

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; updating regulations for rooftop features; amending Sections 23.44.012, 23.44.046, 23.45.514, 23.45.545, 23.47A.012, 23.47A.013, 23.48.025, 23.48.231, 23.49.008, 23.49.046, 23.49.096, 23.49.148, 23.49.324, 23.50.020, 23.66.140, 23.66.332, and 23.75.110 of the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.012 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.44.012 Height limits

* * *

C. Height (~~(Limit Exemptions.)~~) limit exemptions

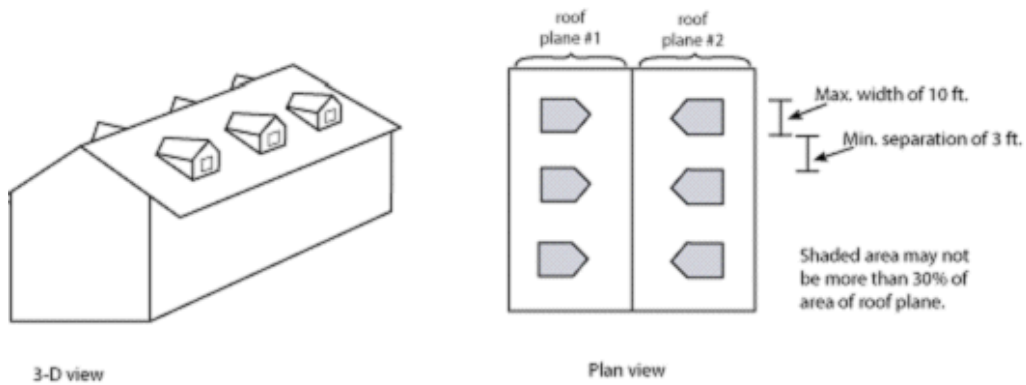
1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64, flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than 50 percent of their height above existing grade, or, if attached only to a roof, no closer than 50 percent of their height above the roof portion where attached.

2. Other (~~(Features)~~) features. Open rails and planters may extend no higher than the ridge of a pitched roof permitted under subsection 23.44.012.B or 4 feet above the maximum height limit in subsection 23.44.012.A. Planters on flat roofs shall not be located within 4 feet of more than 25 percent of the perimeter of the roof. For any structure with a green roof and having a minimum rooftop coverage of 50 percent, up to 24 inches of additional height above the height limit is allowed to accommodate structural requirements, roofing membranes, and soil. Chimneys may extend 4 feet above the ridge of a pitched roof or above a flat roof.

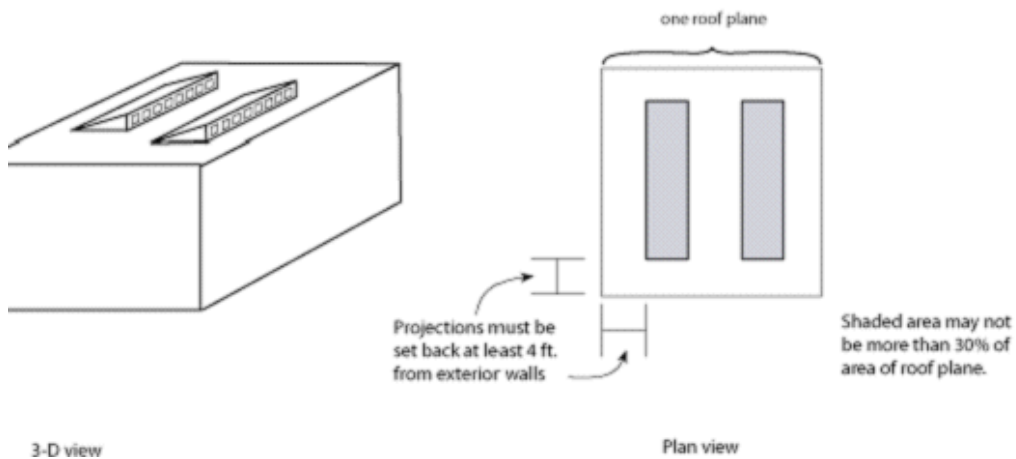
- 1 3. Projections that accommodate windows and result in additional interior space,
2 including dormers, clerestories, skylights, and greenhouses, may extend no higher than the ridge
3 of a pitched roof permitted pursuant to subsection 23.44.012.B, or 4 feet above the applicable
4 height limit pursuant to subsection 23.44.012.A, whichever is higher, if all of the following
5 conditions are satisfied (Exhibit D for 23.44.012):
- 6 a. The total area of these projections is limited to 30 percent of the area of
7 each roof plane measured from the plan view perspective;
- 8 b. On pitched roofs, projections are limited to 10 feet in width with a
9 minimum separation of 3 feet from other projections; and
- 10 c. On flat roofs, projections are set back at least 4 feet from exterior walls.

Exhibit D for 23.44.012
Roof Projections

Pitched Roof



Flat Roof



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4. Solar ~~((Collectors))~~ collectors. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.046.

5. For nonresidential principal uses, the following rooftop features may extend up to 10 feet above the maximum height limit, as long as the combined total coverage of all features listed in this subsection 23.44.012.C.5 does not exceed 15 percent of the roof area or 20 percent of the roof area if the total includes screened or enclosed mechanical equipment:

1 a. Stair and elevator penthouses; ~~((and))~~

2 b. Mechanical equipment~~((:))~~ ; or

3 c. Wind-driven power generators.

4 6. Wind-driven power generators. Devices for generating wind power may be
5 located on structures as a rooftop feature and may extend up to 10 feet above the maximum
6 height limit set in subsections 23.44.012.A and 23.44.012.B, provided that the combined total
7 coverage of all features does not exceed 15 percent of the roof area.

8 7. For height limits and exceptions for communication utilities and accessory
9 communication devices, see Section 23.57.010.

10 Section 2. Section 23.44.046 of the Seattle Municipal Code, last amended by Ordinance
11 113401, is amended as follows:

12 **23.44.046 Solar collectors~~((:))~~**

13 A. Solar collectors are permitted outright as an accessory use to any principal use
14 permitted outright or to a permitted conditional use subject to the following development
15 standards:

16 1. Solar collectors, including solar greenhouses ~~((which meet minimum standards
17 and maximum size limits as determined by the Director))~~ , shall not be counted in lot coverage.

18 2. Solar collectors except solar greenhouses attached to principal use structures
19 may exceed the height limits of single-family zones by ~~((four (4)))~~ 4 feet or extend ~~((four (4)))~~ 4
20 feet above the ridge of a pitched roof. However, the total height from existing grade to the top of
21 the solar collector may not extend more than ~~((nine (9)))~~ 9 feet above the height limit established
22 for the zone (see Exhibit 23.44.046 A). A solar collector ~~((which))~~ that exceeds the height limit
23 for single-family zones shall be placed so as not to shade an existing solar collector or property

1 to the north on January 21(~~st~~), at noon, any more than would a structure built to the maximum
2 permitted height and bulk.

3 3. Solar collectors and solar greenhouses (~~(meeting minimum written energy~~
4 ~~conservation standards administered by the Director))~~) may be located in required yards
5 according to the following conditions:

6 a. In a side yard, no closer than (~~(three (3))~~) 3 feet from the side property
7 line; or

8 b. In a rear yard, no closer than (~~(fifteen (15))~~) 15 feet from the rear
9 property line unless there is a dedicated alley, in which case the solar collector shall be no closer
10 than (~~(fifteen (15))~~) 15 feet from the centerline of the alley; or

11 c. In a front yard, solar greenhouses which are integrated with the
12 principal structure and have a maximum height of (~~(twelve (12))~~) 12 feet may extend up to (~~(six~~
13 ~~(6))~~) 6 feet into the front yard. In no case shall the greenhouse be located closer than (~~(five (5))~~)
14 5 feet from the front property line.

