

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

1  
2  
3  
4 ..title

5 AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map at  
6 pages 3 and 13 to rezone land in the Bitter Lake Village Hub Urban Village; and  
7 amending Sections 23.47A.005, 23.47A.009, 23.47A.014 and 23.86.012 of the Seattle  
8 Municipal Code to change regulations for street-level uses, designate Linden Avenue  
9 North as a principal pedestrian street, and adopt development standards for certain  
10 properties in the Bitter Lake Village Hub Urban Village.

11 ..body

12 WHEREAS, from late 2010 through mid-2012, the Department of Planning and Development  
13 (DPD) and Department of Neighborhoods (DON) conducted significant public outreach,  
14 including to historically underrepresented communities such as seniors, youth and  
15 renters, in the Bitter Lake, Broadview and Haller Lake neighborhoods. This outreach  
16 engaged over 900 attendees representing a cross section of the residents, business owners  
17 and community stakeholders at 32 public workshops and meetings to identify community  
18 priorities for the future of the Broadview – Bitter Lake – Haller Lake planning area and  
19 the Bitter Lake Village Hub Urban Village; and

20 WHEREAS, in March 2012, DPD published the Broadview – Bitter Lake – Haller Lake  
21 Neighborhood Plan Update that summarizes the results of this work and reflects the input  
22 from the broad community engagement; and

23 WHEREAS, the Neighborhood Plan Update prioritized: creating a village center along the  
24 improved Linden Ave. North, with a dense mix of residences and businesses, and parks;  
25 supporting an identifiable, interconnected and resilient community; establishing a  
26 network of “complete streets” that provides safe and attractive walking and biking  
27 connections linking people and places; and completing a corridor plan that guides the

1 reconstruction of Aurora Ave. North and establishes a land use and urban design strategy;  
2 and

3 WHEREAS, after years of community activism Seattle’s Department of Transportation (SDOT)  
4 began work in 2009 on design and construction of a “complete street” project on Linden  
5 Avenue North from North 128th Street to North 145th Street; and

6 WHEREAS, King County Metro’s began RapidRide bus service along Aurora Avenue North in  
7 2013; and

8 WHEREAS, on May 13, 2013, the City Council passed Ordinance 124177 amending the Seattle  
9 Comprehensive Plan to incorporate changes developed during the update to the  
10 Broadview – Bitter Lake – Haller Lake goals and policies contained in the Neighborhood  
11 Planning Element of the Comprehensive Plan. These changes included goals to create “a  
12 vibrant mixed-use ‘town center’ along Linden Ave. N,” and a “community where  
13 neighbors are able to comfortably walk and bicycle from residential areas to Aurora Ave.  
14 N;” and

15 WHEREAS, the Broadview – Bitter Lake – Haller Lake Neighborhood Plan Update  
16 recommended developing rezones and changes to development standards that would  
17 encourage development that supports these goals; and

18 WHEREAS, the proposed rezones meet the Land Use Code rezone criteria contained in Chapter  
19 23.34, Amendments to Official Land Use Map (Rezones); NOW, THEREFORE,

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

21 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is  
22 amended to rezone properties identified on Maps 3 and 13 of the Seattle Zoning Maps, as shown  
23 on Exhibits A, B, and C attached to this ordinance.

1 Section 2. Subsections 23.47A.005.C and 23.47A.005.D of the Seattle Municipal Code,  
2 which section was last amended by Ordinance 124770, are amended as follows

3 **23.47A.005 Street-level uses**

4 \* \* \*

5 C. Residential uses at street level

6 1. In all NC and C zones, residential uses may occupy, in the aggregate, no more  
7 than 20 percent of the street-level street-facing facade in the following circumstances or  
8 locations:

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

11 b. In all NC and C1 zones within the Bitter Lake Village Hub Urban  
12 Village, except lots abutting Linden Avenue North, north of North 135th Street; or

13 c. In all NC and C1 zones within the Lake City Hub Urban Village, except  
14 as provided in subsection 23.47A.005.C.2; or

15 d. Within a zone that has a height limit of 85 feet or higher, except as  
16 provided in subsection 23.47A.005.C.2; or

17 e. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2;  
18 or

19 f. In all NC and C1 zones within the Northgate Overlay District, except as  
20 provided in Section 23.71.044; or

21 g. In all NC and C1 zones within the areas shown on Maps 1 through 5 for  
22 23.47A.005.C at the end of this Chapter 23.47A when facing an arterial street.

1                   2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the  
2 location of residential uses in the following circumstances:

3                   a. Within a very low-income housing project existing as of May 1, 2006, or  
4 within a very low-income housing project replacing a very low-income housing project existing  
5 as of May 1, 2006, on the same site; or

6                   b. The residential use is an assisted living facility or nursing home and  
7 private living units are not located at street level; or

8                   c. Within the Pike/Pine Conservation Overlay District, for street-facing  
9 facades that do not face a designated principal pedestrian street, as shown on Map A for  
10 23.73.008; or

11                   d. In a structure existing on January 1, 2012, that is within an NC1 zone  
12 but not located in an area defined in Maps 1 through ((60)) 5 for 23.47A.005.C, at the end of this  
13 Chapter 23.47A, a live-work space may be converted to an accessory dwelling unit if the  
14 residential use is established, if the area proposed to be converted meets the minimum housing  
15 standards of Chapter 22.206, and if the area proposed to be converted meets the owner  
16 occupancy requirement of subsection 23.44.041.C; or

17                   e. Within a structure that:

18                               1) is developed and owned by the Seattle Housing Authority; and

19                               2) is located on a lot zoned NC1 or NC3 that was owned by the

20 Seattle Housing Authority as of January 1, 2009.

21                   3. Additions to, or on-site accessory structures for, existing single-family  
22 structures are permitted outright.

