

1 **CITY OF SEATTLE**
2 **ORDINANCE _____**

3 **COUNCIL BILL _____**

4 AN ORDINANCE relating to Low Impact Development, amending Sections 22.170.190,
5 23.41.018, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.022, 23.44.024, 23.44.034,
6 23.45.516, 23.45.518, 23.45.522, 23.45.536, 23.47A.009, 23.47A.014, 23.47A.016,
7 23.47A.024, 23.49.019, 23.49.036, 23.49.041, 23.49.045, 23.50.034, 23.57.008,
8 23.75.140, and 23.84A.028 of the Seattle Municipal Code to make Low Impact
9 Development (LID), a stormwater and land use management strategy that strives to
10 mimic natural hydrologic processes, the preferred approach to site development by
11 minimizing impervious surfaces, native vegetation loss, and stormwater runoff, and to
12 achieve this through LID Best Management Practices (BMPs) including but not limited to
13 bioretention, rain gardens, permeable pavements, and soil quality.

14 WHEREAS, the City of Seattle has set a goal of managing 700 million gallons of stormwater
15 runoff using green infrastructure, as stated in Council Resolution 31459 and Executive
16 Order 2013-01; and

17 WHEREAS, the City periodically updates codes to achieve greater consistency with citywide
18 policy goals; and

19 WHEREAS, a requirement of the National Pollutant Discharge Elimination System (NPDES)
20 Municipal Stormwater Permit under which the City has coverage directs the City to
21 integrate low impact development into land development codes, standards, and rules; and

22 WHEREAS, projected population growth and more frequent and severe winter storms in the
23 future require the City to prepare for higher demand on Seattle's drainage and wastewater
24 infrastructure; and

25 WHEREAS, the City of Seattle is committed to protecting and restoring receiving water bodies;

26 NOW, THEREFORE,

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

1 Section 1. Section 22.170.190 of the Seattle Municipal Code, last amended by Ordinance
2 123107, is amended as follows:

3 **22.170.190 General ~~(R)~~ requirements**

4 ***

5 G. Surface ~~(P)~~ preparation. ~~((The ground surface))~~ Areas that will receive fill shall be
6 prepared ~~((to receive fill))~~ by removing vegetation, non-approved materials, topsoil, and other
7 unsuitable materials, including, but not limited to, mud, peat, and other materials with
8 insufficient strength to satisfy the design, as determined by the Director.

9 H. Native topsoil shall be retained in an undisturbed state to the maximum extent
10 practicable. Topsoil from areas that will be graded shall be reapplied to the site, where feasible.
11 Topsoil that will be reused on-site shall be stockpiled on-site in a designated, controlled area, not
12 adjacent to critical areas.

13 I. Soil quality. Areas that have been cleared, graded, or compacted and that have not been
14 covered by impervious surface, incorporated into a drainage facility, or engineered as structural
15 fill or slope shall be amended with organic matter prior to final inspection.

16 ~~((H))~~ J. Fills. Fills shall be located so that the base edge of the fill is located more than 12
17 feet horizontally from the top edge of an existing slope or a planned cut slope. A sloping fill shall
18 not be placed on top of slopes that are steeper than 1.5~~((1/2))~~ horizontal to 1 vertical.

19 ~~((I))~~ K. Requirements ~~((F))~~ for ~~((F))~~ fill ~~((M))~~ material. Materials used in fills shall comply
20 with the following requirements:

21 1. Material used in fills shall be appropriate to the site and the intended use of that
22 portion of the site.

1 2. Any rock or other similar irreducible material used in a fill shall have no
2 dimension greater than 12 inches and shall compose not more than 20(~~(%)~~) percent of the total
3 fill material.

4 3. Topsoil shall not be used as a fill material except that the upper 12 inches of a
5 fill site may consist of topsoil.

6 4. No frozen or thawing material shall be used as fill.

7 5. No solid waste, hazardous waste, or hazardous material may be used as fill.

8 6. No organic material shall be used as fill unless approved by the Director.

9 7. As necessary, the Director may specify other characteristics of the fill material
10 used, the degree of compaction, moisture content, and the method of placement appropriate to
11 the site and the intended use of that portion of the site and the requirements for water retention,
12 drainage control and erosion control

13 ~~((J))~~L. Terraces. The Director may require steps and terraces sufficient to control surface
14 drainage and deposit of debris. Suitable access to the terraces shall be provided to permit proper
15 maintenance.

16 ~~((K))~~M. Subsurface ~~((D))~~drainage. Cut and fill slopes shall be provided with subsurface
17 drainage when needed to maintain slope stability.

18 ~~((L))~~N. Access. When an adjoining site relies on the site to be graded for pedestrian or
19 vehicular access, the Director may require reasonable access to be maintained to the adjoining
20 site.

21 ~~((M))~~O. Stockpiling of ~~((E))~~earth ~~((M))~~materials~~((-))~~

22 1. General. Stockpiling of any kind shall not adversely affect the lateral support or
23 significantly increase the stresses in or pressure upon any adjacent or contiguous property.

1 Stockpiling shall comply with the applicable erosion control requirements for temporarily
2 exposed soils set forth in ~~((SMC-))~~Section 22.805.010 and rules promulgated under that
3 ~~((s))~~Section 22.805.010.

4 2. Temporary ~~((S))~~stockpiling ~~((D))~~during ~~((C))~~construction or ~~((G))~~grading.

5 Temporary stockpiles of earth materials during construction or grading shall not exceed 10 feet
6 in height. Stockpiles shall have slopes no steeper than one horizontal to one vertical.

7 3. Stockpiling and ~~((H))~~handling of ~~((E))~~earth ~~((M))~~materials in ~~((P))~~processing.

8 Earth materials consumed or produced in a process may be stockpiled and handled on a site if the
9 process is the principal use of the site.

10 4. Removal. Temporary stockpiles shall be removed prior to final inspection for a
11 grading permit where no building permit is issued on the same site. Where grading is approved
12 as a component of a building permit, temporary stockpiles shall be removed prior to issuance of
13 a Final Certificate of Occupancy or approval for occupancy after a final inspection.

14 ~~((N))~~P. Exploratory ~~((E))~~excavations. Exploratory excavations shall be performed under
15 the direction of a licensed civil engineer or geotechnical engineer. No stockpiles of materials
16 shall remain after completion of the exploratory activities. The grading shall comply with other
17 requirements that may be established by the Director.

18 ~~((O))~~Q. Excavations ~~((N))~~near ~~((F))~~footings or ~~((F))~~foundations. Excavations for any
19 purpose shall not remove lateral support from any footing or foundation without first
20 underpinning or protecting the footing or foundation against settlement or lateral translation.

21 ***

22 Section 2. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance
23 123564, is amended as follows:

1 **23.41.018 Streamlined administrative design review (SDR) process**

2 ***

3 D. SDR decision((-))

4 ***

5 3. The Director may allow the adjustments listed in subsection 23.41.018.D.4, if
6 the adjustments are consistent with the SDR design guidance report and the adjustments would
7 result in a development that:

- 8 a. ((b))Better meets the intent of the adopted design guidelines and/or
9 b. ((p))Provides a better response to environmental and/or site conditions,
10 including but not limited to topography, the location of trees, stormwater management, or
11 adjacent uses and structures.

12 4. If the criteria listed in subsection 23.41.018.D.3 are met, the Director may
13 allow adjustments to the following development standards to the extent listed for each standard:

- 14 a. Setbacks and separation requirements may be reduced by a maximum of
15 50 percent;
16 b. Amenity areas may be reduced by a maximum of 10 percent;
17 c. Landscaping and screening may be reduced by a maximum of 25
18 percent;
19 d. Structure width, structure depth, and facade length may be increased by
20 a maximum of 10 percent; and
21 e. Screening of parking may be reduced by a maximum of 25 percent.