15 B. Nonconforming (~~(Solar Collectors)~~) solar collectors. The Director may permit the
16 installation of solar collectors which cause an existing structure to become nonconforming, or
17 which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76(~~(;~~
18 ~~Procedures for Master Use Permits and Council Land Use Decisions))~~). Such installation may be
19 permitted even if it exceeds the height limit established in (~~(Section 23.44.046 A2))~~) subsection
20 23.44.046.A.2, so long as total structure height including solar collectors does not exceed
21 (~~(thirty nine (39))~~) 39 feet above existing grade and the following conditions are met:

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

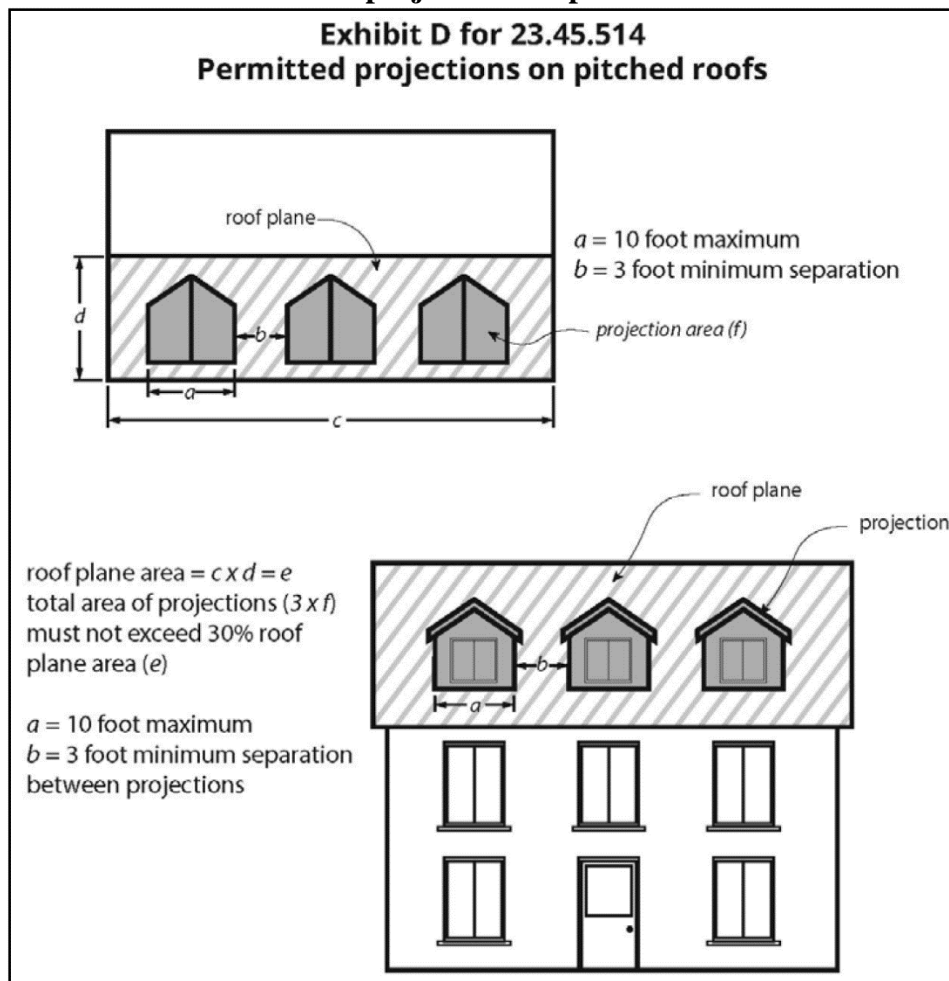
1 a. On pitched roofs, these projections may extend to the height of the ridge
2 of a pitched roof that is allowed pursuant to subsection 23.45.514.D, if the following conditions
3 are met:

4 1) The total area of the projections is no more than 30 percent of
5 the area of each roof plane measured from the plan view perspective;

6 2) Each projection is limited to 10 feet in width; and

7 3) Each projection is separated by at least 3 feet from any other
8 projection (see Exhibit D for 23.45.514).

9 **Exhibit D for 23.45.514**
10 **Permitted projections on pitched roofs**



11

1 b. On flat roofs, ~~((the))~~ these projections may extend 4 feet above the
2 maximum height limit allowed by subsections 23.45.514.A, 23.45.514.B, and 23.45.514.F if the
3 following requirements are met:

4 1) The total area of the projections is no more than 30 percent of
5 the area of the roof plane; and

6 2) The projections are set back at least 4 feet from any street facing
7 facade.

8 4. In LR zones, the following rooftop features may extend up to 10 feet above the
9 height limit set in subsections 23.45.514.A and 23.45.514.F, if the combined total coverage of all
10 features listed in this subsection~~((s))~~ 23.45.514.I.4 ~~((J.4.a through 23.45.514.J.4.f))~~ does not
11 exceed ~~((15))~~ 25 percent of the roof area (or ~~((20))~~ 30 percent of the roof area if the total includes
12 screened or enclosed mechanical equipment):

13 a. Stair penthouses, except as provided in subsection 23.45.514.I.6;

14 b. Mechanical equipment;

15 c. Play equipment and open-mesh fencing that encloses it, if the fencing is
16 at least 5 feet from the roof edge;

17 d. Chimneys;

18 e. Wind-driven power generators; ~~((and))~~

19 f. Sun and wind screens, and similar weather protection features such as
20 eaves or canopies extending from rooftop features;

21 g. Greenhouses and solariums;

22 h. Covered or enclosed common recreation areas; and

1 ~~((f.))~~ i. Minor communication utilities and accessory communication
2 devices, except that height is regulated according to the provisions of Section 23.57.011.

3 5. In MR and HR zones, the following rooftop features may extend up to 15 feet
4 above the applicable height limit set in subsection 23.45.514.B, if the combined total coverage of
5 all features listed in subsections 23.45.514.I.5 and 23.45.514.I.6 does not exceed ~~((20))~~ 30
6 percent of the roof area, or ~~((25))~~ does not exceed 35 percent of the roof area if the total includes
7 screened or enclosed mechanical equipment, or does not exceed 60 percent coverage of the roof
8 area if the total includes a greenhouse:

- 9 a. Stair penthouses, except as provided in subsection 23.45.514.I.6;
- 10 b. Mechanical equipment;
- 11 c. Play equipment and open-mesh fencing that encloses it, if the fencing is
12 at least 5 feet from the roof edge;
- 13 d. Chimneys;
- 14 e. Sun and wind screens, and similar weather protection features such as
15 eaves or canopies extending from rooftop features;
- 16 f. ~~((Penthouse pavilions for the common use of residents))~~ Covered or
17 enclosed common recreation areas;
- 18 g. Greenhouses and solariums~~((, in each case that meet minimum energy~~
19 ~~standards administered by the Director));~~
- 20 h. Wind-driven power generators; and
- 21 i. Minor communication utilities and accessory communication devices,
22 except that height is regulated according to the provisions of Section 23.57.011.

1 6. Subject to the roof coverage limits in subsections 23.45.514.I.4, ~~((and))~~
2 23.45.514.I.5, and 23.45.514.I.7 if applicable, elevator penthouses may extend above the
3 applicable height limit up to 16 feet. Stair penthouses may be the same height as an elevator
4 penthouse if the elevator and stairs are co-located within a common penthouse structure.

5 7. At the applicant's option, for structures exceeding 120 feet in HR zones, the
6 combined total rooftop coverage limit of all features listed in subsections 23.45.514.I.5 and
7 23.45.514.I.6 is 75 percent, provided that all of the following are satisfied:

- 8 a. All mechanical equipment is screened or enclosed; and
9 b. No rooftop features are located closer than 10 feet to the roof edge,
10 except features that do not exceed the height of the parapet or 5 feet above the roof surface,
11 whichever is greater, or which may be permitted by design review departure or other code
12 provisions including but not limited to Chapter 23.57.

13 ~~((7.))~~ 8. For height exceptions for solar collectors, see Section 23.45.545.

14 ~~((8.))~~ 9. In order to protect solar access for property to the north, the applicant
15 shall either locate the rooftop features listed in this subsection (~~((23.45.514.I.8))~~) 23.45.514.I.9 at
16 least 15 feet from the north lot line, or provide shadow diagrams to demonstrate that the
17 proposed location of such rooftop features would shade property to the north on January 21 at
18 noon no more than would a structure built to maximum permitted bulk:

- 19 a. Solar collectors;
20 b. Planters;
21 c. Clerestories;
22 d. Greenhouses and solariums (~~((that meet minimum energy standards~~
23 ~~administered by the Director))~~);

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

3 f. Play equipment;

4 g. Sun and wind screens, and similar weather protection features such as
5 eaves or canopies extending from rooftop features;

6 h. ~~((Penthouse pavilions for the common use of residents))~~ Covered or
7 enclosed common recreation areas.

