
Council Bill Number: 117060

Ordinance Number: 123547

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

Status: Passed

Note: Originally referred to Seattle Public Utilities and Neighborhoods Committee on 1/18/11.

Vote: 8-0 (Excused: Burgess)

Date filed with the City Clerk: 2011/03/09

Date of Mayor's signature: 2011/03/01 ([about the signature date](#))

Date introduced/referred to committee: 2010/11/29

Committee: Regional Development and Sustainability

Sponsor: CONLIN

Committee Recommendation: Pass

Index Terms: LAND-USE-REGULATIONS, PUBLIC-REGULATIONS, LAND-USE-CODE, BUILDING-CODES, FINES, NUISANCE-ABATEMENT, MOTOR-VEHICLES, PARKING

Fiscal Note: [Fiscal Note to Council Bill No. 117060](#)

Electronic Copy: [PDF scan of Ordinance No. 123547](#)

Reference: Related: [Clerk File 311134](#)

Text:

ORDINANCE _____

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

23.44.022 Institutions

K. Bulk and Siting.

2. Yards. Yards of institutions shall be as required for uses permitted outright ~~((in))~~ pursuant to Section 23.44.014 ~~((
-23.44.008-))~~), provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be

~~closer than ((ten(→))10(→)) feet to the side lot line. If the Director finds that a reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings, the sideyard setback may be reduced to 5 feet. ((The Director may permit yards less than (10) feet but not less than (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.~~ -)) Fences and freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to Section 23.51A.002, shall be set back from the street lot line a minimum of 10 feet, and landscaping shall be provided between the fence or wall and the right-of-way. The Director may reduce this setback after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the fence, wall, or structure in relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of- way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.

* * *

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

23.44.036 Public facilities

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

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

23.45.504 Permitted and Prohibited Uses

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

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

Table A for Section 23.45.504: Permitted and Prohibited Uses

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

1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter shall apply to Major Institution uses as provided in Chapter 23.69.
2. These public facilities are subject to the same use regulations and development standards that govern the similar use.
3. Subject to subsection 23.45.504.H.
- ~~4.~~ These public facilities may be permitted pursuant to Section 23.51A.004.
- ~~((4-))~~ 5. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.
- ~~((5-))~~ 6. Subject to subsection 23.45.504.E.
- ~~((6-))~~ 7. Subject to subsection 23.45.504.G and 23.45.506.F.
- ~~((7-))~~ 8. Subject to subsection 23.45.504.F.

P = Permitted outright

CU = Permitted as an Administrative Conditional Use

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

H. Fences and free standing walls of utility services uses shall be set back from the street lot line by an average of 7 feet, and be no less than 5 feet from the street lot line at any point. Landscaping shall be provided between the fence or wall and the street lot line. The Director may reduce this setback after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.

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

23.47A.016 Landscaping and screening standards

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

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

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

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

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

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

23.48.024 Screening and landscaping standards~~((--))~~

B. Screening for Specific Uses

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

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

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

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

23.49.029 Utility services uses

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

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

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

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

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

23.50.034 Screening and landscaping((--))

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

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

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

23.50.036 Industrial Buffer---Screening and landscaping(--)

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

7. Fences or free-standing walls associated with utility services uses may obstruct or allow views to the interior of a site. Where site dimensions and site conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through changes in the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features. Any fence or free-standing wall for a utility services use must provide either:~~

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

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

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

23.50.038 Industrial Commercial---Screening and landscaping

C. Additional Screening and Landscaping Requirements for Specific Uses.

6. Solid waste transfer stations.

a. All solid waste transfer stations shall provide landscaping meeting a minimum Green Factor score of 0.40, pursuant

to Section 23.86.019. If the transfer station is part of a development located on separate parcels within 200 feet of each other, Green Factor scoring may be calculated for the multiple parcels considered as a whole. If the parcels are in zones having different Green Factor minimum scores, the development considered as a whole shall meet the highest applicable, minimum Green Factor score.

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

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

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

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

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

23.50.040 Industrial General---Screening and landscaping for specific uses

A. Solid waste transfer stations.

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

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

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

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

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

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

Section 12. 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 _____, 2011, and signed by me in open session in authentication of its passage this ____ day of _____, 2011.

President Conlin of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

City Clerk

(Seal)

Dave LaClergue/DLC DPD - Utility landscaping - ORD v.11.doc February 10, 2011 Version #11