22 ***

1 Section 3. Section 23.44.008 of the Seattle Municipal Code, last amended by Ordinance
2 124378, is amended as follows:

3 **23.43.008 Development standards for one dwelling unit per lot**

4 ***

5 D. Yards and setbacks

6 1. Front and rear yards((-))

7 ***

8 3. Exceptions from standard yard and setback requirements. The following parts
9 of structures may project into a required yard or setback, provided that the applicable restrictions
10 in subsections 23.43.008.D.3 and 23.43.008.D.4 are met:

11 ***

12 d. Cisterns and above-grade bioretention facilities are permitted without
13 yard or setback restrictions if:

14 1) Each cistern and bioretention facility is less than 4.5 feet tall
15 excluding piping;

16 2) Each cistern and bioretention facility is less than 4 feet wide;
17 and

18 3) The system's total storage capacity is no greater than 600
19 gallons.

20 e. Cisterns and above-grade bioretention facilities larger than what is
21 allowed in subsection 23.43.008.D.3.d are permitted within a required yard or setback if:

22 1) It does not exceed 10 percent coverage in any yard or setback
23 area;

1 1) It does not exceed 10 percent coverage in any yard, setback, or
2 interior separation area;

3 2) It is not located closer than 2.5 feet from a side lot line; and

4 3) It projects no more than 5 feet into the front or rear setback area.

5 ***

6 Section 5. Section 23.44.012 of the Seattle Municipal Code, last amended by Ordinance
7 124378, is amended as follows:

8 **23.43.012 Cottage Housing Developments (CHDs)**

9 ***

10 E. Yards and setbacks

11 ***

12 5. Exceptions from standard yard, setback, and interior separation requirements.

13 For all developments, only structures that comply with the following may project into a required
14 yard, setback, or interior separation:

15 ***

16 d. Cisterns and above-grade bioretention facilities are permitted without
17 yard, setback, or interior separation restrictions if:

18 1) Each cistern and bioretention facility is less than 4.5 feet tall

19 excluding piping;

20 2) Each cistern and bioretention facility is less than 4 feet wide;

21 and

22 3) The system's total storage capacity is no greater than 600

23 gallons.

1 e. Cisterns and above-grade bioretention facilities larger than what is
2 allowed in subsection 23.43.012.E.5.d are permitted within a required yard or setback if:

3 1) It does not exceed 10 percent coverage in any yard, setback, or
4 interior separation area;

5 2) It is not located closer than 2.5 feet from a side lot line; and

6 3) It projects no more than 5 feet into the front or rear setback area.

7 ***

8 Section 6. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance
9 124378, is amended as follows:

10 **23.44.014 Yards**

11 Yards are required for every lot in a single-family zone. A yard that is larger than the
12 minimum size may be provided.

13 ***

14 D. Exceptions from standard yard requirements. No structure shall be placed in a required
15 yard except pursuant to the following:

16 ***

17 17. ~~((Cisterns))~~Stormwater management. ~~((Rain barrels and cisterns may extend~~
18 ~~into a required yard according to the following:-))~~

19 a. ~~((Stand alone cisterns))~~Cisterns and above-grade bioretention facilities
20 ~~((or connected systems shall be allowed))~~are permitted in required ~~((without setback))~~yards
21 ~~((restrictions))~~if: ((each cistern is less than 4.5 feet tall excluding piping, less than 4 feet wide,
22 and the system's total storage capacity is no greater than 600 gallons.-))

1 1) Each cistern and bioretention facility is less than 4.5 feet tall

2 excluding piping;

3 2) Each cistern and bioretention facility is less than 4 feet wide;

4 and

5 3) The system's total storage capacity is no greater than 600

6 gallons.

7 b. Cisterns and above-grade bioretention facilities ((L))larger ((cisterns or
8 systems))than what is allowed in subsection 23.44.014.D.17.a are ((may be))permitted in
9 required yards provided that they do not exceed ((ten))10 percent coverage in any required
10 yard((-)) and ((they))are not located closer than 2.5 feet from a side lot line, 20 feet from a rear
11 lot line or centerline of an alley abutting the rear lot line, or 15 feet from the front lot line.

12 ***

13 Section 7. Section 23.44.022 of the Seattle Municipal Code, last amended by Ordinance
14 124475, is amended as follows:

15 **23.44.022 Institutions**

16 ***

17 I. Landscaping(~~Landscaping shall be required to integrate the institution with adjacent~~
18 ~~areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the~~
19 ~~site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to~~
20 ~~reduce the appearance of bulk of the institution.~~

21 ~~Landscaping plant materials shall be species compatible with surrounding flora. Existing~~
22 ~~plant material may be required to be retained. Maintenance of landscaped areas shall be the~~
23 ~~continuing responsibility of the owner.))~~

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

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

- 7 a. development containing more than four new dwelling units; or
8 b. development, either a new structure or an addition to an existing
9 structure, containing more than 4,000 new square feet of non-residential uses; or
10 c. any parking lot containing more than 20 new parking spaces for
11 automobiles.

12 ***

13 Section 8. Section 23.44.024 of the Seattle Municipal Code, last amended by Ordinance
14 122050, is amended as follows:

15 **23.44.024 Clustered housing planned developments((=))**

16 Clustered housing planned developments (CHPDs) may be permitted as an administrative
17 conditional use in single-family zones. A CHPD is intended to enhance and preserve natural
18 features, encourage the construction of affordable housing, allow for development and design
19 flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be
20 subject to the following provisions:

21 A. Site ~~((R))~~requirements((=))

22 1. The minimum size of a CHPD ~~is~~~~((shall be))~~two ~~((=))~~acres((=)),
23 excluding submerged land and any land ~~((Land which is))~~designated an environmentally critical

1 area or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat
2 area, steep slope, or steep slope buffer according to Chapter 25.09, Regulations for
3 Environmentally Critical Areas(~~(, and submerged land shall not be used to meet minimum size~~
4 ~~requirements))~~).

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

10 3. The Director may exclude land from a CHPD if it is separated from the
11 site by (~~(topographical conditions))~~topography, if it has a poor functional relationship with the
12 site, or if (~~(inclusion of))~~including the land would have a negative (~~(negatively-))~~impact on
13 adjacent single-family zoned lots.

14 B. Type of (~~(D))~~dwelling (~~(U))~~units (~~(P))~~permitted. Only single-family dwelling
15 units shall be permitted in a CHPD.

16 C. Number of (~~(D))~~dwelling (~~(U))~~units (~~(P))~~permitted(~~(-)~~)

17 1. The number of dwelling units permitted in a CHPD shall be calculated
18 by dividing the CHPD land area by the minimum lot (~~(size))~~area required in(~~(-permitted by))~~
19 subsection (~~(A of Section 23.44.010))~~23.44.010.A (~~(in))~~for the single-family zone where(~~(in~~
20 ~~which-))~~the CHPD is located. Land (~~(which))~~that is designated an environmentally critical area
21 or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area,
22 steep slope, or steep slope buffer and submerged land shall be excluded from the land used to
23 calculate (~~(density))~~the permitted number of dwelling units in a CHPD. For CHPDs (~~(which~~

1 ~~include~~) located in more than one (~~(+)~~) zone, the number of dwelling units shall be calculated
2 based on the proportion of land area in each zone.

3 2. Where portions of a site are designated an environmentally critical area
4 or buffer due to the presence of a riparian corridor, wetland, wetland buffer, priority habitat area,
5 steep slope, or steep slope buffer according to Chapter 25.09, Regulations for Environmentally
6 Critical Areas, the administrative conditional use provisions (~~(for regaining development credit~~
7 ~~and clustering~~)) under Section 25.09.260 shall apply.