8 ~~((9.))~~ 10. For height limits and exceptions for communication utilities and
9 devices, see Section 23.57.011.

10 ~~((10. Greenhouses that are dedicated to food production are permitted to extend~~
11 ~~15 feet above the applicable height limit, as long as the combined total coverage of all features~~
12 ~~gaining additional height listed in this subsection 23.45.514.I does not exceed 50 percent of the~~
13 ~~roof area, and the greenhouse meets the requirements of subsection 23.45.514.I.8.))~~

14 Section 4. Subsection 23.45.545.C of the Seattle Municipal Code, which section was last
15 amended by Ordinance 126157, is amended as follows:

16 **23.45.545 Standards for certain accessory uses**

17 * * *

18 C. Solar collectors

19 1. Solar collectors ~~((that meet minimum written energy conservation standards~~
20 ~~administered by the Director))~~ are permitted in required setbacks, subject to the following:

21 a. Detached solar collectors are permitted in required rear setbacks, no
22 closer than 5 feet to any other principal or accessory structure.

1 b. Detached solar collectors are permitted in required side setbacks, no
2 closer than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the
3 side lot line.

4 2. Sunshades that provide shade for solar collectors that meet minimum written
5 energy conservation standards administered by the Director may project into southern front or
6 rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer than 3
7 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished grade
8 may be no closer than 5 feet to the lot line.

9 3. Solar collectors on roofs. Solar collectors that are located on a roof are
10 permitted as follows:

11 a. In LR zones up to 4 feet above the maximum height limit or 4 feet
12 above the height of stair or elevator penthouse(s), whichever is higher; and

13 b. In MR and HR zones up to 10 feet above the maximum height limit or
14 10 feet above the height of stair or elevator penthouse(s), whichever is higher.

15 c. If the solar collectors would cause an existing structure to become
16 nonconforming, or increase an existing nonconformity, the Director may permit the solar
17 collectors as a special exception pursuant to Chapter 23.76. Solar collectors may be permitted
18 under this subsection 23.45.545.C.3.c even if the structure exceeds the height limits established
19 in this subsection 23.45.545.C.3, if the following conditions are met:

20 1) There is no feasible alternative solution to placing the
21 collector(s) on the roof; and

1 2) The collector(s) are located so as to minimize view blockage
2 from surrounding properties and the shading of property to the north, while still providing
3 adequate solar access for the solar collectors.

4 * * *

5 Section 5. Section 23.47A.012 of the Seattle Municipal Code, last amended by Ordinance
6 126157, is amended as follows:

7 **23.47A.012 Structure height**

8 * * *

9 C. Rooftop features

10 1. Smokestacks, chimneys, flagpoles, and religious symbols for religious
11 institutions are exempt from height controls, except as regulated in Chapter 23.64, provided they
12 are a minimum of 10 feet from any side or rear lot line.

13 2. Open railings, planters, skylights, clerestories, greenhouses, solariums,
14 parapets, and firewalls may extend as high as the highest ridge of a pitched roof permitted by
15 subsection 23.47A.012.B or up to 4 feet above the otherwise applicable height limit, whichever
16 is higher. Insulation material or soil for landscaping located above the structural roof surface
17 may exceed the maximum height limit by up to 2 feet if enclosed by parapets or walls that
18 comply with this subsection 23.47A.012.C.2. Rooftop decks and other similar features may
19 exceed the maximum height limit by up to two feet, and open railings or parapets required by the
20 Building Code around the perimeter of rooftop decks or other similar features may exceed the
21 maximum height limit by the minimum necessary to meet Building Code requirements.

22 3. Solar collectors

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

3 b. In zones with height limits of 65 feet or more, solar collectors may
4 extend up to 7 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

5 4. Except as provided below, the following rooftop features may extend up to 15
6 feet above the applicable height limit(~~(, as long as)~~) if the combined total coverage of all features
7 gaining additional height listed in this subsection 23.47A.012.C.4(~~(, including weather protection~~
8 such as eaves or canopies extending from rooftop features,)) does not exceed ((20)) 30 percent of
9 the roof area, or ((25)) the combined total coverage does not exceed 35 percent of the roof area if
10 the total includes stair or elevator penthouses or screened or enclosed mechanical equipment, or
11 does not exceed 60 percent coverage of the roof area if the total includes a greenhouse:

12 a. Solar collectors that exceed heights allowed by subsection
13 23.47A.012.C.3;

14 b. Mechanical equipment;

15 c. Play equipment and open-mesh fencing that encloses it, as long as the
16 fencing is at least ((45)) 10 feet from the roof edge;

17 d. Chimneys;

18 e. Sun and wind screens, and similar weather protection features such as
19 eaves or canopies extending from rooftop features;

20 f. Covered or enclosed common recreation areas;

21 g. Greenhouses and solariums;

22 ((d-)) h. Wind-driven power generators;

1 ~~((e-))~~ i. Minor communication utilities and accessory communication
2 devices, except that height is regulated according to the provisions of Section 23.57.012; and

3 ~~((f-))~~ j. Stair and elevator penthouses, which may extend above the
4 applicable height limit by up to 16 feet.

5 ~~((5. Greenhouses that are dedicated to food production are permitted to extend 15
6 feet above the applicable height limit if the combined total coverage of all features gaining
7 additional height listed in this subsection 23.47A.012.C does not exceed 50 percent of the roof
8 area, and the greenhouse adheres to the setback requirements in subsection 23.47A.012.C.6.))~~

9 5. At the applicant's option, for buildings exceeding 120 feet, the combined total
10 rooftop coverage limit of all features listed in subsections 23.47A.012.C.4 is 75 percent,
11 provided that all of the following are satisfied:

12 a. All mechanical equipment is screened or enclosed; and

13 b. No rooftop features are located closer than 10 feet to the roof edge,
14 except features that do not exceed the height of the parapet or 5 feet above the roof surface,
15 whichever is greater, or which may be permitted by design review departure or other code
16 provisions including but not limited to Chapter 23.57.

17 6. The rooftop features listed in this subsection 23.47A.012.C.6 shall be located at
18 least 10 feet from the north lot line unless a shadow diagram is provided that demonstrates that
19 locating such features within 10 feet of the north lot line would not shade property to the north
20 on January 21 at noon more than would a structure built to maximum permitted height and FAR:

21 a. Solar collectors;

22 b. Planters;

23 c. Clerestories;

- 1 d. Greenhouses and solariums;
- 2 e. Minor communication utilities and accessory communication devices,
- 3 permitted pursuant to the provisions of Section 23.57.012;
- 4 f. Sun and wind screens, and similar weather protection features such as
- 5 eaves or canopies extending from rooftop features;
- 6 g. Covered or enclosed common recreation areas;
- 7 ~~((f.))~~ h. Non-firewall parapets; and
- 8 ~~((g.))~~ i. Play equipment.

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

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

14 * * *

15 Section 6. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance
16 126287, is amended as follows:

17 **23.47A.013 Floor area ratio**

18 * * *

- 19 B. The following gross floor area is not counted toward FAR:
- 20 1. All stories, or portions of stories, that are underground;
 - 21 2. All portions of a story that extend no more than 4 feet above existing or
 - 22 finished grade, whichever is lower, excluding access;

1 3. Gross floor area of a transit station, including all floor area open to the general
2 public during normal hours of station operation but excluding retail or service establishments to
3 which public access is limited to customers or clients, even where such establishments are
4 primarily intended to serve transit riders;

5 4. On a lot containing a peat settlement-prone environmentally critical area,
6 above-grade parking within or covered by a structure or portion of a structure, if the Director
7 finds that locating a story of parking below grade is infeasible due to physical site conditions
8 such as a high water table, if either:

9 a. The above-grade parking extends no more than 6 feet above existing or
10 finished grade and no more than 3 feet above the highest existing or finished grade along the
11 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
12 pursuant to subsection 23.47A.012.A.3; or

13 b. All of the following conditions are met:

14 1) No above-grade parking is exempted by subsection
15 23.47A.013.B.4.a;

16 2) The parking is accessory to a residential use on the lot;

17 3) Total parking on the lot does not exceed one space for each
18 residential dwelling unit plus the number of spaces required for non-residential uses; and

19 4) The amount of gross floor area exempted by this subsection
20 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit
21 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
22 greater; (~~and~~)

5. Rooftop greenhouse areas meeting the standards of subsections

23.47A.012.C.4, 23.47A.012.C.5, and 23.47A.012.C.6;

6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;

7. The floor area of required bicycle parking for small efficiency dwelling units or congregate residence sleeping rooms, if the bicycle parking is located within the structure containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR limits;

8. All gross floor area in child care centers; and

9. In permanent supportive housing, all gross floor area for accessory human service uses.

* * *

Section 7. Section 23.48.025 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.48.025 Structure height

* * *

C. Rooftop features

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

2. Open railings, planters, skylights, clerestories, greenhouses, parapets, and firewalls may extend up to 4 feet above the maximum height limit with unlimited rooftop coverage. Insulation material or soil for landscaping located above the structural roof surface

1 may exceed the maximum height limit if enclosed by parapets or walls that comply with this
2 subsection 23.48.025.C.2.