1                   4. Where residential uses at street level are limited to 20 percent of the street-level  
2 street-facing facade, such limits do not apply to residential structures separated from the street lot  
3 line by an existing structure meeting the standards of this Section 23.47A.005 and Section  
4 23.47A.008, or by an existing structure legally nonconforming to those standards.

5                   D. In pedestrian-designated zones the locations of uses are regulated as follows:

6                   1. Along designated principal pedestrian streets, one or more of the following uses  
7 are required along 80 percent of the street-level street-facing facade in accordance with the  
8 standards provided in subsection 23.47A.008.C.

- 9                   a. Arts facilities;
- 10                  b. Community gardens;
- 11                  c. Eating and drinking establishments;
- 12                  d. Entertainment uses, except for adult cabarets, adult motion picture  
13 theaters, and adult panorams;
- 14                  e. Food processing and craft work;
- 15                  f. Institutions, except hospitals or major institutions;
- 16                  g. Lodging uses;
- 17                  h. Medical services;
- 18                  i. Offices, provided that no more than 30 feet of the street-level street-  
19 facing facade of a structure may contain an office use;
- 20                  j. Parks and open spaces;
- 21                  k. Rail transit facilities;

1                                    I. Retail sales and services, automotive, in the Pike/Pine Conservation  
2 Overlay District if located within an existing structure or within a structure that retains a  
3 character structure as provided in Section 23.73.015;

4                                    m. Sales and services, general; and

5                                    n. Sales and services, heavy, except for heavy commercial sales, and  
6 provided that no more than 30 feet of the street-level street-facing facade of a structure may  
7 contain a non-household sales and service use.

8                                    The establishment of any such use is subject to the applicable use provisions of  
9 this Title 23.

10                                   2. The following streets are principal pedestrian streets when located within a  
11 pedestrian-designated zone:

12                                   10th Avenue;

13                                   11th Avenue;

14                                   12th Avenue;

15                                   13th Avenue, between East Madison Street and East Pine Street;

16                                   14th Avenue South, except within the North Beacon Hill Residential Urban  
17 Village;

18                                   15th Avenue East;

19                                   15th Avenue Northeast, north of Lake City Way Northeast;

20                                   15th Avenue Northwest;

21                                   22nd Avenue Northwest;

22                                   23rd Avenue;

23                                   24th Avenue Northwest;

- 1 25th Avenue Northeast;
- 2 32nd Avenue West;
- 3 35th Avenue Northeast, except within the Lake City Hub Urban Village;
- 4 35th Avenue Southwest, except within the West Seattle Junction Hub Urban
- 5 Village;
- 6 39th Avenue Northeast;
- 7 Aurora Ave North, except within the Bitter Lake Village Hub Urban Village;
- 8 Beacon Avenue South;
- 9 Boren Avenue;
- 10 Boylston Avenue, except within the Pike/Pine Conservation Overlay District;
- 11 Broadway;
- 12 Broadway East;
- 13 California Avenue Southwest;
- 14 Delridge Way Southwest;
- 15 Dexter Avenue North;
- 16 East Green Lake Drive North;
- 17 East Green Lake Way North;
- 18 East Madison Street;
- 19 East Olive Way;
- 20 East Pike Street;
- 21 East Pine Street;
- 22 East Union Street, except within the Pike/Pine Conservation Overlay District only
- 23 lots abutting East Union Street between Broadway and East Madison Street;

- 1 Eastlake Avenue East;
- 2 First Avenue North, except within the Upper Queen Anne Residential Urban
- 3 Village;
- 4 Fremont Avenue North;
- 5 Fremont Place North;
- 6 Galer Street;
- 7 Green Lake Drive North;
- 8 Greenwood Avenue North;
- 9 Lake City Way Northeast;
- 10 Linden Avenue North;
- 11 Madison Street;
- 12 Martin Luther King Jr. Way South;
- 13 Mercer Street;
- 14 North 34th Street;
- 15 North 35th Street;
- 16 North 45th Street;
- 17 North 85th Street;
- 18 Northeast 43rd Street;
- 19 Northeast 45th Street, except between Linden Ave North and Evanston Ave
- 20 North;
- 21 Northeast 55th Street, east of 15th Avenue Northeast;
- 22 Northeast 65th Street;
- 23 Northeast 125th Street;



- 1 Northwest 65th Street;
- 2 Northwest 85th Street;
- 3 Northwest Market Street;
- 4 Phinney Avenue North, between North 58th Street and North 63rd Street;
- 5 Pike Street;
- 6 Pine Street;
- 7 Queen Anne Avenue North;
- 8 Rainier Avenue South;
- 9 Roosevelt Way Northeast;
- 10 Roy Street;
- 11 Sand Point Way Northeast;
- 12 South Alaska Street;
- 13 South Cloverdale Street;
- 14 South Henderson Street;
- 15 South Jackson Street;
- 16 South Lander Street;
- 17 South McClellan Street;
- 18 South Othello Street;
- 19 Southwest Alaska Street;
- 20 Stone Way North;
- 21 Summit Avenue, except within the Pike/Pine Conservation Overlay District;
- 22 Terry Avenue;
- 23 University Way Northeast;

- 1 Wallingford Avenue North;
- 2 West Dravus Street;
- 3 West Galer Street;
- 4 West McGraw Street, except within the Upper Queen Anne Residential Urban
- 5 Village;
- 6 West Green Lake Drive North; and
- 7 Woodlawn Avenue Northeast.

8 Section 3. Section 23.47A.009 of the Seattle Municipal Code, last amended by Ordinance  
9 124952, is amended as follows:

10 **23.47A.009 Standards applicable to specific areas**

11 A. Resolution of standards conflicts. To the extent there is a conflict between this Section  
12 23.47A.009 and other sections of Title 23, the provisions of this Section 23.47A.009 apply.

13 B. West Seattle Junction Hub Urban Village. The following provisions apply to  
14 development in the NC3 85(4.75) zone.

