# ORDINANCE _____

AN ORDINANCE related to land use and zoning, amending various chapters of Title 23 of the Seattle Municipal Code (SMC); adding new sections to Chapter 23.45 and recodifying other sections in that chapter; repealing Sections 23.34.016, 23.34.022, 23.45.002, 23.45.004, 23.45.006, 23.45.009, 23.45.010, 23.45.011, 23.45.012, 23.45.014, 23.45.015, 23.45.016, 23.45.017, 23.45.018, 23.45.064, 23.45.066, 23.47A.029, 23.48.031, and all the exhibits in these Sections; adding Section 23.54.030; amending provisions in SMC Title 25 regarding environmental policies, critical areas and tree protection; establishing new classifications and standards for lowrise multifamily development; revising lowrise zoning designations and locational criteria for multifamily zones; amending the Official Land Use Map to rezone all property currently in a Lowrise or Lowrise Duplex/Triplex zone to one of three new Lowrise zones; eliminating multifamily parking requirements in urban villages with frequent transit service; changing methods for measuring structure height in most zones; and establishing standards for solid waste storage areas in most zones; all in order to allow a greater variety of housing types in Lowrise multifamily zones, to improve development regulations in multifamily and other zones, to encourage design excellence, to implement Comprehensive Plan policies, and to promote the general health, safety and welfare.

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

Section 1. Subsections A and B of Section 23.22.062 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

**23.22.062 Unit lot subdivisions**

A. The provisions of this ((~~section~~)) Section 23.22.062 apply exclusively to the unit subdivision of land for townhouses((~~,~~)) and cottage housing developments, ((~~and cluster development for housing,~~)) as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with ((~~dwelling units listed~~)) uses described in subsection 23.22.062.A above may be subdivided into

individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private((~~,~~)) usable open space or private residential amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

* * *

Section 2. Section 23.24.045 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.24.045 Unit lot subdivisions**((~~.~~))

A. The provisions of this ((~~section~~))Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses((~~,~~)) and cottage housing developments((~~, and cluster development for housing,~~)) as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with ((~~dwelling units listed~~))uses described in subsection 23.24.045.A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space or residential

amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

* * *

Section 3. Section 23.30.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.30.010 Classifications for the purpose of this subtitle**((~~.~~))

All land within the City shall be classified as being within one ((~~(1) land use~~)) zoning designation.

A. General Zoning Designations. The zoning classification of land shall include one of the designations in this subsection 23.30.010.A. Only in the case of land designated "RC" the classification shall include both "RC" and one additional designation in this subsection 23.30.010.A, which shall be a designation for a multifamily zone.

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

* * *

Section 4.

A. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended as follows:

1. All areas designated on Attachment B as Lowrise Duplex/Triplex (LDT) are rezoned to Lowrise 1 (LR1).

2. All areas designated on Attachment B as Lowrise 1 (L1) that are located outside of urban centers, urban villages, and station area overlay districts are rezoned to LR1.

3. All areas designated on Attachment B as Lowrise 1 (L1) that are located within urban centers, urban villages, and station area overlay districts are rezoned to Lowrise 2 (LR2).

4. All areas designated on Attachment B as Lowrise 2 (L2) are rezoned to LR2.

5. All areas designated on Attachment B as Lowrise 3 (L3) and Lowrise 4 (L4) are rezoned to Lowrise 3 (LR3).

B. Attachment B to this ordinance, which is incorporated by this reference, shows the areas being rezoned as described in this Section.

C. Except for the LDT, L1, L2, L3 and L4 classifications, all other designations and classifications of the property rezoned by this Section remain in effect.

D. Any property previously rezoned from LDT, L1, L2, L3 or L4 pursuant to an ordinance under which the rezone could expire or the zoning could otherwise revert to the previous designation under specified conditions shall, upon any expiration or other event by which the zoning would revert to such classification but for the effect of this ordinance, automatically become rezoned to the LR1, LR2 or LR3 classification that would have applied

under subsection A of this Section if the property had been shown on Attachment B as having that prior zoning classification.

Section 5. Subsection B of Section 23.34.010, which section was last amended by Ordinance 123046, is amended as follows:

**Section 23.34.010 Designation of single-family zones**

* * *

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 Single-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 (L<u>R</u>1), Lowrise 1/Residential-Commercial (L<u>R</u>1/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 (LR1) or Lowrise 2 (LR2) zone.

* * *

Section 6. Section 23.34.013 of the Seattle Municipal Code, which section was last amended by Ordinance 117430, is amended as follows:

**23.34.013 Designation of multifamily zones**((~~.~~))

A. An area zoned single family that meets the criteria of Section 23.34.011 for single-family designation((~~,~~)) may not be rezoned to a multifamily zone except as otherwise provided in Section 23.34.010((-)).B.

B. Reclassifications of areas to LR3, MR and HR zones are generally appropriate in urban villages, urban centers or areas served by regional transit.

C. Multifamily zoning is most appropriate for areas that are within approximately half a mile of existing or projected facilities and services used by residents, including retail sales and services, schools, parks and community centers.

D. The arrangement of multifamily zones in relation to other zones is generally intended to provide for a gradual transition in the scale and intensity of development.

Section 7. Section 23.34.014 of the Seattle Municipal Code, which section was last amended by Ordinance 117430, is amended as follows:

**23.34.014 Lowrise** ((~~**Duplex/Triplex (LDT)**~~)) **1 (LR1) zone, function and locational criteria**((~~.~~))

A. Function. ((~~An area that provides opportunities for limited infill housing development, both through new construction and the conversion of existing single-family structures to duplexes and triplexes, where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development is preferable to single-family zoning or to the development of townhouses or higher density apartments.~~)) The function of the LR1 zone is to provide opportunities for low-density multifamily housing, primarily cottage housing and rowhouses, through infill development that is compatible with single family structures, or through the conversion of existing single family structures to duplexes or triplexes.

((~~B. Locational Criteria. The Lowrise Duplex/Triplex zone designation is most appropriate in areas generally characterized by the following:~~

~~1. Development Characteristics of the Area.~~

~~a. Areas where structures of small bulk and low heights, generally less than thirty (30) feet, establish the pattern of development; and~~

~~b. Areas with a mix of single-family structures, small multifamily structures, and single-family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to limit new development opportunities to infill projects and conversions that preserve the existing character.~~

~~2. Relationship to the Surrounding Area.~~

~~a. Areas that do not meet single-family criteria, but are otherwise similar in character and adjoin areas zoned single-family or Lowrise 1 without necessarily the presence of a significant topographical break or open space to provide a transition to increased density;~~

~~b. Areas where narrow streets, on-street parking congestion, local traffic congestion, lack of alleys, or irregular street patterns restrict local access and circulation;~~

~~c. Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.~~))

B. Locational Criteria. The LR1 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is similar in character to single family zones;

2. The area is located outside of urban centers, urban villages, and Station Area Overlay Districts, or is a limited area within these locations that would provide opportunities for a diversity of housing types within denser environments;

3. The area is characterized by a mix of single family dwelling units, multifamily structures that are similar in scale to single family dwelling units, and single family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;

4. The area is characterized by local access and circulation that can accommodate low density multifamily development oriented to the ground level and the street, and by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;

5. The area would provide a gradual transition between single family zoned areas and multifamily or neighborhood commercial zoned areas;

6. The area is close to existing or projected facilities and services used by households with children, including schools, parks, and community centers.

C. Areas zoned single family meeting the locational criteria for a single-family designation may be rezoned to ((~~LDT~~)) LR1 only when the provisions of Section 23.34.010((-)).B are met.

Section 8. Section 23.34.016 of the Seattle Municipal Code, relating to the function and locational criteria for Lowrise 1 zones, which section was last amended by Ordinance 119242, and as shown in Attachment A, is repealed.

Section 9. Section 23.34.018 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.34.018 Lowrise 2 (LR2) zone, function and locational criteria**

A. Function. ((~~The intent of the Lowrise 2 zone is to encourage a variety of multifamily housing types with less emphasis than the Lowrise 1 zone on ground-related units, while remaining at a scale compatible with single-family structures.~~)) The function of the LR2 zone is to encourage a variety of multifamily housing types, including cottage housing, townhouses, rowhouses, and small apartment buildings, at a scale that is compatible with single family dwelling units and provides a transition from SF or LR1 zoned areas to other higher density multifamily or neighborhood commercial zones.

((~~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 or two lots, with heights generally less than 30 feet;~~

~~b. Areas suitable for multifamily development 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 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 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, 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.~~))

B. Locational Criteria. The LR2 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is characterized by low-scale structures with heights of 35 feet or less that are compatible in scale with SF and LR1 zones;

2. The area would provide a gradual transition between SF or LR1 zones and more intensive multifamily or neighborhood commercial zones;

3. The area is located where it is desirable to limit building height and bulk to protect views from public spaces and scenic routes;

4. The area is located in or near an urban center, urban village, or Station Area Overlay District;

5. The area is characterized by local access and circulation conditions that accommodate low density multifamily development that is oriented to the ground level and the street;

6. The area is close to neighborhood services, parks, and other residential amenities, and has good pedestrian connections to these amenities; and

7. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones.

C. Areas zoned single family that meet the locational criteria for single-family designation may be rezoned to LR2 only if the provisions of subsection 23.34.010.B are met.

Section 10. Section 23.34.020 of the Seattle Municipal Code, which section was last amended by Ordinance 121700, is amended as follows:

**23.34.020 Lowrise 3 (LR3) zone, function and locational criteria((.))**

A. Function. ((~~An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.~~)) The function of the LR3 zone is either to provide opportunities for a range of multifamily housing types in existing multifamily neighborhoods or along arterials with a mix of small to moderate scale residential structures, or to accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.

B. Locational Criteria.

((~~1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:~~

~~a. Properties already zoned L3;~~

~~b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established;~~)) The LR3 zone is most appropriate in areas generally characterized by the following conditions:

((~~c~~))1. ((~~Properties within an urban center or village,~~)) The area is located in or near an urban center, urban village, or Station Area Overlay District, or adjacent to concentrations of employment, or abutting an arterial street ((~~except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City~~

~~Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village~~)); ((~~or~~))

2. The area is adjacent to neighborhood commercial zones with comparable height and scale;

3. The area would provide a transition in scale between areas of larger multifamily and/or commercial uses and smaller multifamily uses is desirable;

4. The area has street widths that are sufficient for two-way traffic and parking along at least one curb;

5. The area is well served by public transit;

6. The area has direct access to arterial streets that can accommodate anticipated vehicular circulation, so that traffic is not required to use streets that pass through lower density residential zones;

7. The area is close to neighborhood services, parks, and other residential amenities, and has good pedestrian connections to these amenities.

((~~d~~))C. The LR3 zone is also appropriate in areas ((~~Properties~~)) located in the Delridge Neighborhood Revitalization Area, as shown in ((~~Exhibit~~)) Map A for 23.34.020((~~ A~~)), provided that the LR3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of ((~~SMC~~)) Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.

Exhibit 23.34.020 A
Delridge High Point Revitalization Area
North Half

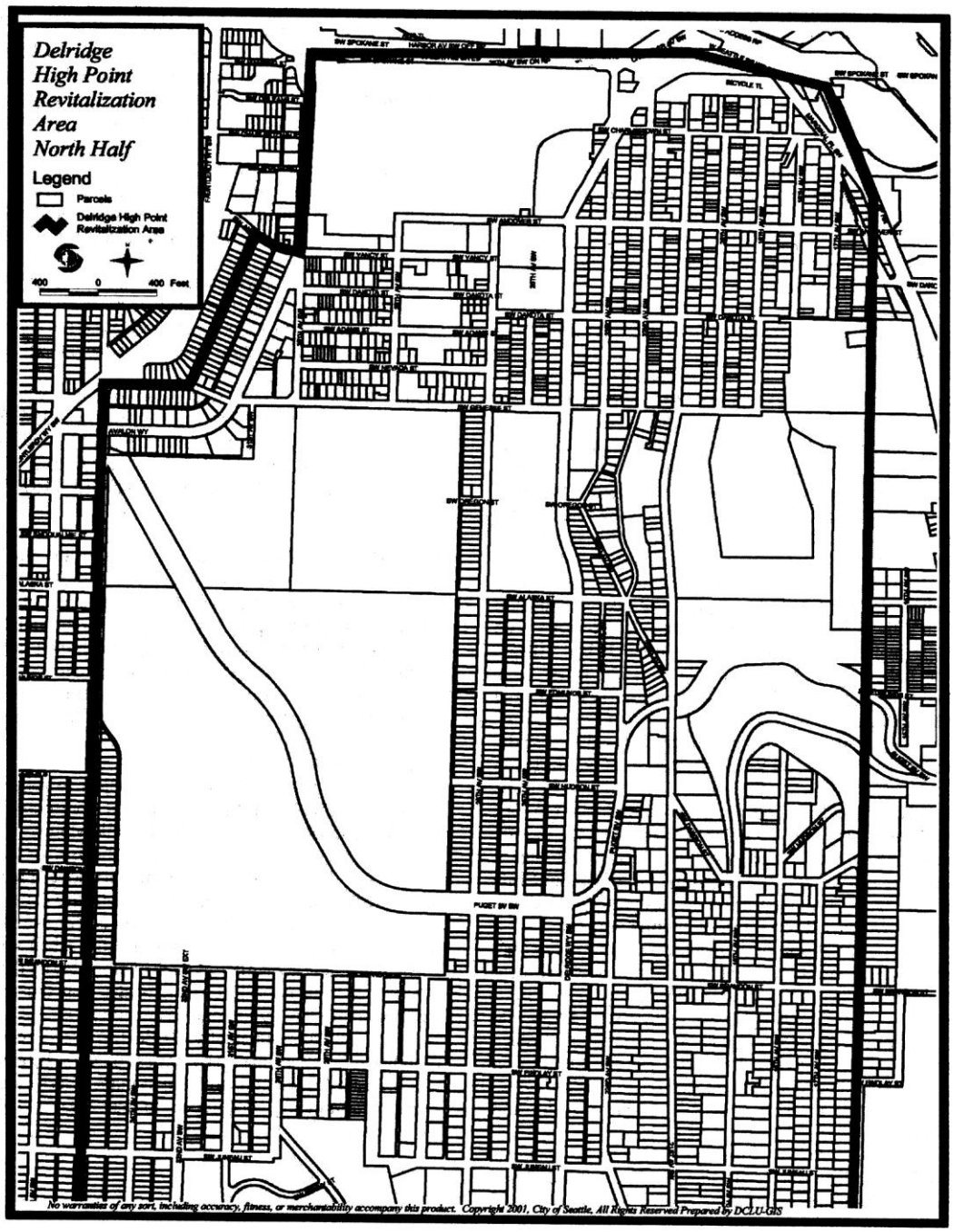
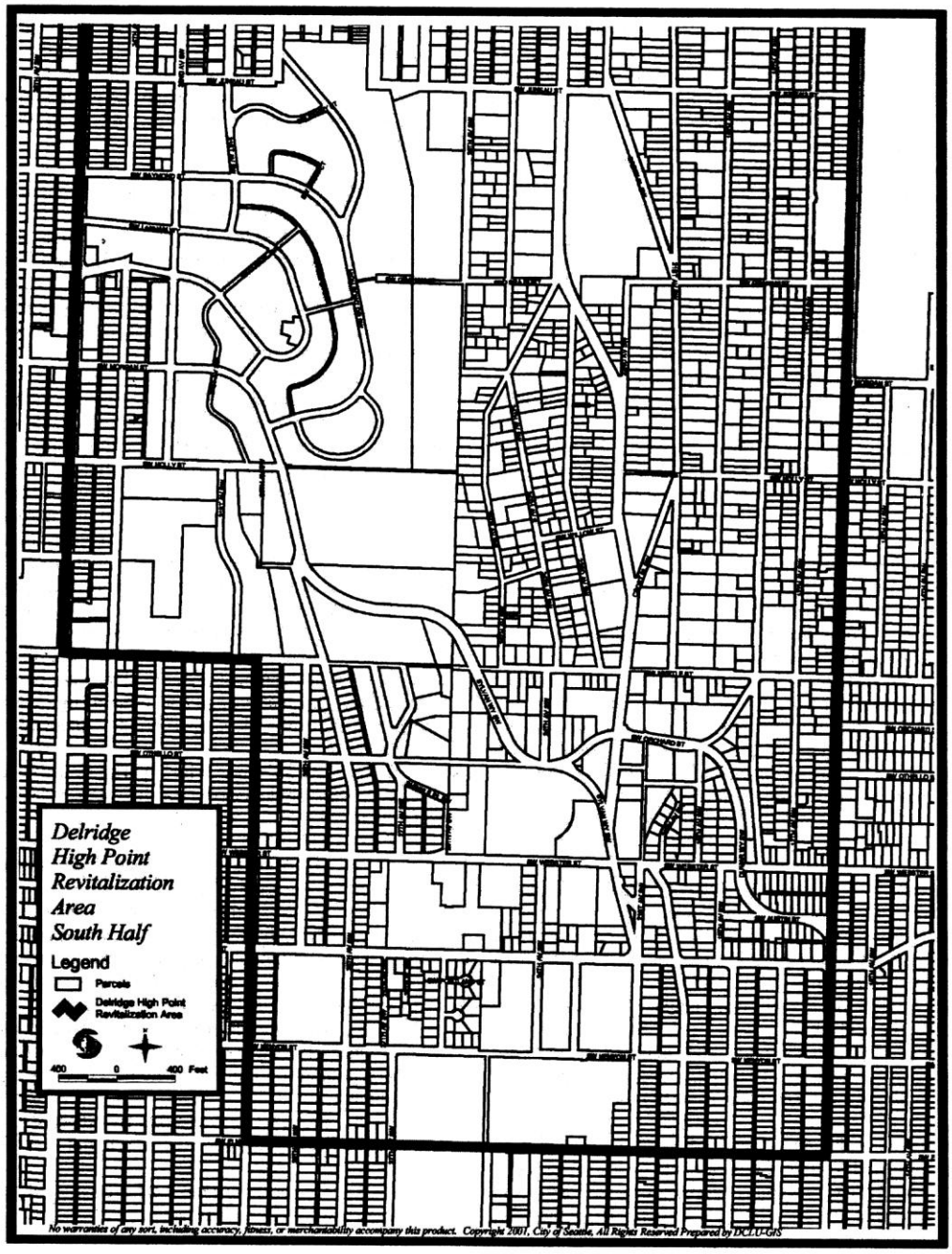


Exhibit 23.34.020 A (continued)
Delridge High Point Revitalization Area
South Half



((~~2~~))D. Except as provided in this subsection 23.34.024.D, properties ((~~Properties~~)) designated as environmentally critical may not be rezoned to an LR3 designation, and may remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The preceding sentence does not apply if the environmentally critical area either:

1. was created by human activity, or

2. is a designated peat settlement, liquefaction, seismic or volcanic hazard, or flood prone area, or abandoned landfill.

E. Areas zoned single family that meet the locational criteria for single-family designation may be rezoned to LR3 only if the provisions of subsection 23.34.010.B are met.

((~~3. Other Criteria. The Lowrise 3 zone designation is most appropriate in areas generally characterized by the following:~~

~~a. Development Characteristics of the Area.~~

~~(1) Either:~~

~~(a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established,~~

~~(b) Areas that are within an urban center or urban village, except or~~

~~(c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject~~

~~to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.~~

~~(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.~~

~~b. Relationship to the Surrounding Areas.~~

~~(1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;~~

~~(2) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;~~

~~(3) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;~~

~~(4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.~~))

Section 11. Section 23.34.022 of the Seattle Municipal Code, relating to the function and locational criteria for the Lowrise 4 zone, which section was last amended by Ordinance 121700, and as shown in Attachment A, is repealed.

Section 12. Subsection A of Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123206, is amended as follows:

**Section 23.41.004 Applicability**((~~.~~))

A. Design Review Required((~~.~~))

1. Design review is required for any new multifamily or commercial development proposal that exceeds ((~~one of the following thresholds~~)) any applicable threshold in the following table:

| **Zone** | | **Threshold** |
|---|---|---|
| a. | Lowrise (LR3((~~, L4~~))) | 8 dwelling units |
| b. | Midrise (MR) | 20 dwelling units |
| c. | Highrise (HR) | 20 dwelling units |
| d. | Neighborhood Commercial (NC1, 2, 3) | 4 dwelling units or 4,000 square feet of nonresidential gross floor area |
| e. | Commercial (C1, C2) | 4 dwelling units or 12,000 square feet of nonresidential gross floor area, ((~~when~~)) located on a lot in an urban center or urban village[1], or on a lot that abuts or is across a street or alley from a lot zoned single family, or on a lot located in the area bounded by: NE 95th St, NE 145th St, 15th Ave. NE, and Lake Washington |
| f. | Seattle Mixed (SM) | 20 units or 12,000 square feet of nonresidential gross floor area |
| g. | Industrial Commercial (IC) zone within the South Lake Union Urban Center | 12,000 square feet of nonresidential gross floor area |

[1]Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

2. Design review is required for all new Major Institution development proposals that exceed thresholds in the zones listed in subsection A.1 of this Section 23.41.004, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the following Downtown zones that equal or exceed any of the following thresholds:

**DOC 1, DOC 2 or DMC Zones**

| Use | Threshold |
|---|---|
| Nonresidential | 50,000 square feet of gross floor area |
| Residential | 20 dwelling units |

**DRC, DMR, DH1 or DH2 Zones**

| Use | Threshold |
|---|---|
| Nonresidential | 20,000 square feet of gross floor area |
| Residential | 20 dwelling units |

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for 23.41.006.

5. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new multifamily and commercial development proposals in Lowrise, Midrise, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the site, even if design review would not otherwise be required by this subsection 23.41.004.A.

6. New multifamily or commercial development proposals in the zones listed in subsection A.1 of this section 23.41.004, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection A.5 of this section 23.41.004.

7. Design review pursuant to Section 23.41.014 is required for projects that are eligible for design review under any provision of this section 23.41.004 and that are participating in the Living Building Pilot Program authorized by Section 23.40.060.

* * *

Section 13. Subsection C of Section 23.42.106 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.42.106 Expansion of nonconforming uses**((~~.~~))

* * *

C. In ((~~M~~))multifamily zones, except in ((~~Lowrise Duplex/Triplex and~~)) Lowrise 1 zones, dwelling units may be added to a structure containing one ((~~(1)~~)) or more nonconforming uses, even if in a structure nonconforming to development standards; provided that limitations on density shall apply. The structure may be expanded or extended((~~;~~)), provided that the expansion or extension shall be for residential use, shall conform to the development standards of the zone, and shall not cause an already nonconforming structure to become more nonconforming to development standards.

* * *

Section 14. Subsection C of Section 23.42.108 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.42.108 Change from nonconforming use to conforming use.**

* * *

C. In multifamily zones, a nonconforming nonresidential use may be converted to residential use even ((~~if~~)) though all development standards are not met, if; ((~~provided that~~))

1. ((~~the~~))any applicable limits on density ((~~limitations of the zone must be~~)) are met; ((~~and~~))

2. ((~~provided that~~)) any ((~~parking~~)) nonconformity with respect to parking ((~~shall~~)) is not increased as a result of the conversion; and

3. in ((~~Lowrise Duplex/Triplex~~))LR1 zones the total number of dwelling units in any structure is limited to three ((~~(3)~~)).

* * *

Section 15. Subsection A of Section 23.42.110 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

**23.42.110 Change from one nonconforming use to another nonconforming use**((~~.~~))

A nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the zone subject to the following limitations and conditions.

A. In single-family, residential small lot, and Lowrise 1((~~, Duplex/Triplex~~)) zones, a nonconforming multifamily use or structure may not be converted to any nonresidential use not otherwise permitted in the zone.

* * *

Section 16. Section 23.42.114 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

**23.42.114 Multifamily structures nonconforming to development standards**((~~.~~))

The following provisions apply to multifamily structures ((~~that do not comply with current development standards~~)) nonconforming to development standards.

