

## **ATTACHMENT 2 - REPEALED TEXT OF CHAPTER 23.44**

### **Chapter 23.44 NEIGHBORHOOD RESIDENTIAL**

#### **23.44.002 Scope of provisions**

A. This Chapter 23.44 establishes regulations for the following neighborhood residential zones: NR1, NR2, NR3, and RSL, zones.

B. Some land in these zones may be regulated by Subtitle III, Division 3, Overlay Districts, of this Title 23 in addition to the standards of this Chapter 23.44.

C. Other regulations, including but not limited to general use provisions (Chapter 23.42); 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); sign regulations (Chapter 23.55); communication regulations (Chapter 23.57); and methods for measurements (Chapter 23.86) may apply to development proposals.

#### **Subchapter I Principal Uses Permitted Outright**

##### **23.44.006 Principal uses permitted outright**

The following principal uses are permitted outright in neighborhood residential zones:

- A. Single-family dwelling unit;
- B. In RSL zones, apartments, carriage houses, cottage housing development, rowhouse development, and townhouse developments;
- C. Floating homes, subject to the requirements of Chapter 23.60A;
- D. Parks and open space, and community gardens;
- E. Existing railroad right-of-way;
- F. Public schools meeting development standards. New public schools or additions to existing public schools, and accessory uses including child care centers, subject to the special

development standards and departures from standards contained in Chapter 23.51B, except that departures from development standards may be permitted or required pursuant to procedures and criteria established in Chapter 23.79;

G. Uses in existing or former public schools:

1. Child care centers, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly, and similar uses are permitted outright in existing or former public schools, provided that any new children's play equipment or active play area associated with the use shall be located at least 20 feet from any other lot in any residential zone.

2. Other non-school uses in existing or former public schools, if permitted pursuant to procedures established in Chapter 23.78.

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

H. Nursing homes. Nursing homes meeting the development standards of this Chapter 23.44, and limited to eight or fewer residents;

I. Adult family homes. Adult family homes, as defined and licensed by the state of Washington;

J. Commercially operating horse farms in existence before July 1, 2000, on lots greater than ten acres, conforming to the limits on the number and location of farm animals and structures containing them set forth in Section 23.42.052;

K. Child care centers;

L. Community centers that do not provide shelter services;

M. Community farms; and

N. Libraries.

**23.44.007 Mandatory Housing Affordability in RSL zones**

RSL zones that have a mandatory housing affordability suffix are subject to the provisions of Chapters 23.58B and 23.58C.

**23.44.008 Development standards for uses permitted outright**

A. The development standards set out in this Subchapter I apply to principal and accessory uses permitted outright in neighborhood residential zones.

B. All structures or uses shall be built or established on a lot or lots.

C. Floating homes are subject to the provisions of Chapter 23.60A and are also subject to the parking provisions of this Chapter 23.44.

D. An exception from one specific standard does not relieve the applicant from compliance with any other standard.

E. Methods for measurements are provided in Chapter 23.86. Standards for parking access and design are provided in Chapter 23.54.

F. Any structure occupied by a permitted principal use other than single-family residential use may be converted to single-family residential use even if the structure does not conform to the development standards for single-family structures. Expansions of converted nonconforming structures are regulated by Section 23.42.108. Conversion of structures occupied by nonconforming uses is regulated by Sections 23.42.108 and 23.42.110.

G. Development standards governing lots containing an environmentally critical area or buffer may be modified according to the provisions of Chapter 25.09.

H. Exterior lighting shall be shielded and directed away from residentially zoned lots.

The Director may require that the intensity of illumination be limited and that the location of the lighting be changed.

### **23.44.009 Design standards in RSL zones**

In RSL zones, the following provisions apply:

A. Pedestrian access at least 3 feet in width shall be provided between each principal structure and the street. This access may be over a driveway and may cross any required yards or interior separation. The pedestrian access may be part of a driveway, provided that the pathway is differentiated from the driveway by pavement color, texture, or similar technique.

B. Each dwelling unit with a street-facing facade or each apartment structure with a street-facing facade, that is located within 40 feet of a street lot line shall have a pedestrian entry or front door on that street-facing facade. For dwelling units or apartment structures on corner lots, a pedestrian entry or front door is required on only one of the street-facing facades. The pedestrian entry or front door shall be marked with a covered stoop, porch, or other similar architectural entry feature.

### **23.44.010 Minimum lot area and lot coverage**

A. Minimum lot area. The minimum lot area in neighborhood residential zones shall be as provided in Table A for 23.44.010:

<b>Table A for 23.44.010</b>	
<b>Minimum lot area</b>	
<b>Zone</b>	<b>Minimum lot area required</b>
NR1	9,600 square feet
NR2	7,200 square feet
NR3	5,000 square feet
RSL	No minimum lot area <sup>1</sup>
Footnote to Table A for 23.44.010	
<sup>1</sup> In RSL zones, there is no minimum lot area; however, the maximum number of dwelling units on a lot is limited by the density limits in subsection 23.44.017.B.	

Submerged lands shall not be counted in calculating the area of lots for the purpose of these minimum lot area requirements, or the exceptions to minimum lot area requirements provided in this Section 23.44.010. A parcel that does not meet the minimum lot area requirements or exceptions of this Section 23.44.010, and that is in common ownership with an abutting lot when the abutting lot is the subject of any permit application, shall be included as a part of the abutting lot for purposes of the permit application.

B. Exceptions to minimum lot area requirements. The following exceptions to minimum lot area requirements are allowed in NR1, NR2, and NR3 zones, subject to the requirements in subsection 23.44.010.B.2, and further subject to the requirements in subsection 23.44.010.B.3 for any lot less than 3,200 square feet in area:

1. A lot that does not satisfy the minimum lot area requirements of its zone may be developed or redeveloped under one of the following circumstances:

a. "The Seventy-Five/Eighty Rule." The Seventy-Five/Eighty Rule exception may be applied to allow separate development of lots already in existence in their current configuration, or new lots resulting from a full subdivision, short subdivision, or lot boundary adjustment. In order to qualify for this exception, the lot must have an area at least 75 percent of the minimum required for the zone and also at least 80 percent of the mean area of the lots within the same block front, subject to the following provisions:

1) To be counted as a separate lot for the purposes of calculating the mean area of the lots on a block front, a lot must be entirely within a neighborhood residential zone, and must be currently developed as a separate building site or else currently qualify for separate development based on facts in existence as of the date a building permit, full

or short subdivision, or lot boundary adjustment application is filed with the Department. The existence of structures or portions of structures on the property that is the subject of the application may be disregarded when the application indicates the structures or portions of structures will be demolished. In cases where this exception is applied for the purpose of a lot boundary adjustment, the calculation shall be based on the existing lots as they are configured before the adjustment.

2) To be counted as a separate lot for the purposes of calculating the mean area of the lots on a block front, a lot must have at least 10 feet of frontage on the street the calculation is applied to.

3) Publicly owned properties and public or private lots developed with non-residential uses such as parks or institutional uses may be excluded from the calculation. There must, however, be at least one lot on the block front used for the calculation other than the property that is the subject of the platting, lot boundary adjustment, or building permit application that this exception is being applied to.

4) If property is to be subdivided or its lot lines are modified by a lot boundary adjustment that increases the number of lots that qualify for separate development, the property subject to the subdivision, or the lots modified by the lot boundary adjustment, shall be excluded from the block front mean area calculation.

5) For purposes of this subsection 23.44.010.B.1.a, if the platting pattern is irregular, the Director will determine which lots are included within a block front.

6) If an existing or proposed lot has frontage on more than one street, the lot may qualify for this exception based on the calculation being applied to any street on which the lot has at least 30 feet of frontage. If a proposed lot has frontage on multiple streets

but does not have 30 feet of frontage on any street, the exception may be applied based on the calculation along the street on which the lot has the most frontage, provided the lot has at least 10 feet of frontage on that street. If the lot has less than 30 feet of frontage on any one street but equal frontage on multiple streets, the rule may be applied based on the calculation along any one of the streets, provided the lot has at least 10 feet of frontage on that street.

7) New lots created pursuant to subsection 23.44.010.B.1.a shall comply with the following standards:

a) For a lot that is subdivided or short platted, the configuration requirements of subsections 23.22.100.C.3 and 23.24.040.A.9 or with the modification provisions of subsections 23.22.100.D and 23.24.040.B, as applicable; or

b) For an existing lot that is reconfigured under the provisions of Chapter 23.28, the configuration requirements of subsection 23.28.030.A.3 or with the modification provisions of subsection 23.28.030.A.4.

b. The lot area deficit is the result of a dedication or sale of a portion of the lot to the City or state for street or highway purposes, payment was received for only that portion of the lot, and the lot area remaining is at least 2,500 square feet.

c. The lot would qualify as a legal building site under subsection 23.44.010.B but for a reduction in the lot area due to court-ordered adverse possession, and the amount by which the lot was so reduced was less than ten percent of the former area of the lot. This exception does not apply to lots reduced to less than 2,500 square feet.

d. The historic lot exception. The historic lot exception may be applied to allow separate development of lots already in existence if the lot has an area of at least 2,500 square feet, and was established as a separate building site in the public records of the county or

City prior to July 24, 1957, by deed, contract of sale, platting, or building permit. The qualifying lot shall be subject to the following provisions:

1) A lot is considered to have been established as a separate building site by deed if the lot was held under separate ownership from all abutting lots for at least one year after the date the recorded deed transferred ownership. A lot is considered to have been established as a separate building site by contract of sale only if that sale would have caused the property to be under separate ownership from all abutting lots.

2) If two contiguous lots have been held in common ownership at any time after January 18, 1987, and a principal structure extends onto or over both lots, neither lot qualifies for the exception. If the principal structure does not extend onto or over both lots, but both lots were required to meet development standards other than parking requirements in effect at the time the structure was built or expanded, neither lot qualifies for the exception unless the vacant lot is not needed to meet current development standards other than parking requirements. If the combined property fronts on multiple streets, the orientation of the principal structure shall not be considered when determining if it could have been built to the same configuration without using the vacant lot or lots as part of the principal structure's building site.

3) Lots that do not otherwise qualify for this exception cannot qualify as a result of all or part of a principal structure being removed or destroyed by fire or act of nature that occurred on or after January 18, 1987. Lots may, however, qualify as a result of removing from the principal structure minor features that do not contain enclosed interior space, including but not limited to eaves and unenclosed decks.

4) If parking for an existing principal structure on one lot has been provided on an abutting lot and parking is required under Chapter 23.54 the required parking for



the existing house shall be relocated onto the same lot as the existing principal structure in order for either lot to qualify for the exception.

e. The lot is within a clustered housing planned development pursuant to Section 23.44.024, a planned residential development pursuant to Section 23.44.034, or a development approved as an environmentally critical areas conditional use pursuant to Section 25.09.260.

f. If a lot qualifies for an exception to the lot area requirement under subsection 23.44.010.B.1.a, 23.44.010.B.1.b, 23.44.010.B.1.c, 23.44.010.B.1.d, or 23.44.010.B.1.e, the boundaries between that lot and contiguous lots on the same block face that also qualify for separate development may be adjusted through the lot boundary adjustment process if the adjustment maintains the existing lot areas, increases the area of a qualifying substandard lot without reducing another lot below the minimum permitted lot area, or causes the areas of the lots to become more equal provided the number of parcels qualifying for separate development is not increased.