15 1. Lot ~~((€))~~coverage ~~((£))~~limit. The maximum lot coverage permitted for  
16 principal and accessory structures shall not exceed 80 percent on lots 40,000 square feet in size  
17 or greater.

18 2. The total permitted FAR is as identified in subsection 23.47A.013.F.

19 3. Maximum ~~((W))~~width of ~~((S))~~structures. The maximum width of all portions of  
20 a structure measured parallel to a north-south street lot line is 275 feet.

21 4. Setback and separation requirements

22 a. The following standards apply to structures greater than 250 feet in  
23 width measured parallel to a north-south street lot line:



1 i) ~~Each above grade GSI feature is less than 4.5 feet~~  
2 ~~tall, excluding piping;~~

3 ii) ~~Each above grade GSI feature is less than 4 feet~~  
4 ~~wide; and~~

5 iii) ~~The total storage capacity of all above grade~~  
6 ~~GSI features is no greater than 600 gallons.~~

7 h) ~~Above grade GSI features larger than what is allowed in~~  
8 ~~subsection 23.47.009.B.4.a.3.g are allowed within a required setback or separation if:~~

9 i) ~~Above grade GSI features do not exceed 10~~  
10 ~~percent coverage of any one setback or separation area;~~

11 ii) ~~No portion of an above grade GSI feature is~~  
12 ~~located closer than 2.5 feet from a side lot line; and~~

13 iii) ~~No portion of an above grade GSI feature~~  
14 ~~projects more than 5 feet into a front or rear setback area.))~~

15 b. A setback of at least ~~((ten))~~ 10 feet from the street lot line is required  
16 along non-arterial north-south avenues for at least 25 percent of the lot frontage or 100 feet of the  
17 lot frontage, whichever is less.

18 c. Required setback and areas separating structures identified in  
19 subsections ~~((23.47A.009.A.4.a))~~ 23.47A.009.A.4.a and 23.47A.009.A.4.b shall include  
20 landscaping, paving, and lighting. Sidewalks for pedestrian access, plazas, or other approved  
21 amenity or landscaped areas are permitted in required setback or separation areas.

22 d. ~~((Upper Level Setback Requirements))~~ Upper-level setback  
23 requirements along SW Alaska Street ~~((=))~~

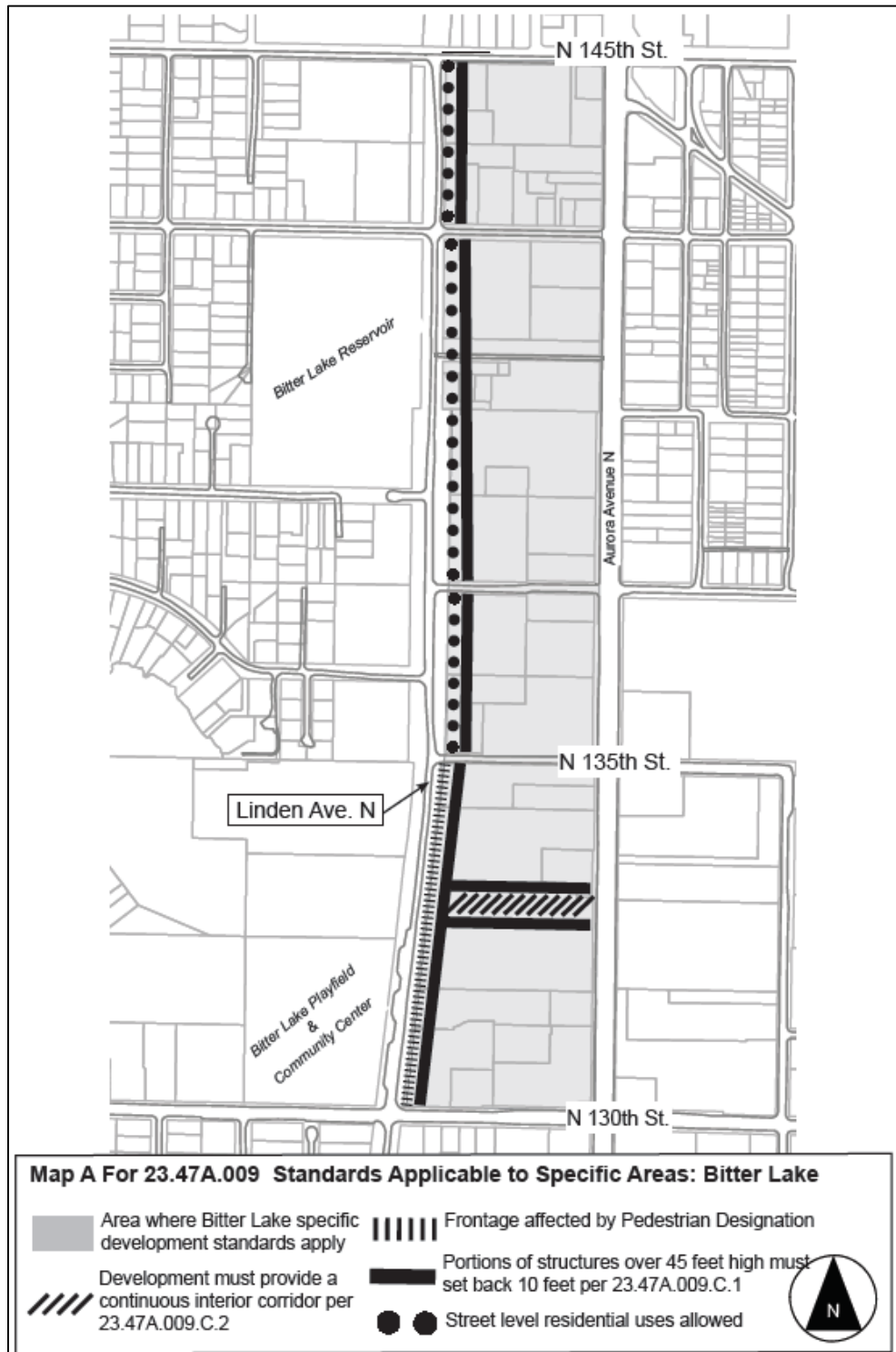


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### Map A for 23.47A.009

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### Standards Applicable to Specific Areas: Bitter Lake



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1                   1. Upper-level setback requirement. The following standards apply to  
2 development on lots abutting the east side of Linden Ave North or along both sides of the  
3 corridor required in subsection 23.47A.009.C.2.