A. A ((~~nonconforming ground-related~~))multifamily structure ((~~or apartment located~~)) nonconforming to development standards in a ((~~Lowrise Duplex/Triplex (LDT) or~~)) Lowrise 1

(LR1) zone may be expanded or extended ((~~provided~~)) if the expansion or extension ((~~shall~~)) conforms to the development standards of the zone and ((~~shall~~)) does not cause an already nonconforming structure to become more nonconforming to development standards.

B. Additional residential units may be added to a ((~~nonconforming ground-related~~)) multifamily structure nonconforming to development standards ((~~or apartment structure, provided~~)) if the addition ((~~shall~~)) conforms to the development standards of the zone and ((~~shall~~)) does not cause an already nonconforming structure to become more nonconforming to development standards.

((~~C. In Lowrise Duplex/Triplex zones, a nonconforming ground related multifamily structure or an apartment may be converted to any permitted use if all development standards are met except for open space and ground level access.~~))

Section 17. Subsection A of Section 23.42.122 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

**23.42.122 Height nonconformity**((~~.~~))

A. Single Family and Multifamily Zones

1. In single-family ((~~and multifamily~~)) zones, a structure nonconforming as to height may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof ((~~provided~~)) if the additions are constructed below the highest point of the roof. An existing pitched roof that is above the height limit ((~~shall~~)) may not be converted into a flat roof, nor shall the slope of the roof be ((~~lowered below~~)) reduced to less than a four ((~~in~~)) to twelve (4:12) pitch.

2. In multifamily zones, a structure nonconforming as to height may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof if the additions are constructed below the highest point of the roof. An existing pitched roof that is above the height limit may not be converted into a flat roof, nor shall the slope of the roof be reduced to less than a six to twelve (6:12) pitch.

* * *

Section 18. Subsection D of Section 23.43.008 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**Section 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 30 feet.

b. In no case shall either yard have a depth of less than 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 10 feet, provided that the requirement of subsection 23.43.008.D.1.a shall not be increased or decreased, and the requirement of subsection 23.43.008.D.1.b shall not be reduced.

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

a. Street side setbacks shall be a minimum of 5 feet.

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side yard may be reduced from the requirement of subsection 23.43.008.D.2. 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 18 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.

3. ((~~For all developments~~ ~~except cluster developments, only~~)) The following parts of structures ((~~that comply with the following~~)) may project into a required yard or setback in compliance with the applicable restrictions in this subsection 23.43.008.D.3:

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, are 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((~~;~~)).

c. Limit on Features on a Façade. (((~~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~~)) not exceed 30 percent of the area of the facade on which the features are located.

* * *

Section 19. Three sections of the Seattle Municipal Code, Section 23.45.002 Scope of Provisions, which section was last amended by Ordinance 123209; Section 23.45.064 Highrise—General Provisions, which section was last amended by Ordinance 110570; and Section 23.45.066 Highrise—Structure height, which section was last amended by Ordinance 120928, all as shown in Attachment A, are repealed.

Section 20. Section 23.45.502 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.502 Scope of provisions**

This Chapter 23.45 ((~~describes the authorized uses and development standards~~)) establishes the regulations for the following zones:

((~~Lowrise Duplex/Triplex (LDT);~~))

Lowrise 1 (LR1);

Lowrise 2 (LR2);

Lowrise 3 (LR3);

((~~Lowrise 4 (L4)~~))

Midrise (MR) (references to Midrise zones include the Midrise/85 (MR/85) zone unless otherwise noted); and

Highrise (HR).

Section 21. Section 23.45.004 of the Seattle Municipal Code, providing a cross-reference to the section about permitted and prohibited uses in multifamily zones, which section was last amended by Ordinance 123209, and as shown in Attachment A, is repealed.

Section 22. Subsections B and C of Section 23.45.504 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, are amended as follows:

**23.45.504 Permitted and Prohibited Uses**

* * *

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,~~)) L<u>R</u>1, L<u>R</u>2, <u>and</u> L<u>R</u>3 ((~~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 service uses; 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] | Type IV or Type V decision[3] |
| 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] | Type IV or Type V decision[3] |
| D. Park and pool and park and ride lots | X/CU[4] | X/CU[4] |
| E. Parks and playgrounds including customary uses | P | P |
| F. Ground floor commercial uses[5] | RC | P |
| G. Medical Service Uses other than permitted ground floor commercial uses | P/X[6] | P/CU/X[6] |
| H. Uses not otherwise permitted in landmark structures | CU | CU |
| I. Cemeteries | P/X[7] | P/X[7] |
| J. All other uses | X | X |

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

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to the standards in Section 23.45.545:

1. Private garages and carports;

2. Private, permanent swimming pools, hot tubs and other similar uses;

3. Solar collectors, including solar greenhouses;

4. Open wet moorage accessory to residential structures;

5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;

6. Bed and breakfasts in a dwelling unit that is at least 5 years old; ((~~and~~))

7. Accessory dwelling units, and accessory multifamily dwelling units; and

((~~7~~))8. Recycling collection stations.

* * *

Section 23. Section 23.45.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, and as shown in Attachment A, is repealed.

Section 24. Section 23.45.508 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.508 General provisions**

A. A structure occupied by a permitted use other than a residential use may be partially or wholly converted to a residential use even if the structure does not conform to the development standards for residential uses in multifamily zones.

B. Off street parking shall be provided if required in Section 23.54.015, except that one residential unit may be added to a residential structure without a parking space pursuant to subsection 23.54.020.A.

C. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

D. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking and access and design are provided in Chapter 23.54. Standards for solid waste and recyclable materials storage space are provided in Section 23.54.040. Standards for signs are provided in Chapter 23.55.

((~~2~~))E. Proposed uses in all multifamily zones are subject to the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

((~~E~~))F. ((~~Development standards~~))Lots with no street frontage. For purposes of structure width, depth, and setbacks, multifamily zoned lots that have no street frontage are subject to the following:

((~~a~~))1. For lots that have only one alley lot line, the alley lot line may be treated as a front lot line.

((~~b~~))2. For lots that have more than one alley lot line, only one alley lot line may be treated as a front lot line.

((~~c~~))3. For lots that have no alley lot lines, the applicant may choose the front lot line provided that the selected front lot line length is at least 50 percent of the width of the lot.

((~~2. Proposed uses in all multifamily zones are subject to the transportation concurrency level-of-service standards prescribed in Chapter 23.52.~~))

((~~3~~))G. All use provisions and development standards applicable to MR zones, except maximum height, also apply in the MR/85 zone.

((~~F. Solid Waste and Recyclable Materials Storage Space.~~

~~1. Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in Table A for 23.45.508. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten or more existing units by two or more units.~~

~~**Table A for 23.45.508: Storage space for Solid Waste and Recyclable Materials Containers**~~

| ~~**Multifamily Structure Size**~~ | ~~**Minimum Area for Storage Space**~~ | ~~**Container Type**~~ |
|---|---|---|
| ~~7-15 units~~ | ~~75 square feet~~ | ~~Rear-loading containers~~ |
| ~~16-25 units~~ | ~~100 square feet~~ | ~~Rear-loading containers~~ |
| ~~26-50 units~~ | ~~150 square feet~~ | ~~Front-loading containers~~ |
| ~~51-100 units~~ | ~~200 square feet~~ | ~~Front-loading containers~~ |
| ~~More than 100 units~~ | ~~200 square feet plus 2 square feet for each additional unit~~ | ~~Front-loading containers~~ |

~~2. The design of the storage space shall meet the following requirements:~~

~~a. The storage space shall have no minimum dimension (width and depth) less than 6 feet;~~

~~b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and~~

~~c. If located outdoors, the storage space shall be screened from public view and designed to minimize any light and glare impacts.~~

~~3. The location of the storage space shall meet the following requirements:~~

~~a. The storage space shall be located on the lot of the structure it serves and, if located outdoors, it shall not be located between a street-facing I of the structure and the street;~~

~~b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;~~

~~c. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and~~

~~d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.~~

~~4. Access to the storage space for occupants and service providers shall meet the following requirements:~~

~~a. For rear-loading containers (usually 2 cubic yards or smaller):~~

~~1) Any proposed ramps to the storage space shall be of 6 percent slope or less, and~~

~~2) Any proposed gates or access routes shall be a minimum of 6 feet wide; and~~

~~b. For front-loading containers (usually larger than 2 cubic yards):~~

~~1) Direct access shall be provided from the alley or street to the containers,~~

~~2) Any proposed gates or access routes shall be a minimum of 10 feet wide, and~~

~~3) When accessed directly by a collection vehicle into a structure, a 21 foot overhead clearance shall be provided.~~

~~5. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections 23.45.508.F.1 through F.4 under the following circumstances:~~

~~a. When the applicant can demonstrate difficulty in meeting any of the requirements of subsections 23.45.508.F.1 through F.4; or~~

~~b. When the applicant proposes to expand a multifamily building, and the requirements of subsections 23.45.508.F.1 through F.4 conflict with opportunities to increase residential densities; and~~

~~c. When the applicant proposes alternative, workable measures that meet the intent of this Section 23.45.508.~~

~~6. The solid waste and recyclable materials storage space specifications required in subsections 23.45.508.F.1 through F.4, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.~~))

Section 25. Nine sections of the Seattle Municipal Code, Section 23.45.009 Structure Height, which section was last amended by Ordinance 123209; Section 23.45.010 Lot Coverage Limits, which section was last amended by Ordinance 118794; Section 23.45.011 Structure width and depth, which section was last amended by Ordinance 114888; 23.45.012 Modulation, which section was last amended by Ordinance 120117; Section 23.45.014 Setbacks, which section was last amended by Ordinance 123209; Section 23.45.015 Screening and Landscaping, which section was last amended by Ordinance 121477; Section 23.45.016 Open Space Requirements, which section was last amended by Ordinance 123046; Section 23.45.017 Light and Glare, which section was last amended by Ordinance 115043; and Section 23.45.018,

Parking and Access, which section was last amended by Ordinance 120611; all for Lowrise Zones of the Seattle Municipal Code, as shown in Appendix A, are repealed.

Section 26. Section 23.45.510 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.510 Floor area ratio (FAR) <u>Limits</u>** ((~~**in Midrise and Highrise Zones**~~))

((~~A. Floor area ratio (FAR) limits apply to all structures and lots in Midrise and Highrise zones as shown in Table A for 23.45.510.~~))

<u>A. General Provisions</u>

1. All gross floor area not exempt under subsection 23.45.510.((~~B~~))<u>D</u> counts toward the maximum gross floor area allowed under the FAR limits.

2. The applicable FAR limit applies to <u>the total non-exempt floor area of</u> all structures on the lot, subject to subsection 23.45.510.A.3.

3. When a lot is in more than one zone, the FAR limit for the entire lot is the sum of the limits that would apply to the portion of the lot located in each zone, but the <u>non-exempt gross</u> floor area on the portion of the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.

<u>4. If more than one housing type is provided on a lot, the maximum FAR limit is the highest maximum FAR permitted in Table A for 23.45.510 for any of the housing types on the lot, provided that:</u>

<u>a. the total gross floor area of one of the types of housing on the lot shall be equal to a minimum of 50 percent of the gross floor area permitted by the FAR limit for that housing type on Table A for 23.45.510; and</u>

b. if the FAR is increased according to the standards of subsection 23.45.510.B.2, all housing types on the lot shall meet the standards of this subsection.

B. FAR limits in LR zones

1. Floor area ratio limits apply in LR zones as shown in Table A for 23.45.510.

**Table A for 23.45.510: Floor Area Ratios in Lowrise Zones**

| Zone | Location | Housing Type | | | |
|---|---|---|---|---|---|
| | Urban Centers, Urban Villages & Station Area Overlay District | Cottage Housing | Rowhouse | Other Townhouse | Apartment |
| LR1 | Not Applicable | 1.1 | 1.1 or 1.2 (1) | 1.0 or 1.1(2) | 1.0 |
| LR2 | Not Applicable | 1.1 | 1.2 or 1.3 (1) | 1.1 or 1.2(2) | 1.2 or 1.3(3) |
| LR3 | Outside | 1.1 | 1.3 or 1.4 (1) | 1.2 or 1.3(2) | 1.4 or 1.5(3) |
| | Inside | 1.1 | 1.3 or 1.4 (1) | 1.3 or 1.4(2) | 1.5 or 2.0(4) |

(1)FAR may be increased by .1 for a rowhouse development that includes one or more accessory multifamily dwelling units.
(2)FAR may be increased by .1 for a townhouse development that meets the standards of subsection 23.45.510.B.2.
(3)FAR may be increased by .1 for an apartment that meets the standards of subsection 23.45.510.B.2.
(4)FAR may be increased by .5 for an apartment that meets the standards of subsection 23.45.510.B.2.

2. In order to qualify for an FAR increase as shown in Table A for 23.45.510, the following standards shall be met:

a. Applicants for all housing types shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in subsection 23.45.526.D, may elect to meet green

building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS), all according to the standards of Section 23.45.526.

b. A minimum of 50 percent of the residential amenity area required by Section 23.45.522 shall be provided as common residential amenity area at ground level or on a structure that is partially above grade and exempted from FAR under subsection 23.45.510.D.1.

c. Except for access to required barrier-free parking spaces, access to parking shall be from an alley, if the lot abuts an alley; or, on corner lots that do not abut an alley, access to parking shall be from a driveway that abuts and runs parallel to the rear lot line of the lot. For lots that abut an alley, improvements to the alley shall be required as provided in Section 23.53.030.E and F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten units.

d. If parking is provided, it shall be located in an enclosed area below grade or partially below grade, except that for townhouses, including rowhouses, parking may also be located in a common parking area at the rear of the lot that is accessed from an alley; or, on corner lots that do not abut an alley, from a driveway that abuts and runs parallel to the rear lot line of the lot.

((~~B~~))C. FAR limits in MR and HR zones

1. ((~~Floor area ratio (~~))FAR((~~)~~)) limits apply to all structures and lots in Midrise and Highrise zones as shown in Table ((~~A~~))B for 23.45.510.

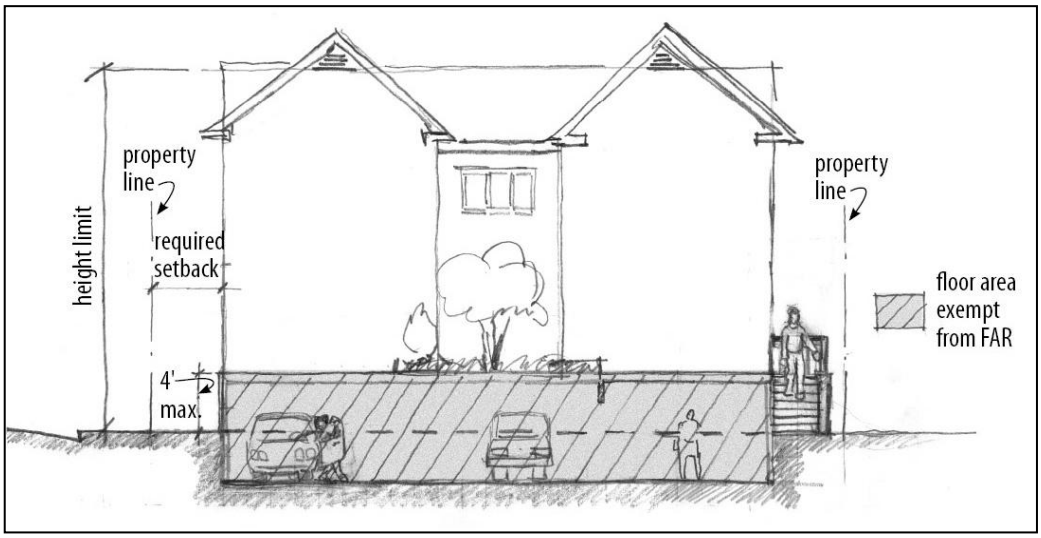
**Table ((~~A~~))B for 23.45.510: Floor Area Ratios in MR and HR zones**

| | MR | HR |
|---|---|---|
| Base FAR | 3.2 | 8.0 on lots 15,000 square feet or less in size;<br>7.0 on lots larger than 15,000 square feet |
| Maximum FAR, allowed pursuant to Chapter 23.58A and Section 23.45.516 | 4.25 | 13 for structures 240' or less in height; 14 for structures over 240' |

((~~B~~))D. The following floor area is exempt from FAR limits:

1. All stories or portions of a story that extend no more than 4 feet above existing or finished grade whichever is lower. See Exhibit A for 23.45.510.

**Exhibit A for 23.45.510: Area Exempt from FAR**




2. The floor area contained in a designated Seattle landmark subject to controls and incentives imposed by a designating ordinance, when the owner of the landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer

of development potential has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

3. Structures built prior to January 1, 1982 as single family structure that will remain in residential use, provided that the single family structure is located between any new principal structure and a street lot line.

((~~3~~))4. Enclosed common residential amenity space in Highrise zones.

((~~4~~))5. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not exempt under this subsection((~~s ((B))D.1 through ((B))D.3 of this Section~~)) 23.45.510.D.

((~~5~~))6. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the ((~~exempt space~~))commercial uses has a minimum floor to floor height of 13 feet and a minimum depth of 15 feet.

((~~C~~))E. If TDP is transferred from a lot pursuant to Section 23.58A.018, the amount of non-exempt floor area that may be permitted is the applicable base FAR, plus any net amount of TDP previously transferred to the lot, minus the sum of the existing non-exempt floor area on the lot and the amount of TDP transferred.

Section 27. Sections 23.45.008 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is recodified and amended as follows:

((~~**23.45.008**~~)) **23.45.512 Density Limits—Lowrise zones**

A. There shall be a minimum lot area per dwelling unit in LR zones for cottage housing, townhouses, and apartments, as shown on Table A for 23.45.512, except as provided in subsections B, C, D, E, ((~~and F~~)), and G of this ((~~s~~))Section 23.45.512((~~, as follows:~~)).

| | |
|---|---|
| ((~~Lowrise Duplex/Triplex~~ | ~~— One (1) dwelling unit per two thousand (2,000) square feet of lot area.~~ |
| ~~Lowrise 1~~ | ~~— One (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.~~ |
| ~~Lowrise 2~~ | ~~— One (1) dwelling unit per one thousand two hundred (1,200) square feet of lot area.~~ |
| ~~Lowrise 3~~ | ~~— One (1) dwelling unit per eight hundred (800) square feet of lot area.~~ |
| ~~Lowrise 4~~ | ~~— One (1) dwelling unit per six hundred (600) square feet of lot area.~~)) |

**Table A for 23.45.512 Density Limits in Lowrise Zones**

| **Zone** | **Units allowed per square foot of lot area by Housing Type** | | | |
|---|---|---|---|---|
| | **Cottage Housing**(1) | **Rowhouse** | **Other Townhouse**(2) | **Apartment**(3) |
| **LR1** | 1/1,600 | No limit | 1/2,200 or 1/1,600 | 1/2,000 Duplexes and triplexes only |
| **LR2** | 1/1,600 | No limit | 1/1,600 or No limit | 1/1,200 or No limit |
| **LR3** | 1/1,600 | No limit | 1/1,600 or No limit | 1/800 or No limit |

(1) The number of units in a cottage housing development, including carriage house dwelling units, is limited by subsection 23.45.531.D.
(2)For townhouses, the higher density shown is permitted in LR1 zones, and the density limit shown does not apply in LR2 and LR3 zones, if the standards of subsection 23.45.510.B.2 are met.
(3)The density limit shown for LR2 and LR3 zones does not apply to apartments that meet the standards of subsection 23.45.510.B.2.

B. Density exception for certain types of low-income multifamily residential uses

1. In ((~~Lowrise 3 and Lowrise 4~~)) LR3 zones, low-income disabled multifamily ((~~structures~~))residential uses, low-income elderly multifamily ((~~structures~~)) residential uses and low-income elderly/low-income disabled multifamily ((~~structures~~)) residential uses, operated by

a public agency or a private nonprofit corporation, shall have a maximum density of one((~~as follows:~~

~~Lowrise 3 — One (1)~~ of ~~dwelling unit per five hundred fifty (550) square feet of lot area.~~

~~Lowrise 4 — One (1)~~ ))dwelling unit per ((~~four hundred (~~))400((~~)~~)) square feet of lot area.

2. In order to qualify for the density provisions of this subsection 23.45.512.B, a majority of the dwelling units of the structure shall be designed for and dedicated to tenancies of at least three ((~~(3)~~)) months.

3. The dwelling units shall remain as a low-income disabled multifamily ((~~structure~~)) residential use, low-income elderly multifamily ((~~structure~~)) residential use, or low-income elderly/low-income disabled multifamily ((~~structure~~)) residential use for the life of the structure.

C. ((~~In the Lowrise Duplex/Triplex zone, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six thousand four hundred (6,400) square feet.~~)) Carriage house dwelling units associated with a cottage housing development, and accessory multifamily dwelling units meeting the standards of subsection 23.45.545.I, are exempt from the density limit set in Table A for 23.45.512 and from the limit in subsection 23.45.512D below.

D. In ((~~Lowrise Duplex/Triplex~~))LR1 zones no structure shall contain more than three ((~~(3)~~)) dwelling units((~~.~~)), except as permitted in subsections E and G.

E. Dwelling units in structures built prior to 1982 as single family dwelling units that will remain in residential use are exempt from density limits and the provisions of subsection 23.45.512.D.

((~~E~~))F. When dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

((~~F~~))G. Adding Units to Existing Structures ((~~in Multifamily zones.~~))

1. ((~~In all multifamily zones, one~~))One additional dwelling unit may be added to an existing multifamily structure regardless of the density restrictions in subsections 23.34.((~~008~~))512.A, B, C, and D above, and regardless of the ((~~open space~~)) residential amenity area requirements in Section 23.45.((~~016~~))522. An additional unit is allowed only if the proposed additional unit is to be located entirely within an existing structure and no additional floor area is proposed to be added to the existing structure.

2. For the purposes of this subsection 23.45.512.G "existing multifamily ((~~structures~~))uses" are those structures or portions of structures that were established under permit as of October 31, 2001, or for which a permit has been granted and the permit has not expired on October 31, 2001.

Section 28. Section 23.45.514 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**23.45.514 Structure height** ((**~~in Midrise and Highrise zones~~**))

A. Subject to the additions and exemptions allowed as set forth in this Section 23.45.514, the height limit for principal structures permitted in Lowrise zones are as shown on Table A for 23.45.514.

**Table A for 23.45.514: Structure Height for Lowrise Zones**

| | **LR1** | **LR2** | **LR3 outside urban centers & villages and Station Area Overlay Zones** | **LR3 in urban centers & villages and Station Area Overlay Zones** |
|---|---|---|---|---|
| Cottage Housing | 18’ | 18’ | 18’ | 18’ |
| Rowhouses and other Townhouses | 30’ | 30’ | 30’ | 30’ |
| Apartments | 30’ | 30’ | 30’ | 40’ |

B. The ((~~Base~~ ))base and maximum height limits for principal structures ((~~heights~~)) permitted in Midrise and Highrise zones are as shown in Table ((~~A~~))B for 23.45.514, subject to the additions and exemptions allowed as set forth in this Section 23.45.514.

**Table ((~~A~~))B for 23.45.514: Structure Height for Midrise and Highrise Zones**

| | **MR** | **MR/85** | **HR** |
|---|---|---|---|
| Base height limit | 60’ | 85’ | 160’ |
| Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516 | 75’ | 85’ | 240’ or 300’ |

C. The maximum height for accessory structures, except structures containing accessory dwelling units or accessory multifamily dwelling units, is 12 feet. The height limit is 20 feet for an accessory structure that contains an accessory multifamily dwelling unit that meets the standards of subsection 23.45.545.I. The height limit for an accessory dwelling unit shall be set according to Section 23.44.041.

D. Pitched Roofs in LR zones

1. If the structure height shown on Table A for 23.45.514 is 18 feet, the ridge of pitched roofs on principal structures may extend up to 7 feet above the height limit if the conditions of subsection 23.45.514.D.5 are met.

2. In LR1 and LR2 zones, if the structure height shown in Table A for 23.45.514 is 30 feet, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit if the conditions of subsection 23.45.514.D.5 are met.