3 3. Solar collectors may extend up to 7 feet above the maximum height limit, with
4 unlimited rooftop coverage.

5 4. The following rooftop features may extend up to 15 feet above the
6 ~~((maximum))~~ applicable height limit, ~~((so long as))~~ if the combined total coverage of all features
7 listed in this subsection 23.48.025.C.4~~((, including weather protection such as eaves or canopies~~
8 ~~extending from rooftop features,))~~ does not exceed ~~((20))~~ 35 percent of the roof area, ~~((or 25~~
9 ~~percent of the roof area if the total includes stair or elevator penthouses or screened mechanical~~
10 ~~equipment))~~ or does not exceed 60 percent coverage of the roof area if the total includes a
11 greenhouse:

12 a. Solar collectors that exceed heights allowed by subsection
13 23.48.025.C.3;

14 b. Stair and elevator penthouses;

15 c. Mechanical equipment;

16 d. Atriums, greenhouses, and solariums;

17 e. Play equipment and open-mesh fencing that encloses it, as long as the
18 fencing is at least 15 feet from the roof edge;

19 f. Minor communication utilities and accessory communication devices,
20 except that height is regulated according to the provisions of Section 23.57.012; ~~((and))~~

21 g. Covered or enclosed common amenity area ~~((for structures exceeding a~~
22 ~~height of 125 feet.))~~ ;

23 h. Chimneys;

1 i. Sun and wind screens, and similar weather protection features such as
2 eaves or canopies extending from rooftop features; and

3 j. Wind-driven power generators.

4 5. For structures greater than 85 feet in height, elevator penthouses up to 25 feet
5 above the height limit are permitted. If the elevator provides access to a rooftop designed to
6 provide usable open space or common recreation area, elevator penthouses and mechanical
7 equipment up to 45 feet above the height limit are permitted, provided that all of the following
8 are satisfied:

9 a. The structure must be greater than 125 feet in height; and

10 b. The combined total coverage of all features gaining additional height
11 listed in ~~((this))~~ subsection 23.48.025.C.4 does not exceed limits listed in subsection
12 23.48.025.C.4, or the limit in subsection 23.48.025.C.6 if it applies.

13 ~~((6. Greenhouses that are dedicated to food production are permitted to extend 15~~
14 ~~feet above the applicable height limit, as long as the combined total coverage of all features~~
15 ~~gaining additional height listed in this subsection 23.48.025.C does not exceed 50 percent of the~~
16 ~~roof area.))~~

17 ~~((7.))~~ 6. At the applicant's option, the combined total coverage limit of all rooftop
18 features listed in subsections 23.48.025.C.4 and 23.48.025.C.5 ~~((may be increased to 65 percent~~
19 ~~of the roof area))~~ is 75 percent, provided that all of the following are satisfied:

20 a. All mechanical equipment is screened or enclosed; and

21 b. No rooftop features are located closer than 10 feet to the roof edge,
22 except features that do not exceed the height of the parapet or 5 feet above the roof surface.

1 whichever is greater, or which may be permitted by design review departure or other code
2 provisions including but not limited to Chapter 23.57.

3 ((&-)) 7. In order to protect solar access for property to the north, the applicant
4 shall either locate the rooftop features listed in this subsection ((23.48.025.C.8)) 23.48.025.C.7 at
5 least 10 feet from the north lot line, or provide shadow diagrams to demonstrate that the
6 proposed location of such rooftop features would shade property to the north on January 21 at
7 noon no more than would a structure built to maximum permitted bulk:

8 a. Solar collectors;

9 b. Planters;

10 c. Clerestories;

11 d. Atriums, greenhouses, and solariums;

12 e. Minor communication utilities and accessory communication devices

13 according to the provisions of Section 23.57.012;

14 f. Sun and wind screens, and similar weather protection features such as
15 eaves or canopies extending from rooftop features;

16 ((f-)) g. Nonfirewall parapets; ((and))

17 ((g-)) h. Play equipment;((-)) and

18 i. Covered or enclosed common amenity areas.

19 ((9-)) 8. Screening. Rooftop mechanical equipment and elevator penthouses shall
20 be screened with fencing, wall enclosures, or other structures.

21 ((10-)) 9. For height limits and exceptions for communication utilities and
22 accessory communication devices, see Section 23.57.012.

1 Section 8. Section 23.48.231 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.48.231 Modification of development standards in certain SM-SLU zones**

4 A. In a SM-SLU 175/85-280 zone located in the South Lake Union Seaport Flight
5 Corridor as shown on Map A for 23.48.225, the following apply:

6 1. The following modifications shall occur if the height limit according to
7 subsection 23.48.225.E would prevent a development from being able to achieve the maximum
8 height that would otherwise be allowed according to subsection 23.48.225.A:

9 a. The upper-level floor area limit according to subsection 23.48.245.A
10 shall be increased from 50 percent to 55 percent, except that for lots less than 12,500 square feet
11 the upper-level floor area limit according to subsection 23.48.245.A shall be increased from 50
12 percent to 67 percent;

13 b. The non-residential floor plate limits according to subsection
14 23.48.245.B.1.d shall be increased from 24,000 to 25,000 square feet;

15 c. The residential floor plate limits according to subsection
16 23.48.245.B.2.a shall be increased from 12,500 to 13,500 square feet; and

17 d. The residential floor plate limits according to subsection
18 23.48.245.B.2.b.1 shall be increased from 10,500 to 11,500 square feet.

19 2. The height above which a development is a tower according to Section
20 23.48.245 and the base height for purposes of calculating extra floor area shall be increased from
21 85 feet to 95 feet if:

22 a. Either:

1 1) The requirements of subsections 23.48.245.C through
2 23.48.245.G would not permit a tower on the site or would prevent a development from being
3 able to achieve the upper-level floor area limit and the floor plate limits as increased according to
4 subsection 23.48.231.A.1; or

5 2) The requirements of subsections 23.48.245.A through
6 23.48.245.G would prevent a development from being able to achieve an average tower floor
7 plate of at least 7,500 square feet for floors above the podium height; and

8 b. The height of the development does not exceed 95 feet, excluding
9 ~~((exempt))~~ all rooftop features described in subsection 23.48.025.C.

10 B. In a SM-SLU 175/85-280 zone located outside the South Lake Union Seaport Flight
11 Corridor as shown on Map A for 23.48.225 or in a SM-SLU 85-280 zone, the height above
12 which a development is a tower according to Section 23.48.245 and the base height for purposes
13 of calculating extra floor area shall be increased from 85 feet to 95 feet if:

14 1. The requirements of subsections 23.48.245.A through 23.48.245.G would not
15 permit a tower on the site or would prevent a development from being able to achieve an average
16 tower floor plate of at least 7,500 square feet for floors above the podium height; and

17 2. The height of the development does not exceed 95 feet, excluding ~~((exempt))~~
18 all rooftop features described in subsection 23.48.025.C; and

19 3. The development meets the upper-level setback requirements of Section
20 23.48.235.

21 C. In a SM-SLU 240/125-440 zone, the height above which a development is a tower
22 according to Section 23.48.245 and the base height for purposes of calculating extra floor area
23 shall be increased from 125 feet to 135 feet if:

1 1. The requirements of subsections 23.48.245.A through 23.48.245.G would not
2 permit a tower on the site or would prevent a development from being able to achieve an average
3 tower floor plate of at least 7,500 square feet for floors above the podium height;

4 2. The height of the development does not exceed 135 feet, excluding ~~((exempt))~~
5 all rooftop features described in subsection 23.48.025.C; and

6 3. The development meets the upper-level setback requirements of Section
7 23.48.235.