## 2. Limitations

a. Development may occur on a substandard lot containing a riparian corridor, a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the provisions of Chapter 25.09 or containing priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160, only if one of the following conditions applies:

1) The substandard lot is not held in common ownership with an abutting lot or lots at any time after October 31, 1992, or

2) The substandard lot is held in common ownership with an abutting lot or lots, or has been held in common ownership at any time after October 31, 1992, if

proposed and future development will not intrude into the environmentally critical area or buffer or priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

b. Lots on totally submerged lands do not qualify for any minimum lot area exceptions.

3. Special exception review for lots less than 3,200 square feet in area. A special exception Type II review as provided for in Section 23.76.006 is required for separate development of any lot that has not been previously developed as a separate lot and has an area less than 3,200 square feet that qualifies for any lot area exception in subsection 23.44.010.B.1. The special exception application shall be subject to the following provisions:

a. The depth of any structure on the lot shall not exceed two times the width of the lot. If a side yard easement is provided according to subsection 23.44.014.C.3, the portion of the easement within 5 feet of the structure on the lot qualifying under this subsection 23.44.010.B.3 may be treated as a part of that lot solely for the purpose of determining the lot width for purposes of complying with this subsection 23.44.010.B.3.a.

b. Windows in a proposed principal structure facing an existing abutting lot that is developed with a house shall be placed in manner that takes into consideration the interior privacy in abutting houses, provided that this subsection 23.44.010.B.3.b shall not prohibit placing a window in any room of the proposed house.

c. In approving a special exception review, additional conditions may be imposed that address window placement to address interior privacy of existing abutting houses.

#### C. Maximum lot coverage

1. The maximum lot coverage permitted for principal and accessory structures is as provided in Table B for 23.44.010.

<b>Table B for 23.44.010 Maximum lot coverage</b>		
<b>Zone</b>	<b>Lot size</b>	<b>Maximum lot coverage</b>
NR1, NR2, and NR3	Less than 5,000 square feet	1,000 square feet plus 15 percent of lot area
	5,000 square feet or more	35 percent of lot area
RSL	All lots	50 percent of lot area

2. For purposes of computing maximum lot coverage, only those portions of a lot that measure at least 10 feet in all directions shall be included in lot coverage calculations, except for portions of a lot that are used for access or that are granted a waiver under subsections 23.22.100.D, 23.24.040.B, or 23.28.030.A.4 for the purpose of providing access.

**D. Lot coverage exceptions**

**1. Lots abutting alleys. For purposes of computing the lot coverage only:**

a. The area of a lot with an alley or alleys abutting any lot line may be increased by one-half of the width of the abutting alley or alleys.

b. The total lot area for any lot may not be increased by the provisions of this Section 23.44.010 by more than ten percent.

**2. Special structures and portions of structures. The following structures and portions of structures are not counted in lot coverage calculations:**

**a. Access bridges**

1) Uncovered, unenclosed pedestrian bridges 5 feet or less in width and of any height necessary for access,

2) Uncovered, unenclosed vehicular bridges no wider than 12 feet for access to one parking space or 18 feet for access to two parking spaces and of any height necessary for access;

- b. Barrier-free access. Ramps or other access for the disabled or elderly that comply with the Seattle Building Code, Chapter 11;
- c. Decks. Decks or parts of a deck that are 36 inches or less above existing grade;
- d. Freestanding structures and bulkheads. Fences, freestanding walls, bulkheads, signs, and other similar structures;
- e. Underground structures. An underground structure, or underground portion of a structure;
- f. Eaves and gutters. The first 36 inches of eaves and gutters that project from principal and accessory structures;
- g. Solar collectors and swimming pools. Solar collectors that comply with Section 23.44.046 and swimming pools that comply with Section 23.44.044.

#### **23.44.011 Floor area in neighborhood residential zones**

A. Gross floor area. In neighborhood residential zones, gross floor area includes exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are not considered gross floor area.

#### **B. Floor area ratio (FAR) limits.**

1. The FAR limit on lots developed with a single-family dwelling unit as the principal use in NR1, NR2, and NR3 zones, is 0.5, except that lots with less than 5,000 square feet of lot area can include up to 2,500 square feet of total chargeable floor area. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

2. The FAR limit in RSL zones is 0.75. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

C. The following floor area is exempt from FAR limits:

1. All stories, or portions of stories, that are underground.
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.
3. In NR1, NR2, and NR3 zones:
  - a. Any floor area contained in an accessory dwelling unit;
  - b. Either up to 500 additional square feet of floor area in any accessory structure that is not a detached accessory dwelling unit, or up to 250 square feet of floor area in an attached garage.
4. In RSL zones, 50 percent of the chargeable floor area contained in structures built prior to January 1, 1982, as single-family dwelling units that will remain in residential use, regardless of the number of dwelling units within the existing structure, provided the exemption is limited to the gross square footage in the single-family dwelling unit as of January 1, 1982.

D. In NR1, NR2, and NR3 zones, additions to a single-family dwelling unit existing on the effective date of the ordinance introduced as Council Bill 119544 may exceed the FAR limit in subsection 23.44.011.B.1 if the addition adds floor area equal to or less than 20 percent of the floor area that existed on the effective date of the ordinance introduced as Council Bill 119544. Only one addition to any single-family dwelling unit may be exempted under this subsection 23.44.011.D.

#### **23.44.012 Height limits**

A. Maximum height established. The provisions of this Section 23.44.012 apply in neighborhood residential zones, except as provided elsewhere in the Land Use Code for specific types of structures or structures in particular locations.

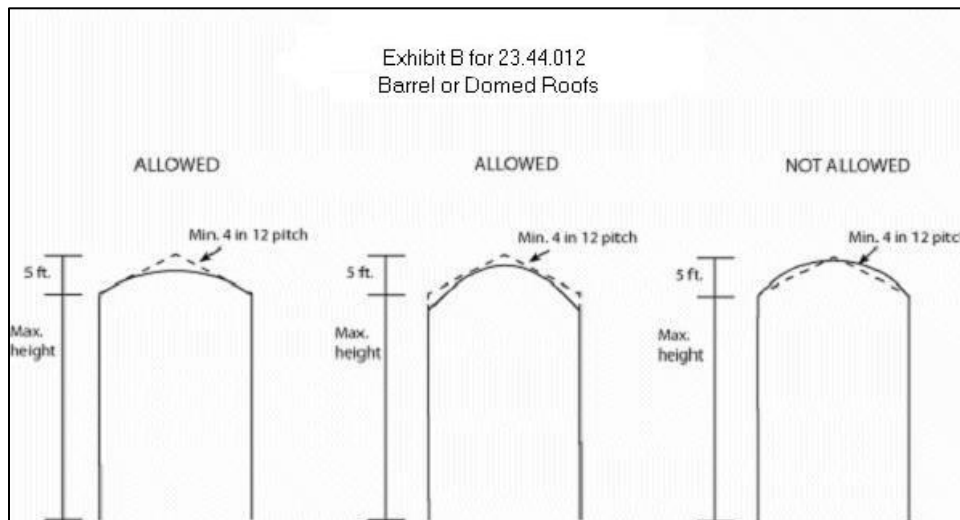
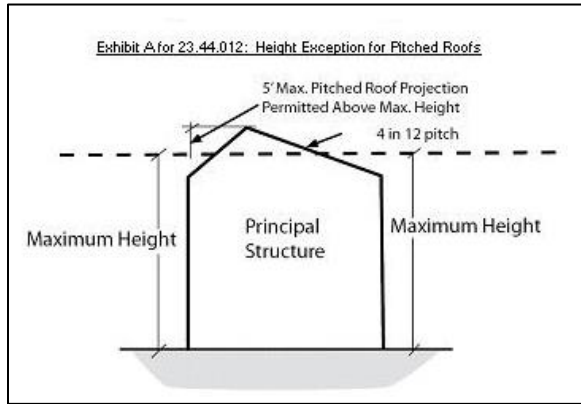
1. Except as provided in subsections 23.44.012.A.2 and 23.44.012.A.3, the maximum permitted height for any structure not located in a required yard is 30 feet.

2. In NR1, NR2, and NR3 zones, the maximum permitted height for any structure on a lot 30 feet or less in width is 25 feet.

3. In NR1, NR2, and NR3 zones, for a lot or unit lot of any width, if the area of the largest rectangle or other quadrilateral that can be drawn within the lot lines of the lot or unit lot is less than 3,200 square feet the maximum permitted height for any structure on that lot shall be 18 feet. Additional height shall be allowed, subject to the limit that would otherwise apply under subsections 23.44.012.A.1 and 23.44.012.A.2, provided that the elevation at the top of the exterior walls of the structure, exclusive of pitched roofs, does not exceed the average of the elevations at the tops of the walls of single-family residences on abutting lots within the same zone. The limit of this subsection 23.44.012.A.3 shall not apply to additions to single-family residences existing as of February 1, 2013, that do not exceed the greater of 1,000 square feet of new gross floor area or the amount of gross floor area on any one floor of the existing house.

B. Pitched roofs. The ridge of a pitched roof on a principal structure may extend up to 5 feet above the maximum height limit, as determined under subsection 23.44.012.A. All parts of the roof above the height limit must be pitched at a rate of not less than 4:12 (Exhibit A for 23.44.012). No portion of a shed or butterfly roof, except on a dormer, shall be permitted to extend beyond the maximum height limit, as determined under subsection 23.44.012.A. Roof forms including but not limited to barreled and domed roofs may be allowed under this

subsection 23.44.012.B if the Director determines that the roof form remains within the massing of a pitched roof form such as a gable or gambrel roof that would otherwise be allowed by this subsection 23.44.012.B (Exhibit B for 23.44.012).