4                   a. Any portion of a structure greater than 45 feet in height, measured from  
5 the finished grade along the street property line that abuts Linden Avenue North or along the  
6 access corridor required in subsection 23.47A.009.C.2, measured from the finished grade along  
7 the edge of the access corridor, shall set back an average of 10 feet from the lot line abutting  
8 Linden Avenue North or from the edge of the access corridor as measured according to Section  
9 23.86.012. The maximum depth of a setback that can be used for calculating the average setback  
10 is 20 feet.

11                   b. Structures permitted in required setbacks are subject to subsection  
12 23.47A.014.E.

13                   2. Corridor requirement. An access corridor shall be provided on lots over eight  
14 acres that abut Linden Avenue North and Aurora Avenue North, to connect Linden Avenue  
15 North and Aurora Avenue North. The location of the proposed corridor shall be clearly shown on  
16 the site plan that is submitted with the permit application.

17                   a. The corridor shall have a minimum width of 40 feet and a maximum  
18 width of 60 feet.

19                   b. The point at which the corridor intersects Linden Avenue North and  
20 Aurora Avenue North shall be at least 335 feet south of the south boundary of the North 135th  
21 Street right-of-way, and 700 feet north of north boundary of the North 130th Street right-of-way,  
22 as illustrated by example in Map A for 23.47A.009.

1                           c. The corridor shall include a minimum of one walkway, at least 6 feet  
2 wide, extending between Linden Avenue North and Aurora Avenue North. If vehicle access is  
3 provided within the corridor, the corridor shall include walkways at least 6 feet wide along both  
4 sides of the vehicle access.

5                           d. Landscaping shall be provided along the corridor. If vehicle access is  
6 provided within the corridor, trees shall be provided between the walkways and vehicle travel  
7 lanes. The Director will determine the number, type, and placement of trees to be provided in  
8 order to:

- 9   1) match trees to the available space;  
10   2) complement existing or planned street trees on abutting streets;  
11 and  
12   3) encourage healthy growth through appropriate spacing.

13                           e. Pedestrian-scaled lighting shall be provided along the corridor.

14                           f. The corridor shall not include any features or structures except the  
15 following:

16   1) Vehicle access, not more than one lane in each direction and  
17 meeting the standards of Section 23.54.030.

18   2) Parking meeting the standards of Section 23.54.030 is allowed  
19 along vehicle access lanes within the corridor. Such parking is in addition to the maximum  
20 number of spaces allowed under subsection 23.54.015.C.2. The requirements of subsection  
21 23.47A.032.A do not apply to access to parking from the corridor.