8 3. One (~~(+)~~) additional detached single-family structure may be
9 permitted if the development includes one or more of the following (~~(recreational, meeting and/or~~
10 ~~day care~~)) facilities open to the surrounding community(~~(-)~~):

11 a. Usable open space and other recreational facilities approved by
12 the Director;

13 b. Community center; and

14 c. Child care facility.

15 D. Subdivision. A CHPD may be subdivided into lots of less than the minimum
16 area (~~(size)~~) required by subsection (~~(A of Section 23.44.010)~~) 23.44.010.A.

17 E. Yards. Yards shall be required for structures within a CHPD. For the purposes
18 of this subsection 23.44.024.E, setbacks shall be considered yards, and the provisions relating to
19 accessory structures in required yards of the applicable single-family zone shall apply.

20 1. Structures shall be set back a minimum distance of (~~(twenty-)~~) 20 (~~(+)~~)
21 feet from the street (~~(property)~~) lot line of a CHPD.

22 2. No dwelling unit in a CHPD shall be closer than (~~(five-)~~) 5 (~~(+)~~) feet to a
23 side lot line of an abutting single-family zoned lot.

1 3. No dwelling unit in a CHPD shall be closer than ~~((twenty-five (5)))~~25((+))
2 feet to a rear lot line of an abutting single-family zoned lot.

3 4. No dwelling unit in a CHPD shall be closer than ~~((five (5)))~~5((+)) feet to
4 any lot line of an abutting non-single-family zoned lot.

5 5. There shall be a minimum distance of ~~((ten (10)))~~10((+)) feet between
6 principal structures ~~((which are))~~within ~~((one hundred (100)))~~100((+)) feet of the ~~((property))~~lot line
7 of a CHPD.

8 6. To provide a sense of privacy~~((s))~~ and to mitigate the effects of shadows
9 between structures located~~((which are))~~ more than ~~((one hundred (100)))~~100((+)) feet from the
10 ~~((property))~~lot line of a CHPD, the required ~~((yards))~~separation between structures in the CHPD
11 shall vary depending on the design of the facing facades as follows:

12 a. Walls of interior facades that do not have a principal entrance
13 shall be ~~((not less than))~~at least ~~((ten (10)))~~10((+)) feet apart at any point.

14 b. A principal entrance to a structure shall be at least ~~((fifteen~~
15 ~~))~~15((+)) feet from the nearest interior facade that does not have a~~((which contains no))~~ principal
16 entrance.

17 c. A principal entrance to a structure shall be at least ~~((twenty~~
18 ~~))~~20((+)) feet from the nearest interior facade ~~((which contains))~~with a principal entrance.

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

21 a. preserve or enhance topographical conditions~~((s))~~;

22 b. enhance the relationship with adjacent uses and the layout of the
23 project;

1 c. promote green stormwater infrastructure and other measures to
2 reduce stormwater runoff; and/or

3 d. ((and to))maintain a compatible scale and design with the
4 surrounding community.

5 F. Landscaping. The Director may require retention of existing mature
6 landscaping or provision of new landscaping that is compatible with surrounding flora and favors
7 native species to achieve one or more of the following:((along some or all exterior lot lines of a
8 CHPD to minimize the effect of the CHPD on adjacent uses. The Director may require the
9 retention of existing mature landscaping. In addition, landscaping may be required to reduce the
10 potential for erosion or excessive stormwater runoff, reduce the site coverage by impervious
11 surfaces, and screen the parking from the view of adjacent residentially zoned lots and the street.

12 Plant species shall be compatible with surrounding flora. Maintenance of the
13 landscaping shall be the continuing responsibility of the owner.))

14 1. Minimize the impacts of the CHPD on adjacent land uses along some or
15 all exterior lot lines;

16 2. Reduce stormwater runoff, potential erosion, and impervious surfaces;
17 and

18 3. Screen parking from the view of adjacent residentially zoned lots and
19 the street.

20 G. Maintenance of required landscaping and open space. Maintenance of required
21 landscaping and open space shall be the continuing responsibility of the owner.

22 Section 9. Section 23.44.034 of the Seattle Municipal Code, last amended by Ordinance
23 123495, is amended as follows:

Part 2 Council Conditional Uses

23.44.034 Planned residential development (PRD)

Planned residential developments (PRDs) may be permitted in single-family zones as a council conditional use. A PRD is intended to enhance and preserve natural features, encourage the construction of affordable 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 ~~((R))~~ requirements ~~((:))~~

1. The minimum size of a PRD ~~is~~~~((shall be))~~ two ~~((2))~~ acres ~~((:))~~, excluding submerged land and any land ~~((Land which is))~~ designated environmentally critical due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to ~~((SMC))~~ Chapter 25.09, Regulations for Environmentally Critical Areas ~~((, and submerged land shall not be used to meet minimum size requirements))~~.

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 ~~((twenty))~~ 20 ~~((%))~~ percent of the area of the entire site.

3. Land ~~((which))~~ that is designated environmentally critical due to the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer according to ~~((SMC))~~ 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 ~~((topographical conditions))~~ topography, if it has a poor functional relationship

1 with the site, or if ~~((inclusion of))~~ including the land would have a negative ~~((negatively))~~ impact
2 on adjacent single-family zoned lots.

3 5. Where portions of a site are designated environmentally critical due to
4 the presence of a riparian corridor, wetland, wetland buffer, steep slope, or steep slope buffer
5 according to ~~((SMC))~~ Chapter 25.09, Regulations for Environmentally Critical Areas, the
6 conditional use provisions under Section 25.09.260 shall apply, superseding the standards of this
7 ~~((section))~~ Section 23.44.034.

8 B. Type of housing permitted~~((:))~~

9 1. Only single-family dwelling units are ~~((shall be))~~ permitted within 100
10 feet of a ~~((PRD's))~~ PRD lot line ~~((which))~~ that abuts or is directly across the street from a single-
11 family zoned lot, except as provided in this subsection 23.44.034.B.

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

18 3. Single-family dwelling units, cottage housing developments, rowhouse
19 developments, and townhouse developments are permitted when more than 100 feet from a
20 ~~((PRD's))~~ lot line of a PRD.

21 4. Cottage housing developments, rowhouse developments, and
22 townhouse developments shall meet the development standards for structures in ~~((Lowrise))~~ LR1
23 zones, unless otherwise specified in this Chapter 23.44.

1 C. Number of ~~((D))~~dwelling ~~((U))~~units ~~((P))~~permitted~~((:))~~

2 1. The number of dwelling units permitted in a PRD shall be calculated by
3 dividing the PRD lot area by the minimum lot ~~((size))~~area ~~((permitted))~~required in ~~((Section~~
4 ~~23.44.010 A))~~subsection 23.44.010.A. ~~((For PRD's which include))~~If the PRD includes more
5 than one ~~((1))~~zone, the number of dwelling units shall be calculated based on the proportion of
6 land area in each zone.

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

- 11 a. Low-income housing, as defined in subsection 23.84A.016.H;
- 12 b. Usable open space;
- 13 c. ~~((Day))~~Child care center, meeting space, or recreational facilities
14 open to the surrounding community~~((:))~~; and
- 15 d. Green stormwater infrastructure beyond the requirements of the
16 City of Seattle Stormwater Code (Chapters 22.800 through 22.808.)

17 D. Subdivision~~((:))~~

18 1. A PRD may be subdivided into lots of less than the minimum size
19 required by subsection ~~((A of Section 23.44.010))~~23.44.010.A.