8 D. In a SM-SLU 100/65-145 zone, the height above which a development is a tower
9 according to Section 23.48.245 and the base height for purposes of calculating extra floor area
10 shall be increased from 65 feet to 75 feet if:

11 1. The requirements of subsections 23.48.245.A through 23.48.245.G would not
12 permit a tower on the site or would prevent a development from being able to achieve an average
13 tower floor plate of at least 7,500 square feet for floors above the podium height; and

14 2. The height of the development does not exceed 75 feet, excluding ~~((exempt))~~
15 all rooftop features described in subsection 23.48.025.C.

16 Section 9. Section 23.49.008 of the Seattle Municipal Code, last amended by Ordinance
17 126157, is amended as follows:

18 **23.49.008 Structure height**

19 * * *

20 D. Rooftop features

21 1. The following rooftop features are permitted with unlimited rooftop coverage
22 ~~((and may not exceed the height limits as))~~ up to the maximum heights indicated below:

1 a. Open railings, planters, clerestories, skylights, play equipment, parapets,
2 and firewalls up to 4 feet above the applicable height limit;

3 b. Insulation material, rooftop decks and other similar features, or soil for
4 landscaping located above the structural roof surface, may exceed the maximum height limit by
5 up to ~~((two))~~ 2 feet if enclosed by parapets or walls that comply with subsection 23.49.008.D.1.a;

6 c. Solar collectors up to 7 feet above the applicable height limit; and

7 d. The rooftop features listed below shall be located a minimum of 10 feet
8 from all lot lines and may extend up to 50 feet above the roof of the structure on which they are
9 located or 50 feet above the applicable height limit, whichever is less, except as regulated by
10 Chapter 23.64(~~(, Airport Height Overlay District)~~):

11 1) Religious symbols for religious institutions;

12 2) Smokestacks; and

13 3) Flagpoles.

14 2. The following rooftop features are permitted up to the heights indicated below,
15 as long as the combined coverage of all rooftop features(~~(, whether or not)~~) listed in this
16 subsection 23.49.008.D.2, does not exceed ~~((55))~~ 75 percent of the roof area for structures that
17 are subject to maximum floor area limits per story pursuant to Section 23.49.058(~~(,)~~); or ~~((35))~~
18 50 percent of the roof area for other structures, unless a different limit is specified by other
19 provisions.

20 a. The following rooftop features are permitted to extend up to 15 feet
21 above the applicable height limit:

22 1) Solar collectors that exceed the height listed in subsection
23 23.49.008.D.1.c;

- 1 2) Stair penthouses;
- 2 3) Play equipment and open-mesh fencing, as long as the fencing is
- 3 at least 15 feet from the roof edge;
- 4 4) Covered or enclosed common recreation areas or eating and
- 5 drinking establishments;
- 6 5) Mechanical equipment;
- 7 6) Greenhouses and solariums; and
- 8 ~~((6))~~ 7) Wind-driven power generators ~~((turbines))~~.

9 b. Elevator penthouses as follows:

- 10 1) In the PMM zone, up to 15 feet above the applicable height
- 11 limit;
- 12 2) Except in the PMM zone, up to 23 feet above the applicable
- 13 height limit for a penthouse designed for an elevator cab up to 8 feet high;
- 14 3) Except in the PMM zone, up to 25 feet above the applicable
- 15 height limit for a penthouse designed for an elevator cab more than 8 feet high;
- 16 4) Except in the PMM zone, if the elevator provides access to a
- 17 rooftop designed to provide usable open space, an additional 10 feet above the amount permitted
- 18 in subsections 23.49.008.D.2.b.2 and 23.49.008.D.2.b.3 shall be permitted.

19 c. Minor communication utilities and accessory communication devices,

20 regulated according to Section 23.57.013, shall be included within the maximum permitted

21 rooftop coverage.

1 d. Greenhouses (~~(that are dedicated to food production)~~) are permitted to
2 extend up to 15 feet above the applicable height limit, as long as the combined total coverage of
3 all features gaining additional height listed does not exceed (~~(50)~~) 60 percent of the roof area.

4 e. Mechanical equipment, whether new or replacement, may be allowed
5 up to 15 feet above the roof elevation of a structure existing prior to June 1, 1989.

6 3. Screening of rooftop features

7 a. Measures may be taken to screen rooftop features from public view
8 through the design review process or, if located within the Pike Place Market Historical District,
9 by the Pike Place Market Historical Commission.

10 b. Except in the PMM zone, the amount of roof area enclosed by rooftop
11 screening may exceed the maximum percentage of the combined coverage of all rooftop features
12 as provided in subsection 23.49.008.D.2.

13 c. Except in the PMM zone, in no circumstances shall the height of
14 rooftop screening exceed ten percent of the applicable height limit, or 15 feet, whichever is
15 greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop
16 feature being screened, or such greater height necessary for effective screening as determined by
17 the Pike Place Market Historical Commission.

18 4. Administrative conditional use for rooftop features. Except in the PMM zone,
19 the rooftop features listed in subsection (~~(23.49.008.D.1.e)~~) 23.49.008.D.1.d may exceed a height
20 of 50 feet above the roof of the structure on which they are located if authorized by the Director
21 through an administrative conditional use(~~(s)~~) under Chapter 23.76. The request for additional
22 height shall be evaluated on the basis of public benefits provided, the possible impacts of the
23 additional height, consistency with the City's Comprehensive Plan, and the following criteria:

1 a. The feature shall be compatible with and not adversely affect the
2 downtown skyline.

3 b. The feature shall not have a substantial adverse effect upon the light,
4 air, solar, and visual access of properties within a 300 foot radius.

5 c. The feature, supporting structure, and structure below shall be
6 compatible in design elements such as bulk, profile, color, and materials.

7 d. The increased size is necessary for the successful physical function of
8 the feature, except for religious symbols.

9 5. Residential penthouses above height limit in a DRC zone

10 a. A residential penthouse exceeding the applicable height limit shall be
11 permitted in a DRC zone only on a mixed-use, City-designated Landmark structure for which a
12 certificate of approval by the Landmarks Preservation Board is required. A residential penthouse
13 allowed under this Section 23.49.008 may cover a maximum of 50 percent of the total roof
14 surface. Except as the Director may allow under subsection 23.49.008.D.5.b:

15 1) A residential penthouse allowed under this subsection
16 23.49.008.D.5 shall be set back a minimum of 15 feet from the street lot line.

17 2) A residential penthouse may extend up to 8 feet above the roof,
18 or 12 feet above the roof if set back a minimum of 30 feet from the street lot line.

19 b. If the Director determines, after a sight line review based upon adequate
20 information submitted by the applicant, that a penthouse will be invisible or minimally visible
21 from public streets and parks within 300 feet from the structure, the Director may allow one or
22 both of the following in a Type I decision:

1 1) An increase of the penthouse height limit under subsection
2 23.49.008.D.5.a by an amount up to the average height of the structure's street-facing parapet; or

3 2) A reduction in the required setback for a residential penthouse.

4 c. The Director's decision to modify development standards pursuant to
5 subsection 23.49.008.D.5.b shall be consistent with the certificate of approval from the
6 Landmarks Preservation Board.

7 d. A residential penthouse allowed under this subsection 23.49.008.D.5
8 shall not exceed the maximum structure height in the DRC zone under Section 23.49.008.

9 e. No rooftop features shall be permitted on a residential penthouse
10 allowed under this subsection 23.49.008.D.5.

11 6. For height limits and exceptions for communication utilities and accessory
12 communication devices, see Section 23.57.013.

