-family Zones. For a lot in a single-family zone, reduction of the required front yard is permitted at a rate of ~~one (~~1~~)~~ foot for every percent of slope in excess of ~~thirty-five (~~35~~)~~ percent. For the purpose of this provision the slope shall be measured along the centerline of the lot. In the case of irregularly shaped lots, the Director shall determine the line along which slope is calculated.

* * *

Section 65. The Code Reviser is authorized to amend all sections of Title 23 of the Seattle Municipal Code that contain the word "chart" by changing the word "chart" to "table" and is directed to do so over time as the Code Reviser deems appropriate.

Section 66. 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 _____, 2009, and signed by me in open session in authentication of its passage this _____ day of _____, 2009. _____ President _____of the City Council

Approved by me this ____ day of _____, 2009. _____ Gregory J. Nickels,

Mayor

Filed by me this ____ day of _____, 2009. _____ City Clerk

July 22, 2009 Version 24 t