20 2. A minimum of ~~((three hundred-))~~300~~((:))~~ square feet ~~((per unit-))~~of
21 private, landscaped open space ~~((shall be))~~is required~~((:))~~ and shall be provided at ground level
22 and directly accessible to the unit.

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

4 1. Structures (~~((which are-))~~)within (~~((one hundred-))~~)100(~~(+)~~) feet of the
5 (~~((property))~~)exterior lot line of a PRD shall be set back a minimum distance of (~~((twenty-))~~)20(~~(+)~~)
6 feet from the street (~~((property))~~)lot line of a PRD.

7 2. No dwelling unit in a PRD shall be closer than (~~((five-))~~)5(~~(+)~~) feet to a
8 side lot line of an abutting single-family zoned lot.

9 3. No dwelling unit in a PRD shall be closer than (~~((twenty five-))~~)25(~~(+)~~)
10 feet to a rear lot line of an abutting single-family zoned lot.

11 4. No dwelling unit in a PRD shall be closer than (~~((five-))~~)5(~~(+)~~) feet to any
12 lot line of an abutting non-single-family or non-residentially zoned lot.

13 5. Principal structures shall be at least(~~((A minimum distance of ten~~
14 ~~(+))~~)10(~~(+)~~) feet apart(~~((shall be maintained between principal structures))~~).

15 6. To provide a sense of privacy and to mitigate the effects of shadows
16 between structures that(~~((which))~~) are more than (~~((one hundred-))~~)100(~~(+)~~) feet from the
17 (~~((property))~~)lot line of a PRD, the required (~~((distance))~~)separation between structures shall vary
18 depending on the design of the facing facades as follows:

19 a. Walls shall be (~~((not less than))~~)at least (~~((ten-))~~)10(~~(+)~~) feet apart(~~((~~
20 ~~at any point))~~).

21 b. A principal entrance to a structure shall be at least (~~((fifteen~~
22 ~~(+))~~)15(~~(+)~~) feet from the nearest interior facade (~~((which contains no))~~)that does not have a principal
23 entrance.

1 c. A principal entrance to a structure shall be at least ~~((twenty~~
2 ~~€))20((€))~~ feet from the nearest interior facade ~~((which contains))~~with a principal entrance.

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

8 F. Landscaping. The Director may require ~~((L))~~landscaping that is compatible
9 with surrounding flora and favors native species ~~((may be required))~~to achieve one or more of
10 the following:~~((along some or all exterior lot lines of a PRD to minimize the effect of the PRD~~
11 ~~on adjacent uses. The retention of existing mature landscaping may be required. In addition,~~
12 ~~landscaping may be required to reduce the potential for erosion or excessive stormwater runoff;~~
13 ~~reduce the site coverage by impervious surfaces; and screen parking from the view of adjacent~~
14 ~~residentially zoned lots and the street.~~

15 Plant species shall be compatible with surrounding flora.))

16 1. Minimize the impacts of the PRD on adjacent land uses along some or
17 all exterior lot lines;

18 2. Reduce stormwater runoff, potential erosion, and impervious surfaces;
19 and

20 3. Screen parking from the view of adjacent residentially zoned lots and
21 the street.

1 G. Maintenance of ~~((R))~~required ~~((L))~~landscaping and ~~((O))~~open ~~((S))~~space.
2 Maintenance of required landscaping and open space shall be the continuing responsibility of the
3 owner.

4 Section 10. Section 23.45.516 of the Seattle Municipal Code, last amended by Ordinance
5 124307, is amended as follows:

6 **23.45.516 Additional height and extra residential floor area in ~~((Midrise and Highrise))~~**

7 **MR and HR zones**

8 A. General. Definitions in Section 23.58A.004 apply in this Section 23.45.516 unless
9 otherwise specified. According to the provisions of this Section 23.45.516, Section 23.45.526,
10 and Chapter 23.58A:

11 1. In MR, MR/85, and HR zones, extra residential floor area may be permitted up
12 to the maximum limits allowed by Section 23.45.510; and

13 2. In MR and HR zones, additional height~~((r))~~ above the base height limit~~((r))~~ is
14 permitted for structures that qualify for extra residential floor area, up to the maximum limits
15 allowed by Sections 23.45.514 and 23.45.516.

16 B. Eligible lots. The following lots are eligible for extra residential floor area and, except
17 in MR/85 zones, additional height:

18 1. Lots in MR or MR/85 zones in urban villages, urban centers, and the Station
19 Area Overlay District, except when the lot abuts a lot zoned single-family or is directly across an
20 alley from a lot zoned single-family; and

21 2. Lots in HR zones.

22 C. Highrise zones~~((r))~~

1 1. Extra ~~((R))~~residential ~~((F))~~floor ~~((A))~~area. In HR zones extra residential floor
2 area may be gained in accordance with Chapter 23.58A subject to the conditions and limits in
3 this Section 23.45.516. Up to all extra residential floor area may be gained through the affordable
4 housing incentive program provisions in Section 23.58A.014. Up to 40 percent of extra
5 residential floor area may be gained by one or any combination of:

6 a. transfer of development potential;
7 b. providing neighborhood open space or a payment in lieu thereof; and/or
8 c. providing a ~~((N))~~Neighborhood ~~((G))~~Green ~~((S))~~Street setback if allowed
9 pursuant to subsection 23.45.516.F, all in accordance with this Section 23.45.516 and Chapter
10 23.58A.

11 2. Structure height~~((:))~~

12 a. Structures 240 feet or less in height. The applicable height limit in an
13 HR zone under subsection 23.45.514.B is 240 feet if the applicant satisfies the conditions for
14 extra floor area but not all of the conditions in subsection 23.45.516.C.2.b ~~((of this Section~~
15 ~~23.45.516-))~~are met.

16 b. Structures over 240 feet. The applicable height limit in an HR zone
17 under subsection 23.45.514.B is 300 feet if the applicant satisfies the conditions for extra floor
18 area and the following additional conditions are met:

19 1) For any structure above a height of 85 feet, the average
20 residential gross floor area per story above a height of 45 feet does not exceed 9,500 square
21 feet;~~((and))~~

22 2) No parking is located at or above grade, unless it is separated
23 from all street lot lines by another use; and

Section 12. Section 23.45.522 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.45.522 Amenity area

A. Amount of amenity area required for rowhouse and townhouse developments and apartments in LR zones((-))

1. The required amount of amenity area for rowhouse and townhouse developments and apartments in LR zones is equal to 25 percent of the lot area.

2. A minimum of 50 percent of the required amenity area shall be provided at ground level, except that amenity area provided on the roof of a structure that meets the provisions of subsection 23.45.510.E.5 may be counted as amenity area provided at ground level.

3. For rowhouse and townhouse developments, amenity area required at ground level may be provided as either private or common space.

4. For apartments, amenity area required at ground level shall be provided as common space.

B. Amenity area requirements for cottage housing developments in all multi-family zones((-))

1. A minimum of 300 square feet of amenity area is required for each cottage.

2. A minimum of 150 square feet of amenity area is required for each carriage house.

3. The required quantity shall be allocated as follows:

a. Half of the amenity area required for each cottage, and all of the amenity area required for each carriage house, shall be provided as common amenity area; and

1 b. Half of the amenity area required for each cottage shall be provided as
2 private amenity area for that unit.

3 4. The required common amenity area may be divided into no more than two
4 separate areas((;)) and shall:

5 a. have cottages or carriage houses abutting on at least two sides;

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

7 c. have no horizontal dimension of less than 10 feet.

8 5. Carriage houses shall have stairs that provide access to the common amenity
9 area.