3. In LR3 zones, if the structure height limit shown in Table A for 23.45.514 is 30 feet and when the requirements of subsection 23.45.514.D.5 are met, the ridge of pitched roofs on principal structures may either:

a. extend up to 10 feet above the height limit, if the height exception provided in 23.45.514.E is not used; or

b. extend up to 5 feet above the height limit, if the height exception provided in 23.45.514.E is used.

4. In LR3 zones if the structure height limit shown in Table A for 23.45.514 is 40 feet, and when the requirements of subsection 23.45.514.D.5 are met, the following applies:

a. The ridge of pitched roofs on principal structures may extend up to 5 above the height limit; or

b. The exception provided in subsection 23.45.514.E may be used.

4. In all LR zones, for a structure containing an accessory multifamily unit above enclosed parking in a rowhouse development according to the provisions of subsection 23.45.545.I, and for a carriage house structure in a cottage housing development, the ridge of a

pitched roof may extend up to 7 feet above the height limit if the conditions of subsection 23.45.514.D.5 are met.

5. Additional height is permitted in LR zones for a pitched roof as provided above in this subsection 23.45.514.D only if all parts of the roof above the applicable height limit have a minimum slope of 6:12, except that:

a. Roof forms, including but not limited to barreled and domed roofs, may be allowed under this subsection 23.45.514.D only if the Director determines, as a Type I decision, that the roof form is in keeping with the massing of a pitched roof form such as a gable or gambrel roof that would satisfy the criteria for a height exception in this subsection 23.45.514.D; and

b. Rooftop features are permitted pursuant to subsection 23.45.514.I in addition to the height allowance of this subsection 23.45.514.D.

E. For apartments in LR2 zones, and for all housing types in LR3 zones, the applicable height limit may be increased 4 feet above the height shown on Table A for 23.45.514 for a structure that includes a story that is partially below grade, provided that:

1. The ceiling of the story that is partially below grade is no more than four feet above average grade; and

2. The street-facing façade of the structure includes pedestrian-oriented features such as stoops or porches; and

2. On the portion of the structure facing the street, the additional height is used to accommodate pedestrian-oriented features such as stoops or porches, or to provide privacy for street facing units located on the floor above; and

3. In LR2 zones, and in LR3 zones with a 40 foot height limit, no additional height is allowed for a pitched roof, and the height exception is not allowed for any portion of a lot located within 50 feet of a lot line that abuts a single family zoned lot.

((~~B~~))F. In MR zones, the base height limit ((~~may be~~)) is increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:

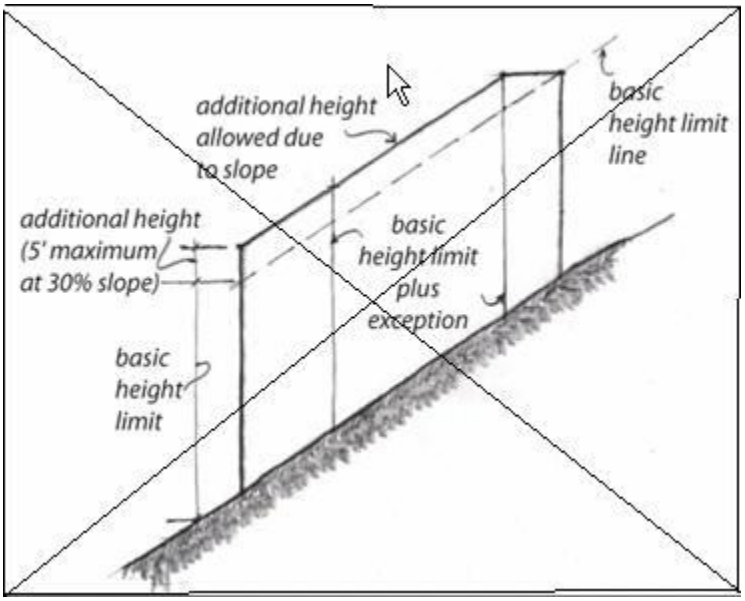
1. The FAR exemption provided in Section 23.45.510.((~~B~~))D.1 is used;

2. The structure has floor to ceiling heights of more than ((~~nine~~)) 9 feet; or

3. The ((~~site~~)) lot is split between a MR zone and an NC zone that allows a structure height of 65 feet or more.

((~~C. Sloped Lots. In zones with height limits that are less than 85 feet, additional height is permitted for sloped lots, at the rate of 1 foot for each 6 percent of slope, to a maximum additional height of 5 feet. The additional height is permitted on the down-slope side of the structure only, as described in Section 23.86.006.D. See Exhibit A for 23.45.514.~~))

((~~**Exhibit A for 23.45.514: Sloped Lot Height Allowance**~~))




((~~D. In MR zones, the base height limit may be increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:~~

~~1. The FAR exemption provided in Section 23.45.510.B.1 is used;~~

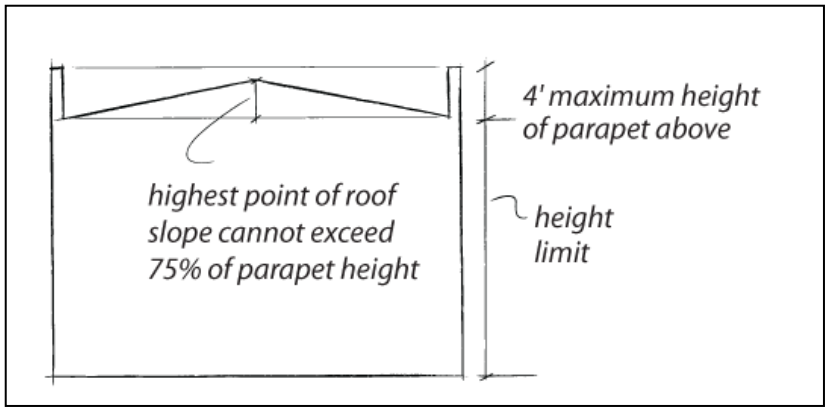
~~2. The structure has floor to ceiling heights of more than nine feet; or~~

~~3. The site is split between a MR zone and an NC zone that allows a structure height of 65 feet or more.~~))

((~~E~~))G. Roofs enclosed by a parapet. To promote adequate drainage, portions of a pitched roof that are completely surrounded by a parapet may exceed the applicable height limit to allow for a slope, provided that the height of the highest point of the ((~~slope~~)) pitched roof does not exceed the applicable height limit or the height of the base of the parapet,

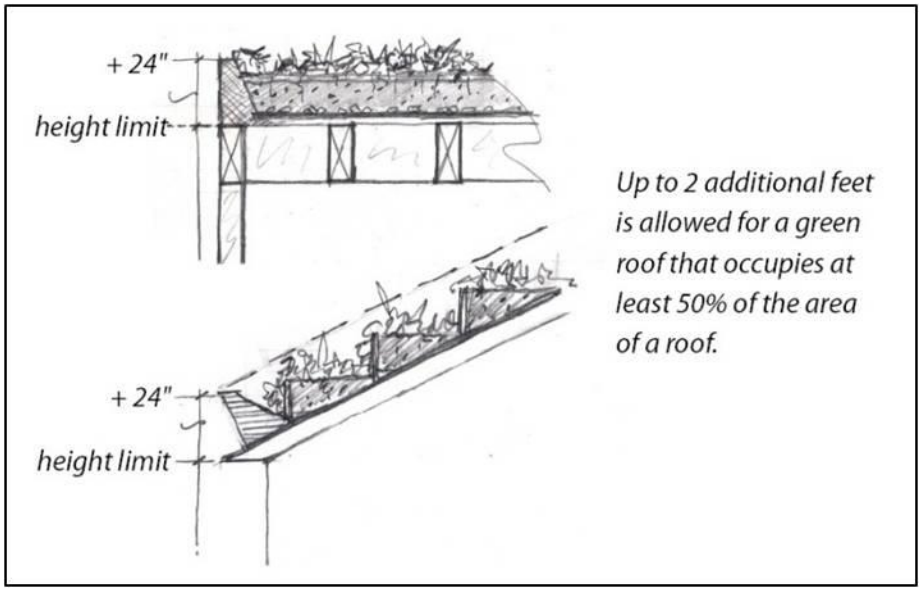
whichever is lower, by more than 75 percent of the height ((~~limit by more than 75 percent of the height~~)) of the parapet. See Exhibit B for 23.45.514.

**Exhibit B for 23.45.514: Height Allowance for Sloped Roofs Concealed by a Parapet**




((~~F~~))H. Green roofs. For any structure with a green roof meeting the provisions of Section 23.45.524 and ((~~having a minimum rooftop coverage of~~)) covering at least 50 percent of the surface of the roof, up to 24 inches of additional height above the maximum height otherwise allowed for the roof ((~~limit~~)) is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

**Exhibit C for 23.45.514: Green Roof Height Allowance**



((~~G~~))I. Rooftop Features.

1. Flagpoles and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are no closer than 50 percent of their height above existing grade or, if attached only to the roof, no closer than 50 percent of their height above the roof portion where attached, to any ((~~adjoining~~)) lot line.

2. Open ((~~R~~))railings, planters, skylights, clerestories, greenhouses, parapets and firewalls may extend 4 feet above the maximum height limit set in subsections A, B, E, and ((~~B~~))F of this Section 23.45.514.

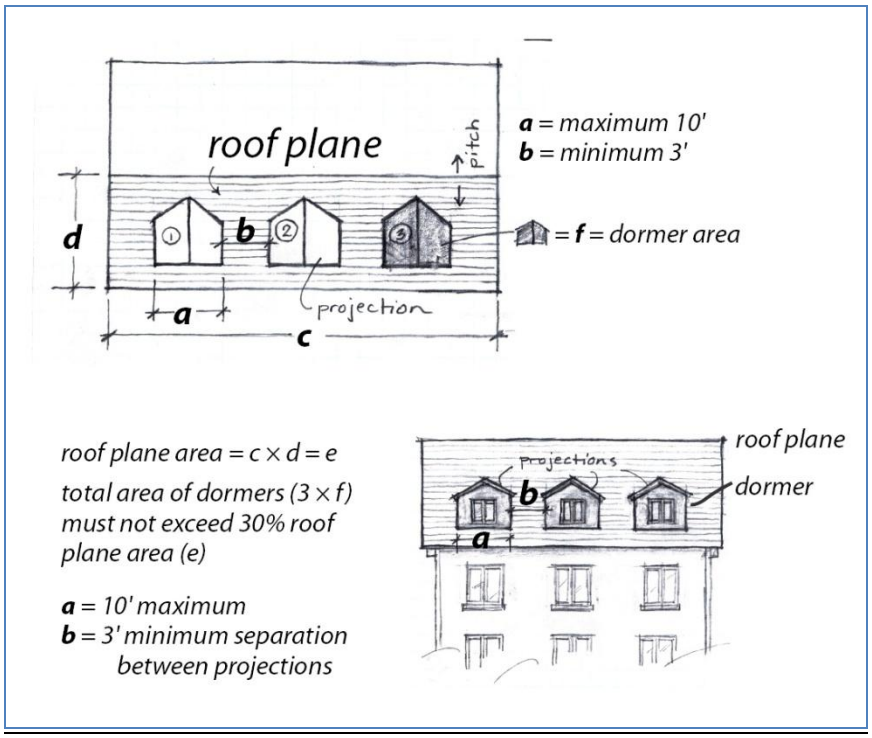
3. Projections that accommodate windows and result in additional interior space, including dormers (see Exhibit D for 23.45.514), clerestories, skylights, and greenhouses, may extend to the height of the ridge of a pitched roof permitted to exceed the applicable height limit pursuant to subsection 23.45.514.D, or 4 feet above the applicable height limit pursuant to subsection 23.45.514.A, whichever is higher, if all of the following conditions are satisfied:

a. the total area of these projections is limited to 30 percent of the area of each roof plane measured from the plan view perspective;

b. On pitched roofs, projections are limited to 10 feet in width with a minimum separation of 3 feet from other projections; and

c. On flat roofs, projections are set back at least 4 feet from exterior walls.

**Exhibit D for 23.45.514, Permitted Projections for Dormers in LR zones**




((~~3~~))4. In LR zones, the following rooftop features may extend 10 feet above the height limit set in subsections 23.45.514.A and E, so long as the combined total coverage of all features does not exceed 15 percent of the roof area or 20 percent of the roof area if the total includes screened mechanical equipment. In MR and HR zones, ((~~The~~))the following rooftop features may extend 15 feet above the applicable height limit set in subsections 23.45.514.A, B, and ((~~C~~))F, so long as the combined total coverage of all features does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes screened mechanical equipment:

a. Mechanical equipment;

b. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least 5 feet from the roof edge;

c. Chimneys;

d. Sun and wind screens;

e. Penthouse pavilions for the common use of residents;

f. Greenhouses which meet minimum energy standards administered by the Director;

g. Wind-driven power generators; ((~~and~~))

h. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

((~~4~~))5. ((~~Stair~~)) Subject to the roof coverage limits in subsection 23.45.514.I.4, stair and elevator penthouses may extend above the applicable height limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators in zones with height limits of 160 feet or greater, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional height is allowed for an energy-efficient elevator, stair penthouses may be granted the same additional height if they are co-located with the elevator penthouse.

((~~5~~))6. For height exceptions for solar collectors, see Section 23.45.545.D.

((~~6~~))7. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.45.514.((~~F~~))I at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

((~~7~~))8. For height limits and exceptions for communication utilities and devices, see Section 23.57.011.

((~~8~~))9. Additional height in HR zones. A structure may exceed the applicable height limit in the HR zone as follows:

a. If the applicable height is 240 feet, the height of the structure may be increased by 30 feet if the area bounded by the facades of the portion of the structure above 240 feet is no greater than 6,500 square feet, or if the area bounded by the facades at an elevation that is halfway between 240 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 240 feet.

b. If the applicable height limit is 300 feet, the height of a structure may be increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above 300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades at an elevation that is halfway between 300 feet and the height of the structure is no greater than 50 percent of the area bounded by the facades at a height of 300 feet.

c. In all cases the area bounded by the facades extending above the height limit may be occupied only by those uses or features otherwise permitted in this Section 23.45.514 as an exception above the height limit, although any limits on the height or coverage of those uses or features totally screened by the facades extending above the applicable height limit shall not apply. Height exceptions permitted for screening ((~~and~~)) of rooftop features under this subsection 23.45.514.((~~F~~))I shall not be permitted above the height gained by a structure under this provision.

Section 29. Section 23.45.518 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**23.45.518 Setbacks and Separations** ((~~**in Midrise and Highrise zones**~~))

A. LR zones

1. Required setbacks for the LR zones are shown in Table A for 23.45.518, except as provided in subsection 23.45.508.F for lots that have no street frontage.

**Table A for 23.45.518: Required Setbacks in LR Zones**

| All LR Zones | Housing Type | | | |
|---|---|---|---|---|
| Setback | Cottage Housing | Rowhouses | Other | Apartments in LR2 |

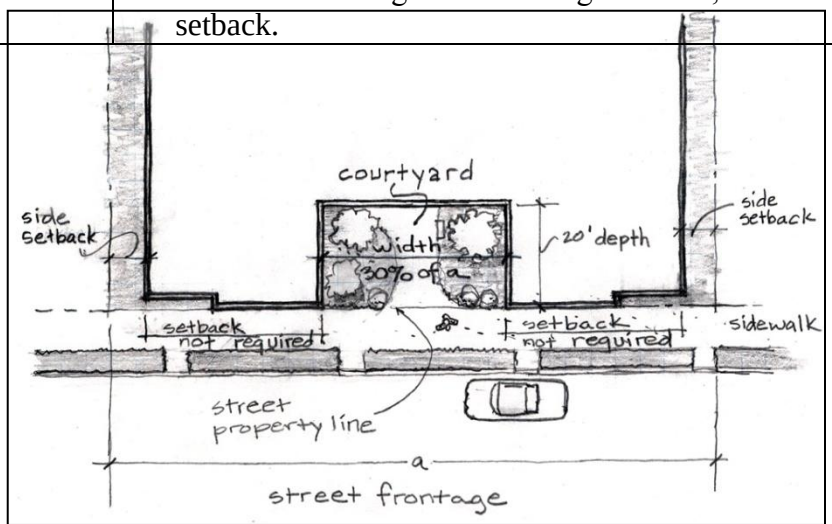
| | | | **Townhouses** | **and LR3 zones, and Duplexes and Triplexes in LR1 Zones** |
|---|---|---|---|---|
| Front | 7' Average; 5' Minimum | 5' Minimum | 7' Average; 5' Minimum | 5' minimum |
| Rear | 0' with Alley; 7' no Alley | 0' with Alley; With no alley: 7' Average; 5' Minimum | 7' Average; 5' Minimum | 10' minimum with alley; 15' minimum no alley |
| Side | 5' Minimum | 0' | 7' Average; 5' Minimum | 7' average; 5' minimum |

B. MR Zones. Minimum setbacks for the MR zone are shown in Table ((~~A~~))B for 23.45.518, except as provided in subsection Section 23.45.508.((~~E~~))F for lots that have no street frontage.

**Table ((~~A~~))B for 23.45.518: MR Setbacks**

| Setback Location | Required Setback Amount |
|---|---|
| **Front and side setback from street lot lines** | 7' average setback; 5' minimum setback<br>No setback is required ((~~when~~))if a courtyard ((~~is provided~~)) abuts((~~ting~~)) the street (see Exhibit A for 23.45.518) and the courtyard ((~~that~~)) has:<br>• a minimum width equal to 30 percent of the width of the abutting street frontage or 20', whichever is greater; and<br>• a minimum depth of 20' measured from the abutting street lot line. |
| **Rear setback** | 15' from a rear lot line that does not abut an alley; or<br>10' from a rear lot line abutting an alley. |
| **Side setback from interior lot line** | For portions of a structure:<br>• 42' or less in height: 7' average setback; 5' minimum setback.<br>• Above 42' in height: 10' average setback; 7' minimum setback. |

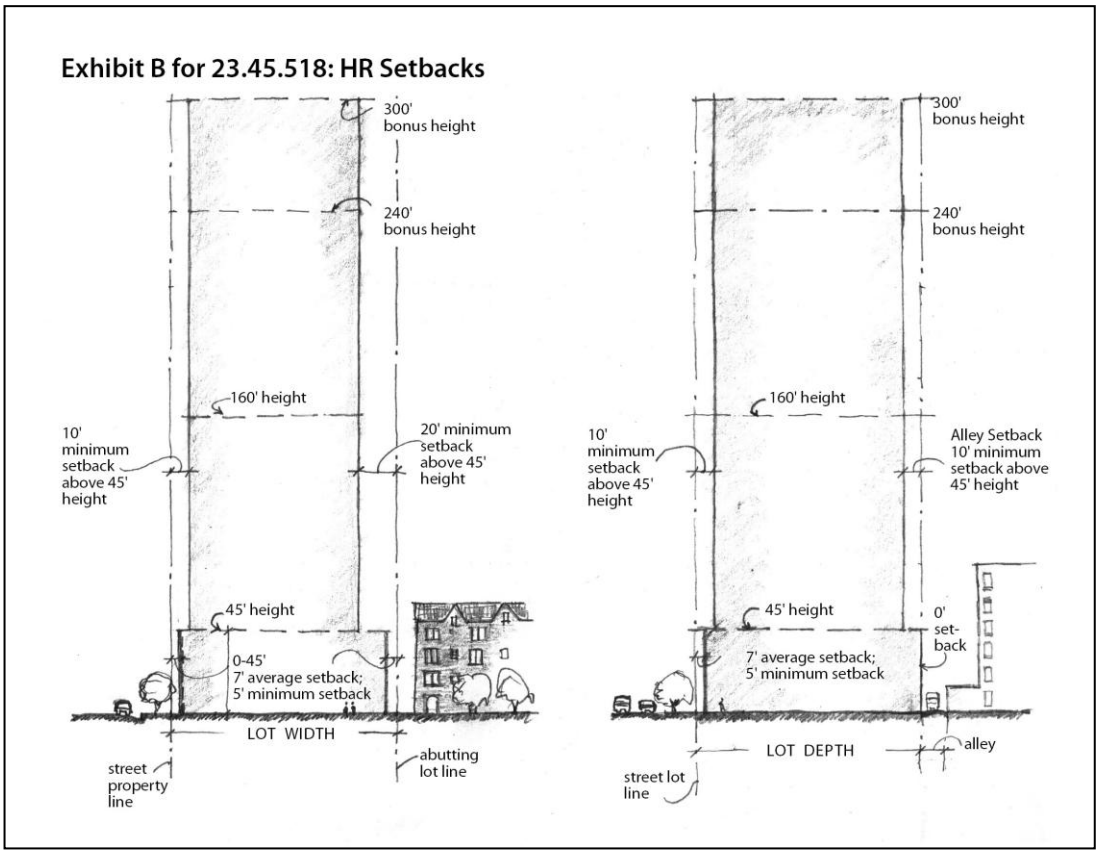
**Exhibit A for 23.45.518: MR Courtyard Example**



((~~B~~))C. HR Zones. Minimum setbacks for HR zones are shown in Table ((~~B~~))C for 23.45.518, except as provided in Section 23.45.508.((~~E~~))F for lots that have no street frontage.

**Table ((~~B~~))C for 23.45.518: HR Setbacks (see also Exhibit B for 23.45.518)**

| **Setbacks for structures ((~~eighty-five~~)) 85 feet in height or less** | |
|---|---|
| Structures 85 feet in height or less are subject to the setback provisions of the MR zone in subsection 23.45.518.A. | |
| **Setbacks for structures greater than ((~~eighty-five~~)) 85 feet in height** | |
| **Lot line abutting a street** | For portions of a structure:<br>• 45' or less in height: 7' average setback; 5' minimum setback, except that no setback is required for frontages occupied by street level uses or dwelling units with a direct entry from the street;<br>• Greater than 45' in height: 10' minimum setback |
| **Lot line abutting an alley** | **Rear lot line abuts an alley:**<br>For portions of a structure:<br>• 45' or less in height: no setback required;<br>• Greater than 45' in height: 10' minimum setback. |
| **Lot line that abuts neither a street nor alley** | For portions of a structure:<br>• 45' or less in height: 7' average setback; 5' minimum setback, except that no setback is required for portions abutting an existing structure built to the abutting lot line;<br>• Greater than 45' in height: 20' minimum setback. |




((~~C~~))D. Through Lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

((~~D~~))E. Other Requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements.

((~~E~~))F. Separations between multiple structures.

1. LR and MR zones.

a. Where two or more principal structures are located on a lot, the minimum separation between the structures at any two points on different interior facades is 10 feet, except as follows:

1) When the structures are separated by a driveway or parking aisle the minimum separation from finished grade to a height of 9 feet above finished grade is 2 feet greater than the required width of the driveway or parking aisle, provided that separation is not required to be any greater than 24 feet to accommodate a parking aisle.

2) Enclosed floor area of a structure may extend a maximum of 3 feet over driveways and parking aisles, subject to this subsection 23.45.518.((~~E~~))F; and

((~~b~~))3). Architectural or structural features and unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project up to 18 inches into the required separation between structures.

2. HR zones. Where two or more structures or portions of a structure above 85 feet in height are located on one lot, the minimum horizontal separation between interior facades in each height range is as provided in Table ((~~C~~))D for 23.45.518.

**Table ((~~C~~))D for 23.45.518: HR Façade Separation for Structures on the Same Lot**

| **Height Range** | **Minimum separation required between interior facades** |
|---|---|
| 0 to 45 feet | No minimum |
| Above 45 feet up to 160 feet | 30 feet |
| Above 160 feet | 40 feet |

((~~F~~))G. Projections into required setbacks and separations.

1. Cornices, eaves, gutters, roofs and other forms of weather protection may project into required setbacks and separations a maximum of 2 feet if they are no closer than 3 feet to any lot line, except as provided in subsection 23.45.518.((~~F~~))G.4.