### C. Height limit exemptions

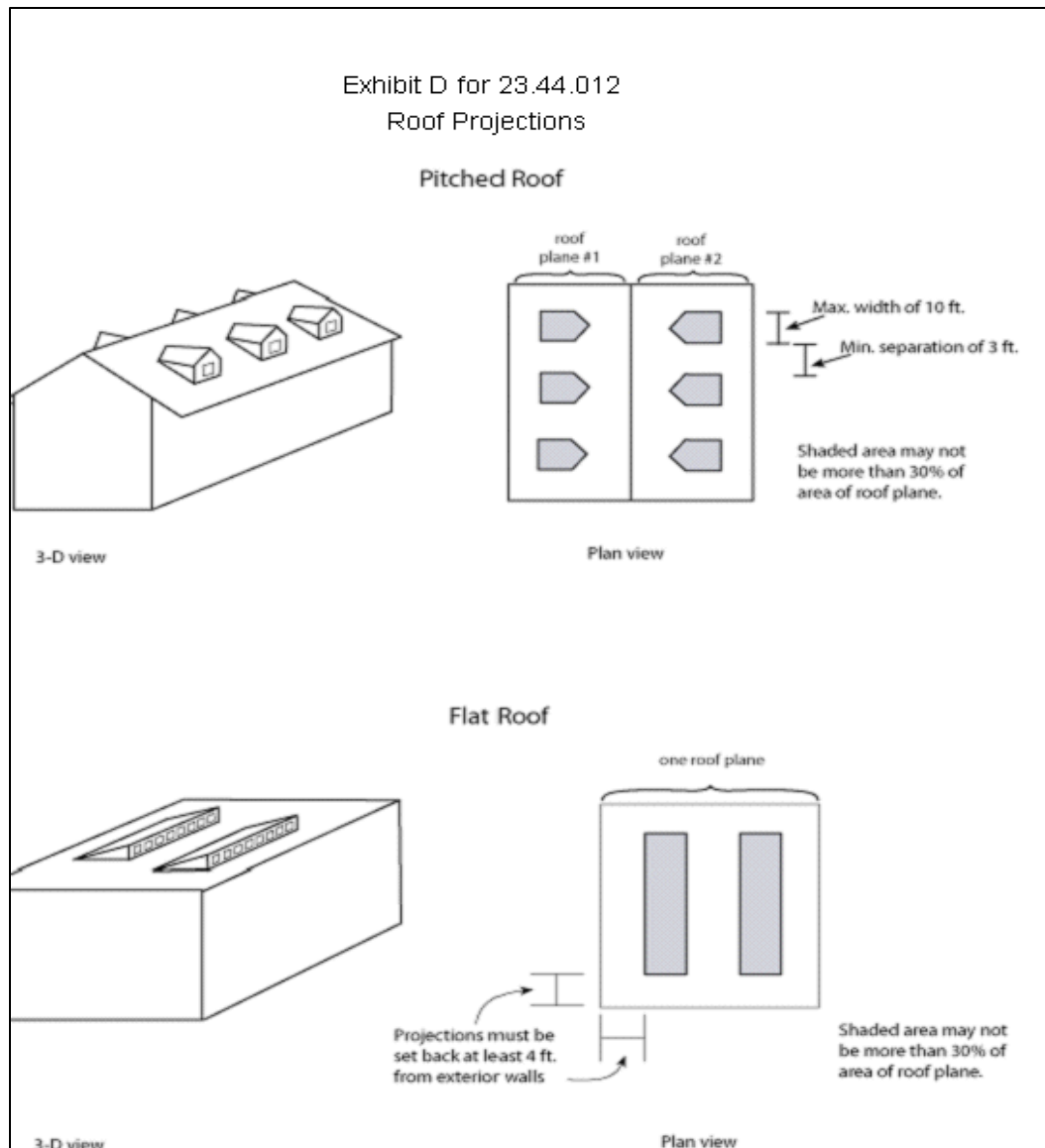
1. Flagpoles. Except in the Airport Height Overlay District, Chapter 23.64, flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than 50 percent of their height above existing grade, or, if attached only to a roof, no closer than 50 percent of their height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

2. Other features. 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.

3. Projections that accommodate windows and result in additional interior space, including dormers, clerestories, skylights, and greenhouses, may extend no higher than the ridge of a pitched roof permitted pursuant to subsection 23.44.012.B, or 4 feet above the applicable height limit pursuant to subsection 23.44.012.A, whichever is higher, if all of the following conditions are satisfied (Exhibit D for 23.44.012:

- 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.





4. Solar 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:

- a. Stair and elevator penthouses;
- b. Mechanical equipment; or
- c. Wind-driven power generators.

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

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

#### **23.44.013 Transportation concurrency level-of-service standards.**

Proposed uses in neighborhood residential zones shall meet the transportation concurrency level-of-service standards prescribed in Chapter 23.52.

#### **23.44.014 Yards**

##### **A. General**

- 1. Yards are required for every lot in a neighborhood residential zone.
- 2. In the case of a through lot, each yard abutting a street, except a side yard, shall be a front yard. Rear yard provisions shall not apply to the through lot, except pursuant to Section 23.40.030 or 23.40.035.
- 3. Setbacks from a street or alley may be required in order to meet the provisions of Section 23.53.015.
- 4. Setbacks from access easements may also be required for principal structures according to the standards in subsections 23.53.025.C.2 and 23.53.025.D.6.

B. Required yards for neighborhood residential zones are shown in Table A for 23.44.014.

<b>Table A for 23.44.014</b>		
<b>Required yards in neighborhood residential zones</b>		
<b>Yard</b>	<b>NR1, NR2, and NR3</b>	<b>RSL</b>
Front	20 feet or the average of the front yards of the single-family structures on either side, whichever is less <sup>1</sup>	10 feet
Rear	25 feet or 20 percent of lot depth, whichever is less, except that it may never be less than 10 feet <sup>2</sup>	10 feet except that, if the rear yard abuts an alley, there is no rear yard requirement
Side	5 feet <sup>3, 4, 5</sup>	5 feet <sup>5</sup>
<p>Footnotes to Table A for 23.44.014</p> <p><sup>1</sup> If the natural gradient or slope (as measured from the front line of the lot for a distance of 60 feet or the full depth of the lot, whichever is less) is in excess of 35 percent, the required front yard depth shall be the lesser of: 20 feet less 1 foot for each one percent of gradient or slope in excess of 35 percent; or the average of the front yards on either side.</p> <p><sup>2</sup> If the rear lot line abuts an alley, the centerline of the alley between the side lot lines extended shall be assumed to be the rear lot line for purposes of the provision of rear yard and the determination of lot depth; provided, that at no point shall the principal structure be closer than 5 feet to the alley.</p> <p><sup>3</sup> In the case of a reversed corner lot, the key lot of which is in a neighborhood residential zone, the width of the side yard on the street side of the reversed corner lot shall not be less than 10 feet.</p> <p><sup>4</sup> If any side street lot line is a continuation of the front lot line of an abutting neighborhood residential zoned lot, whether or not separated by an alley, the width of the street side yard shall not be less than 10 feet.</p> <p><sup>5</sup> No side yard is required from a side lot line that abuts an alley.</p>		

C. Exceptions from standard yard requirements. No structure shall be placed in a required yard except as follows:

1. Garages. Attached and detached garages may be located in a required yard subject to the standards of Section 23.44.016.

2. Certain accessory structures in side and rear yards

a. Except for detached accessory dwelling units, any accessory structure that complies with the requirements of Section 23.44.040 may be constructed in a side yard that abuts the rear or side yard of another lot, or in that portion of the rear yard of a reversed corner lot within 5 feet of the key lot and not abutting the front yard of the key lot, upon recording with

the King County Recorder's Office an agreement to this effect between the owners of record of the abutting properties.

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

3. A principal structure with or without an accessory dwelling unit, and/or a detached accessory dwelling unit may extend into one side yard if an easement is provided along the side or rear lot line of the abutting lot, sufficient to leave a 10-foot separation between that structure and any principal structure or detached accessory dwelling unit on the abutting lot. The 10-foot separation shall be measured from the wall of the structure proposed to extend into a side yard to the wall of the structure on the abutting lot.

a. No structure or portion of a structure may be built on either lot within the 10-foot separation, except as provided in this Section 23.44.014.

b. Features of and projections from structures, such as porches, eaves, and chimneys, are permitted in the 10-foot separation area required by this subsection 23.44.014.C.3 if otherwise allowed in side yards by this subsection 23.44.014.C. For purposes of calculating the distance a structure or feature may project into the 10-foot separation, assume the property line is 5 feet from the wall of the structure proposed to extend into a side yard and consider the 5 feet between the wall and the assumed property line to be the required side yard.

c. Notwithstanding subsection 23.44.014.C.3.b, no portion of any structure, including eaves or any other projection, shall cross the actual property line.

d. The easement shall be recorded with the King County Recorder's Office. The easement shall provide access for normal maintenance activities to the structures on the lot with less than the required 5-foot side yard.

4. Certain additions to structures may be permitted. An existing single-family structure may extend into a required yard if the existing structure is already nonconforming with respect to that yard. The presently nonconforming portion must be at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the existing nonconforming wall of the structure is the limit to which any additions may be built, except as described in subsections 23.44.014.C.4.a through 23.44.014.C.4.e. Additions may extend up to the height limit and may include basement additions. New additions to the nonconforming wall or walls within required yards shall comply with the following requirements:

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

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

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

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

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

5. Uncovered porches or steps. Uncovered, unenclosed porches or steps may project into any required yard, if the surface of porches or steps are no higher than 4 feet above existing grade, no closer than 3 feet to any side lot line, and has a width and depth no greater than 6 feet within the required yard. For each entry to a structure, one uncovered, unenclosed porch and/or associated steps are permitted in each required yard.

6. Certain features of a structure. Unless otherwise provided elsewhere in this Chapter 23.44 or Section 23.42.022, certain features of a principal or accessory structure may extend into required yards if they comply with the following:

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

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

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

d. The combined area of features permitted by subsections 23.44.014.C.6.b and 23.44.014.C.6.c may comprise no more than 30 percent of the area of the facade, except that no limit applies to detached accessory dwelling units.

7. Covered, unenclosed decks and roofs over patios. Covered, unenclosed decks and roofs over patios, if attached to a principal structure, may extend into the required rear yard, but shall not be within 12 feet of the centerline of any alley, or within 5 feet of any rear lot line that is not an alley lot line, or closer to any side lot line in the required rear yard than the side yard requirement of the principal structure along that side, or closer than 5 feet to any accessory structure. The height of the roof over unenclosed decks and patios shall not exceed 12 feet above existing or finished grade, whichever is lower. The roof over such decks or patios shall not be used as a deck.

8. Access bridges. Uncovered, unenclosed access bridges are permitted as follows:

a. Pedestrian bridges 5 feet or less in width, and of any height necessary for access, are permitted in required yards, except that in side yards an access bridge must be at least 3 feet from any side lot line.

b. A driveway access bridge is permitted in the required yard abutting the street if necessary for access to parking. The vehicular access bridge shall be no wider than 12 feet for access to one parking space or 18 feet for access to two or more parking spaces and of any height necessary for access. The driveway access bridge may not be located closer than 5 feet to an adjacent property line.

9. Barrier-free access. Access facilities for the disabled and elderly that comply with the Seattle Building Code, Chapter 11, are permitted in any required yard.

## 10. Freestanding structures and bulkheads

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

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

- 1) No part of the structure may exceed 8 feet; and
- 2) Any portion of the structure above 6 feet shall be predominately open, such that there is free circulation of light and air.

c. Bulkheads and retaining walls used to raise grade may be placed in any required yard when limited to 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 February 20, 1982. If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to 9 1/2 feet.

d. Bulkheads and retaining walls used to protect a cut into existing grade may be placed in any required yard when limited to the minimum height necessary to support the



cut. If the bulkhead or retaining wall is measured from the low side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Seattle Building Code requirements may be placed on top of the bulkhead or retaining wall. If the bulkhead or retaining wall is 6 feet or less, a fence may be placed on top up to a maximum combined height of 9.5 feet for both fence and bulkhead or retaining wall.

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

11. Decks in yards. Except for decks attached to a detached accessory dwelling unit, decks no higher than 18 inches above existing or finished grade, whichever is lower, may extend into required yards.

12. Mechanical equipment. Heat pumps and similar mechanical equipment, not including incinerators, are permitted in required yards if they comply with the requirements of Chapter 25.08. Any heat pump or similar equipment shall not be located within 3 feet of any lot line. Charging devices for electric cars are considered mechanical equipment and are permitted in required yards if not located within 3 feet of any lot line.