10 C. Amount of amenity area required in MR and HR zones. The required amount of
11 amenity area in MR and HR zones is equal to 5 percent of the total gross floor area of a structure
12 in residential use, except that cottage housing developments shall meet the standards in
13 subsection ((~~B of this Section~~))23.45.522.B.

14 D. General requirements. Required amenity areas shall meet the following conditions:

15 1. All units shall have access to a common or private amenity area.

16 2. Enclosed amenity area

17 a. In LR zones, an amenity area shall not be enclosed within a structure.

18 b. In MR and HR zones, except for cottage housing, no more than 50
19 percent of the amenity area may be enclosed, and this enclosed area shall be provided as
20 common amenity area.

21 3. Projections into amenity areas. Structural projections that do not provide floor
22 area, such as garden windows, may extend up to 2 feet into an amenity area if they are at least 8
23 feet above finished grade.

1 4. Private amenity area

2 a. There is no minimum dimension for private amenity areas, except that if
3 a private amenity area abuts a side lot line that is not a side street lot line, the minimum
4 horizontal dimension measured from the side lot line is 10 feet.

5 b. An unenclosed porch that is a minimum of 60 square feet in size((;))
6 and that faces a street or a common amenity area((;)) may be counted as part of the private
7 amenity area for the rowhouse, townhouse, or cottage to which it is attached.

8 5. Common amenity area for rowhouse and townhouse developments and
9 apartments shall meet the following conditions:

10 a. No common amenity area shall be less than 250 square feet in area, and
11 common amenity areas shall have a minimum horizontal dimension of 10 feet.

12 b. Common amenity area shall be improved as follows:

13 1) At least 50 percent of common amenity area provided at ground
14 level shall be landscaped with grass, ground cover, bushes, bioretention facilities, rain gardens,
15 and/or trees.

16 2) Elements that enhance the usability and livability of the space
17 for residents, such as seating, outdoor lighting, weather protection, art, or other similar features,
18 shall be provided.

19 c. The common amenity area required at ground level for apartments shall
20 be accessible to all apartment units.

21 6. Parking areas, vehicular access easements, and driveways do not qualify as
22 amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area

1 if the design of the woonerf is approved through a design review process pursuant to Chapter
2 23.41.

3 7. Swimming pools, spas, and hot tubs may be counted toward meeting the
4 amenity area requirement.

5 8. Rooftop areas excluded because they are near minor communication utilities
6 and accessory communication devices, pursuant to subsection 23.57.011.C.1, do not qualify as
7 amenity areas.

8 ***

9 Section 13. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance
10 124378, is amended as follows:

11 **23.45.536 Parking location, access, and screening**

12 ***

13 C. Access to parking((=))

14 1. Alley access required. Except as otherwise expressly required or permitted in
15 subsections 23.45.536.C or 23.45.536.D~~((of this Section 23.45.536))~~, access to parking shall be
16 from the alley if the lot abuts an alley and one of the conditions in this subsection 23.45.536.C.1
17 is met.

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

19 b. The development gains additional FAR pursuant to ~~((§))~~subsection
20 23.45.510.C; or

21 c. The Director determines that alley access is feasible and desirable to
22 mitigate parking access impacts, improve public safety, and/or maintain on-street parking
23 capacity.

1 2. Street access required. Access to parking shall be from the street if:

2 a. The lot does not abut an alley.

3 b. The lot abuts an alley, and the Director determines that the alley should
4 not be used for access~~((;))~~ for one or more of the following reasons:

5 1) Due to the relationship of the alley to the street system, use of
6 the alley for parking access would create a significant safety hazard;~~((-or))~~

7 2) Topography makes alley access infeasible~~((-));~~ or

8 3) The alley is on the uphill side of a steeply sloping lot, and the
9 following conditions are met:

10 ~~((i-))~~a ~~((a))~~Access from the street is to a common parking
11 garage in or under the structure, located a maximum of 4 feet above grade.

12 ~~((ii-))~~b ~~((i))~~The siting of development results in an
13 increased Green Factor score, larger ground-level amenity areas, and/or reduced surface parking
14 area than if alley access is used.

15 3. On corner lots, if street access is permitted pursuant to subsection
16 23.45.536.C.2, the applicant may determine the street from which access is taken, unless the
17 Director determines that the use of the street chosen by the applicant would create a significant
18 safety hazard.

19 4. On steeply sloping lots, the Director may permit the use of both an alley and a
20 street for access, provided that the following conditions are met:

21 a. ~~((a))~~Access from the street is to a common parking garage in or under
22 the structure, that is underground or extends no more than 4 feet above grade.

1 b. ~~((t))~~The siting of development results in an increased Green Factor
2 score, larger ground-level amenity areas, and/or reduced surface parking area than if alley access
3 alone is used.

4 c. In LR zones, if the project uses both the alley and street for access to
5 parking other than required barrier-free parking spaces, the project does not qualify for the
6 higher FAR limit in ~~((S))~~subsection 23.45.510.B.

7 5. Access to required barrier-free parking spaces that meet the standards in the
8 Seattle Residential Code, Section R322, or the Seattle Building Code, Chapter 11, may be from
9 either the street or alley, or both.

10 6. If the alley is used for access, the alley shall be improved according to the
11 standards in subsections 23.53.030.E and 23.53.030.F, except that if a development gains
12 additional FAR pursuant to subsection 23.45.510.C, the alley shall be paved rather than
13 improved with crushed rock, even for lots containing fewer than ten units.

14 7. If the lot does not abut an improved alley or street, access may be permitted
15 from an easement that meets the provisions of Chapter 23.53, Requirements for Streets, Alleys,
16 and Easements.

17 8. If street access is required, either driveways that provide access from the street
18 to the street-facing garages of individual townhouse or rowhouse units shall be paved with
19 permeable materials and/or access to a majority of these garages shall be provided by shared
20 driveways.

21 D. Screening of parking

22 1. Parking shall be screened from direct street view by:

23 a. the street facing facade of a structure;~~((t))~~

- 1 b. ~~((by))~~garage doors;~~((;))~~
2 c. ~~((or by))~~a fence or wall; or
3 d. landscaped areas, including level plantings, berms, or bioretention
4 facilities.

5 2. Screening provided by a fence,~~((or))~~ wall or landscaped area~~((If screening is~~
6 ~~provided by a fence or wall, the fence or wall))~~ shall not be located within any required sight
7 triangle~~((;))~~ and shall meet the following conditions:

8 a. ~~((;))~~The fence,~~((or))~~ wall, or vegetation in the landscaped area shall be
9 at least 3 feet tall measured from the elevation of the curb, or from the elevation of the street if
10 no curb is present. If the elevation of the ground at the base of the fence,~~((or))~~ wall, or
11 landscaped area is higher than the finished elevation of the parking surface, the difference in
12 elevation may be measured as a portion of the required height of the screen, so long as the
13 fence,~~((or))~~ wall, or landscaped area is at least~~((minimum of))~~ 3 feet in height. If located in a
14 setback, the fence or wall shall meet the requirements of subsection 23.45.518.J.7.

15 b. ~~((;))~~The fence,~~((or))~~ wall, or landscaped area shall be set back at least 3
16 feet from the lot line.

17 ***

18 Section 14. Section 23.47A.009 of the Seattle Municipal Code, last amended by
19 Ordinance 124378, is amended as follows:

20 **23.47A.009 Standards applicable to specific areas**

21 ***

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

1 ***

2 4. Setback and ~~(S)~~separation ~~(R)~~requirements~~(-)~~

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

5 ***

6 3) Structures permitted in required setback and separation areas
7 pursuant to subsections 23.47~~(-)~~A.009.A.4.a and 23.47A.009.A.4.b are:

8 ***

9 g) Cisterns and above-grade bioretention facilities are
10 permitted without setback or separation restrictions if:

11 i) Each cistern and bioretention facility is less than
12 4.5 feet tall excluding piping;

13 ii) Each cistern and bioretention facility is less than
14 4 feet wide; and

15 iii) The system's total storage capacity is no greater
16 than 600 gallons.