13 * * *

14 Section 10. Subsection 23.49.046.E of the Seattle Municipal Code, which section was last
15 amended by Ordinance 125558, is amended as follows:

16 **23.49.046 Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), and**
17 **Downtown Mixed Commercial (DMC) conditional uses and Council decisions**

18 * * *

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

23 * * *

1 Section 11. Subsection 23.49.096.F of the Seattle Municipal Code, which section was last
2 amended by Ordinance 125558, is amended as follows:

3 **23.49.096 Downtown Retail Core, conditional uses and Council decisions**

4 * * *

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

9 * * *

10 Section 12. Subsection 23.49.148.E of the Seattle Municipal Code, which section was last
11 amended by Ordinance 125558, is amended as follows:

12 **23.49.148 Downtown Mixed Residential, conditional uses and Council decisions**

13 * * *

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

18 * * *

19 Section 13. Subsection 23.49.324.E of the Seattle Municipal Code, which section was last
20 amended by Ordinance 125558, is amended as follows:

21 **23.49.324 Downtown Harborfront 2, conditional uses**

22 * * *

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

5 * * *

6 Section 14. Section 23.50.020 of the Seattle Municipal Code, last amended by Ordinance
7 125791, is amended as follows:

8 **23.50.020 Structure height exceptions and additional restrictions**

9 A. Rooftop features. Where a height limit applies to a structure, except as provided in
10 subsections 23.50.024.C.4, 23.50.024.D.4, 23.50.024.E.4, and 23.50.024.F.3, the provisions in
11 this subsection 23.50.020.A apply to rooftop features:

12 1. In all industrial zones, smokestacks, chimneys and flagpoles, and religious
13 symbols for religious institutions are exempt from height limits, except as regulated in Chapter
14 23.64, (~~(Airport Height Overlay District,))~~) provided they are a minimum of 10 feet from any side
15 or rear lot line.

16 2. In all industrial zones, open railings, planters, skylights, clerestories,
17 greenhouses, solariums, parapets, and firewalls may extend 4 feet above the applicable height
18 limit with unlimited rooftop coverage. Insulation material, rooftop decks and other similar
19 features, or soil for landscaping located above the structural roof surface, may exceed the
20 maximum height limit by up to 2 feet if enclosed by parapets or walls that comply with this
21 subsection 23.50.020.A.2.

22 3. In all industrial zones, solar collectors may extend up to 7 feet above the
23 applicable height limit, with unlimited rooftop coverage.

1 4. Additional height is permitted for specified rooftop features according to this
2 subsection 23.50.020.A.4.

3 a. The following rooftop features may extend up to 15 feet above the
4 applicable height limit in all industrial zones, subject to subsection 23.50.020.A.4.c:

5 1) Solar collectors that exceed heights indicated by subsection
6 23.50.020.A.3;

7 2) Stair and elevator penthouses, except as provided in subsection
8 23.50.020.A.4.b;

9 3) Greenhouses and solariums;

10 4) Mechanical equipment; and

11 ((4)) 5) Minor communication utilities and accessory
12 communication devices, except that height is regulated according to Section 23.57.015.

13 b. In an IC 85-175 zone, elevator penthouses may extend up to 25 feet
14 above the applicable height limit, subject to subsection 23.50.020.A.4.c.

15 c. The combined total coverage of all features listed in subsection((s))
16 23.50.020.A.4((a and 23.50.020.A.4.b)) is limited to ((20)) 35 percent of the roof area, or ((25))
17 60 percent of the roof area if the total includes ((screened mechanical equipment)) greenhouses.

18 5. ((Greenhouses that are dedicated to food production are permitted to extend 15
19 feet above the applicable height limit if the combined total coverage of all features gaining
20 additional height does not exceed 50 percent of the roof area.)) Greenhouses ((allowed under this
21 subsection 23.50.020.A.5)) shall be located at least 10 feet from the north lot line unless a
22 shadow diagram is provided that demonstrates that locating such features within 10 feet of the

1 north lot line would not shade property to the north on January 21 at noon more than would a
2 structure built to maximum permitted height and FAR.

3 6. Within an IC 85-175 zone, solar collectors and wind-driven power generators
4 may extend up to 15 feet above the applicable height limit, with unlimited rooftop coverage, and
5 are not subject to a coverage limit under subsection 23.50.020.A.4.c.

6 B. Structures existing prior to October 8, 1987((;)) that exceed the height limit of the zone
7 may add the rooftop features listed as conditioned in subsection 23.50.020.A. The existing roof
8 elevation of the structure is considered the applicable height limit for the purpose of adding
9 rooftop features.

10 Section 15. Section 23.66.140 of the Seattle Municipal Code, last amended by Ordinance
11 125272, is amended as follows:

12 **23.66.140 Height**

13 A. Maximum ((Height)) height. Maximum structure height is regulated by Section
14 23.49.178 ((Pioneer Square Mixed, structure height)).

15 B. Minimum ((Height)) height. No structure shall be erected or permanent addition added
16 to an existing structure that would result in the height of the new structure of less than 50 feet,
17 except as allowed in the PSM 85-120 zone under the provisions of Section 23.49.180 for the area
18 shown on Map A for 23.49.180. Height of the structure is to be measured from mean street level
19 fronting on the property to the mean roofline of the structure.

20 C. Rooftop features and additions to structures

21 1. The height limits established for the rooftop features described in this Section
22 23.66.140 may be increased by the average height of the existing street parapet or a historically
23 substantiated reconstructed parapet on the building on which the rooftop feature is proposed.

1 2. For development in the PSM 85-120 zone in the area shown on Map A for
2 23.49.180 and subject to the provisions of Section 23.49.180, the height limits for rooftop
3 features are provided in subsection 23.49.008.D. The standards contained in subsections
4 23.66.140.C.1 and 23.66.140.C.4 do not apply to rooftop features on development subject to the
5 provisions of Section 23.49.180.

6 3. The setbacks required for rooftop features may be modified by the Department
7 of Neighborhoods Director, after a sight line review by the Preservation Board to ensure that the
8 features are minimally visible from public streets and parks within 300 feet of the structure.

9 4. Height limits for rooftop features

10 a. Religious symbols for religious institutions, smokestacks, and flagpoles
11 may extend up to 50 feet above the roof of the structure or the maximum height limit, whichever
12 is less, except as regulated in Chapter 23.64, provided that they are a minimum of 10 feet from
13 all lot lines.

14 b. For existing structures, open railings, planters, clerestories, skylights,
15 play equipment, parapets, and firewalls may extend up to 4 feet above the roof of the structure or
16 the maximum height limit, whichever is less. For new structures, such features may extend up to
17 4 feet above the maximum height limit. No rooftop coverage limits apply to such features
18 regardless of whether the structure is existing or new.

19 c. Solar collectors, excluding greenhouses, may extend up to 7 feet above
20 the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop
21 coverage, provided they are a minimum of 10 feet from all lot lines. For new structures, solar
22 collectors may extend up to 7 feet above the maximum height limit, except as provided in
23 subsection 23.66.140.C.4.j.1, and provided that they are a minimum of 10 feet from all lot lines.

1 d. The following rooftop features may extend up to 8 feet above the roof
2 or maximum height limit, whichever is less, if they are set back a minimum of 15 feet from the
3 street and 3 feet from an alley. They may extend up to 15 feet above the roof if set back a
4 minimum of 30 feet from the street. A setback may not be required at common wall lines subject
5 to review by the Preservation Board and approval by the Department of Neighborhoods Director.
6 The combined coverage of the following listed rooftop features shall not exceed ~~((15))~~ 25
7 percent of the roof area:

- 8 1) ~~((solar))~~ Solar collectors, excluding greenhouses;
- 9 2) ~~((stair))~~ Stair and elevator penthouses;
- 10 3) ~~((mechanical))~~ Mechanical equipment;
- 11 4) ~~((minor))~~ Minor communication utilities and accessory
12 communication devices, except that height is regulated according to the provisions of Section
13 23.57.014.

14 Additional combined coverage of ~~((these))~~ the rooftop features listed in
15 subsection 23.66.140.C.4.d.1 through 23.66.140.C.4.d.4, not to exceed ~~((25))~~ 35 percent of the
16 roof area, may be permitted subject to review by the Preservation Board and approval by the
17 Department of Neighborhoods Director.

18 e. On structures existing prior to June 1, 1989, and on additions to such
19 structures permitted according to subsection 23.66.140.C.4.i or otherwise, new or replacement
20 mechanical equipment and stair and elevator penthouses may extend up to 8 feet above the
21 elevation of the existing roof or addition, as applicable, when they are set back a minimum of 15
22 feet from the street and 3 feet from an alley; or may extend up to 12 feet above the elevation of
23 the existing roof or addition, as applicable, if they are set back a minimum of 30 feet from the

1 street, subject to review by the Preservation Board and approval by the Department of
2 Neighborhoods Director. On structures where rooftop features are allowed under this subsection
3 23.66.140.C.4.e, the combined coverage of these rooftop features and any other features listed in
4 subsection 23.66.140.C.4.d shall not exceed the ~~((limit))~~ limits provided in subsection
5 23.66.140.C.4.d, ~~((as it may be increased pursuant to subsection 23.66.140.C.4.d))~~ or the limits
6 in subsection 23.66.140.C.4.k if they apply.