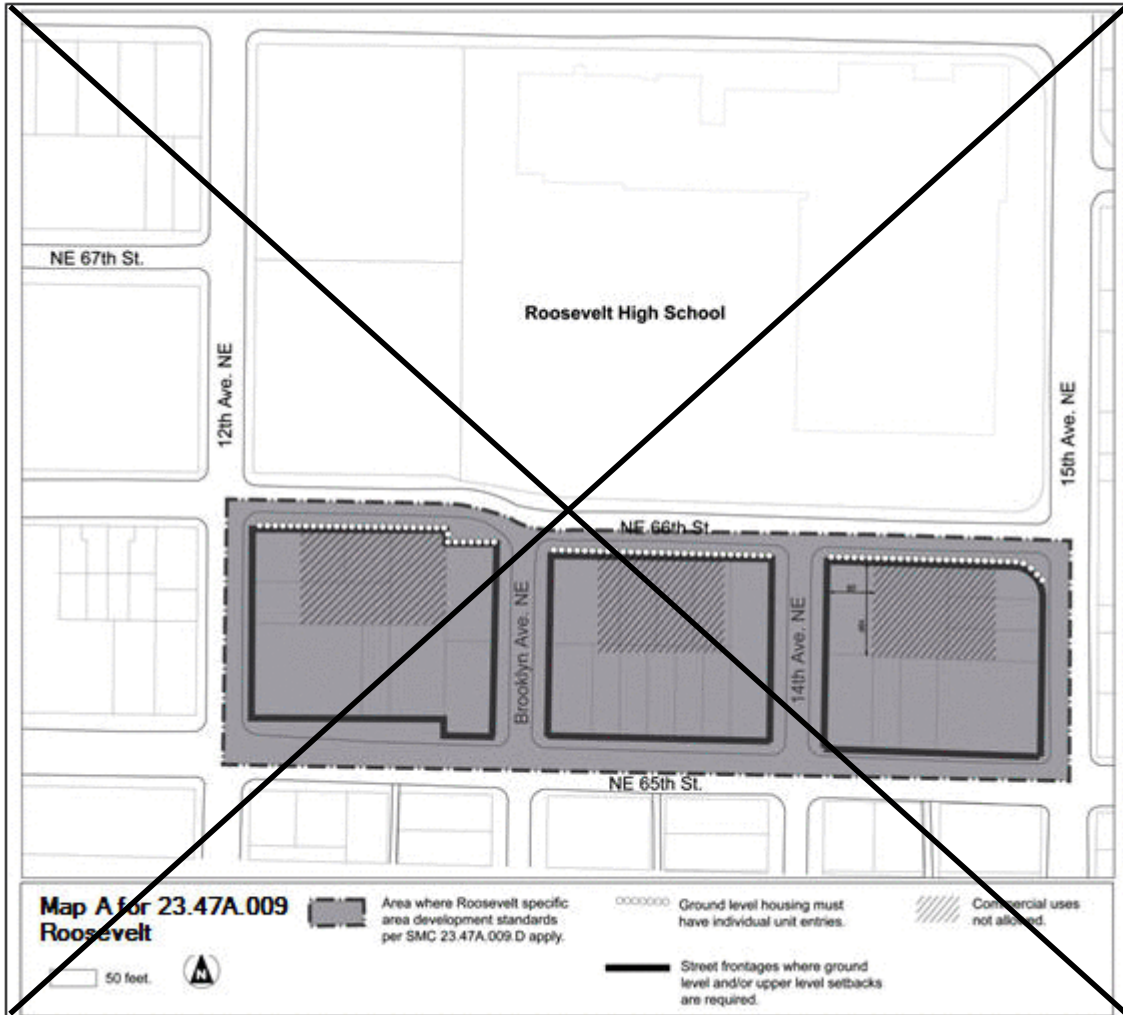


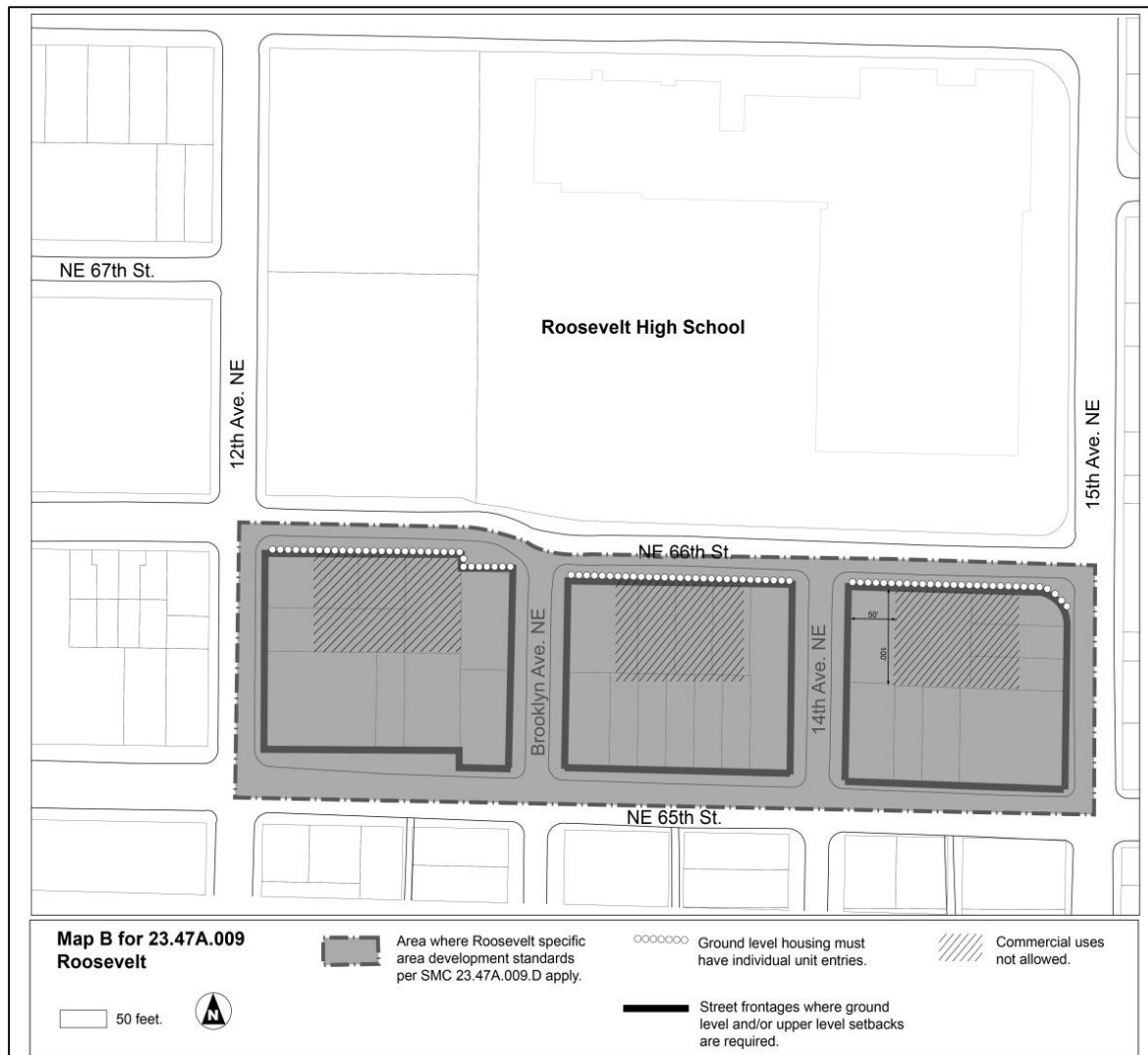


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# Map ((A))B for 23.47.009

## Roosevelt





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### 1. Setback requirements

a. The following setbacks are required from the listed street property lines:

- 1) Northeast 66<sup>th</sup> Street. An average ground-level setback of 10 feet along the length of the street property line and a minimum upper-level setback of 4 feet. The minimum upper-level setback shall be provided in addition to the required ground-level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.





1 ~~e.) The total storage capacity of all above-grade GSI~~  
2 ~~features is no greater than 600 gallons.~~

3 ~~8) Above-grade GSI features larger than what is allowed in~~  
4 ~~subsection 23.47.009.D.1.b.7 are allowed within a required setback if:~~

5 ~~a.) Above-grade GSI features do not exceed 10 percent~~  
6 ~~coverage of any one setback area;~~

7 ~~b) No portion an above-grade GSI feature is located closer~~  
8 ~~than 2.5 feet from a side lot line; and~~

9 ~~e) No portion of an above-grade GSI feature projects more~~  
10 ~~than 5 feet into a front or rear setback area.))~~

11 c. Where required setbacks may be averaged, measurement shall be ~~((per))~~  
12 pursuant to subsection 23.86.012.A and the following:

13 1) Where a building is setback more than 30 feet from a lot line at  
14 ground level, 30 feet shall be used as the ground-level setback amount for averaging purposes.