2. Garden windows and other features that do not provide floor area may project ((~~18 inches~~)) 2 feet into required setbacks and separations if they are:

a. a minimum of 30 inches above the finished floor;

b. no more than 6 feet in height and 8 feet wide; and

c. combined with bay windows and other features with floor area, make up no more than 30 percent of the area of the façade.

3. Bay windows and other features with floor area may project a maximum of 18 inches into required setbacks and separations if they are:

a. no closer than 5 feet to any lot line;

b. no more than 10 feet in width; and

c. combined with garden windows, make up no more than 30 percent of the area of the façade.

4. Unenclosed decks and balconies may project a maximum of 4 feet into required setbacks or separations if they are:

a. no closer than 5 feet to any lot line; and

b. no more than 20 feet wide and are separated from other balconies by a distance equal to at least half the width of the projection.

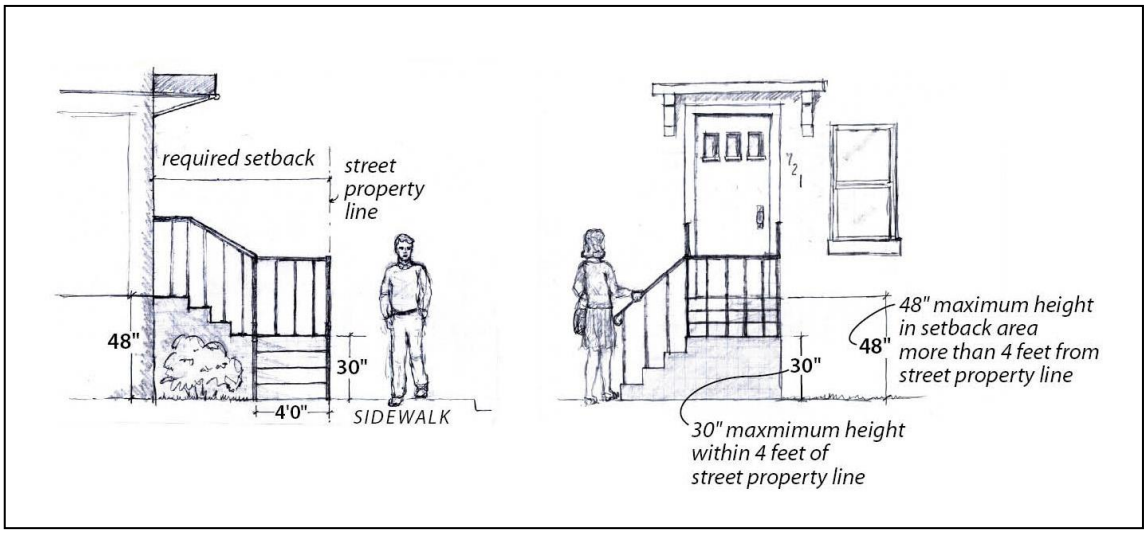
5. Unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project into required setbacks or separations to the lot line.

6. Unenclosed porches or steps.

a. When setbacks are required pursuant to subsection A.1 of this Section 23.45.518, unenclosed porches or steps no higher than 4 feet above existing grade may extend to

within 4 feet of a street lot line, except that portions of entry stairs or stoops not more than 30 inches in height from existing or finished grade whichever is lower, excluding guard rails or hand rails, may extend to a street lot line. See Exhibit C for 23.45.518.

**Exhibit C for 23.45.518: Setbacks for Unenclosed Porches**



b. Permitted porches may be covered, provided no portion of the cover-structure, including any supports, are closer than 3 feet to any lot line.

7. Fireplaces and chimneys may project 18 inches into required setbacks or separations.

((~~G~~))H. Structures in Required Setbacks or separations

1. Detached garages, carports or other accessory structures are permitted in required separations and required rear or side setbacks, provided that any accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure subject to the following requirements:

a. A minimum setback of 5 feet is maintained from all lot lines; and

b. The accessory structure is no taller than 12 feet, as measured from existing or finished grade, whichever is lower, except for garages and carports as specified below:

1) garages and carports are limited to 12 feet in height as measured from the façade containing the vehicle entrance; and

2) open rails are allowed to extend an additional 3 feet above the roof of the accessory structure if any portion of the roof is within 4 feet of existing grade.

2. Ramps or other devices necessary for access for the disabled and elderly, that meet Seattle Building Code, Chapter 11-Accessibility, are permitted in any required setback or separation.

3. Uncovered, unenclosed pedestrian bridges, necessary for access and less than 5 feet in width, are permitted in any required setback or separation.

4. Underground structures are permitted in any required setback or separation. Enclosed structures entirely below the surface of the earth, at existing or finished grade, whichever is lower, are permitted in any required setback or separation.

5. Solar collectors are permitted in any required setback or separation, subject to the provisions of Section 23.45.538, Solar collectors.

6. Freestanding structures, signs and similar structures 6 feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback or separation.

7. Fences

a. Fences no greater than six feet in height are permitted in any required front, side or rear setback or separation, except that fences in required front or side street side setbacks may not exceed 4 feet in height. The permitted height may be averaged along sloping grade for each 6 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.

b. Up to two feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted, if the architectural features are predominately open. When such a fence is located on top of a bulkhead or retaining wall, the height of the fence is limited to 4 feet, and the 4 foot height may be averaged along sloping grade for each 6 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.

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

8. Bulkheads and retaining walls

a. Bulkheads and retaining walls used to raise grade may be placed in each required setback when limited to 6 feet in height, measured above existing grade. A guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of January 3, 1997. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to 9.5 feet.

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

9. ((~~Arbors.~~)) Arbors may be permitted in required setbacks or separation under the following conditions:

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

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

10. Structures built as single family dwelling units prior to 1982((~~,~~)) that will remain in residential use((~~,~~)) are permitted in required setbacks or separations provided that nonconformity to setback or separation requirements is not increased.

11. Front and rear setbacks or separations on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

Section 30. Section 23.45.522 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.522 Residential amenity areas** ((~~**in Midrise and Highrise zones**~~))

A. Residential amenity areas <u>are required, and may</u> ((~~including~~))<u>include</u> ((~~but not limited to~~)) decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts, ((~~are required in an amount equal to 5 percent of the total gross floor area of a structure in residential use, except as otherwise provided in~~)) <u>according to the provisions of</u> this ((~~Chapter~~))<u>Section 23.45.522</u>.

B. <u>Residential amenity area requirements for cottage housing developments</u>

1. A minimum of 300 square feet of residential amenity area is required for each unit in a cottage housing development that is not a carriage house unit. This required quantity shall be allocated as follows:

a. A minimum of 150 square feet per unit shall be provided as private residential amenity area; and

b. A minimum of 150 square feet per unit shall be provided as common residential amenity area.

2. In addition to the residential amenity area required in Section 23.45.522.B.1, a minimum of 150 square feet of residential amenity area is required for each unit in a carriage house structure, which shall be provided as common residential amenity area for the cottage housing development.

3. The required common residential amenity area may be divided into no more than two separate areas, and shall:

a. have cottages abutting on at least two sides;

b. be in a location central to the cottage housing development; and

c. have a minimum dimensions of at least 10 feet.

4. Units in a carriage house structure shall include stairs that provide access to the common amenity area.

5. Fences are not allowed within the required common residential amenity area.

6. Unenclosed porches that are a minimum of 60 square feet in size that face a street or common residential amenity area may be included as part of the private residential amenity area.

C. Residential amenity area requirements for rowhouses and other townhouses in LR zones.

1. The required amount of residential amenity area for rowhouses and other townhouses in LR zones is 10 percent of the total gross floor area of rowhouse and other townhouse structures.

2. For townhouse developments that gain additional FAR under the provisions of Sections 23.45.510, a minimum of 50 percent of the required residential amenity area shall be provided as common residential amenity area at ground level, except that common residential amenity area may be provided on the roof of a portion of the structure that is partially above grade and no more than 4 feet above grade from a common point of access on the lot.

D. Residential amenity area requirements for apartments in Lowrise zones are as follows:

1.The required amount of residential amenity area for apartments in LR zones is 10 percent of the total gross floor area of apartment structures, except as provided in subsection 23.49.522.D.2.

2. For apartments that gain additional FAR as permitted under the provisions of Sections 23.45.510, the minimum required amount of residential amenity area is established on Table A for 23.49.522.

| **Table A for 23.45.522: Residential amenity area for apartments in LR zones** | | |
|---|---|---|
| **Zone** | **Location in an Urban Village, Urban Center or Station Area Overlay District** | **Required residential amenity area for apartments that gain additional FAR permitted by Section 23.45.510** |
| **LR2** | Inside or Outside | 200 square feet of residential amenity area per unit |
| **LR3** | Outside | 150 square feet of residential amenity area per unit |
| | Inside | 120 square feet of residential amenity area per unit |

3. A minimum of 50 percent of the residential amenity area required by Table A for 23.45.522 shall be provided as common residential amenity area at ground level, except that common residential amenity area may also be provided on the roof of a portion of the structure that is partially above grade and no more than 4 feet above grade from a common point of access on the lot. This common residential amenity area shall be conveniently accessible to all apartment units, and improved with elements that enhance the usability and livability of the space for residents, such as seating, outdoor lighting, weather protection, landscaping, art, or other similar features.

E. The minimum amount of residential amenity area required in MR and HR zones is equal to 5 percent of the total gross floor area of a structure in residential use.

((~~B~~))F. ((~~Required~~)) The following provisions apply regarding residential amenity area requirements((~~s shall meet the following conditions~~)):

1. All residents shall have access to at least one common or private residential amenity area((~~;~~)).

2. In LR zones, residential amenity areas may not be enclosed within a structure. In MR and HR zones, ((~~No~~)) no more than 50 percent of the residential amenity area may be enclosed common space((~~.~~));

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

4. Swimming pools may be counted toward meeting the residential amenity requirement.

5. Common residential amenity areas shall have a minimum horizontal dimension of at least 10 feet, and no common amenity area may be less than 250 square feet in size;

6. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to subsection 23.57.011.C, do not qualify as residential amenity areas((~~.~~)); and

7. Outdoor areas qualify as common residential amenity area if the surface of the area is permeable and is landscaped with grass, ground cover, bushes and/or trees; provided that patios, paved areas designed for recreation, shall also be considered common residential amenity area.

8. Patios and paved areas designed for recreation may qualify as common residential amenity area.

8. Common residential amenity areas shall be open to the sky, except that architectural features such as eaves that do not provide floor area may extend up to 2 feet into the residential amenity area when at least 8 feet above the surface of the area.

((~~C~~))F. No residential amenity area is required for an additional dwelling unit added to ((~~an~~)) a single family single unit existing as of January 1, 1982, or to a multifamily ((~~structure~~))residential use existing as of October 10, 2001.

Section 31. Subsection A of 23.45.524 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.524 Landscaping and screening standards** ((~~**in Midrise and Highrise zones**~~))

A. Landscaping requirements((~~.~~))

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 must meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. The Director may promulgate standards relating to landscaping matters that may include, but are not limited to, the type and size of plants, number of plants, concentration of plants, depths of soil, use of drought-tolerant plants, and access to light and air for plants.

2. Green Factor Requirement((~~.~~))

a. Landscaping that achieves a Green Factor score of 0.6 or greater, determined as set forth in Section 23.86.019, is required for any new development in Lowrise zones.

b. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any new development in Midrise and Highrise zones.

B. Street tree requirements((~~.~~))

1. Street trees are required when any type of development is proposed, except as provided in subsection 23.45.524.B.2 and B.3 and Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation approves their removal. The Director, in consultation with the Director of Transportation, ((~~will~~)) shall determine the number, type, and placement of additional street trees to be provided, based on the following considerations:

a. public safety;

b. presence, type, and condition of existing street trees;

c. space in the planting strip;

d. size of trees to be planted;

e. spacing required between trees in order to encourage healthy growth;

f. location of utilities; and

g. approved access to the street, buildings, and lot.

2. Exceptions to street tree requirements.

a. If a lot borders an unopened street, the Director may, as a Type I decision, reduce or waive the street tree requirement along that street if, after consultation with the Director of Transportation, the Director determines that the street is unlikely to be developed.

b. Street trees are not required as a condition to any of the following:

(1) establishing, constructing, or modifying single-family dwelling units; or

(2) changing a use or establishing a temporary use or intermittent use; or

(3) expanding a structure by 1,000 square feet or less; or

(4) expanding surface ((~~area~~)) parking by less than 10 percent in area or in number of spaces.

c. When an existing structure is proposed to be expanded by more than 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet, up to the maximum number of required trees.

3. If it is not feasible to plant street trees in an abutting planting strip, a 5 foot setback shall be planted with street trees along the street ((~~property~~))lot line, or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of the Department of Transportation. If, according to the Director of the Department of Transportation, a 5 foot setback or landscaped planting strip is not feasible, the Director may reduce or waive this requirement as a Type I decision.

C. Screening of parking.

1. Parking ((~~must~~)) shall be screened from direct street view by the front facade of a structure, by garage doors, or by a fence or wall between 4 feet and 6 feet in height. When the fence or wall parallels a street, a minimum 3 foot deep landscaped area is required on the street side of the fence or wall. The screening may not be located within any required sight triangle.

2. The height of the visual barrier created by the screen required in subsection 23.45.524.C.1 shall be measured from the elevation of the curb, or from the elevation of the street if no curb is present. If the elevation of the ((~~lot line is different from~~))ground at the base of the screen is higher than the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of 3 feet in height.

Section 32. Section 23.45.528 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.528 Structure width and depth limits** ((~~**for lots in Midrise zones greater than 9,000 square feet in size**~~))

A. Maximum structure width in LR zones is as follows:

1. Structure width may not exceed the width indicated on Table A for 23.45.528 except as provided in this Section 23.45.528.

2. Portions of a structure that are no more than 4 feet above existing or finished grade, whichever is lower, and that are covered in order to provide landscaped area or residential amenity area for common or private use, are exempt from the width limit.

**Table A for 23.45.528: Maximum Structure Width in LR zones**

| **Zone** | | **Width in feet by Housing Type** | | | |
|---|---|---|---|---|---|
| | **Urban Village, Urban Center or Station Area Overlay District** | **Cottage Housing** | **Rowhouse** | **Other Townhouse** | **Apartment** |
| **LR1** | Outside or Inside | Not Applicable | No Limit | 60’ | 45’ |

| | | | | | |
|---|---|---|---|---|---|
| **LR2** | Outside or Inside | Not Applicable | No Limit | 90’ | 90’ |
| **LR3** | Outside | Not Applicable | No Limit | 120’ | 120’ |
| | Inside | Not Applicable | No Limit | 150’ | 150’ |

B. Maximum structure depth in LR zones

1. The maximum depth of structures or portions of structures located within 15 feet of a side lot line that is not a street or alley lot line is 65 percent of the lot depth.

2. Portions of a structure that are no more than 4 feet above existing or finished grade, whichever is lower, and that are covered in order to provide landscaped area or residential amenity area for common or private use, are exempt from the depth limit.

C. Width and depth limits in MR zones. The width and depth limits of this ((~~S~~))subsection 23.45.528.C apply to lots in MR zones that are greater than 9,000 square feet in lot area.

((~~A~~))1. The width of a structure((~~s~~)) shall not exceed 150 feet, except as provided in this subsection 23.45.528.C. ((~~may not exceed the applicable limits shown in Table A for 23.45.528.~~

**~~Table ((A))B for 23.45.528: Width Limits~~**

| | **~~MR~~** |
|---|---|
| **~~Maximum width~~** | **~~150'~~))** |

((~~B~~))2. Structure Depth

((~~1~~))a. The depth of a structure((~~s~~)) shall not exceed 75 percent of the depth of the lot,((~~.~~)) ((~~exceed the limits shown in Table B for 23.45.528,~~ except as provided in subsection 23.45.528.((~~B.2~~))C.2.b.

**((~~Table ((B))~~C ~~for 23.45.528: Depth Limits~~**

| | ~~MR~~ |
|---|---|
| ~~Maximum depth~~ | ~~75 percent of the depth of the lot~~)) |

((~~2~~))b. Exceptions to structure depth limit. To allow for front setback averaging and courtyards as provided in subsection 23.45.518.((~~A~~))C, structure depth may exceed the limit ((~~shown in Table B for 23.45.528~~)) set in subsection 23.45.528.B.2 if the total lot coverage resulting from the increased structure depth does not exceed the lot coverage that would have otherwise been allowed without use of the courtyard or front setback averaging provisions.

((~~C~~))D. Accessory structures are counted in structure width and depth if they are less than 3 feet from the principal structure at any point.

Section 33. A new section 23.45.529 of the Seattle Municipal Code is added as follows:

**23.45.529 Design standards**

A. Intent. The intent of the design standards in this Section 23.45.529 is to:

1. Enhance street-facing facades to provide visual interest, promote new development that contributes to an attractive streetscape, and avoid the appearance of blank walls along a street;

2. Foster a sense of community by integrating new pedestrian-oriented multifamily development with the neighborhood street environment and promoting designs that allow easy surveillance of the street by area residents;

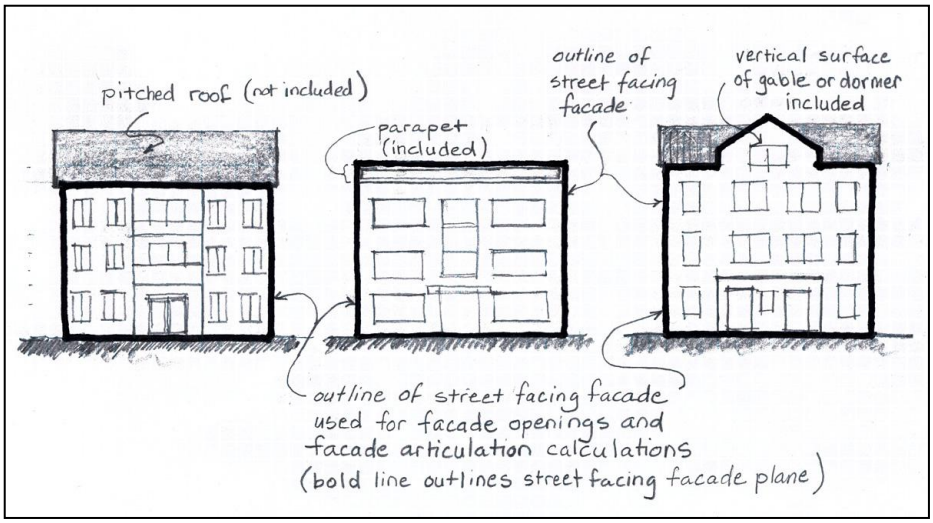
3. Promote livability in multifamily environments by providing a sense of openness and access to light and air; and

4. Encourage the compatibility of a variety of housing types with the scale and character of neighborhoods where new multifamily development occurs.

B. Application of Provisions. The provisions of this Section 23.45.529 apply to all multifamily residential uses in LR zones, and all multifamily residential uses with 20 or fewer units in MR and HR zones.

C. Treatment of Street-Facing Facades. For the purposes of this subsection 23.45.529.C, a street-facing facade includes all vertical surfaces enclosing interior space on pitched roofs, such as gables and dormers, as shown in Exhibit A for 23.45.529.

**Exhibit A for 23.45.529: Measurement of street-facing facades**




1. Façade Openings

a. At least 20 percent of each street-facing façade shall consist of windows and/or doors.

b. In order to count toward the requirement for façade openings, windows shall be transparent. Windows composed of glass blocks, and doors to garages and utility and service areas, do not count toward meeting the requirement in this subsection 23.45.529.C.1.

2. Façade Articulation

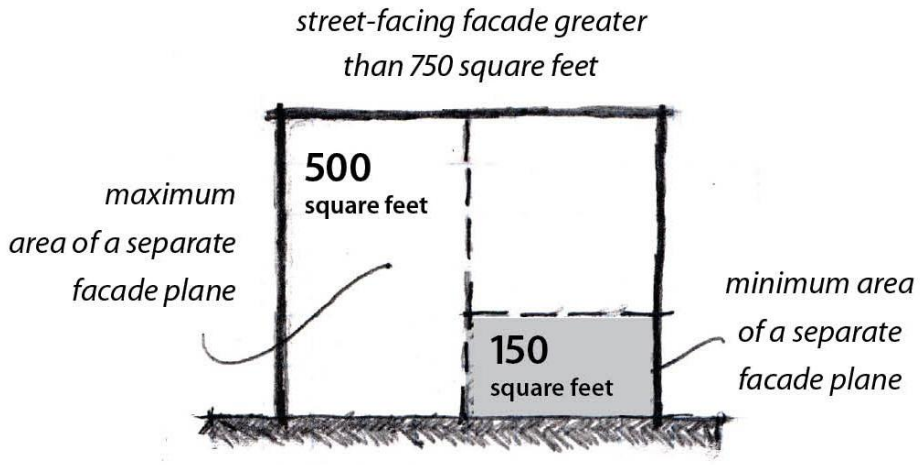
a. If a street-facing facade or portion of a street-facing façade is not vertical, the Director shall determine whether the façade is substantially vertical and required to comply with this subsection 23.45.529.C.

b. If the street-facing façade of a structure exceeds 750 square feet in area, division of the façade into separate projecting or recessed facade planes is required (see Exhibit B for 23.45.529).

c. In order to be considered a separate projecting or recessed façade plane for the purposes of this subsection 23.45.529.C.2, a portion of the street-facing façade shall have a minimum area of 150 square feet and a maximum area of 500 square feet, and shall be separated from abutting façade planes by a minimum depth of 18 inches.

d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is required to mark roof lines, porches, windows and doors on all street-facing facades.

**Exhibit B for 23.45.529: Street-facing Facades**




e. The Director may allow exceptions to the façade articulation requirements in this subsection 23.45.029.C.2 as a Type I decision, if the Director determines that the street-facing façade will meet the intent of subsection 23.45.030.A.1, and the intent of subsections 23.45.029.D.2, E.4, and F.2 for cottage housing developments, rowhouses, and other townhouses, respectively, through one or more of the following street-facing façade treatments:

1) variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the façade;

2) incorporation of architectural features that add interest and dimension to the façade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;

3) special landscaping elements in addition to those provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the façade surface;

4) special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing façade(s).

D. Design standards for cottage housing developments

1. Pedestrian entry. Each cottage housing unit with a street-facing façade that is located within 10 feet of the street lot line shall have a visually prominent pedestrian entry. Access to these entrances may be through a required private amenity area that abuts the street.

2. Architectural expression. Cottage housing developments shall include architectural details that reduce the visual scale of the units. Each cottage unit must employ one or more of the following design techniques to reduce visual scale of the units:

a. Attached covered porch

b. Roofline features such as dormers or clerestories

c. Bay windows

d. Variation in siding texture and materials

e. Other appropriate architectural techniques demonstrated by the applicant to reduce the visual scale of cottage housing units.

E. Design standards for rowhouses

1. Pedestrian entry. Each rowhouse unit shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent through the use of covered stoops, porches, or other architectural entry features.

2. Front setback. Design elements to provide a transition between the street and the rowhouse structure, such as landscaping, trees, fences, or other similar features, are required in the front setback.

3. Architectural expression. The street-facing façade of a rowhouse structure shall provide architectural detail or composition to visually identify each individual rowhouse unit as

seen from the street. Design elements such as trim or molding, modulation, massing, color and material variation, or other similar features may be used to achieve visual identification of individual units. Rooftop features such as dormers or clerestories, or roofline variation may be used to visually identify individual rowhouse units.

F. Design Standards for townhouses other than rowhouses

1. Building orientation. Townhouses other than rowhouses shall maximize the orientation of individual units to the street as follows:

a. A minimum of 50 percent of the units in a townhouse development shall be located so that there is no principal structure separating the unit from the street; or

b. All townhouse units shall have direct access to the street or to a common amenity area that either abuts the street or is directly accessible from the street.

2. For townhouse units, other than rowhouses without street frontage, a clear pedestrian pathway from the street to the entrance of the townhouse unit shall be provided, either by a separate pathway, or co-location of a pathway and a driveway, if the driveway is differentiated by pavement color, texture, or similar technique. Signage identifying the unit addresses and the direction to the unit entrance(s) from the street shall be provided.