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

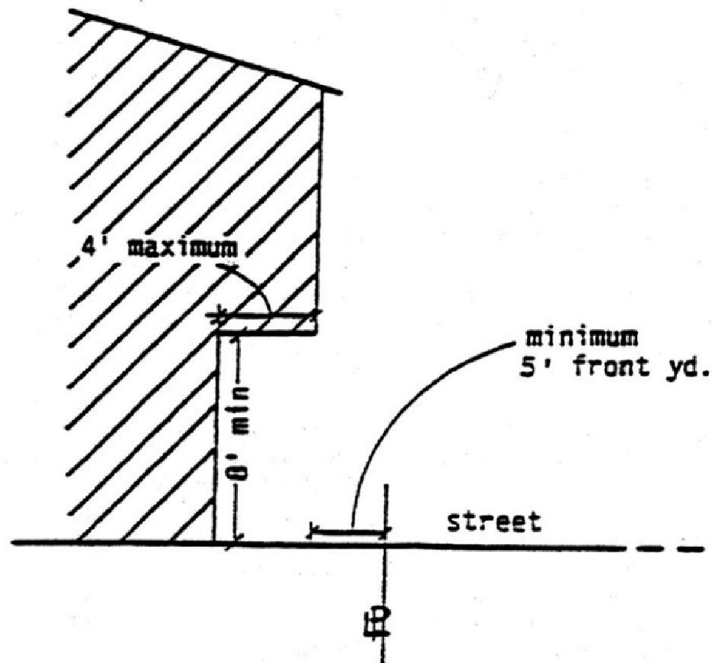
14. Front yard projections for structures on lots 30 feet or less in width. For a structure on a lot in an NR1, NR2, and NR3 zone that is 30 feet or less in width, portions of the front facade that begin 8 feet or more above finished grade may project up to 4 feet into the required front yard, provided that no portion of the facade, including eaves and gutters, shall be closer than 5 feet to the front lot line (Exhibit A for 23.44.014), and provided further that no

portion of the facade of an existing structure that is less than 8 feet or more above finished grade already projects into the required front yard.

**Exhibit A for 23.44.014**

**Front yard projections permitted for structures on lots 30 feet or less in width**

**Exhibit A for 23.44.014**  
**Front yard projections permitted for structures on lots 30 feet or less in width**



15. Front and rear yards may be reduced by 25 percent, but no more than 5 feet, if the site contains a required environmentally critical area buffer or other area of the property that cannot be disturbed pursuant to subsection 25.09.280.A.

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

a. In any required yard, an arbor may be erected with no more than a 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 shall be at least 50 percent open, or if latticework is used, there shall be a minimum opening of 2 inches between crosspieces.

b. In each required yard 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 shall be a minimum opening of 2 inches between crosspieces.

17. Stormwater management

a. Above-grade green stormwater infrastructure (GSI) features are allowed without yard restrictions if:

- 1) Each above-grade GSI feature is no more than 4.5 feet tall, excluding piping;
- 2) Each above-grade GSI feature is no more than 4 feet wide; and
- 3) The total storage capacity of all above-grade GSI features is no greater than 600 gallons.

b. Above-grade GSI features larger than what is allowed in subsection 23.44.014.C.17.a are allowed within a required yard if:

- 1) Above-grade GSI features do not exceed ten percent coverage of any one yard area;
- 2) No portion of an above-grade GSI feature is located closer than 3 feet from a side lot line;
- 3) No portion of an above-grade GSI feature is located closer than 20 feet from a rear lot line or centerline of an alley abutting the rear lot line; and
- 4) No portion of an above-grade GSI feature is located closer than 15 feet from the front lot line.

18. A structure may be permitted to extend into front and rear yards as necessary to protect a Tier 1 or Tier 2 tree, as defined in Section 25.11.130.

19. Below grade structures. Structures below grade, measured from existing or finished grade, whichever is lower, may be located below required yards.

D. Additional standards for structures if allowed in required yards. Structures in required yards shall comply with the following:

1. Accessory structures, attached garages, and portions of a principal structure shall not exceed a maximum combined coverage of 40 percent of the required rear yard, except that, when a detached accessory structure is proposed, the structures may cover an additional 20 percent of the rear yard provided that the increased rear yard coverage does not require removal of any Tier 1 or Tier 2 tree. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

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

3. Except for detached accessory dwelling units, any accessory structure located in a required yard shall meet both the following standards:

- a. A maximum height of 12 feet; and
- b. A maximum size of 1,000 square feet in area.

4. Any detached accessory dwelling unit located in a required yard is subject to the requirements of Section 23.42.022.

E. Separations between multiple structures in RSL zones

1. In RSL zones, the minimum required separation between principal structures is 10 feet, except for principal structures separated by a driveway or parking aisle.

2. If principal structures are separated by a driveway or parking aisle, the minimum required separation between the principal structures is 2 feet greater than the required width of the driveway or parking aisle, provided that the separation is not required to be any greater than 24 feet. If principal structures are separated by a driveway or parking aisle, projections that enclose floor area may extend a maximum of 3 feet into the required separation if they are at least 8 feet above finished grade.

3. Uncovered porches or steps, features of a structure listed in subsection 23.44.014.C.6, and decks shall be allowed in the separation between principal structures provided they:

- a. Comply with the standards of subsections 23.44.014.C.5, 23.44.014.C.6, and 23.44.014.C.11 if the separation were treated like a yard; and

b. Project no more than 3 feet into the separation area.

4. Fences shall be allowed in the separation between principal structures provided they meet the development standards in subsection 23.44.014.C.10.

#### **23.44.016 Parking and garages**

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

B. Access to parking

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

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

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

b. Existing topography does not permit alley access; or

c. At least 50 percent of alley frontage abuts property in a non-residential zone; or

d. The alley is used for loading or unloading by an existing non-residential use; or

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

f. Parking access must be from the street in order to provide access to a parking space that complies with the Seattle Building Code, Chapter 11; or



g. Providing alley access would require removal of a tree on private property that is a Tier 1 or Tier 2 tree, as defined in Section 25.11.130.

C. Location of parking

1. Parking shall be located on the same lot as the principal use, except as provided in this subsection 23.44.016.C.

2. Parking on planting strips is prohibited.

3. For lots developed with one single-family dwelling, no more than three vehicles may be parked outdoors on any lot.

4. Parking accessory to a floating home may be located on another lot if within 600 feet of the lot on which the floating home is located. The accessory parking shall be screened and landscaped according to subsection 23.44.016.G.

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

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

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

c. Parking is screened or landscaped as required by the Director, who shall consider development patterns of the block or nearby blocks.

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

e. The accessory parking shall be tied to the lot of the principal use by a covenant or other document recorded with the King County Recorder's Office.

D. Parking and garages in required yards. Parking and garages are regulated as described in this subsection 23.44.016.D. Unless otherwise specified, the terms "garage" or "garages" as used in this subsection 23.44.016.D refer to both attached and detached garages.

1. Parking and garages shall not be located in the required front yard except as provided in subsections 23.44.016.D.6, 23.44.016.D.8, 23.44.016.D.9, 23.44.016.D.10, and 23.44.016.D.11.

2. Parking and garages shall not be located in a required side yard abutting a street or the first 10 feet of a required rear yard abutting a street except as provided in subsections 23.44.016.D.6, 23.44.016.D.8, 23.44.016.D.9, 23.44.016.D.10, and 23.44.016.D.11.

3. Garages shall not be located in a required side yard that abuts the rear or side yard of another lot or in that portion of the rear yard of a reversed corner lot within 5 feet of the key lot's side lot line unless:

a. The garage is a detached garage and extends only into that portion of a side yard that is either within 35 feet of the centerline of an alley or within 25 feet of any rear lot line that is not an alley lot line; or

b. An agreement between the owners of record of the abutting properties, authorizing the garage in that location, is executed and recorded, pursuant to subsection 23.44.014.C.2.a.

4. Garages with vehicular access facing an alley, shall not be located within 12 feet of the centerline of any alley, nor within 12 feet of any rear lot line that is not an alley lot line, except as provided in subsections 23.44.016.D.8, 23.44.016.D.9, 23.44.016.D.10, and 23.44.016.D.11, or the Director may waive or modify this standard as a Type I decision provided the applicant can demonstrate that adequate turning and maneuvering areas can be provided.

5. On a reversed corner lot, no garage shall be located in that portion of the required rear yard that abuts the required front yard of the adjoining key lot unless the provisions of subsection 23.44.016.D.8 apply.

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

7. Trailers, boats, recreational vehicles, and similar equipment shall not be parked in required front and side yards or the first 10 feet of a rear yard measured from the rear lot line, or measured 10 feet from the centerline of an alley if there is an alley adjacent to the rear lot line, unless fully enclosed in a structure otherwise allowed in a required yard by this subsection 23.44.016.D.

8. Lots with uphill yards abutting streets. In NR1, NR2, and NR3 zones, parking for one two-axle or one up to four-wheeled vehicle may be established in a required yard abutting a street according to subsection 23.44.016.D.8.a or 23.44.016.D.8.b only if access to parking is permitted through that yard pursuant to subsection 23.44.016.B.

a. Open parking space

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

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

3) The parking space shall be no wider than 10 feet for one parking space at the parking surface and no wider than 20 feet for two parking spaces if permitted as provided in subsection 23.44.016.D.11.

b. Terraced garage

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

2) The width of a terraced garage structure shall not exceed 14 feet for one two-axle or one up to four-wheeled vehicle, or 24 feet if permitted to have two two-axle or two up to four-wheeled vehicles as provided in subsection 23.44.016.D.11;

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

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

9. Lots with downhill yards abutting streets. In NR1, NR2, and NR3 zones, parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in a required yard abutting a street if the following conditions are met:

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

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

c. Parking is not permitted in required side yards abutting a street;

d. Parking in a rear yard complies with subsections 23.44.016.D.2, 23.44.016.D.4 and 23.44.016.D.5; and

e. Access to parking is permitted through the required yard abutting the street by subsection 23.44.016.B.

10. Through lots. On through lots less than 125 feet in depth in NR1, NR2, and NR3 zones, parking, either open or enclosed in an attached or detached garage, for one two-axle or one up to four-wheeled vehicle may be located in one of the required front yards. The front yard in which the parking may be located shall be determined by the Director based on the location of other garages or parking areas on the block. If no pattern of parking location can be determined, the Director shall determine in which yard the parking shall be located based on the prevailing character and setback patterns of the block.

11. Lots with uphill yards abutting streets or downhill or through lot front yards fronting on streets that prohibit parking. In NR1, NR2, and NR3 zones, parking for two two-axle or two up to four-wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsections 23.44.016.D.8, 23.44.016.D.9, or 23.44.016.D.10 if, in consultation with the Seattle Department of Transportation, it is found that uninterrupted parking for 24 hours is prohibited on at least one side of the street within 200 feet

of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary, for access.

E. Standards for garages if allowed in required yards. Garages that are either detached structures or portions of a principal structure for the primary purpose of enclosing a two-axle or four-wheeled vehicle may be permitted in required yards according to the following conditions:

1. Maximum coverage and size

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

b. Garages located in side or rear yards shall not exceed 1,000 square feet in area.

c. In front yards, the area of garages is limited to 300 square feet with 14-foot maximum width if one space is provided, and 600 square feet with 24-foot maximum width if two spaces are provided. Access driveway bridges permitted under subsection 23.44.014.C.8.b shall not be included in this calculation.

2. Height limits

a. Garages are limited to 12 feet in height measured on the facade containing the entrance for the vehicle.