15 2) Where averaging is allowed for a required upper-level setback,  
16 the measurement shall be taken horizontally from points directly above the lot line to the  
17 ~~((façade))~~ façade of the structure at the height where the upper-level setback is required.

18 2. Landscaping. Required ground-level setbacks shall be landscaped, and may  
19 include paving and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and  
20 other amenities or landscaped areas approved by the Seattle Department of Construction and  
21 Inspections are permitted in required ground-level setbacks.

22 3. Limit on ~~((€))~~ commercial ~~((⊕))~~ uses. Commercial uses are prohibited within 80  
23 feet of the street property line of Northeast 66~~((<sup>th</sup>))~~ th Street, except within 50 feet of the

1 intersections of Northeast 66<sup>(th)</sup>th Street with Brooklyn Avenue Northeast, 14<sup>(th)</sup>th Avenue  
2 Northeast, 12<sup>(th)</sup>th Avenue Northeast, and 15<sup>(th)</sup>th Avenue Northeast, as shown on Map ((A))  
3 B for 23.47A.009.

4 4. Housing units on the ground floor. All housing units with a (~~façade~~) facade  
5 that faces Northeast 66<sup>(th)</sup>th Street with no intervening housing units or commercial uses  
6 between the housing unit and the Northeast 66<sup>(th)</sup>th Street lot line, and located on the first floor  
7 of a building, shall have the primary pedestrian entrance to each housing unit directly accessible  
8 from the exterior of the structure rather than a primary pedestrian entry through a common  
9 entrance hallway.

10 5. Underground (~~P~~)parking. Parking shall be located below grade, except a  
11 portion of a below-grade garage may extend up to 4 feet above existing or finished grade,  
12 whichever is lower, provided that the parking that extends above grade is fully screened from  
13 direct street view by the street-facing (~~façade~~)facade of the structure or by landscaping.

14 Section 4. Ssection 23.47A.014 of the Seattle Municipal Code, last amended by  
15 Ordinance 124952, is amended as follows:

16 **23.47A.014 Setback requirements**

17 A. Definition. For the purposes of this Section 23.47A.014, "portions of structures"  
18 include those features listed in subsection 23.47A.012.C, Rooftop features.

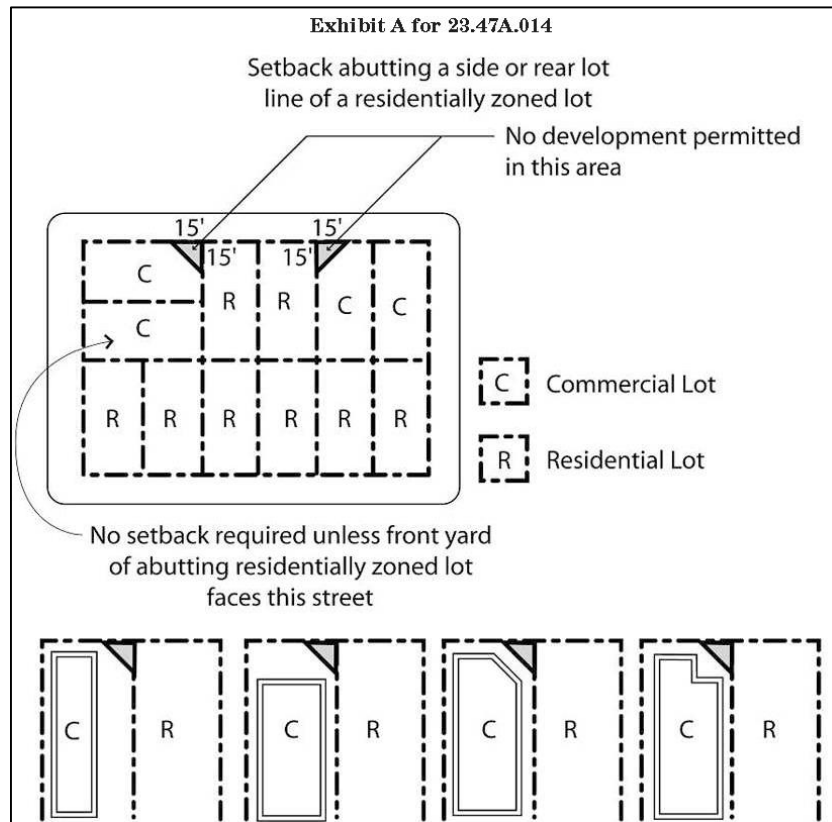
19 B. Setback requirements for lots abutting or across the alley from residential zones

20 1. A setback is required where a lot abuts the intersection of a side lot line and  
21 front lot line of a lot in a residential zone. The required setback forms a triangular area. Two  
22 sides of the triangle extend along the street lot line and side lot line 15 feet from the intersection  
23 of the residentially zoned lot's front lot line and the side lot line abutting the residentially zoned

1 lot. The third side connects these two sides with a diagonal line across the commercially-zoned  
2 lot (Exhibit A for 23.47A.014).