3. Each townhouse unit, other than in rowhouse development, with a street-facing façade shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent feature through the use of covered stoops, porches, or other architectural entry features.

4. Architectural expression. Architectural detail or composition shall be provided to visually identify each individual townhouse unit, other than in rowhouse development, as seen from the public street. Design elements such as trim or molding, modulation, massing, color and material variation or other similar features may be used to achieve visual identification of individual units. Rooftop features such as dormers or clerestories, or roofline variation may be used to visually identify individual townhouse units.

G. Building entry orientation standards for apartments

1. For each apartment structure, a principal shared pedestrian entrance is required that faces either a street or a common residential amenity area, such as a landscaped courtyard, that abuts and has direct access to the street.

2. If more than one apartment structure is located on a lot, each apartment structure separated from the street by another principal structure shall have a principal entrance that is accessible from a common residential amenity area with access to the street.

3. The shared entrance of each apartment structure shall have a pedestrian entry that is designed to be visually prominent, through the use of covered stoops, overhead weather protection, a recessed entry, or other architectural entry features.

Section 34. Section 23.45.005 of the Seattle Municipal Code, which section was last amended by Ordinance 123210, is amended and recodified as follows:

((~~**23.45.005**~~)) **<u>23.45.530</u> Development standards for single-family** ((~~**structures**~~)) **<u>dwelling units</u>**

A. In Lowrise zones((~~, except for cottage housing developments permitted in Lowrise Duplex/Triplex and Lowrise 1 zones according to subsection ((23.45.005.D,~~)) single-family

((~~structures~~)) dwelling units shall be subject the development standards for townhouses that are not rowhouses, except for Section 23.45.529. ((~~for ground-related dwelling units, except as provided in subsections 23.45.005.C and D below, and except that open space shall be provided according to the provisions for single-family structures in each zone((,)) in Section 23.45.016.~~))

B. In MR and HR zones, single-family ((~~structures~~)) dwelling units shall meet the development standards of the zone.

C. In all multifamily zones, certain additions may extend into a required setback when an existing single-family ((~~structure~~)) dwelling unit is already nonconforming with respect to that setback, if the presently nonconforming section is at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include basement additions (Exhibit A for 23.45.((~~005~~))530). New additions to a nonconforming wall or walls shall comply with the following requirements:

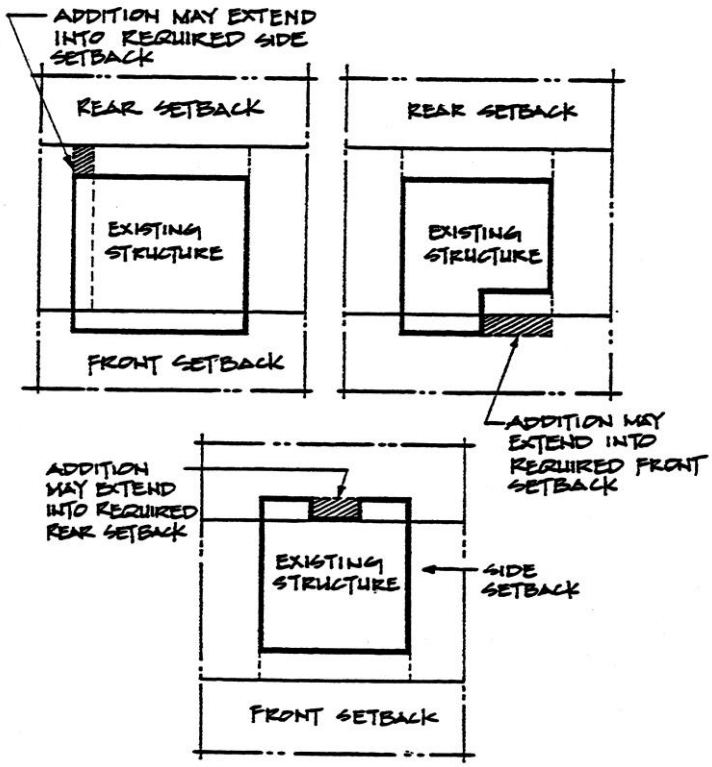
1. When it is a side wall, it is at least 3 feet from the side lot line;

2. When it is a rear wall, it is at least 10 feet from the rear lot line or centerline of an alley abutting the rear lot line;

3. When it is a front wall, it is at least 10 feet from the front lot line.

**Exhibit A for ((~~23.45.005~~)) 23.45.530**

Permitted Additions Into Required Setbacks for Existing Single Family Structures




((~~D. Cottage housing developments are permitted outright in ((Lowrise Duplex/Triplex and Lowrise 1))~~ LR ~~zones when conforming to the requirements contained in Sections ((23.45.006)) through ((23.45.018)) and the following:~~

~~1. Cottage housing developments shall contain a minimum of 4 cottages arranged on at least 2 sides of a common open space, with a maximum of 12 cottages per development; and~~

~~2. The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or 975 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 375 square feet,~~

~~whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces.~~))

((~~E~~))D. An accessory dwelling unit in or on the lot of an established single-family dwelling unit shall be considered an accessory use to the single-family dwelling unit, shall meet the standards listed for accessory dwelling units in Section 23.44.041, and shall not be considered a separate dwelling unit for any development standard purposes in multifamily zones.

Section 35. A new Section 23.45.531 is added to the Seattle Municipal Code as follows:

**Section 23.45.531 Development standards for cottage housing developments**

A. Cottage housing units in a carriage house structure. A carriage house structure is permitted in a cottage housing development on a lot that abuts an alley, or on a corner lot with access to parking from a driveway that abuts and runs parallel to the rear lot line of the lot. The maximum number of dwelling units permitted in carriage house structures is one-third of the total number of units in a cottage housing development.

B. Unit size limit. The maximum gross floor area of each principal structure in a cottage housing development is 950 square feet, except that for a dwelling unit in a carriage house structure, the maximum gross floor area is 600 square feet.

C. Size limit for accessory structures. The maximum gross floor area for the ground level floor area of a garage or other accessory structure in a cottage housing development is 1,200 square feet.

D. Existing single-family dwelling units in a cottage housing development. On a lot developed for cottage housing, existing single-family dwelling units, which may be non-

conforming with respect to development standards for cottage housing, shall be permitted to remain, provided that the extent of the nonconformity may not be increased.

Section 36. Section 23.45.534 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.534 Light and glare standards** ((~~**in Midrise and Highrise zones**~~))

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

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

Section 37. Section 23.45.536 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.536 Parking and access** ((~~**in MR and HR zones**~~))

A. Off-street parking spaces are required ((~~pursuant~~)) to the extent provided in Chapter 23.54.

B. Location of parking((~~.~~))

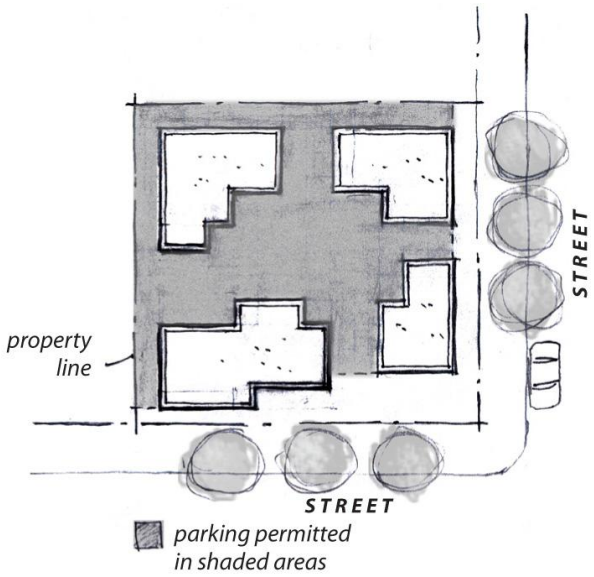
1. If parking is required, it shall be located on the same lot as the use requiring the parking.

((~~1~~))2. Parking shall be located between a structure and a lot line that is not a street lot line, in a structure or under a structure, or in any combination of these locations, unless otherwise provided in subsections B.((~~2~~))3, B.4, or B.((~~3~~))5 of this Section 23.45.536.

((~~2~~))3. On a through lot, parking may be located between the structure and one front lot line; except that on lots 125 feet or greater in depth, parking shall not be located in either front setback. The frontage in which the parking may be located will be determined by the Director as a Type I decision based on the prevailing character and setback patterns of the block.

4. If there are multiple principal structures on a lot, the location of parking is determined in relation to the structure or structures that have street-facing facades (see Exhibit A for 23.45.536).

**Exhibit A for 23.45.536 Location of Parking on a Lot with Multiple Structures**




((~~3~~))5. On waterfront lots in the Shoreline District, parking shall be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water pursuant to Chapter 23.60, Shoreline District.

C. Access to Parking

1. ((~~Access to parking shall be from an improved alley, but not from the street, or from both the alley and the street, unless the Director permits access from the street according to subsection 23.45.536.D below.~~)) Alley Access Required. Except as otherwise expressly required or permitted in this subsection 23.45.536.C or in subsection 23.45.536.D, access to parking shall be from the alley when the lot abuts a platted alley and one of the conditions in this subsection 23.45.536.C.1 is met.

a. the alley is improved to the standards of subsection 23.53.030.C;

b. the development gains additional FAR as permitted under the provisions of Section 23.45.510.B; or

c. the Director determines that alley access is feasible and desirable to mitigate parking access impacts, improve public safety if street access would require backing onto an arterial street, or maintain on-street parking capacity.

2. ((~~If the lot does not abut an improved alley or street, access may be permitted from an easement meeting the provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements.~~)) Street Access Required. Except as provided in subsection 23.45.536.D, access to parking shall be from the street when:

a. The lot does not abut a platted alley.

b. 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

c. Topography makes alley access infeasible.

((~~3. When access is provided to individual garages from the street pursuant to subsection 23.45.536.D, all garage doors facing the street shall be set back 15 feet from the street lot line.~~))

3. Access to required barrier-free parking spaces that meet the Washington State Building Code, Chapter 11, may be from either the street or alley, or both.

4. IF alley access is required by subsection 23.45.536.C.1 above, the alley shall be improved according to the standards in subsections 23.53.030.E and F, except that when a development gains additional FAR as permitted under the provisions of subsection 23.45.510.B, the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten units.

5. If the lot does not abut an improved alley or street, access may be permitted from an easement meeting the provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements.

((~~1. Access to parking shall be from an improved alley, but not from the street, or from both the alley and the street, unless the Director permits access from the street according to subsection 23.45.536.((D))F below.~~

~~2. If the lot does not abut an improved alley or street, access may be permitted from an easement meeting the provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements.~~

~~3. When access is provided to individual garages from the street pursuant to subsection 23.45.536.((D))F, all garage doors facing the street shall be set back 15 feet from the street lot line.~~))

D. Exceptions for parking location and access. The Director may permit an alternate location of parking on the lot or an alternate access to off-street parking, or both, as a Type I decision, if the flow of vehicular or pedestrian traffic is not negatively affected, the loss of on-street parking is minimized, and ((~~based on consideration of the following~~)) the alternate location or access, or both, achieves if one of the conditions:

((~~1. whether access would negatively impact public safety by requiring backing onto an arterial street;~~

~~2. whether on-street parking capacity is maintained or loss of on-street parking is minimized by measures such as serving two garages with one curb cut.~~))

((~~3~~))1. ((~~whether, as a result, the~~)) The project is better integrated with the topography of the lot, such as by providing structured parking below grade or shared parking that reduces the overall impact of parking on the design of the project.

((~~4~~))2. ((~~whether the~~)) The siting of development on the lot is improved, allowing for more landscaping, ((~~or increased~~)) a higher Green Factor score, ((~~and/or~~)) larger residential amenity areas, and/or reduced surface parking area.((~~; and~~

~~5. whether the flow of vehicular or pedestrian traffic is not significantly impacted.~~))

E. Parking shall be screened from all streets and adjacent uses pursuant to Section 23.45.524.

F. Parking Garage Entrances. A parking garage attached to a principal structure with a vehicle entrance facing a street shall satisfy the following:

1. No portion of the garage above 4 feet from existing or finished grade, whichever is lower, shall be closer to a street lot line than any part of the street-level portion of a street-facing façade of the structure on the lot served by the garage;

2. Garage doors for individual units that are part of the street-facing facade of a principal structure are limited to a maximum of 75 square feet in area per unit;

3. If access is provided to individual garages from the street, all garage doors facing the street shall be set back at least 15 feet from the street lot line.

G. All contiguous surface parking and driveway areas 2,000 square feet or larger shall incorporate one or more of the following design elements to improve the appearance of paved surfaces:

1. Use of pavers or stamped or textured surfaces in an area equal to 10% of the contiguous surface parking and driveway area.

2. Use of landscaping, planters, decorative fences, trellises or other elements of visual interest and relief within or at the immediate edge of the contiguous surface parking and driveway area, at intervals of not less than 30 lineal feet.

Section 38. Section 23.45.545 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended to add a new subsection as follows:

**Section 23.45.545 Standards for certain accessory uses**

* * *

I. In Lowrise zones, rowhouses and other townhouses may include accessory multifamily dwelling units as follows:

1. No more than one accessory multifamily dwelling unit shall be located on a lot.

2. The principal structure on the lot shall include one and only one dwelling unit other than the accessory multifamily dwelling unit, which other dwelling unit is referred to in this subsection 23.45.545.I as the "principal unit".

as the principal rowhouse or townhouse unit.

3. The owner of the lot shall comply with the owner occupancy requirements of subsection 23.44.041C.

4. Maximum gross floor area

a. The maximum gross floor area of an accessory multifamily dwelling unit is 650 square feet;

b. The gross floor area of the accessory multifamily dwelling unit may not exceed 40 percent of the total gross floor area in residential use on the lot. The area of garages shall not be included in this calculation.

5. An accessory multifamily dwelling unit shall be located completely within the same structure as the principal unit or in an accessory structure located between the rowhouse or townhouse and the rear lot line.

6. No more than three accessory multifamily dwelling units that are detached from their respective principal units may be attached together.

7. Entrances to the accessory multifamily dwelling unit must be provided through one of the following configurations:

a. Through the primary entry to the principal unit; or

b. Through a secondary entry on a different façade than the primary entry to the principal unit; or

c. Through a secondary entry on the same façade as the primary entry to the principal unit that is smaller and less visually prominent than the entry to the principal unit, and does not have a prominent stoop, porch, portico or other entry feature.

8. Exterior stairs. Exterior stairs to an accessory multifamily dwelling unit are prohibited, except entry stairs not greater than 4 feet high and exterior stairs to accessory multifamily dwelling units located above a garage.

9. Parking. Parking is not required for a multifamily accessory dwelling unit.

Section 39. Subsections C and D of Section 23.45.570 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are hereby amended as follows:

**23.45.570 Institutions**

* * *

C. Height Limits in Lowrise zones

1. Maximum height limits for institutions are as provided for ((~~multifamily residential uses~~))apartments in the applicable zone, except as provided in this subsection 23.45.570.C.

2. In ((~~the Lowrise Duplex/Triplex, Lowrise 1, Lowrise 2 and Lowrise~~ 3)) LR1 and LR2 zones, for gymnasiums, auditoriums, and wood shops that are accessory to an institution, the maximum permitted height is 35 feet if all portions of the structure above the height limit of the zone are set back at least 20 feet from all ((~~property~~)) lot lines. Pitched roofs on the auditorium, gymnasium or wood shop with a slope of not less than 4:12 may extend 10 feet above the 35-foot height limit. No portion of a shed roof on a gymnasium, auditorium or wood shop is permitted to extend beyond 35 feet.

3. In ((~~the Lowrise 4~~))LR3 zone, pitched roofs on an auditorium, gymnasium, or wood shop with a slope of not less than 4:12 may extend 10 feet above the ((~~37-foot~~)) height limit. No portion of a shed roof is permitted to extend beyond ((~~37 feet~~)) the height limit.

D. Structure Width in Lowrise zones

1. The maximum permitted width for structures in institutional((~~s~~)) use in Lowrise zones is as shown in Table A for 23.45.570.

**Table A for 23.45.570: Width Limits for Institutions in Lowrise zones**

| Zone | Maximum Width Without Modulation or Landscaping Option (feet) | Maximum Width With Modulation or Landscaping Option (feet) |
|---|---|---|
| ((~~Lowrise Duplex/Triplex and~~))Lowrise 1 | 45 feet | 75 feet |
| Lowrise 2 | 45 feet | 90 feet |
| Lowrise 3 ((~~and Lowrise 4~~)) | 60 feet | 150 feet |

2. In order to achieve the maximum width permitted in each zone, institutional structures are required to reduce the appearance of bulk through one of the following options:

a. Modulation Option. Front facades, and side and rear facades facing street lot lines, shall be modulated as shown in Table B for 23.45.570. Any un-modulated portion of the facade may not comprise more than 50 percent of the total facade area; or

**Table B for 23.45.570: Width, Height, and Depth of Modulation for Institutions in Lowrise zones**

| | Minimum depth of modulation in feet | Minimum height of modulation in feet | Minimum width of modulation (feet) |
|---|---|---|---|
| ((~~Lowrise zones~~)) | 4 feet | 5 feet | 10 feet or 20% of the total structure width, whichever is greater |

b. Green Factor Option. Landscaping that achieves a Green Factor score of .5 or greater, pursuant to the procedures set forth in Section 23.86.019, shall be provided.

* * *

Section 40. Subsection C of Section 23.47A.002, which section was last amended by Ordinance 123046, is amended as follows:

**23.47A.002 Scope of provisions**

* * *

C. Other regulations, including but not limited to, requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); standards for solid waste storage (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 41. Section 23.47A.029 relating to storage of solid waste materials in commercial zones, and Section 23.48.031 relating to storage of solid waste materials in Seattle Mixed zones, which sections of the Seattle Municipal Code were last amended by Ordinance 122311 and Ordinance 121782 respectively, as shown in Attachment A, are repealed.

Section 42. Subsection B of Section 23.48.002, which section was last amended by Ordinance 122835, is amended as follows:

**Section 23.48.002 Scope of provisions**((~~.~~))

* * *

B. Other regulations, such as requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); standards for solid waste storage (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.

Section 43. Subsection D of Section 23.49.025 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended to read as follows:

* * *

**23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space standards**((~~.~~))

D. ((~~Solid~~)) The standards of Section 23.54.040 for solid waste and recyclable materials storage space((~~.~~)) shall be met.

~~1. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in Downtown zones and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, the addition of two (2) or more units to a multifamily structure shall be considered expansion.~~

~~2. The design of the storage space shall meet the following requirements:~~

~~a. The storage space shall have no dimension (width and depth) less than six (6) feet;~~

~~b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and~~

~~c. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.~~

~~3. The location of the storage space shall meet the following requirements:~~

~~a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street-facing facade of the structure and the street;~~

~~b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;~~

~~c. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and~~

~~d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.~~

~~4. Access to the storage space for occupants and service providers shall meet the following requirements:~~

~~a. For rear-loading containers:~~

~~(1) Any ramps to the storage space shall have a maximum slope of six (6) percent, and~~

~~(2) Any gates or access routes shall be a minimum of six (6) feet wide; and~~

~~b. For front-loading containers:~~

~~(1) Direct access shall be provided from the alley or street to the containers,~~

~~(2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and~~

~~(3) When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be provided.~~

~~5. The solid waste and recyclable materials storage space specifications required in subsections 1, 2, 3, and 4 of this subsection above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.~~

~~6. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to allow departure from the requirements of subsections, 1, 2, 3, and 4 of this subsection as a Type I decision when the applicant proposes alternative, workable measures that meet the intent of this section and:~~

~~a. For new construction, the applicant can demonstrate significant difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4 of this subsection due to unusual site conditions such as steep topography; or~~

~~b. For expansion of an existing building, the applicant can demonstrate that the requirements of subsections 1, 2, 3, and 4 of this subsection conflict with opportunities to retain ground-level retail uses.~~

**~~Seattle Municipal Code~~**
**~~Table 23.49.025 A~~**

| ~~Structure Type~~ | ~~Structure Size~~ | ~~Minimum Area for Storage Space~~ | ~~Container Type~~ |
|---|---|---|---|
| ~~Multifamily*~~ | ~~7—15 units~~ | ~~75 square feet~~ | ~~Rear-loading~~ |
| | ~~16—25 units~~ | ~~100 square feet~~ | ~~Rear-loading~~ |
| | ~~26—50 units~~ | ~~150 square feet~~ | ~~Front-loading~~ |
| | ~~51—100 units~~ | ~~200 square feet~~ | ~~Front-loading~~ |
| | ~~More than 100 units~~ | ~~200 square feet plus 2 square feet for each additional unit~~ | ~~Front-loading~~ |
| ~~Commercial*~~ | ~~0—5,000 square feet~~ | ~~82 square feet~~ | ~~Rear-loading~~ |
| | ~~5,001—15,000 square feet~~ | ~~125 square feet~~ | ~~Rear-loading~~ |
| | ~~15,001—50,000 square feet~~ | ~~175 square feet~~ | ~~Front-loading~~ |
| | ~~50,001—100,000 square feet~~ | ~~225 square feet~~ | ~~Front-loading~~ |
| | ~~100,001—200,000 square feet~~ | ~~275 square feet~~ | ~~Front-loading~~ |
| | ~~200,001 plus square feet~~ | ~~500 square feet~~ | ~~Front-loading~~ |

~~* Mixed Use Buildings. Mixed use buildings with eighty (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.~~))

Section 44. Subsection H of Section 23.50.051 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

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

* * *

H. Solid Waste and Recycling. Each structure satisfies the solid waste and recyclable materials storage space requirements of Section ~~23.48.031~~23.54.040.

* * *

Section 45. Subsection E of Section 23.51B.002 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.51B.002 Public schools in residential zones**

* * *

E. Setbacks

1. General Requirements

a. No setbacks are 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. If any portion of the site is across a street or an alley from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting residential zones, as provided in subsections E.2 through E.5 of this Section 23.51B.002. Setbacks for sites across a street or alley from or abutting lots in Residential-Commercial (RC) zones are 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 E.2.b, E.3.b and E.4.b of this Section 23.51B.002.