17 h) Cisterns and above-grade bioretention facilities larger
18 than what is allowed in subsection 23.47.009.B.4.a.3.g are permitted within a setback or
19 separation if:

20 i) It does not exceed ten percent coverage in any
21 setback area;

22 ii) It is not located closer than 2.5 feet from a side
23 lot line; and

1 iii) It projects no more than 5 feet into the front or
2 rear setback area.

3 ***

4 D. Roosevelt Urban Village. The following provisions apply within the area shown on
5 Map A for 23.47A.009.

6 1. Setback requirements

7 ***

8 b. Structures permitted in required setbacks are:

9 ***

10 7) Cisterns and above-grade bioretention facilities are permitted
11 without setback restrictions if:

12 a) Each cistern and bioretention facility is less than 4.5 feet
13 tall excluding piping;

14 b) Each cistern and bioretention facility is less than 4 feet
15 wide; and

16 c) The system's total storage capacity is no greater than 600
17 gallons.

18 8) Green stormwater infrastructure larger than what is allowed in
19 subsection 23.47.009.D.1.b.7 are permitted within a setback if:

20 a. It does not exceed 10 percent coverage in any setback
21 area;

22 b) It is not located closer than 2.5 feet from a side lot line;
23 and

1 c) It projects no more than 5 feet into the front or rear

2 setback area.

3 ***

4 Section 15. Section 23.47A.014 of the Seattle Municipal Code, last amended by
5 Ordinance 124378, is amended as follows:

6 **23.47A.014 Setback requirements**

7 ***

8 E. Structures in ~~((R))~~required ~~((S))~~setbacks~~((:))~~

9 ***

10 9. Cisterns and above-grade bioretention facilities are permitted without setback
11 restrictions if:

12 a. Each cistern and bioretention facility is less than 4.5 feet tall excluding
13 pipng;

14 b. Each cistern and bioretention facility is less than 4 feet wide; and

15 c. The system's total storage capacity is no greater than 600 gallons.

16 10. Green stormwater infrastructure larger than what is allowed in subsection
17 23.47A.014.E.9 is permitted within a setback if:

18 a. It does not exceed 10 percent coverage in any setback area;

19 b. It is not located closer than 2.5 feet from a side lot line

20 c. It projects no more than 5 feet into the front or rear setback area.

21 ***

22 Section 16. Section 23.47A.016 of the Seattle Municipal Code, last amended by
23 Ordinance 124608, is amended as follows:

100 or more	35 square feet ((/)) <u>per</u> parking space
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1) Each landscaped area shall be no smaller than 100 square feet and must be ~~((enclosed))~~ protected by permanent curbs or structural barriers.

2) No part of a landscaped area shall be less than 4 feet in width or length except those parts of landscaped areas created by turning radii or angles of parking spaces.

3) No parking space shall be more than 60 feet from a required landscaped area.

b. The landscaped area may include bioretention facilities and/or rain gardens.

c. Trees in surface parking areas~~((/))~~

1) One tree is required for every ten parking spaces.

2) Trees shall be selected in consultation with the Director of Transportation.

~~((e-))~~ d. Screening of surface parking areas~~((/))~~

1) Three-foot-high screening is required along street lot lines.

2) Surface parking abutting or across an alley from a lot in a residential zone must have 6-foot-high screening along the abutting lot line and a 5-foot-deep landscaped area inside the screening (see Exhibit A for 23.47A.016).

Section 17. Section 23.47A.024 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

1 **23.47A.024 Amenity area**

2 A. Amenity areas are required in an amount equal to 5 percent of the total gross floor area
3 in residential use, except as otherwise specifically provided in this Chapter 23.47A. Gross floor
4 area, for the purposes of this subsection 23.47A.024.A, excludes areas used for mechanical
5 equipment and accessory parking.

6 B. Required amenity areas shall meet the following standards, as applicable:

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

9 2. Amenity areas shall not be enclosed((;)).

10 3. Parking areas, vehicular access easements, and driveways do not count as
11 amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area
12 if the design of the woonerf is approved through a design review process pursuant to Chapter
13 23.41((;)).

14 4. Common amenity areas shall have a minimum horizontal dimension of 10 feet,
15 and no common amenity area shall be less than 250 square feet in size((;)).

16 5. Private balconies and decks shall have a minimum area of 60 square feet, and
17 no horizontal dimension shall be less than 6 feet.

18 6. Rooftop areas excluded because they are near minor communication utilities
19 and accessory communication devices, pursuant to ((S))subsection 23.57.012.C.1.d, do not
20 qualify as amenity areas.

21 7. Bioretention facilities and rain gardens may be counted towards meeting the
22 amenity area requirement.

1 Section 18. Section 23.49.019 of the Seattle Municipal Code, last amended by Ordinance
2 124680, is amended as follows:

3 **23.49.019 Parking quantity, location, and access requirements~~((5))~~ and screening and**
4 **landscaping of surface parking areas**

5 ***

6 I. Screening and landscaping of surface parking areas

7 1. Screening. Surface parking areas for more than five vehicles shall be screened
8 in accordance with the following requirements:

9 a. Screening is required along each street lot line.

10 b. Screening shall consist of:~~((a landscaped berm, or a view-obscuring~~
11 ~~fence or wall at least 3 feet in height.))~~

12 1) A view-obscuring fence or wall at least 3 feet in height, or

13 2) A landscaped area with vegetation at least 3 feet in height.

14 Landscaped areas may be bioretention, rain gardens, flat planting areas, or landscaped berms,
15 provided that the top of the vegetation is at least 3 feet above the surrounding grade.

16 c. A landscaped strip on the street side of the fence or wall shall be
17 provided if a fence or wall is used for screening. The strip shall be an average of 3 feet from the
18 property line, but at no point less than 1.5 feet wide. Each landscaped strip shall be planted with
19 sufficient shrubs, grass and/or evergreen groundcover so that the entire strip, excluding
20 driveways, will be covered in three years. Each landscaped strip may be bioretention, at grade, or
21 a raised berm.

22 d. Sight triangles shall be provided in accordance with Section 23.54.030,
23 Parking space standards.

1 2. Landscaping. Surface parking areas for 20 or more vehicles, except temporary
2 surface parking areas, shall be landscaped according to the following requirements:

3 a. The amount of landscaped area required is shown on Table B for
4 23.49.019:

Table B for 23.49.019	
Required Landscaping for Surface Parking Areas with 20 or More Parking Spaces	
Total number of parking spaces	Minimum required landscaped area
20 to 50	18 square feet per parking space
51 to 99	25 square feet per parking space
100 or more spaces	35 square feet per parking space

5 b. The minimum size of a required landscaped area is 100 square feet.
6 Berms provided to meet the screening standards in subsection 23.49.019.I.1(~~of this section~~)
7 may be counted as part of a landscaped area. No part of a landscaped area shall be less than 4
8 feet in any dimension except those dimensions reduced by turning radii or angles of parking
9 spaces.

10 c. The landscaped area may include bioretention facilities and/or rain
11 gardens.

12 d. No parking stall shall be more than 60 feet from a required landscaped
13 area.

14 ~~((d))~~e. One tree per every five parking spaces is required.

15 ~~((e))~~f. Each tree shall be at least 3 feet from any curb of a landscaped area
16 or edge of the parking area.

1 ((f))g. Permanent curbs or structural barriers shall ~~((enclose))~~protect
2 landscaped areas.