3 **Exhibit A for 23.47A.014**

4 **Setback abutting a side or rear lot line of a residentially zoned lot**



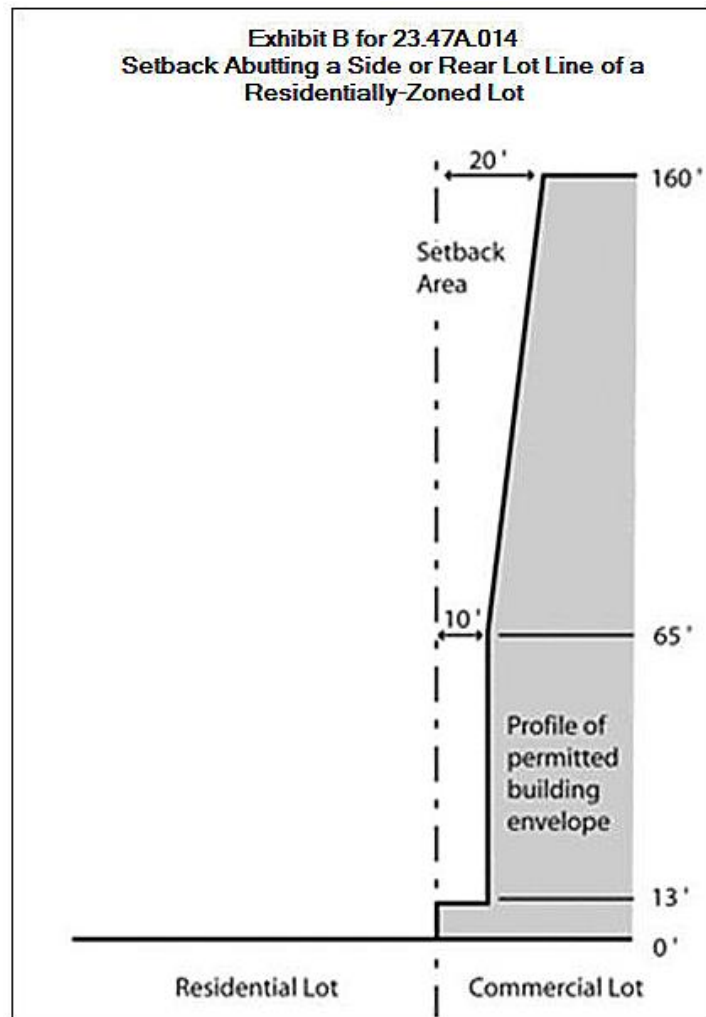
7 2. A setback is required along any rear or side lot line that abuts a lot in a  
8 residential zone or that abuts a lot that is zoned both commercial and residential if the  
9 commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the  
10 lot, as follows:  
11 a. Ten feet for portions of structures above 13 feet in height to a maximum  
12 of 65 feet; and



1                    b. For each portion of a structure above 65 feet in height, additional  
2 setback at the rate of 1 foot of setback for every 10 feet by which the height of such portion  
3 exceeds 65 feet (Exhibit B for 23.47A.014).

4                    **Exhibit B or 23.47A.014**

5                    **Setback Abutting a Side or Rear Lot Line of a Residentially-Zoned Lot**



6  
7                    3. For a structure containing a residential use, a setback is required along any side  
8 or rear lot line that abuts a lot in a residential zone or that is across an alley from a lot in a  
9 residential zone, or that abuts a lot that is zoned both commercial and residential if the

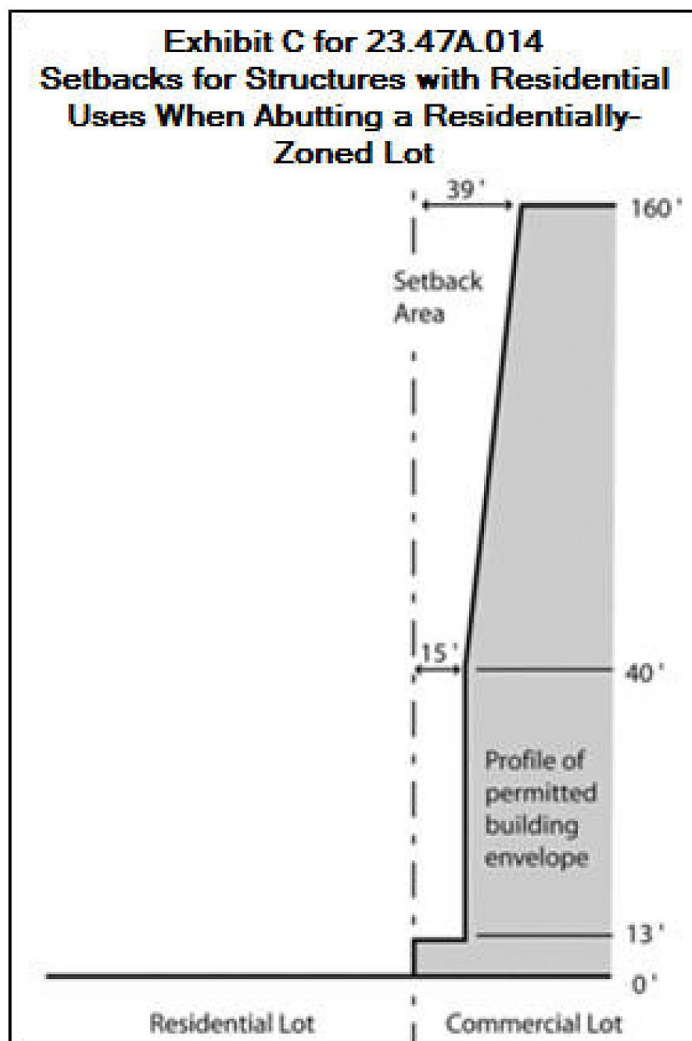
1 commercial zoned portion of the abutting lot is less than 50 percent of the width or depth of the  
2 lot, as follows:

3 a. Fifteen feet for portions of structures above 13 feet in height to a  
4 maximum of 40 feet; and

5 b. For each portion of a structure above 40 feet in height, additional  
6 setback at the rate of 2 feet of setback for every 10 feet by which the height of such portion  
7 exceeds 40 feet (Exhibit C for 23.47A.014).