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

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

2. New Public School Construction on New Public School Sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the ((~~I~~)) height of the school and the designation of the facing residential zone, as shown in Table A for 23.51B.002:

**Table A for 23.51B.002: Minimum Setbacks for a New Public School Site Located Across a Street or Alley from a residential zone**

| | Minimum Setbacks Across a Street or Alley from the Following Zones: | | | |
|---|---|---|---|---|
| ((~~I~~))Height | SF/((~~LDT/~~))LR1 | LR2/LR3((~~/L4~~)) | MR | HR |
| | Average | | | |
| 20' or less | 15' | 10' | 5' | 0' |
| Greater than 20' up to 35' | 15' | 10' | 5' | 0 |
| Greater than 35' up to 50' | 20' | 15' | 5' | 0' |
| Greater than 50' | 35' | 20' | 10' | 0' |

b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the ((~~I~~)) height of the school and the designation of the abutting residential zone, as shown in Table B for 23.51B.002:

**Table B for 23.51B.002: Minimum Setbacks for a New Public School Site Abutting a residential Zone**

| | Minimum Setbacks Abutting the Following Zones: | | | |
|---|---|---|---|---|
| ((~~I~~))Height | SF/((~~LDT/~~))LR1 | LR2/LR3((~~/L4~~)) | MR | HR |
| | Average (minimum) | | | |
| 20' or less | 20' (10((~~"~~))') | 15'(10') | 10'(5') | 0" |
| Greater than 20' up to 35' | 25' (10((~~"~~))') | 15'(10') | 10'(5') | 0 |
| Greater than 35' up to 50' | 25'(10') | 20'(10') | 10'(5') | 0' |
| Greater than 50' | 30'(15') | 25'(10') | 15'(5') | 0' |

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the ((~~I~~)) height of the school and the designation of the facing residential zone as shown in Table C for 23.51B.002, whichever is less:

**Table C for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Located Across a Street or Alley from a residential zone**

| | Minimum Setbacks When Across a Street or Alley from the Following Zones: | | | |
|---|---|---|---|---|
| Façade Height | SF/((~~LDT/~~))L<u>R</u>1 | L<u>R</u>2/L<u>R</u>3((~~/L4~~)) | MR | HR |
| | Average | | | |
| 20' or less | 10' | 5' | 5' | 0' |
| Greater than 20' up to 35' | 10' | 5' | 5' | 0' |
| Greater than 35' up to 50' | 15' | 10' | 5' | 0' |
| Greater than 50' | 20' | 15' | 10' | 0' |

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the ((~~I~~)) height of the school and the designation of the abutting residential zone, as shown in Table D for 23.51B.002, whichever is less:

**Table D for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Abutting a residential Zone**

| | Minimum Setbacks Abutting the Following Zones: | | | |
|---|---|---|---|---|
| Façade Height | SF/((~~LDT/~~))LR1 | LR2/LR3((~~/L4~~)) | MR | HR |
| | Average (minimum) | | | |
| 20' or less | 15'(10') | 10'(5') | 10'(5') | 0'(0') |
| Greater than 20' up to 35' | 20'(10') | 15'(10') | 10'(5') | 0'(0') |
| Greater than 35' up to 50' | 25'(10') | 20'(10') | 10'(5') | 0'(0') |
| Greater than 50' | 30'(15') | 25'(10') | 15'(5') | 0'(0') |

4. Additions to Existing Public School Structures on Existing Public School Sites.

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the ((~~I~~)) height of the school and the designation of the facing residential zone as shown in Table E for 23.51B.002, whichever is less:

**Table E for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Located Across a Street or Alley**

| | Minimum Setbacks When Located Across a Street or Alley from: | | | |
|---|---|---|---|---|
| Façade Height | SF/((~~LDT/~~))LR1 | LR2/LR3((~~/L4~~)) | MR | HR |
| | Average | | | |
| 20' or less | 5' | 5' | 5' | 0' |
| Greater than 20' up to 35' | 10' | 5' | 5' | 0' |
| Greater than 35' up to 50' | 15' | 10' | 5' | 0' |
| Greater than 50' | 20' | 15' | 10' | 0' |

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone as shown in Table F for 23.51B.002, whichever is less:

**Table F for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Abutting a Residential Zone**

| | Minimum Setbacks by Abutting Zone: | | | |
|---|---|---|---|---|
| Façade Height | SF/((~~LDT/~~))LR1 | LR2/LR3((~~/L4~~)) | MR | HR |
| | Average (minimum) | | | |
| 20' or less | 10'(5') | 10'(5') | 10'(5') | 0'(0') |
| Greater than 20' up to 35' | 15'(5') | 10'(5') | 10'(5') | 0'(0') |
| Greater than 35' up to 50' | 20'(10') | 20'(10') | 10'(5') | 0'(0') |
| Greater than 50' | 25'(10') | 25'(10') | 15'(5') | 0'(0') |

5. Departures from setback requirements may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to 10 feet and the minimum setback to 5 feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to 15 feet and the minimum setback to 5 feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections E.5.a and E.5.b of this Section 23.51B.002 may be waived by the Director as a Type I decision when a waiver would contribute to reduced demolition of residential structures.

* * *

Section 46. Subsection D of Section 23.53.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123104, is amended as follows:

**23.53.006 Pedestrian access and circulation**

* * *

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F:

1. In any zone with a pedestrian designation, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed.

2. On streets designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016.A and 23.50.016.B, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the designated street.

3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the arterial.

4. In SF((~~, LDT and L1~~)) and LR1 zones, sidewalks are required when ten or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when ten or more dwelling units are developed.

5. Outside of SF((~~, LDT and L1~~))and LR1zones, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required when six or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when six or more dwelling units are developed.

6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required when the following nonresidential uses are developed:

a. 750 square feet or more of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and

b. 4,000 square feet or more of nonresidential uses not listed in subsection 23.53.006.D.6.a.

* * *

Section 47. Subsection B of Section 23.53.010 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.53.010 Improvement requirements for new streets in all zones((~~.~~))**

* * *

B. Required Right-of-way Widths for New Streets.

1. Arterial and Downtown Streets. New streets located in downtown zones, and new arterials, shall be designed according to the Right-of-Way Improvements Manual.

2. Nonarterials Not in Downtown Zones.

a. The required right-of-way widths for new nonarterial streets not located in downtown zones shall be as shown on Table A for Section 23.53.010:

**Table A for Section 23.53.010**

| Zone Category | Required Right-of-Way Width |
|---|---|
| 1. SF, ((~~LDT, L1~~))LR1, NC1 | 50' |
| 2. LR2, LR3, ((~~L4,~~)) NC2 | 56' |
| 3. MR, HR, NC3, C1, C2, SCM, IB, IC | 60' |
| 4. IG1, IG2 | 66' |

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

3. Exceptions to Required Right-of-way Widths. The Director, after consulting with the Director of Transportation, may reduce the required right-of-way width for a new street

when located in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees makes the required right-of-way width impractical or undesirable.

Section 48. Subsections A and D of Section 23.53.015, which section was last amended by Ordinance 123046, are amended as follows:

**23.53.015 Improvement requirements for existing streets in residential and commercial zones**

A. General Requirements.

1. 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 23.53.015 and Section 23.53.006, Pedestrian access and circulation. <u>A setback from the lot line, or dedication of right-of-way, may be required to accommodate the improvements.</u> One or more of the following types of improvements may be required under this 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 23.53.015.D ((~~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 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 the Arterial street map, Section 11.18.010, are as specified in the Right-of-Way Improvements Manual.

b. Nonarterial streets.

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

**Table A for 23.53.015: Minimum Right-of-Way Widths for Existing Nonarterial Streets**

| Zone Category | | Required Right-of-Way Width |
|---|---|---|
| 1. | SF, ((~~LDT,~~)) LR1, LR2 and NC1 zones; and NC2 zones with a maximum height limit of 40' or less | 40 feet |
| 2. | LR3, ((~~L4,~~))MR, HR, NC2 zones with height limits of more than 40', NC3, C1, C2 and S((~~C~~))M zones | 52 feet |

2) If a block is split into more than one zone, the zone category with the most frontage shall determine the minimum width on 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.

* * *

D. Exceptions((~~.~~))

1. Streets With Existing Curbs((~~.~~))

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width. 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, 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 23.53.006.

b. Streets With Less than the Minimum Right-of-Way Width. 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, 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 3 foot setback is also 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. 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 23.53.006.

2. Projects With Reduced Improvement Requirements((~~.~~))

a. One or Two Dwelling Units. If no more than two new dwelling units are proposed to be constructed, or no more than two 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 16 feet in width 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 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 by 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 units in SF, RSL, ((~~LDT~~)) and L<u>R</u>1 zones, or fewer than six 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 if they are smaller than 750 square feet of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;

iii. Nonresidential structures that have less than 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 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 units in SF, RSL, ((~~LDT~~)) and LR1 zones, or fewer than six 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 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 18 feet wide. If there is not an 18 foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least 20 feet from the lot to the nearest hard-surfaced street meeting this requirement, or 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 if one 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 street, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would 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 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 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.

Section 49. Section 23.53.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.53.030 Alley improvements in all zones**

A. General Requirements((.))

1. 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.

2. Subsection G of this section contains exceptions from the standards requirements for alley improvements, including exceptions for projects which are smaller than a certain size and for special circumstances, such as location in an environmentally critical area.

3. Detailed requirements for alley improvements are located in the Right-of-Way Improvements Manual, which is adopted by joint rule of the Director and the Director of Transportation.

B. New Alleys((~~.~~))

1. New alleys created through the platting process shall meet the requirements of Subtitle III of this title, Platting Requirements.

2. The required right-of-way widths for new alleys shall be as shown on Table A for Section 23.53.030.

**Table A for Section 23.53.030**
**Width of New Alley Rights-of-Way**

| **Zone Category** | **Right-of-Way Width** |
|---|---|
| 1. SF, ((~~LDT, L1~~))LR1, NC1 | 12' |
| 2. LR2, ((~~L3, L4~~))LR3, NC2 | 16' |
| 3. MR, HR, NC3, C1, C2, SM and all Industrial and Downtown zones | 20' |

3. When an alley abuts lots in more than one ((~~(1)~~)) zone category, the zone category with the most frontage on that block, excluding Zone Category 1, along both sides of the alley determines the minimum width on ((~~the table~~))Table A for Section 23.53.030. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

C. Definition of Improved Alley. In certain zones, alley access is required when the alley is improved. For the purpose of determining when access is required, the alley will be considered improved when it meets the standards of this subsection.

1. Right-of-Way Width((~~.~~))

a. The width of a right-of-way which is considered to be improved shall be as shown on Table B for Section 23.53.030.

**Table B for Section 23.53.030**
**Right-of-Way Width for Alleys Considered to be Improved**

| **Zone Category** | **Right-of-Way Width** |
|---|---|
| 1. SF, ((~~LDT, L1~~))LR1, LR2, LR3, NC1 | 10' |
| 2. ((~~L4,~~))MR, HR, NC2 | 12' |
| 3. NC3, C1, C2 and SM | 16' |

b. When an alley abuts lots in more than one ((~~(1)~~)) zone category, the zone category with the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the minimum width on ((~~the table~~))Table B for Section 23.53.030. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

2. Paving. To be considered improved, the alley shall be paved.

D. Minimum Widths Established((~~.~~))

1. The minimum required width for an existing alley right-of-way shall be as shown on Table C for Section 23.53.030.

**Table C for Section 23.53.030 Required Minimum Right-of-Way Widths for Existing Alleys**

| Zone Category | Right-of-Way Width |
|---|---|
| 1. SF and ((~~LDT~~))LR1 | No minimum width |
| 2. ((~~L1,~~)) LR2, NC1 | 12' |
| 3. ((~~L3, L4~~))LR3, MR, HR, NC2 | 16' |
| 4. NC3, C1, C2, SM, all downtown zones | 20' |
| 5. All industrial zones | 20' |

2. When an alley abuts lots in more than one ((~~(1)~~)) zone category, the zone category with the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the minimum width on ((~~the table~~))Table C for Section 23.53.030. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

E. Existing Alleys That Meet the Minimum Width. Except as provided in subsection 23.53.030.G and except for one and two dwelling unit developments that abut an alley that is not improved but is in common usage, if an existing alley meets the minimum right-of-way width established in subsection 23.53.020.D, the following requirements shall be met:

1. 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 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 units;

2) The following uses if they are smaller than 750 square feet of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;

3) Nonresidential structures or structures with one or more live-work units that: (a) have less than 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 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 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 20 percent of the parking area, 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 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. 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.

F. Existing Alleys Which Do Not Meet the Minimum Width.

1. When an existing alley is used for access to parking spaces, open storage, or loading berths on a lot, and the alley does not meet the minimum width established in subsection D of this section, except as provided in subsection G of this section, a dedication equal to half the difference between the current alley right-of-way width and minimum right-of-way width established in subsection 23.53.030.D ((~~of this section~~))shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way. Underground and overhead portions of structures that would not interfere with the functioning of the alley may be allowed by the Director ((~~of Director of the Department of Planning and Development~~))after consulting with the Director of Transportation. When existing structures are located in the portion of the lot to be dedicated, that portion of the lot shall be exempt from dedication requirements. The improvements required under subsection 23.53.030.E.1 ((~~of this section~~))shall then be installed, depending on the type of project.

2. When an existing alley is not used for access to parking spaces or loading berths on an abutting lot, but the alley does not meet the minimum width established in subsection 23.53.030.D ((~~of this section~~)), except as provided in subsection 23.53.030.G ((~~of this section~~)), the following requirements shall be met:

a. A setback equal to half the distance between the current alley right-of-way width and the minimum right-of-way width established in subsection 23.53.030.D shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground and overhead structures ((~~which~~)) that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director ((~~of the Department of Planning and Development~~)) after consulting with the Director of Transportation.

b. All structures shall be designed to accommodate the grade of the future alley right-of-way.

c. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

G. Exceptions. The Director, after consulting with the Director of the Department of Transportation, may modify or waive the requirements for dedication, paving and drainage, setbacks, grading and no-protest agreements, if it is determined that one ((~~(1)~~)) or more of the

following conditions are met. The Director may require access to be from a street if alley improvements are also waived.

1. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable;

2. Widening and/or improving the right-of-way would make a building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met;

3. Widening and/or improving the right-of-way would eliminate alley access to an existing lot;

4. Widening and/or improving the right-of-way is impractical because topography precludes the use of the alley for vehicular access to the lot;

5. The alley is in a historic district or special review district, and the Department of Neighborhoods Director finds, after review and recommendation by the appropriate review board, that the widening and/or improvement would be detrimental to the character and goals of the district;

6. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable;

7. Widening the right-of-way would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green streets, boulevard, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan;

8. 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;

9. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the right-of-way is at zoned capacity.

Section 50. Table B for Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**23.54.015 Parking**

* * *

B. Parking requirements for specific zones

1. Parking in downtown zones is regulated by Section 23.49.019 and not by this Section 23.54.015;

2. Parking for major institution uses in major institution overlay zones is regulated by Section 23.54.016 and not by this Section 23.54015; and

3. Parking for motor vehicles for uses located in the Northgate Overlay District is regulated by Section 23.71.016 and not by this Section 23.54015.

* * *

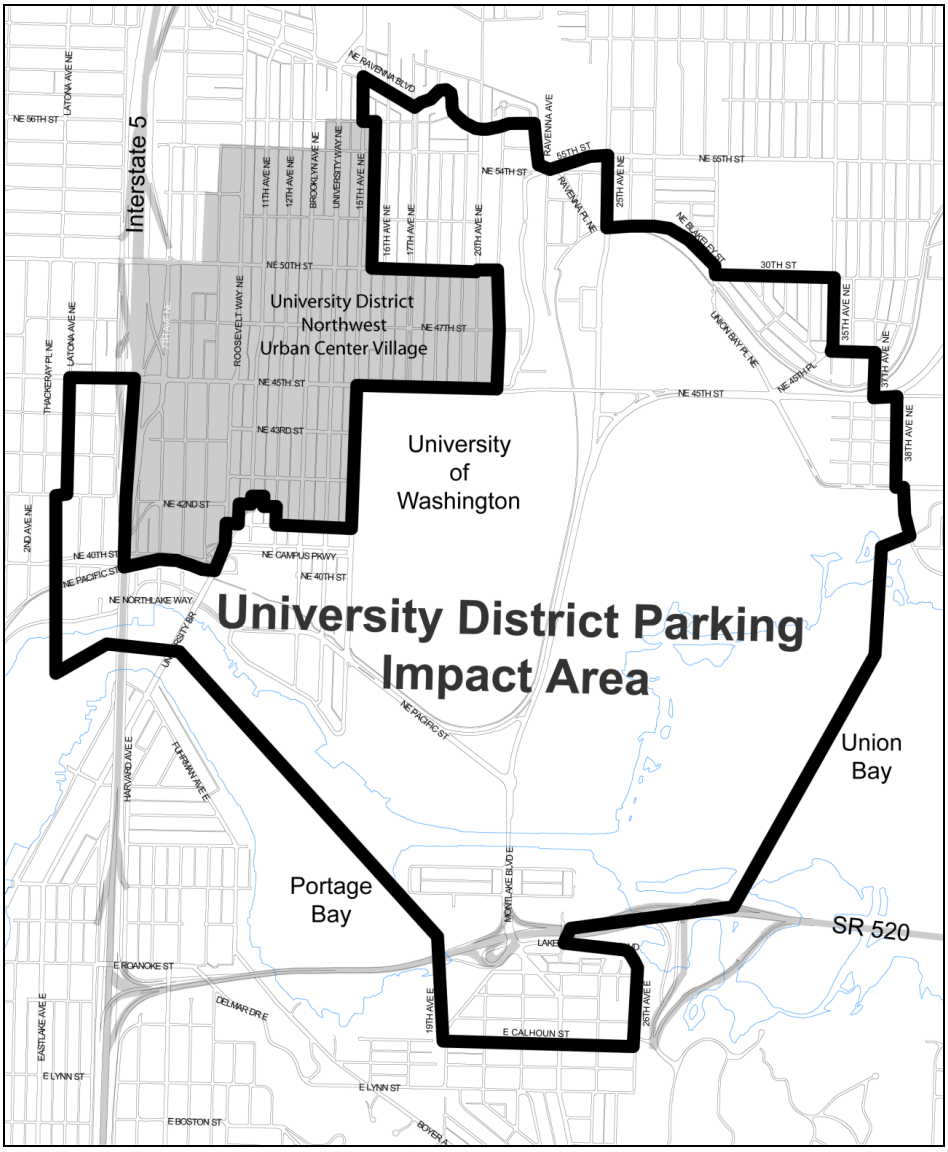
| **Table B for ((~~Section~~))23.54.015 PARKING FOR RESIDENTIAL USES** | |
|---|---|
| **Use** | **Minimum parking required** |
| **A. General Residential Uses** | |
| A. Adult family homes | 1 space for each dwelling unit |
| B. Artist's studio/dwellings | 1 space for each dwelling unit |
| C. Assisted living facilities | 1 space for each 4 assisted living units; plus<br>1 space for each 2 staff members on-site at peak staffing time; plus<br>1 barrier-free passenger loading and unloading space |
| D. Caretaker's Quarters | 1 space for each dwelling unit |
| E. Congregate residences | 1 space for each 4 residents |
| F. Floating homes | 1 space for each dwelling unit |
| G. Mobile home parks | 1 space for each mobile home lot as defined in Chapter 22.904 |
| H. Multifamily residential uses, except as provided in Sections B or C of this Table B for ((~~Section~~)) 23.54.015. (1) | 1 space per dwelling unit. |
| I. Nursing homes (2) | 1 space for each 2 staff doctors; plus<br>1 additional space for each 3 employees; plus<br>1 space for each 6 beds |
| J. Single-family ((~~residences~~)) <u>dwelling units</u> | 1 space for each dwelling unit |
| **B. Residential Use Requirements with Location Criteria** | |
| K. Residential uses in commercial and multifamily zones within urban centers or within the Station Area Overlay District (1) | No minimum requirement |
| <u>L. Residential uses in commercial and multifamily zones within urban villages, when the residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use. (1)</u> | <u>No minimum requirement</u> |
| ((~~L~~))<u>M</u>. Multifamily residential uses within the University of Washington parking impact area shown on Map A for | 1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus<br>1.5 spaces per dwelling units with 2 or more |

| **Table B for ((~~Section~~))23.54.015 PARKING FOR RESIDENTIAL USES** | |
|---|---|
| **Use** | **Minimum parking required** |
| 23.54.015 (1) | bedrooms; plus<br>.25 spaces per bedroom for dwelling units with 3 or more bedrooms |
| ((~~M~~))N. Multifamily dwelling units within the Alki area shown on Map B for Section 23.54.015 (1) | 1.5 spaces for each dwelling unit |
| **C. Multifamily Requirements with Income Criteria or Location Criteria and Income Criteria** | |
| ((~~N~~))O. Low-income elderly multifamily residential uses (1) (3) not located in urban centers or within the Station Area Overlay District | 1 space for each 6 dwelling units |
| ((~~O~~))P. Low-income disabled multifamily residential uses (1) (3) not located in urban centers or within the Station Area Overlay District | 1 space for each 4 dwelling units |
| ((~~P~~))Q. Low-income elderly/low-income disabled multifamily residential uses (1) (4) not located in urban centers or within in the Station Area Overlay District | 1 space for each 5 dwelling units |

| **Table B for ((~~Section~~))23.54.015**<br>**PARKING FOR RESIDENTIAL USES** | |
|---|---|
| **Use** | **Minimum parking required** |
| (1) The general requirement of line H of Table B for multifamily residential uses is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a multifamily residential use fits within more than one line in Table B, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section B of Table B requires more parking than line H, the parking requirement in line H does not apply. The different parking requirements listed for certain categories of multifamily residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.<br>(2) For development within single family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may, as a Type I decision, reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements shall be met.<br>(3) Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily residential use , if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County ((~~Office of Records and Elections~~)) Recorder a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement. | |

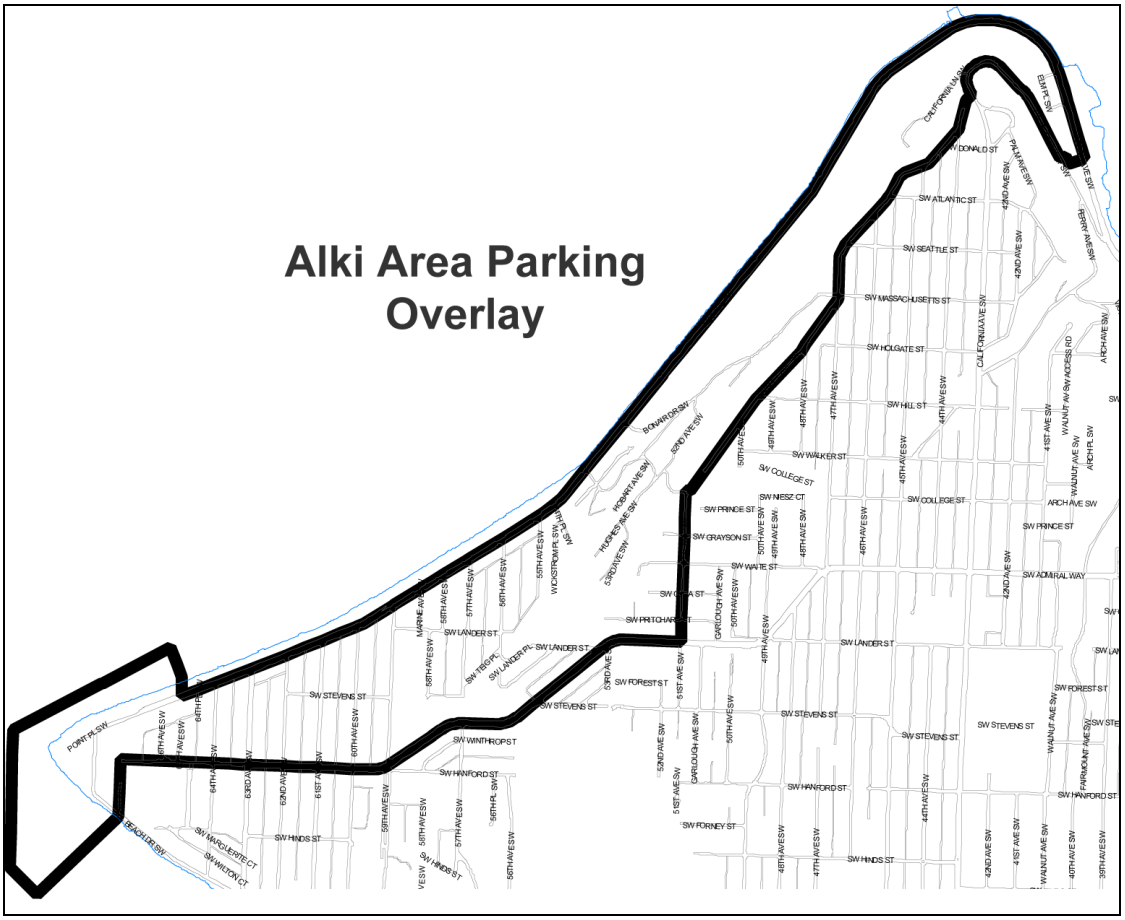
Map A for 23.54.015:

University District Parking Impact Area



Map B for 23.54.015:

Alki Area Parking Overlay




* * *

Section 51. Subsection F of Section 23.54.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123029, is amended as follows:

**23.54.020 - Parking quantity exceptions**

* * *

F. Reductions to Minimum Parking Requirements

1. Reductions to minimum parking requirements permitted by this subsection will be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to required parking as provided in this subsection may not exceed 40 percent

2. Transit Reduction((~~.~~))

a. In multifamily and commercial zones, the minimum parking requirement for all uses may be reduced by 20 percent when the use is located within ((~~800~~)) 1,320 feet of a street with ((~~midday~~))frequent transit service ((~~headways of 15 minutes or less in each direction~~)). This distance will be the walking distance measured from the nearest ((~~bus~~)) transit stop to the lot line of the lot containing the use.

b. In industrial zones, the minimum parking requirement for a nonresidential use may be reduced by 15 percent when the use is located within ~~8~~((~~00~~)) 1,320 feet of a street with peak transit service headways of 15 minutes or less ((~~in each direction~~)). This distance will be the walking distance measured from the nearest ((~~bus~~)) transit stop to the lot line of the lot containing the use.