7 f. ~~((Residential and office penthouses))~~ Rooftop penthouses. The
8 following types of occupied rooftop penthouse uses are permitted as a rooftop feature of a new
9 building, or as a rooftop addition on an existing structure if it is at least 40 feet in height.
10 Measurement of height for purposes of this subsection 23.66.140.C.4.f may include the height of
11 already-permitted and already-built rooftop penthouses regulated by this subsection
12 23.66.140.C.4.f.

13 1) Residential penthouses may cover a maximum of 50 percent of
14 the total roof surface and may extend up to 8 feet above the roof if set back a minimum of 15 feet
15 from the street property line, or 12 feet above the roof if set back a minimum of 30 feet from the
16 street property line.

17 2) ~~((Office penthouses are permitted only if the footprint of the~~
18 ~~existing structure is greater than 10,000 square feet and the structure is at least 60 feet in~~
19 ~~height.))~~ When permitted, office penthouses ~~((shall be set back a minimum of 15 feet from all~~
20 ~~property lines and))~~ may cover a maximum of 50 percent of the total roof surface, ~~((Office~~
21 ~~penthouses))~~ may extend up to 12 feet above the roof of the structure, ~~((and))~~ shall be
22 functionally integrated into the existing structure, and shall be set back a minimum of 15 feet
23 from all property lines. Accessory mechanical equipment may be placed on roofs of these

1 penthouses if needed to support lodging uses. The height of this equipment is limited to the
2 minimum needed to serve its function, and its coverage is subject to the coverage limits in
3 subsection 23.66.140.C.4.d.

4 3) Penthouses for lodging uses. When permitted, penthouses for
5 lodging uses may cover a maximum of 50 percent of the total roof surface, may extend up to 12
6 feet above the roof of the structure, shall be functionally integrated into the existing structure,
7 and shall be set back a minimum of 15 feet from all property lines. Accessory mechanical
8 equipment may be placed on roofs of these penthouses if needed to support lodging uses. The
9 height of this equipment is limited to the minimum needed to serve its function, and its coverage
10 is subject to the coverage limits in subsection 23.66.140.C.4.d.

11 4) Penthouses for eating and drinking establishments. When
12 permitted, penthouses for these uses may cover a maximum of 50 percent of the total roof
13 surface, may extend up to 12 feet above the roof of the structure, shall be functionally integrated
14 into the existing structure, and shall be set back a minimum of 15 feet from all property lines.
15 Accessory mechanical equipment may be placed on roofs of these penthouses if needed to
16 support these uses. The height of this equipment is limited to the minimum needed to serve its
17 function, and its coverage is subject to the coverage limits in subsection 23.66.140.C.4.d.

18 ~~((3))~~ 5) The combined height of the structure and a ((residential
19 penthouse or office)) penthouse, if permitted, shall not exceed the maximum height limit for that
20 area of the District in which the structure is located.

21 6) View studies depicting views toward a proposed improvement,
22 including from distances up to 300 feet, are required for all rooftop penthouses. Increasing

1 setbacks, lowering roof heights, or other design adjustments may be required to ensure the
2 penthouse is minimally visible.

3 g. Screening of rooftop features. Measures may be taken to screen rooftop
4 features from public view subject to review by the Preservation Board and approval by the
5 Department of Neighborhoods Director. The amount of rooftop area enclosed by rooftop
6 screening may exceed the maximum percentage of the combined coverage of rooftop features
7 listed in subsection 23.66.140.C.4.d. In no circumstances shall the height of rooftop screening
8 exceed 15 feet above the maximum height limit or height of an addition permitted according to
9 subsection 23.66.140.C.4.i or otherwise, whichever is higher.

10 h. See Section 23.57.014 for regulation of communication utilities and
11 accessory devices.

12 i. For a structure that has existed since before June 10, 1985, and is
13 nonconforming as to structure height, an addition to the structure may extend to the height of the
14 roof of the existing structure if:

15 1) ~~((the))~~ The use of the addition above the limit on structure
16 height applicable under Section 23.49.178 is limited to residential use; and

17 2) ~~((the))~~ The addition occupies only all or a portion of the part of
18 a lot that is bounded by an alley on one side and is bounded on at least two sides by walls of the
19 existing structure that are not street-facing facades.

20 j. Enclosed rooftop recreational spaces for new structures

21 1) If included on new structures or structures built later than
22 January 19, 2008, enclosed rooftop recreational spaces and solar collectors may exceed the
23 maximum height limit by up to 15 feet. The applicant shall make a commitment that the

1 proposed development will meet the green building standard and shall demonstrate compliance
2 with that commitment, all in accordance with Chapter 23.58D, and meet a Green Factor
3 requirement of .30 or greater according to the provisions of Section 23.86.019. Each enclosed
4 rooftop recreational space shall include interpretive signage explaining the sustainable features
5 employed on or in the structure. Commercial, residential, or industrial uses shall not be
6 established within enclosed rooftop recreational spaces that are allowed to exceed the maximum
7 height limit under this subsection 23.66.140.C.4.j.

8 2) Elevator penthouses serving an enclosed rooftop recreational
9 space may exceed the maximum height limit by up to 20 feet.

10 3) Enclosed rooftop recreational spaces, mechanical equipment,
11 and elevator and stair penthouses shall not exceed ~~((35))~~ 45 percent coverage of the roof area.

12 4) Enclosed rooftop recreational spaces, mechanical equipment,
13 and elevator and stair penthouses on new structures shall be set back a minimum of 30 feet from
14 all streets and 3 feet from all alleys. Solar collectors shall be set back as provided in subsections
15 23.66.140.C.4.c and 23.66.140.C.4.d.

16 5) Owners of structures with enclosed rooftop recreational spaces
17 permitted pursuant to this subsection 23.66.140.C.4.j shall submit to the Director, the Pioneer
18 Square Preservation Board, and the Director of Neighborhoods a report documenting compliance
19 with the commitment and Green Factor requirements set forth in subsection 23.66.140.C.4.j.1.

20 k. Greenhouses are permitted if they meet height and setback provisions in
21 subsection 23.66.140.C.4.d and if the combined total coverage of greenhouses, solar collectors,
22 stair and elevator penthouses, and mechanical equipment does not exceed 35 percent of the roof
23 area. If the coverage includes greenhouses, a combined coverage of these rooftop features not to

1 exceed 45 percent of the roof area may be permitted subject to review by the Preservation Board
2 and approval by the Department of Neighborhoods Director.

3 D. New ((~~Structures~~)) structures. When new structures are proposed in the District, the
4 Preservation Board shall review the proposed height of the structure and make recommendations
5 to the Department of Neighborhoods Director who may require design changes to assure
6 reasonable protection of views from Kobe Terrace Park.

7 Section 16. Section 23.66.332 of the Seattle Municipal Code, last amended by Ordinance
8 125603, is amended as follows:

9 **23.66.332 Height and rooftop features**

10 A. Maximum structure height is as designated on the Official Land Use Map, Chapter
11 23.32, except as provided in this Section 23.66.332.

12 B. Rooftop features

13 1. The Special Review Board and the Director of Neighborhoods shall review
14 rooftop features to preserve views from Kobe Terrace Park.

15 2. Religious symbols for religious institutions, as well as smokestacks and
16 flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, provided they
17 are at least 10 feet from all lot lines.

18 3. Open railings, planters, clerestories, skylights, play equipment, parapets and
19 firewalls may extend up to 4 feet above the maximum height limit and may have unlimited
20 rooftop coverage.

21 4. Solar collectors excluding greenhouses may extend up to 7 feet above the
22 maximum height limit and may have unlimited rooftop coverage.

1 5. The following rooftop features may extend up to 15 feet above the maximum
2 height limit provided that the combined coverage of all features listed below does not exceed
3 ~~((15))~~ 25 percent of the roof area:

- 4 a. Solar collectors, excluding greenhouses;
- 5 b. Mechanical equipment that is set back at least 15 feet from the roof
6 edge;
- 7 c. Minor communication utilities and accessory communication devices,
8 except that height is regulated according to Section 23.57.014.