3 ((g))h. Sufficient hardy evergreen groundcover shall be planted to cover
4 each landscaped area completely within three years. Trees shall be selected from Seattle
5 Department of Transportation’s list for parking area planting.

6 Section 19. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance
7 122054, is amended as follows:

8 **23.49.036 Planned community developments (PCDs)**~~((s))~~

9 A. Authority. Planned community developments may be permitted by the Director as a
10 Type II Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and
11 Council Land Use Decisions.

12 B. Public ~~((B))~~benefit ~~((P))~~priorities. The Director shall determine public benefit
13 priorities for the PCD. These priorities shall be prepared prior to application for a Master Use
14 Permit. They shall include priorities for public benefits listed in subsection 23.49.036.F and
15 priorities for implementing the goals of the Comprehensive Plan, including adopted
16 neighborhood plans for the area affected by the PCD, and a determination of whether the
17 proposed PCD may use public right-of-way area to meet the minimum site size set forth in
18 subsection 23.49.036.E. Before the priorities are prepared, the Director shall cause a public
19 meeting to be held to identify concerns about the site and to receive public input into priorities
20 for public benefits identified in adopted neighborhood plans and subsection 23.49.036.F. Notice
21 for the meeting shall be provided pursuant to Section 23.76.011. The Director shall prepare
22 priorities for the PCD taking into account comments made at the public meeting or in writing to
23 the Director, and the criteria in this ~~((s))~~Section 23.49.036. The Director shall distribute a copy

1 of the priorities to all those who provided addresses for this purpose at the public meeting, to
2 those who sent in comments or otherwise requested notification, and to the project proponent.

3 C. A PCD shall not be permitted if the Director determines it would be likely to result in
4 a net loss of housing units or if it would result in significant alteration to any designated feature
5 of a Landmark structure, unless a Certificate of Approval for the alteration is granted by the
6 Landmarks Preservation Board.

7 D. Location((-))

8 1. ~~((Planned Community Developments))~~PCDs may be permitted in all
9 Downtown zones except the ~~((Pike Market Mixed))~~PMM zone and the ~~((Downtown Harborfront
10 4))~~DH1 zone.

11 2. A portion of a PCD may extend into any non-downtown zone(s) within the
12 Downtown Urban Center and adjacent to a downtown zone subject to the following conditions:

13 a. The provisions of this title applicable in the non-downtown zone(s)
14 regulate the density of non-residential use by floor area ratio; and

15 b. The portion of a PCD project located in non-downtown zone(s) ~~((shall
16 be not more than))~~must not exceed ~~((twenty(-))~~20~~((+))~~ percent of the total area of the PCD.

17 E. Minimum ~~((S))~~size. A PCD shall include a minimum site size of ~~((one hundred
18 thousand(-))~~100,000~~((+))~~ square feet within one ~~((4-))~~or more of the Downtown zones where
19 PCDs are permitted according to subsection 23.49.036.D.1. The total area of a PCD shall be
20 contiguous. Public right-of-way shall not be considered a break in contiguity. At the Director's
21 discretion, public right-of-way area may be included in the minimum area calculations if actions
22 related to the PCD will result in significant enhancements to the streetscape of the public right-

1 of-way, improved transit access and expanded transit facilities in the area, and/or significant
2 improvement to local circulation, especially for transit and pedestrians.

3 F. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public
4 benefits provided, possible impacts of the project, and consistency with the standards contained
5 in this subsection 23.49.036.F.

6 1. Public ~~((B))~~benefits. A proposed PCD shall address the priorities for public
7 benefits identified through the process outlined in subsection 23.49.036.B. The PCD shall
8 include at least three ~~((3) or more))~~of the following elements:

- 9 a. low-income housing,
- 10 b. townhouse development,
- 11 c. historic preservation,
- 12 d. public open space,
- 13 e. implementation of adopted neighborhood plans,
- 14 f. improvements in pedestrian circulation,
- 15 g. improvements in urban form,
- 16 h. improvements in transit facilities,~~((and/or))~~
- 17 i. green stormwater infrastructure beyond the requirements of the City of
18 Seattle Stormwater Code (Chapter 22.800 through 22.808), and/or
- 19 j. other elements that further an adopted City policy and provide a
20 demonstrable public benefit.

21 2. Potential ~~((I))~~impacts. The Director shall evaluate the potential impacts of a
22 proposed PCD including, but not necessarily limited to, the impacts on housing, particularly low-

1 income housing, transportation systems, parking, energy, and public services, as well as
2 environmental factors such as noise, air, light, glare, public views, and water quality.

3 ***

4 Section 20. Section 23.49.041 of the Seattle Municipal Code, last amended by Ordinance
5 123046, is amended as follows:

6 **23.49.041 Combined lot development((s))**

7 When authorized by the Director pursuant to this ((s))Section 23.49.041, lots located on
8 the same block in DOC1 or DOC2 zones, or in DMC zones with a maximum FAR of ((ten
9 ~~€~~)10(~~€~~)), or lots zoned DOC1 and DMC on the same block, may be combined, whether
10 contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable
11 floor area on one such lot under this ((c))Chapter 23.49 to be used on one ((~~1~~))or more other
12 lots, according to the following provisions:

13 A. Up to all of the capacity on one ((~~1~~))lot, referred to in this ((s))Section 23.49.041 as
14 the "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section
15 23.49.011 (referred to in this ((s))Section 23.49.041 as "bonus capacity"), may be used on one or
16 more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant
17 to Sections 23.49.011((—)) through 23.49.014, as modified in this ((s))Section 23.49.041. For
18 purposes of applying any conditions related to amenities or features provided on site under
19 Section 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered
20 to be the lot or site using a bonus. Criteria for use of bonus that apply to the structure or
21 structures shall be applied only to the structure(s) on the lots using the transferred bonus
22 capacity.

1 B. Only if all of the bonus capacity on one (~~((1-))~~)lot shall be used on other lots pursuant
2 to this (~~((s))~~)Section 23.49.041, there may also be transferred from the sending lot, to one or more
3 such other lots, up to all of the unused base FAR on the sending lot, without regard to limits on
4 the transfer or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of
5 TDR for purposes of determining remaining development capacity on the sending lot and TDR
6 available to transfer under (~~((SMC))~~)Section 23.49.014, but shall be treated as additional base
7 FAR on the other lots, and to the extent so treated shall not qualify such lots for bonus
8 development. If less than all of the bonus capacity of the sending lot shall be used on such other
9 lots, then unused base FAR on the sending lot still may be transferred to the extent permitted for
10 within-block TDR under Section 23.49.014, and if the sending lot qualifies for transfer of TDR
11 under any other category of sending lot in Table A for 23.49.014(~~((A))~~), such unused base FAR
12 may be transferred to the extent permitted for such category, but in each case only to satisfy in
13 part the conditions to use of bonus capacity, not as additional base FAR.

14 C. To the extent permitted by the Director, the maximum chargeable floor area for any
15 one (~~((1-))~~)or more lots in the combined lot development may be increased up to the combined
16 maximum chargeable floor area under Section 23.49.011 computed for all lots participating in
17 the combined lot development. To the extent permitted by the Director, and subject to subsection
18 23.49.041.B(~~((of this section))~~), the base floor area for any one (~~((1-))~~)or more lots in the
19 combined lot development may be increased up to the combined maximum base chargeable floor
20 area under Section 23.49.011 computed for all lots participating in the combined lot
21 development.