8 **Exhibit C for 23.47A.014**

9 **Setbacks for Structures with Residential Uses When Abutting a Residentially-Zoned Lot**



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1                   4. One-half of the width of an abutting alley may be counted as part of the  
2 required setback. For the purpose of this Section 23.47A.014, the alley width and the location of  
3 the rear lot line shall be determined prior to any dedication that may be required for alley  
4 improvement purposes.

5                   5. No entrance, window, or other opening is permitted closer than 5 feet to an  
6 abutting residentially-zoned lot.

7                   C. A minimum (~~(five-)~~5(~~(+)~~)) foot landscaped setback may be required under certain  
8 conditions and for certain uses according to Section 23.47A.016, Screening and landscaping  
9 standards.

10                  D. Mobile (~~(Home Parks)~~) home parks. A minimum (~~(five-)~~5(~~(+)~~)) foot setback is  
11 required along all street lot lines of a mobile home park. The setback must be landscaped  
12 according to the provisions of (~~(Section 23.47A.016 D2)~~) subsection 23.47A.016.D.2.

13                  E. Structures in required setbacks

14                   1. Decks and balconies(~~(-)~~)

15                   a. Decks with open railings may extend into the required setback, but are  
16 not permitted within (~~(five-)~~5(~~(+)~~)) feet of a lot in a residential zone, except as provided in  
17 subsection (~~(E1b)~~) 23.47A.014.E.1.b.

18                   b. Decks that are accessory to residential uses and are no more than  
19 (~~(eighteen-)~~18(~~(+)~~)) inches above existing or finished grade, whichever is lower, are permitted  
20 within (~~(five-)~~5(~~(+)~~)) feet of a lot in a residential zone.

21                   2. Eaves, cornices, and gutters projecting no more than (~~(eighteen-)~~18(~~(+)~~)) inches  
22 from the structure facade are permitted in required setbacks.

1                   3. Ramps or other devices necessary for access for the disabled and elderly, which  
2 meet Seattle Building Code, Chapter 11, are permitted in required setbacks.

3                   4. Uncovered, unenclosed pedestrian bridges, necessary for access and less than  
4 ~~((five-))5((+))~~ feet in width, are permitted in required setbacks.

5                   5. Fences, bulkheads, freestanding walls, and other similar structures~~((-))~~

6                   a. Fences, freestanding walls, and other similar structures ~~((six-))6((+))~~  
7 feet or less in height above existing or finished grade, whichever is lower, are permitted in  
8 required setbacks. The ~~((six-))6((+))~~ foot height may be averaged along sloping grade for each  
9 ~~((six-))6((+))~~ foot long segment of the fence, but in no case may any portion of the fence exceed  
10 ~~((eight-))8((+))~~ feet.

11                   b. Bulkheads and retaining walls used to raise grade may be placed in any  
12 required setback when limited to ~~((six-))6((+))~~ feet in height, measured above existing grade. A  
13 guardrail no higher than ~~((forty-two-))42((+))~~ inches may be placed on top of a bulkhead or  
14 retaining wall existing as of September 30, 1994 ~~((the date of the ordinance codified in this~~  
15 ~~section))~~. If a fence is placed on top of a new bulkhead or retaining wall, the maximum  
16 combined height is limited to ~~((nine-and-one-half-))9 1/2~~((1/2))~~~~ feet.

17                   c. Bulkheads and retaining walls used to protect a cut into existing grade  
18 may not exceed the minimum height necessary to support the cut or ~~((six-))6((+))~~ feet, whichever  
19 is greater. When the bulkhead is measured from the low side and it exceeds ~~((six-))6((+))~~ feet, an  
20 open guardrail of no more than ~~((forty-two-))42((+))~~ inches meeting Building Code requirements  
21 may be placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of  
22 ~~((three-))3((+))~~ feet from such a bulkhead or retaining wall.

23                   6. Setback requirements do not limit underground structures.

1                   7. Detached solar collectors are permitted in required setbacks. Such collectors  
2 may be no closer than ~~((five-))5((+))~~ feet to any other principal or accessory structure, and no  
3 closer than ~~((three-))3((+))~~ feet to any lot line that abuts a residentially\_zoned lot.

4                   8. Dumpsters and other trash receptacles, except for trash compactors, located  
5 outside of structures are not permitted within ~~((ten-))10((+))~~ feet of any lot line that abuts a  
6 residential zone and must be screened per the provisions of ~~((section))~~Section 23.47A.016.

7                   9. ~~((Above-grade))~~ ~~((g))~~Green stormwater infrastructure (GSI) features are  
8 allowed without setback restrictions if:

- 9                           a. Each above-grade GSI feature is less than 4.5 feet tall, excluding piping;  
10                           b. Each above-grade GSI feature is less than 4 feet wide; and  
11                           c. The total storage capacity of all above-grade GSI features is no greater  
12 than 600 gallons.

13                   10. Above-grade GSI features larger than what is allowed in subsection  
14 23.47A.014.E.9 are allowed within a required setback if:

- 15                           a. Above-grade GSI features do not exceed 10 percent coverage of any  
16 one setback area;  
17                           b. No portion of an above-grade GSI feature is located closer than 2.5 feet  
18 from a side lot line; ~~((and))~~  
19                           c. No portion of an above-grade GSI feature projects more than 5 feet into  
20 a front or rear setback area~~((:))~~; and  
21                           d. Above-grade GSI features meet all applicable Building Code and  
22 Plumbing Code requirements.

1 F. Setback requirement for loading adjacent to an alley. Where access to a loading berth  
2 is from the alley, and truck loading is parallel to the alley, a setback of 12 feet is required for the  
3 loading berth, measured from the centerline of the alley (Exhibit D for 23.47A.014). This setback  
4 must be maintained up to a height of 12 feet.

5 **Exhibit D for 23.47A.014**

6 **Structure Setback for Truck Loading**