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

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

3. Separations. Any detached garage located in a required yard, including projecting eaves and gutters, shall be separated from a principal structure by a minimum of 5 feet including eaves and gutters of all structures. This requirement does not apply to terraced garages that comply with subsection 23.44.016.D.9.b.

4. Roof eaves and gutters of a garage located in a required yard may extend a maximum of 18 inches from the exterior wall of the garage. Such roof eaves and gutters are excluded from the maximum coverage and size limits of subsection 23.44.016.E.1.

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

#### F. Appearance of garages

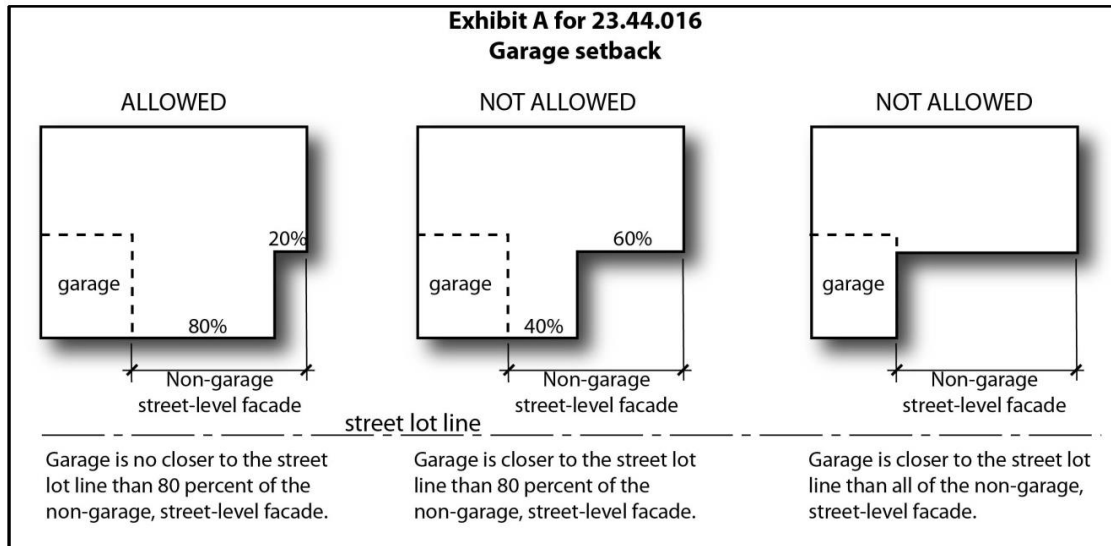
##### 1. Garage setback.

a. In NR1, NR2, and NR3 zones, no portion of a garage, whether attached to a principal structure or within a detached accessory structure, may be closer to the street lot line than 80 percent of the remaining non-garage, street-level facade (see Exhibit A for 23.44.016) of the principal structure to which the garage is accessory. If the entire street-level facade of either a principal or accessory structure is garage, no portion of the garage may be closer to the street lot line than 80 percent of the facade of the story above the street-level facade.

b. In RSL zones, garage entrances facing the street shall be set back at least 18 feet from the street lot line.

## Exhibit A for 23.44.016

### Garage setback



2. Garage entrance width. The total combined horizontal width of all garage entrances on the lot that are located on the front facade may be up to 50 percent of the horizontal width of the front facade or 10 feet, whichever is greater. On corner lots, a garage entrance shall be allowed on only one street-facing facade.

### 3. Exemptions

a. Garages allowed under subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11, and 23.44.016.D.12 are not subject to the standards of this subsection 23.44.016.F.

b. Garages that are set back more than 35 feet from the front lot line are not subject to the standards of this subsection 23.44.016.F.

c. The Director may waive or modify the standards of this subsection 23.44.016.F based on one or more of the following factors:

- 1) Irregular lot shape;



- 2) Topography of the lot;
- 3) Configuration of proposed or existing structures on the lot;
- 4) Location of Tier 1 or Tier 2 trees as defined in Section

25.11.130; and

5) The proposed structure or addition has design features including but not limited to modulation, screening, and landscaping.

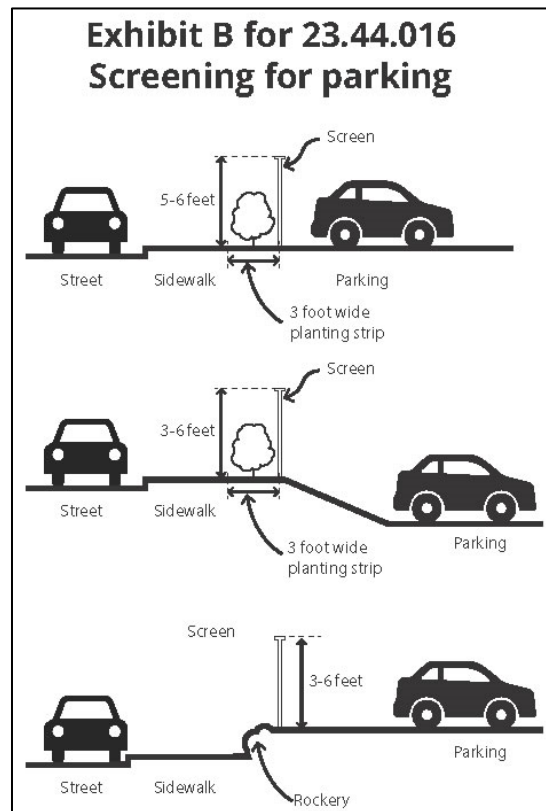
#### G. Screening

1. Parking accessory to floating homes when located on a separate lot from the floating homes shall be screened from direct street view by a fence or wall between 5 and 6 feet in height. When the fence or wall runs along the street front, there shall be a landscaped strip on the street side of the fence or wall. This strip may be between 1 and 5 feet deep, as measured from the property line, but the average distance from the property line to the fence shall be 3 feet. Such screening shall be located outside any required sight triangle.

2. The height of the visual barrier created by the screen required by subsection 23.44.016.G.1 shall be measured from street level. If the elevation of the lot line is different from 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 (see Exhibit B for 23.44.016).

## Exhibit B for 23.44.016

### Screening of parking



### 23.44.017 Density limits

A. In NR1, NR2, and NR3 zones, only one single-family dwelling unit is allowed per lot, except that accessory dwelling units may also be approved pursuant to Section 23.42.022, and except as approved as part of an administrative conditional use permit under Section 25.09.260, a clustered housing planned development under Section 23.44.024, or a planned residential development under Section 23.44.034.

B. The following provisions apply in RSL zones:

1. The minimum lot area per principal dwelling unit is 2,000 square feet.

2. Except as provided in subsection 23.44.017.B.3, when calculation of the number of principal dwelling units allowed according to subsection 23.44.017.B.1 results in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional principal dwelling units, and any fraction over 0.85 constitutes one additional principal dwelling unit.

3. For lots in existence on April 19, 2019, if the number of principal dwelling units allowed according to subsection 23.44.017.B.1 equals less than two, two units are allowed.

4. Accessory dwelling units are allowed pursuant to Section 23.42.022.

#### **23.44.018 Maximum dwelling unit size in RSL zones**

The maximum net unit area of any dwelling unit in RSL zones, including any floor area in an accessory dwelling unit, is 2,200 square feet, except as provided in subsection 23.44.018.B.

A. The following floor area is exempt from the maximum net unit area limit:

1. All stories, or portions of stories, that are underground.
2. All portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower, excluding access.

B. Certain additions

1. The limit of this Section 23.44.018 shall not apply to an addition to single-family residences existing on April 19, 2019, if the addition:

a. Adds floor area equal to or less than 20 percent of the floor area that existed on April 19, 2019; or

b. Adds floor area only by adding or expanding a second-story, provided that the second-story addition is directly above a portion of the dwelling unit that existed prior to April 19, 2019. For purposes of this subsection 23.44.018.B.1, portions of a story that extend no

more than 4 feet above existing or finished grade, whichever is lower, shall not be considered in the calculation of the number of stories.

2. Only one addition to any single-family residence may be exempted under this subsection 23.44.018.B.

**23.44.019 Alternative standards for development of affordable units on property owned or controlled by a religious organization**

In lieu of meeting development standards contained in subsection 23.44.010.A (minimum lot area), subsection 23.44.010.C (maximum lot coverage), subsection 23.44.011.B (floor area), subsection 23.44.012.A (height), and Section 23.44.017 (density), a proposed development that meets the requirements of Section 23.42.055 and subsection 23.44.019.A may elect to meet the alternative development standards in subsection 23.44.019.B through subsection 23.44.019.F.

A. Lot requirements

1. Development on a lot that meets one of the following criteria, but does not meet the additional requirements in subsection 23.44.019.A.2, may meet the alternative development standards in subsection 23.44.019.B and subsection 23.44.019.D through subsection 23.44.019.F:

- a. The lot has or abuts a lot with a religious facility or other use accessory to a religious facility; or
- b. The lot area is 10,000 square feet or greater; or
- c. The lot is in an RSL zone.

2. Development on a lot that meets the following additional requirements may meet the alternative development standards in subsection 23.44.019.C and subsection 23.44.019.D through subsection 23.44.019.F:

a. The lot area is 10,000 square feet or greater;

b. The lot is in an urban village, within 1/4 mile (1,320 feet) of an urban village, or within 1/4 mile (1,320 feet) of a transit stop or station served by a frequent transit route on the map required by subsection 23.54.015.B.4; and

c. The lot meets one of the following locational criteria:

1) The lot abuts, is located on a block front with, or is located across a right-of-way from a zone not designated a neighborhood residential zone; or

2) No lot line is located within 50 feet of a single-family dwelling unit.

B. Proposed development on lots meeting the criteria in subsection 23.44.019.A.1 but not subsection 23.44.019.A.2 may meet the following development standards:

1. The minimum lot area per dwelling unit is 1,500 square feet in NR1, NR2, and NR3 zones and 1,200 square feet in RSL zones.

2. The maximum lot coverage is 50 percent of lot area in NR1, NR2, and NR3 zones and 65 percent in RSL zones.

3. The maximum FAR limit is 1.0 in NR1, NR2, and NR3 zones and 1.2 in RSL zones. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

4. In NR1, NR2, and NR3 zones, the maximum height for a proposed development that exceeds the maximum lot coverage limit in subsection 23.44.010.C is 22 feet. The maximum height for all other developments is 30 feet.

C. Proposed development on lots meeting the criteria in subsection 23.44.019.A.2 may meet the following development standards:

1. The minimum lot area per dwelling unit is 400 square feet.
2. The maximum lot coverage is 50 percent of lot area in NR1, NR2, and NR3 zones and 65 percent in RSL zones.
3. The maximum height limit is 40 feet in NR1, NR2, and NR3 zones and 50 feet in RSL zones.
4. The maximum FAR limit is 2.0 in NR1, NR2, and NR3 zones and 3.0 in RSL zones. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

D. Permitted uses. In addition to the uses listed in Section 23.44.006, the following uses are permitted outright on lots meeting the requirements of this Section 23.44.019: apartments, cottage housing development, rowhouse development, and townhouse development.

E. Setback requirements. In addition to the yard requirements of Section 23.44.014, the following standards apply:

1. No structure shall be closer than 10 feet to a side lot line of an abutting neighborhood residential-zoned lot.
2. No structure shall be closer than 20 feet to a rear lot line of an abutting neighborhood residential-zoned lot.
3. No structure shall be closer than 5 feet to any lot line.