3. In locations where there is a minimum parking requirement, the Director may authorize a reduction or waiver of the parking requirement as a Type I decision when dwelling units are proposed to be added to an existing structure in a multifamily or commercial zone, in addition to the exception permitted in subsection 23.54.020.A.2, if the conditions in subsections 23.54.020.A.3.a and b below are met, and either of the conditions in subsections 23.54.020.A.3.c or d below are met:

a. The only use of the structure will be residential; and

b. The lot is not located in either the University District Parking Overlay Area (Map A for 23.54.015) or the Alki Area Parking Overlay (Map B for 23.54.015); and

c. The topography of the lot or location of existing structures makes provision of an off-street parking space physically infeasible in a conforming location; or

d. The lot is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all lot lines.

* * *

Section 52. The Title of Chapter 23.54 of the Seattle Municipal Code, which Chapter was last amended by Ordinance 123209, is amended as follows:

**Chapter 23.54 Quantity and Design Standards for Access, ((~~and~~))Off-Street Parking, and Solid Waste Storage**

Section 53. A new Section 23.54.040 of the Seattle Municipal Code is added as follows:

**23.54.040 Solid waste and recyclable materials storage and access**

A. Except as provided in subsection I of this Section 23.54.040, storage space for solid waste and recyclable materials containers shall be provided as shown in Table A for 23.54.040 for all new structures, and for existing structures to which to or more dwelling units are added, in downtown, multifamily, and commercial zones.

1. Townhouse and other residential development proposed to be located on separate platted lots shall meet the provisions for individual service and provide one storage area per dwelling unit that has minimum dimensions of 2 feet by 6 feet.

2. Residential development for which a home ownership association or other single entity exists or will exist as a sole source for utility billing may meet the requirement in subsection 23.54.040.A.1, or the requirement in Table A for 23.54.040.

3. Nonresidential development shall meet the requirement in Table A for 23.54.040.

**Table A for 23.54.040, Shared storage space for solid waste containers**

| **Residential Development** | **Minimum Area for Shared Storage Space** |
|---|---|
| 2-8 dwelling units | 84 square feet |
| 9-15 dwelling units | 150 square feet |
| 16-25 dwelling units | 225 square feet |
| 26-50 dwelling units | 375 square feet |
| 51-100 dwelling units | 375 square feet plus 4 square feet for each additional unit above 50 |
| More than 100 dwelling units | 575 square feet plus 4 square feet for each additional unit above 100, except as permitted in subsection 23.54.040.C |
| | |
| **Nonresidential Development (Based on gross floor area of all structures on the lot)** | **Minimum Area for Shared Storage Space** |
| 0--5,000 square feet | 82 square feet |
| 5,001--15,000 square feet | 125 square feet |
| 15,001--50,000 square feet | 175 square feet |
| 50,001--100,000 square feet | 225 square feet |
| 100,001--200,000 square feet | 275 square feet |
| 200,001 plus square feet | 500 square feet |
| | |
| Mixed use development that contains both residential and nonresidential uses, shall meet the requirements of subsection 23.54.040.B. | |

B. Mixed use development that contains both residential and nonresidential uses shall meet the storage space requirements shown in Table A for 23.54.040 for residential development, plus 50 percent of the requirement for nonresidential development. In mixed use

developments, storage space for garbage may be shared between residential and nonresidential uses, but separate spaces for recycling shall be provided.

C. For development with more than 100 dwelling units, the required minimum area for storage space may be reduced by 15 percent, if the area provided as storage space has a minimum horizontal dimension of 20 feet.

D. The storage space required by Table A for 23.54.040 shall meet the following requirements:

1. For developments with 8 or fewer dwelling units, the minimum horizontal dimension (width and depth) for required storage space is 7 feet. For developments with 9 dwelling units or more, the minimum horizontal dimension of required storage space is 12 feet;

2. The floor of the storage space shall be level and hard-surfaced, and the floor beneath garbage or recycling compactors shall be made of concrete; and

3. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

E. The location of all storage spaces shall meet the following requirements:

1. The storage space shall be located on the lot of the structure it serves and, if located outdoors, shall not be located between a street-facing facade of the structure and the street;

2. The storage space shall not be located in any required driveways, parking aisles, or parking spaces;

3. The storage space shall not block or impede any fire exits, any public rights-of-way, or any pedestrian or vehicular access;

4. The storage space shall be located to minimize noise and odor impacts on building occupants and beyond the lot lines of the lot;

5. The storage space shall meet the contractor safety standards promulgated by the Director of Seattle Public Utilities; and

6. The storage space shall not be used for purposes other than solid waste and recyclable materials storage and access.

F. Access for service providers to the storage space from the collection location shall meet the following requirements:

1. For containers 2 cubic yards or smaller:

a. Containers to be manually pulled shall be placed no more than 50 feet from a curb cut or collection location;

b. Collection location shall not be within a bus stop or within the right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

c. Access ramps to the storage space shall not exceed a grade of 6 percent; and

d. Any gates or access routes for trucks shall be a minimum of 10 feet wide.

2. For containers larger than 2 cubic yards and all compacted refuse containers:

a. Direct access shall be provided from the alley or street to the containers;

b. Any gates or access routes for trucks shall be a minimum of 10 feet wide;

c. Collection location shall not be within a bus stop or within the street right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

d. When accessed directly by a collection vehicle, whether into a structure or otherwise, a 21 foot overhead clearance shall be provided.

G. Access for occupants to the storage space from the collection location shall meet the following requirements:

1. Direct access shall be provided from the alley or street to the containers;

2. A pick-up location within 50 feet of a curb cut or collection location shall be designated that minimizes any blockage of pedestrian movement along a sidewalk or other right-of-way;

3. When a planting strip is designated as a pick-up location, any required landscaping shall be designed to accommodate the solid waste and recyclable containers within this area.

H. The solid waste and recyclable materials storage space, access and pick-up specifications required in this Section 23.54.040, including the number and sizes of containers, shall be included on the plans submitted with the permit application for any development subject to the requirements of this Section 23.54.040.

I. The Director, in consultation with the Director of Seattle Public Utilities, has the discretion to grant departures from the requirements of this section, as a Type I Master Use Permit decision, when the applicant proposes alternative, workable measures that meet the intent of this Section 23.54.040 and when either:

1. The applicant can demonstrate difficulty in meeting any of the requirements of this section; or

2. The applicant proposes to construct or expand a structure, and the requirements of this section conflict with opportunities to increase residential densities and/or retain ground-level retail uses.

Section 54. Subsection B of Section 23.71.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

**23.71.012 Special Landscaped Arterials((~~.~~))**

* * *

B. When an owner proposes substantial development on lots abutting special landscaped arterials, the owner shall provide the following:

1. Street trees meeting standards established by the Director of Seattle Department of Transportation;

2. A ((~~six (~~))6((~~)~~)) foot planting strip and ((~~six (~~))6((~~)~~)) foot sidewalk if the lot is zoned SF, ((~~LDT,~~)) L<u>R</u>1, or L<u>R</u>2;

3. A ((~~six (~~))6((~~)~~)) foot planting strip and a ((~~six (~~))6((~~)~~)) foot sidewalk, or, at the owner's option, a ((~~twelve (~~))12((~~)~~)) foot sidewalk without a planting strip, if the lot is zoned NC2, NC3, RC, ((~~L4~~)) <u>LR3,</u> or MR;

4. Pedestrian improvements, as determined by the Director, such as, but not limited to special pavers, lighting, benches and planting boxes.

Section 55. Subsection B of Section 23.71.030, which section was enacted by Ordinance 116795, is amended as follows:

**23.71. 030 Development standards for transition areas within the Northgate Overlay District**((~~.~~))

* * *

B. The requirements of this section apply to development on lots in the more intensive zones under the following conditions:

1. Where a lot zoned ((~~Lowrise 4 (L4),~~)) Midrise (MR), Midrise/85 (MR/85) or Highrise (HR) abuts or is across a street or alley from a lot zoned Single Family (SF), ((~~Lowrise Duplex-Triplex (LDT),~~)) Lowrise 1 (L<u>R</u>1), or Lowrise 2 (L<u>R</u>2); and

2. Where a lot zoned Neighborhood Commercial 2 or 3 (NC2, NC3) with a height limit of ((~~forty (~~))40((~~)~~)) feet or greater abuts or is across a street or alley from a lot zoned Single Family (SF), ((~~Lowrise Duplex-Triplex (LDT),~~)) Lowrise 1 (L<u>R</u>1), or Lowrise 2 (L<u>R</u>2).

* * *

Section 56. Section 23.71.036 of the Seattle Municipal Code, which section was enacted by Ordinance 116795, is amended as follows:

**Section 23.71.036 Maximum width and depth of structures**((~~.~~))

The maximum width and depth requirements of this section shall apply only to portions of a structure within ((~~fifty (~~))50((~~)~~)) feet of a lot line abutting, or directly across a street right-of-way which is less than ((~~eighty (~~))80((~~)~~)) feet in width, from a less intensive residential zone as provided in Table <u>A for</u> 23.71.036((~~ A~~)).

**Table A for 23.71.036((~~A~~)): Structure Width and Depth Standards for Transition Areas**

| Subject ((~~Site~~))Lot | Abutting Residential zone (or) zone across a street right-of-way less than ((~~eighty (~~))80((~~)~~)) feet in width | Maximum Width | Maximum Depth |
|---|---|---|---|
| ((~~L4~~))LR3, MR, MR/85 and HR | Single Family, ((~~LDT,~~)) LR1 or LR2 | Apartments: 75 feet | 65% depth of lot with no individual structure to exceed 90 feet |
| | | Townhouses; 130 feet | |
| NC2 and NC3 ((~~w/~~)) with 40 feet or greater height limits ((~~in width.~~)) | Single Family, ((~~LDT,~~)) LR1 or LR2 | Above a height of 30 feet, wall length shall not exceed 80% of abutting lot line, to a maximum of 60 feet. | |

Section 57. Section 23.84A.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123020, is amended to add a definition, to be inserted in alphabetical order, and to amend a definition, as follows:

**23.84A.002 "A"**

* * *

"Accessory multifamily dwelling unit." See "Residential use."

* * *

"Apartment" ((~~means a multi-family structure in which one (1) or more of the dwelling units is not ground-related~~)) See "Residential use".

* * *

Section 58. Section 23.84A.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended to add a definition, to be inserted in alphabetical order, to delete a definition, and to amend a definition, as follows:

**23.84A.006 Definitions "C"**

* * *

"Carriage house structure" means a structure within a cottage housing development that includes parking in an enclosed garage at ground level that abuts an alley and is accessed from an alley, with the living area of one or more dwelling units on the story above.

* * *

((~~"Cluster development" means a development containing two (2) or more principal structures on one (1) lot, except that a cottage housing development is not considered a cluster development. In Highrise zones, two (2) or more towers on one (1) base structure will be considered a cluster development.~~))

* * *

"Cottage housing development". See "Residential use". ((~~means a development consisting of at least four (4) cottages that are single-family dwelling units arranged on at least two (2) sides of a common open space with a maximum of twelve (12) cottages per development.~~))

* * *

Section 59. Section 23.84A.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122411, is amended to delete a definition as follows:

**Section 23.84A.010 "E"**

* * *

((~~"Elevated walkway" means a pedestrian walkway connecting structures within a cluster development and located above existing grade.~~))

* * *

Section 60. Section 23.84A.012 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended to add a definition, to be inserted in alphabetical order, to delete a definition, and to amend two definitions, as follows:

**23.84A.012 "F"**

* * *

"Facade, interior" means any facade of a structure ((~~within a cluster development,~~)) that faces, or portions of which face, the facade(s) of another structure(s) within the same development.

((~~"Facade, perimeter" means any facade of a structure within a cluster development, that is either a front, rear or side facade.~~))

* * *

"Facade, street-facing" means for any street lot line, all portions of the facade, <u>measured from grade to the eaves of a sloping roof, or to the top of the parapet on a flat roof,</u> including modulations, that are:

1. oriented at less than a ninety (90) degree angle to the street lot line; and

2. not separated from the street lot line by any structure or another lot.

* * *

<u>"Frequent transit service." See "Transit service, frequent."</u>

* * *

Section 61. Section 23.84A.014 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended to delete two definitions as follows:

**23.84A.014 "G"**

* * *

((~~"Ground-related dwelling unit" means a dwelling unit with direct access to private ground-level usable open space. The open space may be located at the front, sides or rear of the structure, and not more than ten (10) feet above or below the unit. Access to the open space shall not go through or over common circulation areas, common or public open spaces, or the open space of another unit.~~

~~"Ground-related structure" means a structure containing only ground-related dwelling units.~~ ))

* * *

Section 62. Subsection "Residential use" of Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended, and a new definition is added to that section, to be inserted in alphabetical order, as follows:

**23.84A.032 Definitions – "R."**

* * *

"Residential district identification sign" means an off-premises sign that gives the name of the group of residential structures, such as a subdivision ((~~or cluster development~~)).

* * *

"Residential use" means any one or more of the following:

1. "Accessory dwelling unit" means ((~~a residential use in~~)) an additional room or set of rooms located within an owner-occupied single family ((~~residence~~)) <u>dwelling unit</u> or within an accessory structure on the same lot as an owner-occupied single-family ((~~residence~~))

dwelling units, meeting the standards of Section 23.44.041 and designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

2. "Accessory multifamily dwelling unit" means a residential use in a room or set of rooms located within an owner-occupied rowhouse or townhouse unit, or within an accessory structure on the same lot as an owner-occupied rowhouse or townhouse unit that is designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

((~~2~~))3. "Adult family home" means a residential use as defined and licensed as such by The State of Washington in a dwelling unit.

4. "Apartment" means a multifamily residential use that is not a townhouse use.

((~~3~~))5. "Artist's studio/dwelling" means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

((~~4~~))6. "Assisted living facility" means a use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. An "assisted living facility" contains multiple assisted living units. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

((~~5~~))7. "Caretaker's quarters" means a use accessory to a nonresidential use consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a caretaker or watchperson.

((~~6~~))8. "Carriage House" means a ((~~residential use~~)) dwelling unit in a carriage house structure.

((~~7~~))9. "Congregate residence" means a use in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family ((~~residences~~)) dwelling units for which special or reasonable accommodation has been granted.

10. "Cottage housing development" means a development consisting of small single-family dwelling units, or cottages, arranged on at least two sides of a common open space or a common residential amenity area. When dwelling units provided in a carriage house structure are included in the cottage housing development, such units are considered as cottages.

((~~8~~))11. "Detached accessory dwelling unit" means ((~~a residential use~~)) in an additional room or set of rooms located within an accessory structure on the same lot as an owner-occupied single-family ((~~residence~~)) dwelling unit, meeting the standards of Section 23.44.041 and designed, arranged, occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

((~~9~~))12. "Domestic violence shelter" means a dwelling unit managed by a nonprofit organization, which unit provides housing at a confidential location and support services for victims of family violence.

((~~10~~))13. “Floating home” means a dwelling unit constructed on a float that is moored, anchored or otherwise secured in the water.

((~~11~~))14. “Mobile home park” means a use in which a tract of land is rented for the use of more than one mobile home occupied as a dwelling unit.

((~~12~~))15. “Multifamily residential use” means a use consisting of two or more dwelling units in a structure or ((~~that~~)) portion of a structure ((~~containing two or more dwelling units,~~)) excluding single family ((~~residences~~)) dwelling units, accessory multifamily dwelling units, and accessory dwelling units.

((~~13~~))16. "Multifamily residential use, low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who constitute a low-income household.

((~~14~~))17. "Multifamily residential use, low-income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons sixty-two or more years of age who constitute a low-income household.

((~~15~~))18. "Multifamily residential use, low-income elderly/low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units (not including vacant units) are occupied by a low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person sixty-two years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

((~~16~~))19. "Multifamily residential use, very low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendment Act and who constitute a very low-income household."

((~~17~~))20. "Multifamily residential use, very low-income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons sixty-two or more years of age who constitute a very low-income household.

((~~18~~))21. "Multifamily residential use, very low-income elderly/very low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units (not including vacant units) are occupied by a very low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendments Act or a person sixty-two years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

((~~19~~))22. “Nursing home” means a residence, licensed by the state, that provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or sanitariums.

23. “Rowhouse” means a townhouse use in which the front of each unit faces the street, each unit provides access directly to the street, and there is no intervening principal structure between a unit and the street.

((~~20~~))24. "Single-family ((~~residence~~))dwelling unit" means ((~~a residential use in~~))a detached structure having a permanent foundation, containing one dwelling unit, except that the ((~~The~~))structure may also contain an accessory dwelling unit where expressly authorized pursuant to this title. A detached accessory dwelling unit is not considered a single-family ((~~residence~~)) dwelling unit for purposes of this chapter.

25. "Townhouse" means a multifamily residential use consisting of individual dwelling units that are attached along at least one common wall to at least one other dwelling unit. Each dwelling unit occupies space from the ground to the roof. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a shared parking garage.

* * *

"Rowhouse." See "Residential use."

* * *

Section 63. Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended to add two definitions, to be inserted in alphabetical order, repeal a definition, and amend a definition, as follows:

**23.84A.038 "T"**

"Tandem houses" means two (((~~2~~))) unattached ((~~ground-related~~)) single family dwelling units occupying the same lot.

* * *

((~~"Terraced housing" means a multi-family structure located on a sloping site in which a series of flat rooftops at different heights function as open space for abutting units.~~))

* * *

"Townhouse." See "Residential use."

* * *

"Transit service, frequent" means transit service headways of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours every day.

* * *

Section 64. Section 23.84A.048, which section was last amended by Ordinance 122311, is amended as follows:

**Section 23.84A.048 "Z"**

* * *

"Zone, lowrise" means zone with a classification that includes any of the following: ((~~Lowrise Duplex/Triplex,~~)) Lowrise 1, Lowrise 2, or Lowrise 3 ((~~and Lowrise 4 multifamily residential zones~~)), which classification also may include one or more suffixes.

"Zone, multifamily" means a zone with a classification that includes any of the following: ((~~Lowrise Duplex/Triplex (LDT),~~)) Lowrise 1 (LR1), Lowrise 2 (LR2), Lowrise 3 (LR3), ((~~Lowrise 4 (L4),~~)) Midrise (MR), Midrise/85 (MR/85), or Highrise (HR), which classification also may include one or more suffixes.

* * *

Section 65. Subsections A and D of Section 23.86.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123206, are amended as follows:

**23.86.006 Structure height**

A. ((~~Height measurement technique in~~))In all zones except downtown zones and zones within the South Lake Union ((~~Hub Urban Village~~)) Urban Center, and except for the Living

Building Pilot Program authorized by Section 23.40.060((~~.~~)), the height of structures shall be determined by measuring from the average grade of the lot immediately prior to the proposed development to the highest point of the structure not otherwise excepted from the height limits. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure.

((~~1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing or finished grade, whichever is lower, up to a plane essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.~~

~~2. When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plane as a lower portion, it must be set back from the lower portion a distance equal to two (2) times the difference between existing and finished grade on the lower portion of the wall (Exhibit 23.86.006 A1).~~

~~3. Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent (50%) of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grade on either side of the depression.~~

~~4. No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plane of the maximum height limit.~~

~~5. Underground portions of structures are not included in height calculations. The height of structures shall be calculated from the point at which the sides meet the surface of the ground.~~))

* * *

((~~D. Additional Height on Sloped Lots.~~

~~1. In certain zones, additional height shall be permitted on sloped lots at the rate of one foot (1') for each six percent (6%) of slope. For the purpose of this provision, the slope shall be measured from the exterior wall with the greatest average elevation at existing grade, to the exterior wall with the lowest average elevation at existing grade. The slope shall be the difference between the existing grade average elevations of the two (2) walls, expressed as a percentage of the horizontal distance between the two (2) walls.~~

~~2. This additional height shall be permitted on any wall of the structure, provided that on the uphill side(s) of the structure, the height of the wall(s) shall be no greater than the height limit of the zone (Exhibit 23.86.006 A2).~~

~~3. Structures on sloped lots shall also be eligible for the pitched roof provisions applicable in the zone.~~))

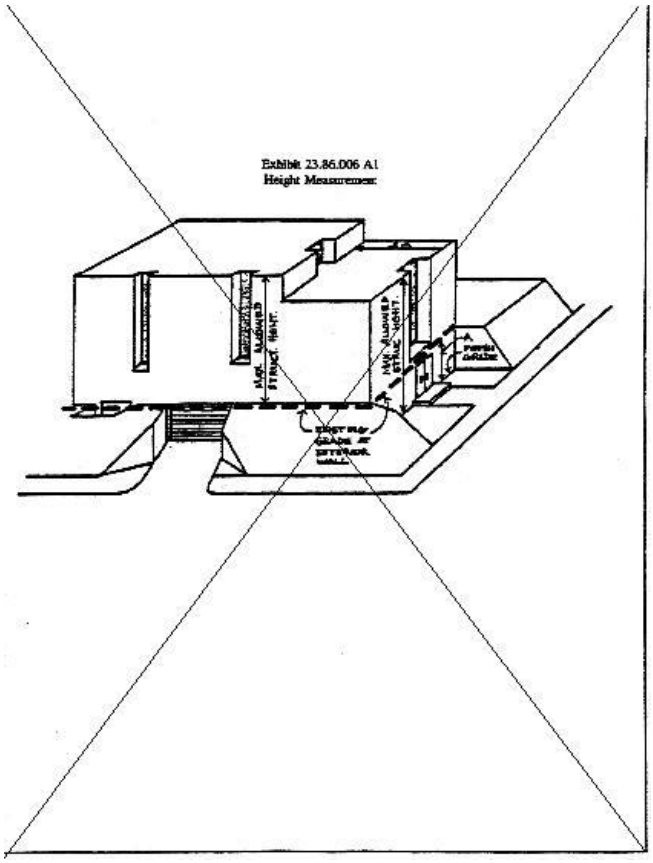
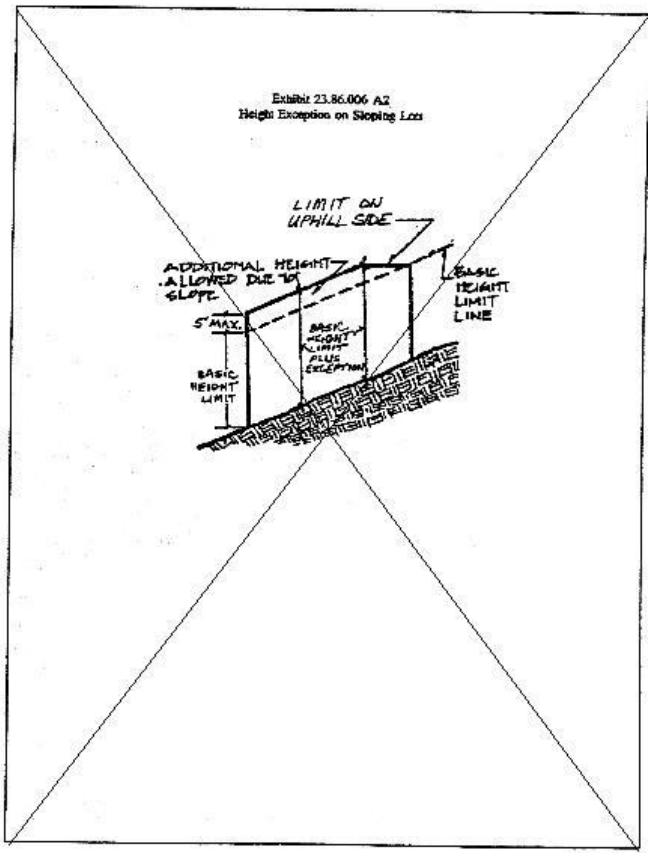


Exhibit 23.86.006 A1
Height Measurement




* * *

Section 66. Subsections B and C of Section 23.86.014 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, are amended as follows:

**Section 23.86.014 Structure Width**((.))

* * *

B. Portions of a structure which shall be considered part of the principal structure for the purpose of measuring structure width are as follows:

1. Carports and garages attached to the principal structure unless attached by a structural feature not counted in structure width under subsection 23.86.014.C;

2. Exterior corridors, hallways, and ((~~or~~)) open, above-grade walkways((~~, except portions which are elevated walkways connecting structures in a cluster development~~));

3. Enclosed porches, decks, balconies and other enclosed projections;

((~~4. Chimneys used to meet modulation requirements;~~))

((~~5~~))4. Modulated and projecting segments of a facade unless excluded in subsection 23.86.014.C.