9 6. Stair and elevator penthouses and greenhouses may extend above the applicable
10 height limit up to 15 feet provided that the combined rooftop coverage of ~~((stair and elevator
11 penthouses))~~ these features and all features listed in subsection 23.66.332.B.5 does not exceed
12 ~~((15))~~ 30 percent of the roof area. Greenhouses shall be set back at least 15 feet from a roof edge
13 abutting a street.

14 a. When additional height is needed to accommodate energy-efficient
15 elevators in zones with height limits of 125 feet or greater, elevator penthouses may extend the
16 minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the
17 applicable height limit. Energy-efficient elevators shall be defined by Director's Rule. When
18 additional height is allowed for an energy-efficient elevator, stair penthouses may be granted the
19 same additional height if they are co-located with the elevator penthouse.

20 b. Additional combined coverage of ~~((these))~~ the rooftop features listed in
21 subsections 23.66.332.B.5 and 23.66.332.B.6, not to exceed ~~((25))~~ 35 percent of the roof area,
22 may be permitted subject to review by the Special Review Board and approval by the Director of
23 Neighborhoods. If the rooftop coverage includes a greenhouse, additional combined coverage of

1 the rooftop features listed in subsections 23.66.332.B.5 and 23.66.332.B.6, not to exceed 45
2 percent of the roof area, may be permitted subject to review by the Special Review Board and
3 approval by the Director of Neighborhoods.

4 7. Structures existing prior to June 1, 1989 may add new or replace existing
5 mechanical equipment up to 15 feet above the existing roof elevation of the structure as long as it
6 is set back at least 15 feet from the roof edge subject to review by the Special Review Board and
7 approval by the Director of Neighborhoods.

8 8. Screening of rooftop features. Measures may be taken to screen rooftop
9 features from public view subject to review by the Special Review Board and approval by the
10 Director of Neighborhoods. The amount of roof area enclosed by rooftop screening may exceed
11 the maximum percentage of the combined coverage of rooftop features listed in subsection
12 23.66.332.B.5. In no circumstances shall the height of rooftop screening exceed 15 feet above
13 the maximum height limit.

14 9. For height exceptions for communication utilities and devices, see Section
15 23.57.014.

16 Section 17. Section 23.75.110 of the Seattle Municipal Code, enacted by Ordinance
17 123963, is amended as follows:

18 **23.75.110 Rooftop features**

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

22 B. Open railings, planters, skylights, clerestories, parapets, and firewalls may extend 4
23 feet above the applicable height limit set in Section 23.75.100.

1 C. Rooftop solar collectors may extend up to 10 feet above the applicable height limit set
2 in Section 23.75.100.

3 D. The following rooftop features may extend above the applicable height limit set in
4 Section 23.75.100 if none of those features extends more than 15 feet above the applicable height
5 limit set in Section 23.75.100 and the combined total coverage of all those features that extend
6 above the applicable height limit and any elevator penthouse does not exceed ~~((20))~~ 30 percent
7 of the roof area, or ~~((25))~~ 35 percent of the roof area if the total includes screened or enclosed
8 mechanical equipment:

- 9 1. Stair penthouses that are not also elevator penthouses;
- 10 2. Mechanical equipment;
- 11 3. Play equipment and open-mesh fencing that encloses it, if the fencing is at least
12 5 feet from the roof edge;
- 13 4. Chimneys;
- 14 5. Sun and wind screens, and similar weather protection features such as eaves or
15 canopies extending from rooftop features;
- 16 6. Penthouse pavilions for the common use of residents;
- 17 7. Greenhouses and solariums;
- 18 8. Wind-driven power generators;
- 19 ~~((7-))~~ 9. Covered or enclosed common amenity areas; ~~((and))~~ or
- 20 ~~((8-))~~ 10. Minor communication utilities and accessory communication devices,
21 except that height is regulated according to the provisions of Section 23.57.011.

22 E. Subject to the roof coverage limits in subsection 23.75.110.D, height exceptions for
23 elevator penthouses are as follows:

1 1. Within the view corridor height restriction area depicted in Exhibit A for
2 23.75.100, an elevator penthouse may extend above the applicable height limit by up to 15 feet.

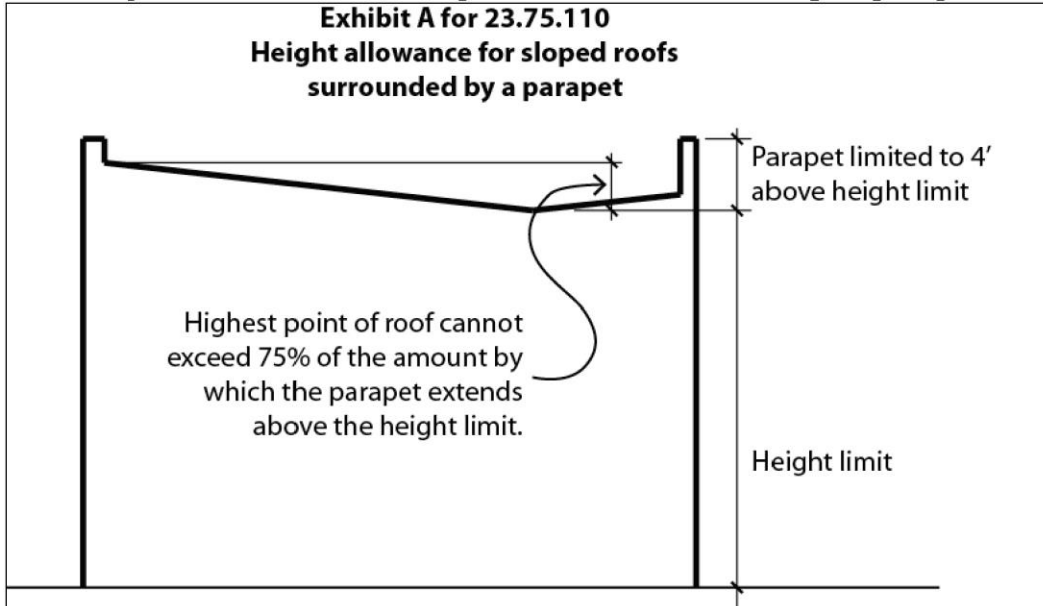
3 2. Outside the view corridor height restriction area depicted in Exhibit A for
4 23.75.100, an elevator penthouse may extend above the applicable height limit by up to 25 feet.
5 If the elevator provides access to a highrise rooftop that includes residential amenity area or a
6 green roof, the penthouse may extend above the applicable height limit by up to 35 feet.

7 3. A stair penthouse may be the same height as an elevator penthouse if the
8 elevator and the stairs are located within a common penthouse.

9 F. Greenhouses and solariums are permitted to extend 15 feet above the applicable height
10 limit, if, together with all features gaining additional height through subsections 23.75.110.D and
11 23.75.110.E, they do not exceed ~~((50))~~ 60 percent of the roof area.

12 G. To protect solar access for property to the north, the applicant shall locate the rooftop
13 features listed in this Section 23.75.110 that extend above the applicable height limit at least 10
14 feet from the northerly edge of the roof, except that stair and elevator penthouses may extend to
15 the edge of the roof for a total length along the edge of not more than 30 feet.

16 H. Portions of a sloped roof that are completely surrounded by a parapet may exceed the
17 applicable height limit to allow drainage, provided that the highest point of the roof does not
18 exceed the applicable height limit in Section 23.75.100 by more than 75 percent of the amount
19 by which the parapet extends above the height limit. See Exhibit A for 23.75.110.



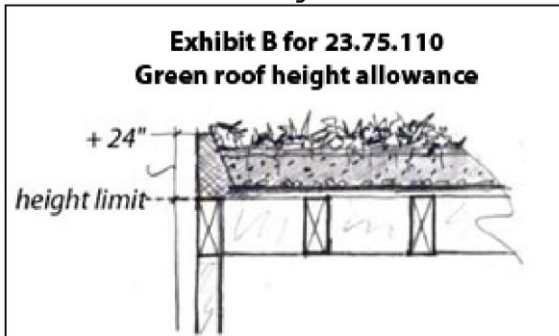
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I. For any structure with a green roof, up to 24 inches of additional height above the applicable height limit in Section 23.75.100 is allowed to accommodate the structural requirements, roofing membranes, and soil for that green roof. See Exhibit B for 23.75.110.



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6

1 Section 18. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2022,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2022.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this _____ day of _____, 2022.

10 _____
11 Bruce A. Harrell, Mayor

12 Filed by me this _____ day of _____, 2022.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)