F. Maximum facade length. The maximum combined length of all portions of a facade within 20 feet of a lot line of an abutting neighborhood residential-zoned lot may not exceed 40 feet. Maximum facade length shall be measured as described in Section 23.86.015.

#### **23.44.020 Tree requirements**

- A. Tree requirements in NR1, NR2, and NR3 zones

1. Trees sufficient to meet the following requirements shall be provided when single-family dwelling units are constructed:

a. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000 square feet of lot area.

b. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of tree.

2. Trees sufficient to meet the following requirements shall be provided when a new structure, or an addition to an existing structure, containing an accessory dwelling unit is constructed:

a. For lots that do not contain the minimum number of caliper inches of tree required by subsection 23.44.020.A.1 at the time a permit application is submitted for any number of accessory dwelling units, at least 2 caliper inches of tree shall be planted;

b. For lots that contain the minimum number of caliper inches of tree required by subsection 23.44.020.A.1 at the time a permit application is submitted for any number of accessory dwelling units, no new trees are required.

3. The minimum number of caliper inches of tree required may be met by preserving existing trees, planting new trees, or by a combination of preservation and planting. The preservation or planting of trees in the right-of-way may be counted, provided that they are approved by the Director of Transportation.

4. Submerged land shall not be included in calculating lot area for purposes of either the tree preservation option or tree planting option.

5. Tree measurements. Trees planted to meet the requirements in this subsection 23.44.020.A shall be at least 1.5 inches in diameter. The diameter of new trees shall be measured

(in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1 inch toward meeting the tree requirements in this subsection 23.44.020.A. When an existing tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3 inches toward meeting the tree requirement.

6. Tree preservation plans. If the tree preservation option is chosen, a tree preservation plan must be submitted by a certified arborist and approved. Tree preservation plans shall provide for protection of trees during construction according to standards promulgated by the Director.

7. The owner of the subject lot shall ensure that the trees planted remain healthy for at least five years after inspection by the City and be responsible for replacing any trees that do not remain healthy after inspection by the City.

B. Tree requirements in RSL zones

1. Trees sufficient to achieve one point, according to Table A for 23.44.020, per 500 square feet of lot area shall be provided for any development:

- a. Containing one or more new dwelling units;
- b. Containing more than 4,000 square feet of non-residential uses in either a new structure or an addition to an existing structure; or
- c. Expanding surface area parking by more than 20 parking spaces for automobiles.

2. Individual trees preserved during construction or planted after construction, excluding street trees, count toward the tree score according to Table A for 23.44.020. All required trees shall meet standards promulgated by the Director to provide for the long-term



health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth, and quality of soil, access to light and air, and protection practices during construction.

<b>Table A for 23.44.020</b>		
<b>Tree points</b>		
<b>Type of tree</b>	<b>Points for deciduous trees</b>	<b>Points for evergreen trees</b>
Small tree planted after construction	1 point	1.25 point
Small/medium tree planted after construction	2 points	2.5 points
Medium/large tree planted after construction	3 points	3.75 points
Large tree planted after construction	4 points	5 points
Trees 6 inches in diameter or greater that are preserved during construction	1 point per inch of diameter	1.25 point per inch of diameter

3. Tree protection areas shall be designated for all trees that are proposed to be preserved to receive points under this subsection 23.44.020.B. No excavation, fill, placing of materials or equipment, or vehicle operation shall be allowed during construction within a tree protection area. Tree protection areas shall be an area equal to the outer extent of the dripline of the tree, except that they may be reduced if the following conditions are met:

- a. A certified arborist has submitted and received approval for a plan providing the rationale used to demonstrate that the alternate method provides an adequate level of protection based on visiting the site and examining the specific tree's size, location, and extent of root cover, evaluating the tree's tolerance to construction impact based on its species and health, and identifying any past impacts that have occurred within the root zone; and
- b. The alternative tree protection area is prepared under the supervision of the certified arborist.

4. The owner of the subject lot is required to ensure that the trees planted remain healthy for at least five years after inspection by the City and the owner of the subject lot shall be responsible for replacing any trees that do not remain healthy after inspection by the City.

#### C. Street tree requirements

1. Street trees are required for development that would add one or more principal dwelling units on a lot, except as provided in subsection 23.44.020.C.2 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, shall determine the number, type, and placement of additional street trees to be provided in order to:

- a. Improve public safety;
- b. Promote compatibility with existing street trees;
- c. Match trees to the available space in the planting strip;
- d. Maintain and expand the urban forest canopy;
- e. Encourage healthy growth through appropriate spacing;
- f. Protect utilities; and
- g. Allow access to the street, buildings, and lot.

#### 2. Exceptions to street tree requirements

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

b. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot setback shall be planted with street trees along the street lot line that abuts the required

front yard, or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of the Seattle 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.

## **Subchapter II Conditional Uses**

### **23.44.021 General provisions**

A. Only those conditional uses identified in this Subchapter II may be authorized as conditional uses in neighborhood residential zones. The Master Use Permit Process set forth in Chapter 23.76 shall be used to authorize conditional uses.

B. Unless otherwise specified in this Subchapter II, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.020.

C. A conditional use may be approved, conditioned, or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

E. Any use that was previously authorized by a conditional use permit but which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit, provided that such permit is required for the use at the time re-establishment or recommencement is proposed. The following shall constitute conclusive evidence that the conditional use has been discontinued:

1. A permit to change the use of the property has been issued and the new use has been established; or

2. The property has not been devoted to the authorized conditional use for more than 24 consecutive months.

Vacant property, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multitenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

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

## **Part 1 Administrative Conditional Uses**

### **23.44.022 Institutions**

#### **A. Scope of standards**

1. The standards of this Section 23.44.022 apply only to institutions permitted as conditional uses in neighborhood residential zones.

2. The following institutions may be permitted as conditional uses in neighborhood residential zones:

- a. Community centers that provide shelter services;
- b. Private schools;
- c. Religious facilities;
- d. Existing institutes for advanced study; and
- e. Other similar institutions.

3. The following institutions are prohibited in neighborhood residential zones:

- a. Hospitals;
- b. Colleges;
- c. Museums;
- d. Private clubs; and
- e. Vocational schools.

B. Major institutions. Existing major institutions and major institution uses within an existing Major Institution Overlay District shall be permitted in accordance with the provisions of Chapter 23.69 this Section 23.44.022.

C. Public schools shall be permitted as regulated in Section 23.51B.002.

D. General provisions

1. New or expanding institutions in neighborhood residential zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.020 unless modified elsewhere in this Section 23.44.022 or in a Major Institution master plan.

2. The establishment of a shelter for homeless youths and young adults in a legally established elementary or secondary school is not considered a new use or an expansion of the institutional use provided that:

- a. The use does not violate any condition of approval of the existing institutional use;
- b. The use does not require expansion of the existing structure;
- c. Any new children's play area is located at least 30 feet from any other lot in a neighborhood residential zone and at least 20 feet from any lot in a multifamily zone; and
- d. The occupants are enrolled students of the established school.

3. Institutions seeking to establish or expand on property that is developed with residential structures may expand their campus up to a maximum of 2.5 acres. An institution campus may be established or expanded beyond 2.5 acres if the property proposed for the expansion is substantially vacant land.

E. Dispersion. The lot line of any proposed new or expanding institution shall be located at least 600 feet from any lot line of any other institution in a residential zone, with the following exceptions:

- 1. An institution may expand even though it is within 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.
- 2. A proposed institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements that provide substantial separation from other institutions, such as bodies of water, large open spaces, or topographical breaks or other elements such as arterials, freeways, or nonresidential uses.

F. Demolition of residential structures. No residential structure shall be demolished, nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of Title 23 and if

alternative locations would have greater noise, odor, light and glare, or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.

G. Reuse of existing structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures that do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

#### H. Noise and odors

1. For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities, and other noise-generating and odor-generating equipment, fixtures, or facilities. The institution shall be designed and operated in compliance with Chapter 25.08.

2. In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, or setting hours of operation for facilities.

#### I. Landscaping

1. The Director shall promulgate rules to foster the long-term health, viability, and coverage of plantings. The rules shall address, at a minimum, the type and size of plants, spacing of plants, use of drought-tolerant plants, and access to light and air for plants. All landscaping provided to meet the requirements of this Section 23.44.022 shall comply with these rules.

2. Landscaping that achieves a Green Factor score of 0.3 or greater, pursuant to Section 23.86.019, is required for any lot with:

- a. Development containing more than four new dwelling units;
- b. Development, either a new structure or an addition to an existing structure, containing more than 4,000 new square feet of non-residential uses; or
- c. Any parking lot containing more than 20 new parking spaces for automobiles.

#### J. Light and glare

1. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area, intensity, and location or angle of illumination be limited.

2. Nonreflective surfaces shall be used to help reduce glare.

#### K. Bulk and siting

1. Lot area. If the proposed site is more than one acre in size, the Director may require the following and similar development standards:

- a. For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum;



b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block fronts in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.

2. Yards. Yards of institutions shall be as required for uses permitted outright pursuant to Section 23.44.014, provided that no structure other than freestanding walls, fences, bulkheads, or similar structures shall be closer than 10 feet to the side lot line. If the Director finds that a reduced yard will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings, the side yard may be reduced to 5 feet. Fences and freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to Section 23.51A.002, shall be set back from the street lot line a minimum of 10 feet, and landscaping shall be provided between the fence or wall and the right-of-way. The Director may reduce the required yard after finding that the reduced yard will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the fence, wall, or structure in relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the height, design, or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide both: a landscaped yard between the fence or wall and the right-of-way; and a fence or wall that provides visual interest facing the street lot line through the height, design, or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.

3. Institutions located on lots in more than one zone classification. For lots that include more than one zone classification, neighborhood residential zone provisions shall apply only to the neighborhood residential-zoned lot area involved.

4. Height limit

a. Religious symbols for religious institutions may extend an additional 25 feet above the height limit.

b. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be 35 feet if portions of the structure above 35 feet are set back at least 20 feet from all property lines. Pitched roofs on a gymnasium or auditorium that have 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 or an auditorium shall be permitted to extend beyond the 35-foot height limit under this provision.

5. Facade scale. If any facade of a new or expanding institution is longer than 30 feet, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features that may be required include, but are not limited to, modulation, architectural features, landscaping, and increased yards.

L. Parking and loading berth requirements

1. Quantity and location of off-street parking

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

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

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

1) Provide a demonstrable public benefit, such as reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light, and glare; and

2) Not cause undue traffic through residential streets or create a safety hazard.

2. Parking design. Parking access and parking shall be designed as provided in Chapter 23.54.

3. Loading berths. The quantity and design of loading berths shall be as provided in Chapter 23.54.

M. Transportation plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions that are larger than 4,000 square feet of structure area and/or are required to provide an additional 20 or more parking spaces. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns,

extent of traffic congestion, types and numbers of vehicles associated with the institution, and mitigating measures to be taken by the applicant;

2. Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking, and measures to be taken by the applicant such as preference given to some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;

3. Parking overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development, and mitigating measures to be taken by the applicant;

4. Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;

5. Availability of public or private mass transportation systems. Route location and frequency of service and private mass transportation programs to be provided by the applicant, such as carpools and vanpools.