22 D. The Director shall allow combined lot development only to the extent that the Director
23 determines(~~((r))~~) in a Type I land use decision(~~((r))~~) that permitting more chargeable floor area than

1 would otherwise be allowed on a lot shall result in a significant public benefit. In addition to
2 features for which floor area bonuses are granted, the Director may also consider the following
3 as public benefits that could satisfy this condition when provided for as a result of the lot
4 combination:

- 5 1. preservation of a ~~((f))~~ Landmark structure located on the block or adjacent
6 blocks;
- 7 2. uses serving the downtown residential community, such as a grocery store, at
8 appropriate locations;
- 9 3. public facilities serving the ~~((D))~~ downtown population, including schools,
10 parks, community centers, human service facilities, and clinics;
- 11 4. transportation facilities promoting pedestrian circulation and transit use,
12 including through ~~((-))~~ block pedestrian connections, transit stations, and bus layover facilities;
- 13 5. ~~((S))~~ short-term parking on blocks within convenient walking distance of the
14 retail core or other ~~((D))~~ downtown business areas where the amount of available short term
15 parking is determined to be insufficient;
- 16 6. a significant amount of housing serving households with a range of income
17 levels;
- 18 7. improved massing of development on the block that achieves a better
19 relationship with surrounding conditions, including: better integration with adjacent
20 development, greater compatibility with an established scale of development, especially relative
21 to ~~((f))~~ Landmark structures, or improved conditions for adjacent public open spaces,
22 ~~((d))~~ Designated ~~((g))~~ Green ~~((s))~~ Streets, or other special street environments;
- 23 8. public view protection within an area; ~~((and/or))~~

1 9. arts and cultural facilities, including a museum or museum expansion

2 space((-)); and/or

3 10. green stormwater infrastructure beyond the requirements of the City of Seattle

4 Stormwater Code (Chapter 22.800 through 22.808).

5 ***

6 Section 21. Section 23.50.034 of the Seattle Municipal Code, last amended by Ordinance
7 123547, is amended as follows:

8 **23.50.034 Screening and landscaping**

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

11 A. Three-foot ~~((3'))~~high ~~((S))~~screening. Three-foot ~~((3'))~~high screening may be
12 either:

13 1. A fence or wall at least ~~((three))~~3 feet ~~((3'))~~ in height; or

14 2. A landscaped area with vegetation at least 3 feet in height. Landscaped areas
15 may be bioretention, rain gardens, flat planting areas, or landscaped berms, provided that the top
16 of the vegetation is at least 3 feet above the surrounding grade.~~((A hedge or landscaped berm at~~
17 ~~least three feet (3') in height.))~~

18 B. View-obscuring ~~((S))~~screening. View-obscuring screening may be either:

19 1. A fence or wall ~~((six))~~6 feet ~~((6'))~~ in height; or

20 2. A landscaped area with vegetation at least 5 feet in height. Landscaped areas
21 may be bioretention, rain gardens, flat planting areas, or landscaped berms, provided that the top
22 of the vegetation will be at least 5 feet above the surrounding grade within three years of
23 planting.~~((A landscaped berm at least five feet (5') in height; or~~

1 3. A hedge which would achieve a height of at least five feet (5') within three (3)
2 years of planting; or

3 4. Any combination of the features listed above which achieves a height of at least
4 five feet (5') within three (3) years of planting.)

5 C. Landscaped ((A))areas and ((B))berms. Each area or berm required to be landscaped
6 shall be planted with trees, shrubs and grass, or evergreen ground cover, in a manner that the
7 total required setback, excluding driveways, will be covered in three ((3)) years. Features such
8 as walkways, decorative paving, sculptures, or fountains may cover a maximum of ((thirty))30
9 percent ((30%)) of each required landscaped area or berm.

10 D. Street ((T))trees. When required((by this Code)), street trees shall be provided in the
11 planting strip according to Seattle Department of Transportation Tree Planting Standards. If it is
12 not feasible to plant street trees in the planting strip according to City standards, they shall be
13 planted in the 5-foot((five foot (5')) deep landscaped setback area along the street property
14 line. Trees planted in this setback area shall be at least 2 feet((two feet (2')) from the street lot
15 line.

16 E. Combinations of ((S))screening and ((L))landscaping ((R))requirements((-))

17 1. When there is more than one ((1)) type of use which requires screening or
18 landscaping, the requirement which results in the greater amount of screening and landscaping
19 shall be followed.

20 2. Different types of screening or landscaping may be combined on one ((1)) lot.

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

22 Section 22. Section 23.57.008 of the Seattle Municipal Code, last amended by Ordinance
23 124172, is amended as follows:

1 **23.57.008 Development standards**

2 ***

3 C. Setbacks and landscaping

4 ***

5 2. The required setback shall be landscaped as follows:

6 a. A 5((-))_foot((-))_deep setback measured perpendicular to the lot lines
7 shall be planted with ground cover.

8 b. The area between 5 feet and 10 feet in from all lot lines shall be planted
9 with continuous vegetation consisting of bushes.

10 c. The area between 10 feet and 20 feet in from all lot lines shall be
11 planted with view-obscuring vegetation consisting of evergreen hedges and evergreen trees a
12 minimum of 10 feet tall at the time of planting and expected to reach at least 30 feet at maturity.

13 d. All landscaping shall conform to the Director's Rule on Landscape
14 Standards.

15 e. Bioretention facilities and rain gardens are allowed as part of the
16 landscaping requirement if the resulting screening and mitigation of visual impacts is the same as
17 would otherwise result from the provision of the requirements of this subsection 23.57.008.C.2.

18 ***

19 Section 23. Section 23.75.140 of the Seattle Municipal Code, last amended by Ordinance
20 124378, is amended as follows:

21 **23.75.140 Setbacks and projections**

22 ***

23 J. Structures in required setbacks((-))

1 ***

2 9. Cisterns and above-grade bioretention facilities are permitted without setback

3 restrictions if:

4 a. Each cistern and bioretention facility is less than 4.5 feet tall excluding

5 pipng;

6 b. Each cistern and bioretention facility is less than 4 feet wide; and

7 c. The system's total storage capacity is no greater than 600 gallons.

8 10. Cisterns and above-grade bioretention facilities larger than what is allowed in

9 subsection 23.75.140.J.9 are permitted within a setback if:

10 a. It does not exceed 10 percent coverage in any setback area;

11 b. It is not located closer than 2.5 feet from a side lot line; and

12 c. It projects no more than 5 feet into the front or rear setback area.

13 ***

14 Section 24. Section 23.84A.014 of the Seattle Municipal Code, last amended by
15 Ordinance 124378, is amended as follows:

16 **23.84A.014 “G”**

17 ***

18 "Green roof" means a landscaped area on the roof of a structure.

19 “Green stormwater infrastructure” means a drainage control facility that uses infiltration,
20 evapotranspiration, or stormwater reuse. Examples of green stormwater infrastructure include
21 permeable pavement, bioretention facilities, and green roofs.

1 "Green street" means a street right-of-way that is part of the street circulation pattern, that
2 through a variety of treatments, such as sidewalk widening, landscaping, traffic calming, and
3 pedestrian-oriented features, is enhanced for pedestrian circulation and open space use.

4 ***

5 Section 25. Section 23.84A.028 of the Seattle Municipal Code, last amended by
6 Ordinance 124378, is amended as follows:

7 **23.84A.028 "O"**

8 ***

9 "Open space, landscaped" means exterior space, at ground level, predominantly open to
10 public view and used for the planting of trees, shrubs, ground cover, bioretention, rain gardens,
11 and other natural vegetation.

12 ***

13

1 Section 25. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2015, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2015.

7
8 _____
9 President _____ of the City Council

10
11 Approved by me this ____ day of _____, 2015.

12
13 _____
14 Edward B. Murray, Mayor

15
16 Filed by me this ____ day of _____, 2015.

17
18 _____
19 Monica Martinez Simmons, City Clerk

20
21
22 (Seal)

23