C. Portions of a structure which shall not be considered part of the principal structure for the purpose of measuring structure width are as follows:

1. Eaves, cornices and gutters ((~~provided that when~~)) except to the extent that they((~~such features~~)) project more than ((~~eighteen (~~))18((~~)~~)) inches from an exterior wall ((~~only eighteen ((18) inches shall be excluded in the measurement of structure width~~));

((~~2. The portion of elevated walkways connecting buildings in cluster developments;~~))

((~~3~~))2. Chimneys not used to meet modulation requirements provided that only ((~~eighteen (~~))18((~~)~~)) inches shall be excluded in the measurement of structure width;

((~~4~~))3. Attached solar greenhouses meeting minimum standards administered by the Director;

((~~5~~))4. Unenclosed decks, balconies and porches, ((~~ten (~~))10((~~)~~)) feet or less above existing grade, unless located on the roof of an attached garage or carport included in structure width in subsection 23.86.014.B.1 of this section;

((~~6~~))5. Unenclosed decks, balconies and porches, more than ((~~ten (~~))10((~~)~~)) feet above existing grade, provided that when such features project more than ((~~four (~~))4((~~)~~)) feet

from an exterior wall, only ((~~four (~~))4((~~)~~)) feet shall be excluded in the measurement of structure width. Such features shall be excluded whether or not used to meet modulation requirements; and

((~~7~~))6. Arbors, trellises and similar features.

7. In Lowrise zones, portions of a structure that are no more than 4 feet above existing or finished grade, whichever is lower, that are covered in order to provide landscaped area or residential amenity area for common or private use, are excluded in the measurement of structure width.

Section 67. Section 23.86.016 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, is amended as follows:

**Section 23.86.016 Structure Depth**

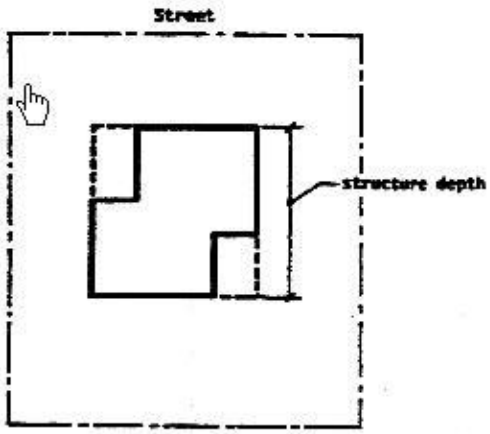
A. Measuring Structure Depth. In certain zones structure depth is limited by development standards. The following provisions shall apply for determining structure depth:

1. Structure depth shall be measured by the following method:

a. Draw a rectangle that encloses the principal structure.

b. Structure depth shall be the length of the sides of that rectangle most closely parallel to the side lot lines (Exhibit A for 23.86.016 ((~~A~~))).

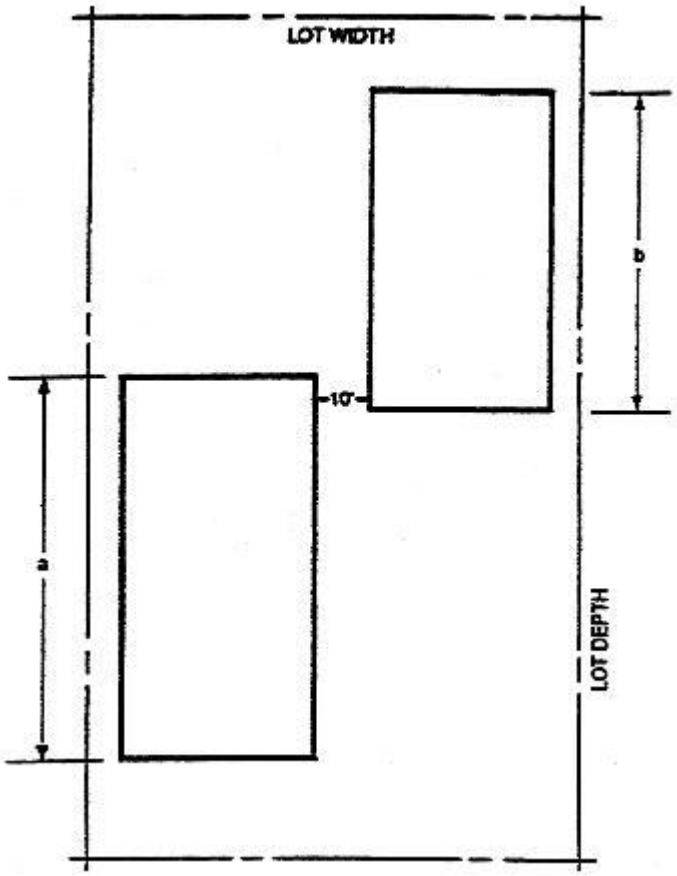
**Exhibit A for 23.86.016 ((~~A~~)) Structure Depth**




c. In Lowrise zones when more than one ((~~(1)~~)) structure is located on a lot and no portion of a structure is behind any portion of another structure and the structures are separated by a minimum of ((~~ten (~~))10((~~)~~)) feet, the ((~~maximum~~))depth of each structure shall be measured individually. (See Exhibit B for 23.86.016((~~B~~)).) When any portion of a structure is behind any portion of another structure then ((~~maximum~~))structure depth shall be the combined depth of the structures on the lot.

**Exhibit B for 23.86.016 ((~~B~~)) Depth measurement when structures are offset**

Structure Depth Applies to a and b Independently




2. Portions of a structure which shall be considered part of the principal structure for the purpose of measuring structure depth are as follows:

a. Carports and garages attached to the principal structure unless attached by a structural feature not counted in structure depth under subsection 23.86.014.A.3;

b. Exterior corridors, hallways, and ((~~or~~)) open, above grade walkways ((~~, except portions which are elevated walkways connecting structures in a cluster development~~));

c. Enclosed porches, decks, balconies and other enclosed projections;

((~~d. Chimneys used to meet modulation requirements~~));

((~~e~~))d. Modulated and projecting segments of a facade unless excluded in subsection 23.86.014.A.3;

((~~f~~))e. Accessory structures which are less than ((~~three (~~))3((~~)~~)) feet from the principal structure at any point.

3. Portions of a structure which shall not be considered part of the principal structure for the purpose of measuring structure depth are as follows:

a. Eaves, cornices, and gutters, provided that when such features project more than ((~~eighteen (~~))18((~~)~~)) inches from an exterior wall only ((~~eighteen (~~))18((~~)~~)) inches shall be excluded in the measurement of the structure depth;

((~~b. The portion of elevated walkways connecting buildings in a cluster development;~~))

((~~c~~))b. Chimneys, ((~~not used to meet modulation requirements~~)) provided that only eight((~~een (~~))18((~~)~~)) inches shall be excluded in the measurement of structure depth;

((~~d~~))c. Attached solar greenhouses meeting minimum standards administered by the Director;

((~~e~~))d. Unenclosed decks, balconies and porches, ((~~ten (~~))10((~~)~~)) feet or less in height, unless located on the roof of an attached garage or carport included in structure depth in subsection 23.86.014.A.2.a;

((~~f~~))e. Unenclosed decks, balconies and porches, more than ((~~ten (~~))10((~~)~~)) feet above existing grade, provided that when such features project more than ((~~four (~~))4((~~)~~)) feet

from an exterior wall only ((~~four (~~))4((~~)~~)) feet shall be excluded in the measurement of structure depth. Such features shall be excluded whether or not used to meet modulation requirements.

f. In Lowrise zones, portions of a structure that are no more than 4 feet above existing or finished grade, whichever is lower, and that are covered in order to provide landscaped area or residential amenity area for common or private use, shall be excluded in the measurement of structure depth.

B. Determining Maximum Permitted Structure Depth. In certain zones, structure depth is limited to a percentage of lot depth. For those cases the following provisions shall apply:

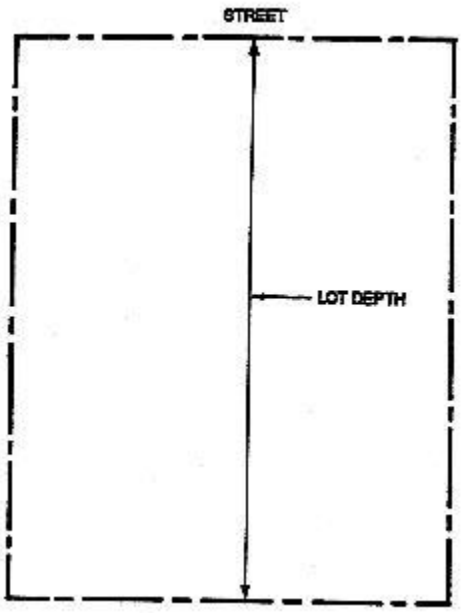
1. When the lot is essentially rectangular and has a rear lot line which is within fifteen (15) degrees of parallel to the front lot line, the lot depth shall be the horizontal distance between the midpoints of the front and rear lot lines (Exhibit C for 23.86.016((~~C~~))).

2. When the lot is triangular or wedge-shaped, lot depth shall be the horizontal distances between the midpoint of the front lot line and the rear point of the lot. If such a lot does not actually come to a point, lot depth shall be measured from midpoint of front lot line to midpoint of rear lot line (Exhibit C for 23.86.016((~~C~~))).

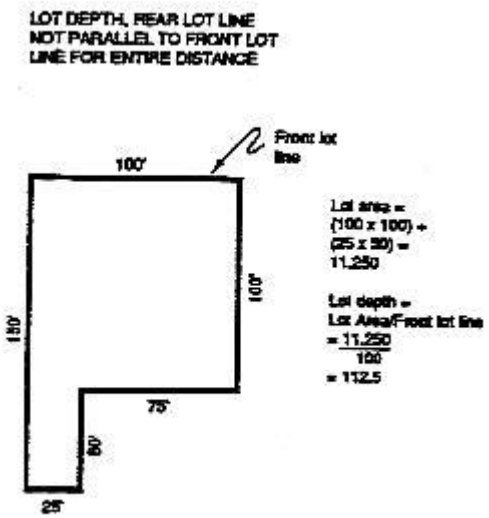
3. In the case of a through lot, lot depth shall be measured between midpoints of front lot lines.

4. When lot shape is so irregular that provisions 1, 2 or 3 cannot be used, lot depth shall be that distance equal to the result of lot area divided by length of front lot line, provided that in no case shall lot depth be greater than the distance from front lot line to the furthest point on the perimeter of the lot (Exhibit D for 23.86.016((~~D~~))).

## Exhibit C for 23.86.016 ((~~C~~)) Measuring Lot Depth




## Exhibit D for 23.86.016 ((~~D~~)) Rear Lot Line Exception



((~~C. Measuring Structural Depth Exceptions. In certain zones, exceptions permit increased structure depth. For those cases total permitted lot coverage shall equal maximum width times maximum depth less the area required for modulation, according to the following provisions:~~

~~1. Maximum width shall be considered to be the width of the lot less the total required side setbacks, but shall in no case exceed the maximum width permitted for the housing type and zone. In Lowrise 3 zones, apartments no more than ((thirty ()30(())) feet in height may have a maximum depth of ((one hundred ())100(())) feet.~~

~~2. Maximum depth shall be considered to be the percentage of lot depth permitted for the proposed housing type.~~

~~3. The area of minimum required modulation shall be subtracted from the calculation to determine maximum lot coverage permitted.~~

~~4. Eaves, and unenclosed decks, balconies and porches, shall not be calculated as part of lot coverage, provided that when such features project more than four (4) feet from an exterior wall only four (4) feet shall be excluded from the lot coverage calculation.~~))

Section 68. Section 25.05.675 of the Seattle Municipal Code, which section was last amended by Ordinance XXXX, is amended as follows:

**25.05.675 Specific environmental policies.**

* * *

M. Parking.

1. Policy Background.

a. Increased parking demand associated with development projects may adversely affect the availability of parking in an area.

b. Parking regulations to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of providing additional parking may have an adverse effect on the affordability of housing.

2. Policies.

a. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

b. Subject to the overview and cumulative effects policies set forth in Sections 25.05.665 and 25.05.670, the decision maker may condition a project to mitigate the effects of development in an area on parking; provided that:

1) No SEPA authority is provided to mitigate the impact of development on parking availability in the ((~~downtown zones~~)) Downtown and South Lake Union Urban Centers;

2) ((~~In Seattle Mixed (SM) zones, and~~ ))No SEPA authority is provided for the decision maker to ((~~require more parking than the minimum required by the Land Use Code~~))mitigate the impact of development on parking availability for residential uses located within:

i. the Capitol Hill/First Hill Urban Center, the Uptown Urban Center, and the University District ((~~Northwest~~))Urban Center, except the portion of the Ravenna urban village that is not within one-quarter mile of frequent transit service ((~~Village~~));

ii. ((~~and~~)) the Station Area Overlay District~~,~~; and

iii. portions of urban villages within one-quarter mile of frequent transit service ((~~no SEPA authority is provided for the decision maker to require more parking than the minimum required by the Land Use Code~~));

3) Outside of the areas listed in subsection 25.05.675.M.2.b, ((~~Parking~~)) parking impact mitigation for multifamily development, except in the Alki area, as described in subsection 25.05.675.M.2.c ((~~below~~)), may be required only where on-street parking is at capacity, as defined by the Seattle Department of Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

c. For the Alki area, as identified on Map B for 23.45.015, a higher number of spaces per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse parking impacts of specific multifamily projects. Projects that generate a greater need for parking and that are located in places where the street cannot absorb that need -- for example, because of proximity to the Alki Beach Park -- may be required to provide additional parking spaces to meet the building's actual need. In determining that need, the size of the development project, the size of the units and the number of bedrooms in the units shall be considered.

d. When parking ((~~Parking~~)) impact mitigation is authorized by this subsection 25.05.675.M, it ((~~for projects outside of downtown zones~~)) may include but is not limited to:

1) Transportation management programs;

2) Parking management and allocation plans;

3) Incentives for the use of alternatives to single-occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;

4) Increased parking ratios((~~, except for projects located within Seattle Mixed (SM) zones, and residential uses located in, the Capitol Hill/First Hill Urban Center, the University District Northwest Urban Center Village, and the Station Area Overlay District~~));; and

5) Reduced development densities to the extent that it can be shown that reduced parking spillover is likely to result; provided, that parking impact mitigation for multifamily development may not include reduction in development density.

* * *

Section 69. Subsection A of Section 25.05.800 of the Seattle Municipal Code, which section was last amended by Ordinance 122670, is amended as follows:

**Section 25.05.800 Categorical exemptions**

The proposed actions contained in this subchapter are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor New Construction—Flexible Thresholds((~~.~~))

1. The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this section, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection A2 of this ((~~s~~))Section 25.05.800 shall control. If the proposal is located in more than one ((~~(1)~~)) city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas (Section 25.05.908):

a. The construction or location of residential structures containing no more than the number of dwelling units identified in ((~~part (i)~~)) subsection 25.05.800.A.2.a.(i), except as modified by the provisions of ((~~part (ii)~~)) subsection 25.05.800.A.2.a.(ii).

(i) Table A for 25.05.800

| Zone | Residential Uses | |
|---|---|---|
| | No. of D.U. Exempt | |
| | Outside of Urban Centers | Within Urban Centers or SAOD |
| SF, RSL | 4 | 4 |
| ((~~LDT~~)) LR1 | 4 | 6 |
| ((~~L1~~)) | ((~~4~~)) | ((~~30~~)) |
| LR2 | 6 | 30 |
| LR3((~~, L4~~)) | 8 | 30 |
| NC1, NC2, NC3, C1, C2 | 4 | 30 |
| MR, HR, SM | 20 | 30 |
| Downtown zones | NA | 80 |
| Industrial zones | 4 | 4 |

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

(ii) For lots located in an Urban Center or a SAOD, if the proposed construction or location is on a lot in an ((~~LDT,~~)) LRI or LR2 zone, and if the lot abuts any portion of another lot that is zoned SF or RSL, or is across an alley of any width from a lot that is zoned SF or RSL, or is across a street from a lot zoned SF or RSL where that street does not meet minimum width requirements in SMC 23.53.015.A, then the level of exempt construction is 4 dwelling units for lots in an ((~~LDT or~~)) LR1 zone, and 6 dwelling units for lots in an LR2 zone.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ((~~ten thousand (~~))10,000((~~)~~)) square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in the table below:

| Zone | Non-Residential Uses | |
|---|---|---|
| | Exempt Area of Use (square feet of gross floor area) | |
| | Outside of Urban Centers | Within Urban Centers or SAOD |
| SF, RSL, ((~~LDT,~~)) LR1, LR2, LR3((~~, L4~~)) | 4,000 | 4,000 |
| MR, HR, NC1, NC2, NC3 | 4,000 | 12,000 |
| C1, C2, SM, Industrial zones | 12,000 | 12,000 |
| Downtown zones | NA | 12,000 |

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

d. The construction of a parking lot designed for ((~~forty (~~))40((~~)~~)) or fewer automobiles, as well as the addition of spaces to existing lots up to a total of ((~~forty (~~))40((~~)~~)) spaces;

e. Any landfill or excavation of ((~~five hundred (~~))500((~~)~~)) cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations there under;

f. Mixed-use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, when considered separately, is exempt under the criteria of subsections 25.05.800.A.2.a through A.2.d above, unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see Section 25.05.305((-)).A.2.b);

g. In zones not specifically identified in this subsection 25.05.800.A, the standards for the most similar zone addressed by this subsection apply.

* * *

Section 70. Subsection B of Section 25.09.260 of the Seattle Municipal Code, which section was last amended by Ordinance 122050, is amended as follows:

**Section 25.09.260 Environmentally Critical Areas Administrative Conditional Use**((~~.~~))

* * *

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one ((~~(1)~~)) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

1. Environmental Impacts on Critical Areas((~~.~~))

a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.

b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.

c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180((-)).B.2.a, b or c.

(1) The preference is to cluster units away from steep slope areas and buffers.

(2) The Director shall require clear and convincing evidence that the provisions of this subsection 25.09.260.B are met when clustering units on steep slope areas and steep slope area buffers with these characteristics:

(a) a wetland over ((~~fifteen hundred (~~))1,500((~~)~~)) square feet in size or a watercourse designated part of a riparian corridor; or

(b) an undeveloped area over ((~~five (~~))5((~~)~~)) acres characterized by steep slopes; or

(c) areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.

d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.

e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.

f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.

g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.

2. General Environmental Impacts and Site Characteristics((~~.~~))

a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.

b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.

3. Neighborhood Compatibility.

a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.

b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 ((~~(L-1)~~))LR1 zone.

c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.

* * *

Section 71. Section 25.11.070 of the Seattle Municipal Code, which section was enacted by Ordinance 120410, is amended as follows:

**Section 25.11.070 Tree protection on sites undergoing development in Lowrise ((~~Duplex/Triplex, Lowrise 1, Lowrise 2, and Lowrise 3~~)) zones**((~~.~~))

The provisions in this Section 25.11.070 apply in Lowrise zones.

A. Exceptional Trees((~~.~~))

1. If ((~~it is determined~~)) the Director determines that there is an exceptional tree located on the ((~~site~~)) lot of a proposed development, the ((~~project~~)) development shall go through administrative design review as provided in Section 23.41.016 even if ((~~the project~~)) it

would normally fall below the threshold for design review ((~~as contained~~)) established in Section 23.41.004.

2. The Director may permit the exceptional tree to be removed only if the total floor area that could be achieved within the maximum permitted ((~~development coverage~~)) FAR and the height limit of the applicable lowrise zone according to SMC Title 23, the Land Use Code, cannot be achieved while avoiding the tree protection area through the following:

a. Development standard departures permitted in Section 23.41.012.

b. An increase in the permitted height as follows under subsection 25.11.070.A.3.:

((~~i. In ((Lowrise Duplex/Triplex,)) Lowrise 1((,)) and Lowrise 2 zones, the basic height limit of twenty-five (25) provided for in Section 23.45.009A may be increased up to thirty (30) feet; the pitch roof provisions of Section 23.45.009 C1 may be modified to permit the ridge of pitched roofs on principal structures with a minimum slope of ((six to twelve ())6:12(())) to extend up to ((forty ())40(())) feet, and the ridge of pitched roofs on principal structures with a minimum slope of ((four to twelve ())4:12(())) may extend up to ((thirty-five ())35(())) feet.~~

~~ii. In Lowrise 3 zones the height of the pitched roof provided for in Section 23.45.009C3 may extend up to ten (10) feet above the maximum height limit.~~))

3. In order to preserve an exceptional tree, for a principal structures with a base height limit of 40 feet that is subject to the pitched roof provisions of Section 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet((~~. iii. The increase in height permitted in this ((section))~~subsection 25.11.070.A

~~shall only be approved~~)) if ((~~it can be demonstrated that it~~)) the increase is needed to accommodate, on an additional ((~~floor~~))story, the amount of floor area lost by avoiding development within the tree protection area((~~. The maximum~~)) and the amount of floor area on ((~~an~~)) the additional ((~~floor~~)) story ((~~shall be~~)) is limited to the amount of floor area lost by avoiding development within the tree protection area. ((~~This provision for increased height shall not be permitted if the development is granted a departure from the development standards for setbacks.~~))

c. Parking Reduction. A reduction in the parking quantity of Section 23.54.015 and standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid the tree protection area. ((~~The reduction shall be limited to a maximum of ten (10) percent of the number of required parking spaces~~)).

B. Trees Over ((~~Two (~~))2((~~)~~)) Feet in Diameter ((~~Measured Four and One-half (4½) Feet Above the Ground.~~))

1. Trees over ((~~two (~~))2((~~)~~)) feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.

2. In order to protect trees over ((~~two (~~))2((~~)~~)) feet in diameter an applicant may request and the Director may allow modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.070.A ((~~of this section, above~~)).

((~~C. The development shall meet the tree requirements in landscaped areas of Section 23.45.015C~~)).

Section 72. Section 25.11.080, which section was enacted by Ordinance 120410, is amended as follows:

**25.11.080 Tree protection on sites undergoing development in ((~~Lowrise 4,~~)) Midrise((~~,~~)) and Commercial Zones((~~.~~))**

<u>The standards in this Section 25.11.070 apply in Midrise and Commercial zones</u>

* * *

Section 73. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances. To the extent that sections of this ordinance recodify or are incorporated into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title in effect prior to such repeal.

Section 74. Sections 1 through ***XX*** of this ordinance shall take effect 60 days after the effective date of this ordinance.

Section 75. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within 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 _____, 2010, and signed by me in open session in authentication of its passage this

_____ day of _____, 2010.

_____
President _____of the City Council

Approved by me this ____ day of _____, 2010.

_____
Michael McGinn, Mayor

Filed by me this ____ day of _____, 2010.

_____
City Clerk

(Seal)

Attachment A: Repealed Code Sections
Attachment B: Official Land Use Map amendments [Note—Final detailed maps will be attached to the bill that is introduced. For purposes of the public review draft, please see the map at the Department of Planning and Development's website at http://www.seattle.gov/DPD/Planning/Multifamily_Code_Update/Overview/ ]