N. Development standards for existing institutes for advanced study

1. The institute shall be located on a lot of not less than 15 acres.
2. The lot coverage for all structures shall not exceed 20 percent of the total lot area.
3. Structures shall be set back a minimum of 25 feet from any lot line.
4. Parking areas shall be set back a minimum of 10 feet from any lot line.

5. In the event of expansion, parking shall be required as provided for existing institutes for advanced study in Section 23.54.015.

6. Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.

#### **23.44.024 Clustered housing planned developments**

Clustered housing planned developments (CHPDs) may be permitted as an administrative conditional use in NR1, NR2, and NR3 zones. A CHPD is intended to enhance and preserve natural features, encourage the construction of low-income housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be subject to the following provisions:

##### **A. Site requirements**

1. The minimum size of a CHPD is two acres, excluding submerged land and any land designated an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas.

2. Where portions of a site are designated an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use provisions under Section 25.09.260 shall apply, superseding the standards of this Section 23.44.024.

3. The Director may exclude land from a CHPD if it is separated from the site by topography, if it has a poor functional relationship with the site, or if including the land would have a negative impact on adjacent neighborhood residential zoned lots.

B. Type of dwelling units permitted. Only single-family dwelling units shall be permitted in a CHPD.

C. Number of dwelling units permitted

1. The number of dwelling units permitted in a CHPD shall be calculated by dividing the CHPD land area by the minimum lot area required in subsection 23.44.010.A for the neighborhood residential where the CHPD is located. Land that is designated an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer and submerged land shall be excluded from the land used to calculate the permitted number of dwelling units in a CHPD. For CHPDs located in more than one zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. Where portions of a site are designated an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the administrative conditional use provisions under Section 25.09.260 shall apply.

3. One additional detached single-family structure may be permitted if the development includes one or more of the following facilities open to the surrounding community:

- a. Usable open space and other recreational facilities approved by the Director;
- b. Community center; and
- c. Child care facility.

D. Subdivision. A CHPD may be subdivided into lots of less than the minimum area required by subsection 23.44.010.A.

E. Yards. Yards shall be required for structures within a CHPD. For the purposes of this subsection 23.44.024.E, setbacks shall be considered yards, and the provisions relating to accessory structures in required yards of the applicable neighborhood residential zone shall apply.

1. Structures shall be set back a minimum distance of 20 feet from the street lot line of a CHPD.

2. No dwelling unit in a CHPD shall be closer than 5 feet to a side lot line of an abutting neighborhood residential zoned lot.

3. No dwelling unit in a CHPD shall be closer than 25 feet to a rear lot line of an abutting neighborhood residential zoned lot.

4. No dwelling unit in a CHPD shall be closer than 5 feet to any lot line of an abutting non-neighborhood residential zoned lot.

5. There shall be a minimum distance of 10 feet between principal structures within 100 feet of the lot line of a CHPD.

6. To provide a sense of privacy and to mitigate the effects of shadows between structures located more than 100 feet from the lot line of a CHPD, the required separation between structures in the CHPD shall vary depending on the design of the facing facades as follows:

a. Walls of interior facades that do not have a principal entrance shall be at least 10 feet apart at any point.

b. A principal entrance to a structure shall be at least 15 feet from the nearest interior facade that does not have a principal entrance.

c. A principal entrance to a structure shall be at least 20 feet from the nearest interior facade with a principal entrance.

7. The Director may increase the minimum required yards or require alternate spacing or placement of structures in order to:

- a. preserve or enhance topographical conditions;
- b. enhance the relationship with adjacent uses and the layout of the project;
- c. promote green stormwater infrastructure and other measures to reduce stormwater runoff; or
- d. maintain a compatible scale and design with the surrounding community.

F. Landscaping. The Director may require retention of existing mature landscaping, or provision of new landscaping, where that existing or new landscaping is compatible with surrounding flora and favors native species to:

- 1. Minimize the impacts of the CHPD on adjacent land uses along some or all exterior lot lines;
- 2. Reduce stormwater runoff, potential erosion, and impervious surfaces; or
- 3. Screen parking from the view of adjacent residentially zoned lots and the street.

G. Maintenance of required landscaping and open space. Required landscaping and open space shall be maintained for the life of the project. Maintenance of required landscaping and open space shall be the continuing responsibility of the owner.



#### **23.44.026 Use of landmark structures or sites**

A. The Director may authorize a use not otherwise permitted in the zone as an administrative conditional use within a structure or on a site designated as a landmark pursuant to Chapter 25.12 subject to the following development standards:

1. The use shall be compatible with the existing configuration of the site and with the existing design and/or construction of the structure without significant alteration; and
2. The use shall be allowed only when it is demonstrated that uses permitted in the zone are impractical because of site configuration or structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure or site in a reasonably good physical condition; and
3. The use shall not be detrimental to other properties in the zone or vicinity or to the public interest.

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

#### **23.44.028 Structures unsuited to uses permitted outright**

A. Uses not otherwise permitted in the zone may be permitted as an administrative conditional use in structures unsuited to uses permitted outright in neighborhood residential zones. The determination that a use may be permitted shall be based on the following factors:

1. The design of the structure is not suitable for conversion to a use permitted outright in a neighborhood residential zone; and
2. The structure contains more than 4,000 square feet; and
3. The proposed use will provide a public benefit.

B. Parking requirements for uses permitted under this section shall be determined by the Director.

C. The Director may require measures to mitigate impacts such as noise, odor, parking or traffic impacts. Mitigating measures may include but are not limited to landscaping, sound barriers, fences, mounding or berming, adjustments to development standards, design modifications or setting hours of operation.

D. In the case of an existing or former public school, permissible uses other than those permitted outright in the zone and their development standards including parking requirements shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Chapter 23.78 of this Land Use Code.

#### **23.44.030 Park and ride facility**

The Director may authorize a park and ride facility under the management of a public agency responsible for commuter pooling efforts as an administrative conditional use. The Director shall determine that:

- A. It is to be located on an existing parking lot;
- B. That parking proposed for the park and ride facility is not needed by the principal use or its accessory uses during the hours proposed for park and ride use; and
- C. The park and ride use shall not interfere or conflict with the peak-hour activities associated with the principal use and its accessory uses. The Director may control the number and location of parking spaces to be used.

#### **23.44.032 Certain nonconforming uses.**

Nonconforming uses which are authorized pursuant to Section 23.42.110 may be permitted as a conditional use.

## **Part 2 Council Conditional Uses**

### **23.44.034 Planned residential development (PRD)**

Planned residential developments (PRDs) may be permitted in NR1, NR2, and NR3 zones as a council conditional use. A PRD is intended to enhance and preserve natural features, encourage the construction of low-income housing, allow for development and design flexibility, promote green stormwater infrastructure and protect and prevent harm in environmentally critical areas. PRDs shall be subject to the following provisions:

#### **A. Site requirements**

1. The minimum size of a PRD is two acres, excluding submerged land and any land designated as an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas.

2. The area of the site devoted to single-family uses at the time of application, calculated by multiplying the number of such uses by the minimum lot area for the zone, shall not exceed 20 percent of the area of the entire site.

3. Land that is designated as an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall be excluded from the land used to calculate permitted density in a PRD.

4. Land may be excluded from a PRD by the Director if it is separated from the site by topography, if it has a poor functional relationship with the site, or if including the land would have a negative impact on adjacent neighborhood residential zoned lots.

5. Where portions of a site are designated as an environmentally critical area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use provisions under Section 25.09.260 shall apply, superseding the standards of this Section 23.44.034.

B. Type of housing permitted

1. Only single-family dwelling units are permitted within 100 feet of a PRD lot line that abuts or is directly across the street from a neighborhood residential zoned lot, except as provided in this subsection 23.44.034.B.

2. Single-family dwelling units, cottage housing developments, rowhouse developments, and townhouse developments are permitted within 100 feet of a lot line of a PRD that does not abut and is not across a street from a neighborhood residential zoned lot, or that is separated from the neighborhood residential zoned lot by physical barriers, such as bodies of water, ravines, greenbelts, freeways, expressways, and other major traffic arterials or topographic breaks that provide substantial separation from the surrounding neighborhood residential neighborhood.

3. Single-family dwelling units, cottage housing developments, rowhouse developments, and townhouse developments are permitted when more than 100 feet from a lot line of a PRD.

4. Cottage housing developments, rowhouse developments, and townhouse developments shall meet the development standards for structures in LR1 zones, unless otherwise specified in this Chapter 23.44.

C. Number of dwelling units permitted

1. The number of dwelling units permitted in a PRD shall be calculated by dividing the PRD lot area by the minimum lot area required in subsection 23.44.010.A. If the PRD includes more than one zone, the number of dwelling units shall be calculated based on the proportion of land area in each zone.

2. An increase in number of dwelling units may be permitted in a PRD up to a maximum increase of 20 percent. An increase in permitted density shall be based on the extent to which the proposed PRD provides substantial additional public benefits such as the following:

- a. Low-income housing;
- b. Usable open space;
- c. Child care center, meeting space, or recreational facilities open to the surrounding community; and
- d. Green stormwater infrastructure beyond the requirements of the Stormwater Code (Chapters 22.800 through 22.808).

#### D. Subdivision

1. A PRD may be subdivided into lots of less than the minimum size required by subsection 23.44.010.A.

2. A minimum of 300 square feet of private, landscaped open space is required for each unit and shall be provided at ground level and directly accessible to the unit.

E. Yards. Yards shall be required for residential structures within a PRD. For the purposes of this subsection 23.44.034.E, setbacks shall be considered yards, and the provisions relating to accessory structures in required yards of the applicable neighborhood residential zone shall apply.

1. Structures within 100 feet of the exterior lot line of a PRD shall be set back a minimum distance of 20 feet from the street lot line of a PRD.

2. No dwelling unit in a PRD shall be closer than 5 feet to a side lot line of an abutting neighborhood residential zoned lot.

3. No dwelling unit in a PRD shall be closer than 25 feet to a rear lot line of an abutting neighborhood residential zoned lot.

4. No dwelling unit in a PRD shall be closer than 5 feet to any lot line of an abutting non-residentially zoned lot.

5. Principal structures shall be at least 10 feet apart.

6. To provide a sense of privacy and to mitigate the effects of shadows between structures that are more than 100 feet from the lot line of a PRD, the required separation between structures shall vary depending on the design of the facing facades as follows:

a. Walls shall be at least 10 feet apart.

b. A principal entrance to a structure shall be at least 15 feet from the nearest interior facade that does not have a principal entrance.

c. A principal entrance to a structure shall be at least 20 feet from the nearest interior facade with a principal entrance.

7. The Director may modify the minimum required setbacks or require alternate spacing or placement of structures in order to preserve or enhance topographical conditions, enhance the relationship with adjacent uses or the layout of the project, promote green stormwater infrastructure and other measures to reduce stormwater runoff, or maintain a compatible scale and design with the surrounding community.

F. Landscaping. The Director may require landscaping that is compatible with surrounding flora and favors native species in addition to the following requirements:

1. Minimize the impacts of the PRD on adjacent land uses along some or all exterior lot lines;
2. Reduce stormwater runoff, potential erosion, and impervious surfaces; and/or
3. Screen parking from the view of adjacent residentially zoned lots and the street.

G. Maintenance of required landscaping and open space. Required landscaping and open space shall be maintained for the life of the project. Maintenance of required landscaping and open space shall be the continuing responsibility of the owner.

#### **23.44.035 Communication utilities.**

Communication utilities may be permitted in neighborhood residential zones subject to the provisions of section 23.57.010.

#### **23.44.036 Public facilities**

Public facilities may be permitted in neighborhood residential zones according to the provisions of Section 23.51A.002 and the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions. Public facilities include, but are not limited to, police precinct stations, fire stations, public boat moorages, and utility services uses.

### **Subchapter III Accessory Uses**

#### **23.44.040 General Provisions**

A. Accessory uses customarily incidental to principal uses permitted outright are permitted outright.

B. All accessory uses and structures, except for urban farms and structures in urban farm use, must be located on the same lot as the principal use or structure unless otherwise specifically provided.

C. Accessory conditional uses are subject to the development standards for accessory uses permitted outright unless otherwise specified in this Section 23.44.040. Urban farms also are subject to the development standards in Section 23.42.051.

#### **23.44.042 Urban farms**

A. An urban farm with up to 4,000 square feet of planting area is permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the applicable standards of this title, including the provisions of Section 23.42.051.

B. An urban farm with over 4,000 square feet of planting area may permitted as an administrative conditional use accessory to any principal use permitted outright or accessory to a permitted conditional use, pursuant to Sections 23.44.021 and 23.42.051.

#### **23.44.044 Swimming pools**

Private, permanent swimming pools, hot tubs and other similar uses are permitted as accessory uses to a single-family structure subject to the following specific development standards:

A. Private, permanent swimming pools, hot tubs and other similar uses over 18 inches above existing grade are subject to the development standards for accessory uses.

B. Private, permanent swimming pools, hot tubs and other similar uses projecting not more than 18 inches above existing grade shall not be counted in lot coverage.

C. Private, permanent swimming pools, hot tubs and other similar uses may be placed in a required front or rear yard, provided that:



1. No part of the structure shall project more than 18 inches above existing lot grade in a required front yard; and

2. No part of the structure shall be placed closer than 5 feet to any front or side lot line.

#### **23.44.046 Solar collectors**

A. Solar collectors are permitted outright as an accessory use to any principal use permitted outright or to a permitted conditional use and accessory dwelling units subject to the following development standards:

1. Solar collectors, including solar greenhouses, shall not be counted in lot coverage.

2. Solar collectors except solar greenhouses attached to principal use structures may exceed the height limits of neighborhood residential zones by 4 feet or extend 4 feet above the ridge of a pitched roof. However, the total height from existing grade to the top of the solar collector may not extend more than 9 feet above the height limit established for the zone (see Exhibit 23.44.046 A). A solar collector that exceeds the height limit for neighborhood residential zones shall be placed so as not to shade an existing solar collector or property to the north on January 21, at noon, any more than would a structure built to the maximum permitted height and bulk.

3. Solar collectors and solar greenhouses may be located in required yards according to the following conditions:

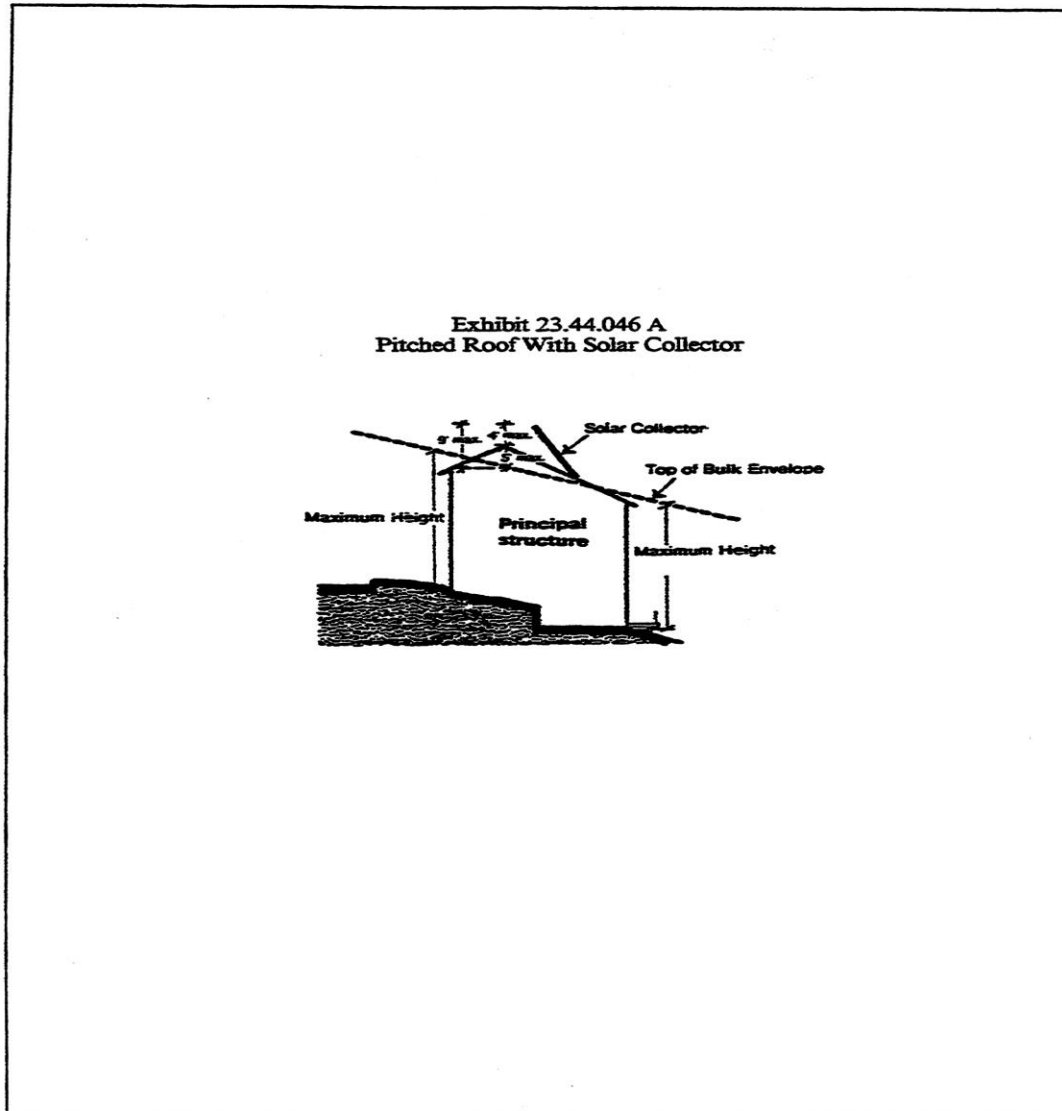
a. In a side yard, no closer than 3 feet from the side property line; or

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

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

B. Nonconforming solar collectors. The Director may permit the installation of solar collectors which cause an existing structure to become nonconforming, or which increase an existing nonconformity, as a special exception pursuant to Chapter 23.76. Such installation may be permitted even if it exceeds the height limit established in subsection 23.44.046.A.2, so long as total structure height including solar collectors does not exceed 39 feet above existing grade and the following conditions are met:

1. There is no feasible alternative to placing the collector(s) on the roof;
2. Such collector(s) are located so as to minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for the collectors;
3. Such collector(s) meet minimum written energy conservation standards administered by the Director; and
4. The collector(s) add no more than 7 feet of height to the existing structure. To minimize view blockage or shadow impacts, the Director shall have the authority to limit a nonconforming solar collector to less than 7 additional feet of height.



**23.44.048 Keeping of animals.**

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

**23.44.050 Home occupations.**

Home occupations are regulated by Section 23.42.050, Home Occupations.

**23.44.051 Bed and breakfasts**

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

A. General provisions

1. The bed and breakfast use shall have a valid business license tax certificate issued by the Department of Finance and Administrative Services;

2. All operators of bed and breakfast uses who use a short-term rental platform for listing the bed and breakfast shall have a valid short-term rental operator's license issued by the Department of Finance and Administrative Services.

3. The bed and breakfast use shall be operated by the primary resident of the dwelling unit where the bed and breakfast is located or the resident operator;

4. There shall be no evidence of the bed and breakfast use visible from the exterior of the dwelling unit except for a sign permitted by subsection 23.55.020.D.1;

5. The bed and breakfast use shall have no more than five guest rooms, provided that this limitation does not apply to bed and breakfast uses that were established on or before April 1, 1987; and

6. A bed and breakfast use may be located in a dwelling unit or an accessory dwelling unit.

B. Alterations to single-family structures. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.

#### **23.44.052 Open wet moorage**

Piers and floats for open wet moorage of private pleasure craft are permitted as regulated by the Shoreline District, Chapter 23.60A.

#### **23.44.053 Transitional encampments accessory use**

Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054, Transitional Encampments Accessory to Religious Facilities.

#### **23.44.058 Columbariums, garden wall crypts and mausoleums.**

Columbariums, garden wall crypts and mausoleums are permitted only as accessory to existing cemeteries except that columbariums and garden wall crypts may also be accessory to religious facilities, and subject to the general development standards for accessory uses. In addition, no interment openings shall abut or be directly across the street from property other than cemetery property. For columbariums, garden wall crypts and mausoleums accessory to existing cemeteries, any border between structures and the property line shall be landscaped and maintained by the owner in good condition. For columbariums and garden wall crypts accessory to religious facilities, the landscaping requirements of SMC Section 23.44.022 I applicable to religious facilities and other institutions shall apply.

#### **23.44.060 Uses accessory to parks and playgrounds**

A. The following accessory uses shall be permitted in any park when within a structure or on a terrace abutting the structure:

1. The sale and consumption of beer during daylight hours;
2. The sale and consumption of alcoholic beverages under a Class H liquor license at municipal golf courses during established hours of operation.

When the use is within one hundred (100) feet from any lot in a residential zone the use shall be completely enclosed.

B. The sale and consumption of beer and wine with meals served in a restaurant facility within the boundaries of Woodland Park shall be permitted. The use shall be permitted in only one (1) facility located no closer than one hundred (100) feet from any lot in a residential zone and separated from other public activity areas and zoo buildings by at least fifty (50) feet.

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

1. Any active play area shall be located 30 feet or more from any lot in a neighborhood residential zone.
2. Garages and service or storage areas shall be located 100 feet or more from any other lot in a residential zone and obscured from view from each such lot.

**23.44.068 Heat recovery incinerator.**

The Director may permit a heat recovery incinerator as an accessory use to institutions, public facilities and parks and playgrounds, subject to the following conditions:

- A. The incinerator shall be located on the same lot as the institution or public facility.
- B. An incinerator in a park or playground shall be permitted only when a permanent structure other than that which houses the incinerator exists and the incinerator abuts the structure.
- C. The use shall be located no closer than one hundred (100) feet to any property line unless completely enclosed within a structure.
- D. If not within a structure, the use shall be enclosed by a view-obscuring fence of sufficient strength and design to resist entrance by children.
- E. Adequate control measures for insects, rodents and odors shall be maintained continuously.

**23.44.070 Recycling collection stations.**

The Director may permit recycling collection stations as accessory uses to institutions and public facilities. These recycling collection stations shall be maintained in good condition by the respective institution or public facility.