

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

..title
AN ORDINANCE relating to land use and zoning; amending Sections 23.42.106 and 23.42.118 of the Seattle Municipal Code (SMC); to modify standards for the expansion of nonconforming uses.

..body

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.106 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.42.106 - Expansion of nonconforming uses

A. A structure occupied by a nonconforming residential use may be maintained, repaired, renovated or structurally altered, but may not be expanded or extended, except:

1. As otherwise required by law or as necessary to improve access for the elderly or disabled; or

2. To construct or modify minor structural features on the principal structure including, but not limited to, exterior decks and balconies, bay windows, dormers, eaves and solar collectors added to a principal structure, or a new or expanded accessory structure may be constructed; provided that the addition or new accessory structure conforms to the development standards of the zone.

3. To construct or expand an accessory structure, provided that the addition or new structure conforms to the development standards of the zone.

1 B. In addition to the standards in subsection 23.42.106.A, a structure in a single-family
2 zone occupied by a nonconforming residential use may be allowed to expand subject to the
3 following:

4 1. The number of dwelling units shall not be increased, except as may be allowed
5 pursuant to Section 23.40.040 or Section 23.44.015.

6 2. For a nonconforming residential use that is not a multifamily use, except as
7 may be allowed pursuant to Section 23.40.040 or Section 23.44.015, the number of residents
8 may not be increased beyond the maximum number that was allowed by the standards of the
9 zone at the time of approval; if originally permitted by conditional use, the number shall not be
10 allowed to increase above the number permitted by the conditional use approval.

11 3. An expansion of no more than 500 square feet of gross floor area, meeting the
12 development standards for single-family construction and not exceeding the average height of
13 the closest principal structures on either side, is allowed.

14 4. An expansion greater than 500 square feet of gross floor area and/or exceeding
15 the average height of the closest principal structures on either side may be approved by the
16 Seattle Department of Construction and Inspections through a special exception, Type II Master
17 Use Permit, if the proposed expansion meets the development standards for single-family
18 construction and is compatible with surrounding development in terms of:

- 19 a. Architectural character;
- 20 b. Existing streetscape and pattern of yards; and
- 21 c. Scale and proportion of principal structures.

1 5. If an addition proposed under subsections 23.42.106.B.3 or 23.42.106.B.4
2 would require additional parking under the requirements of Section 23.54.015 for multifamily
3 structures, that additional parking must be provided.

4 C. In multifamily zones, except in Lowrise 1 (LR1) zones, dwelling units may be added
5 to a structure containing one or more nonconforming uses, even if in a structure nonconforming
6 to development standards; provided that limitations on density shall apply. The structure may be
7 expanded or extended, provided that the expansion or extension shall be for residential use, shall
8 conform to the development standards of the zone, and shall not cause an already nonconforming
9 structure to become more nonconforming to development standards.

10 D. A nonconforming nonresidential use shall not be expanded or extended, except as
11 follows:

12 1. A structure occupied by a nonconforming nonresidential use may be
13 maintained, repaired, renovated or structurally altered but shall not be expanded or extended
14 except as otherwise required by law, as necessary to improve access for the elderly or disabled or
15 as specifically permitted elsewhere in this Code.

16 2. In the Seattle Mixed zone, general manufacturing uses exceeding twenty-five
17 thousand (25,000) square feet of gross floor area and heavy manufacturing uses may be
18 expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the
19 existing gross floor area of the use, provided that this exception may be applied only once to any
20 individual business establishment.

21 3. The Seattle Asian Art Museum building and use located in Volunteer Park, as it
22 exists on January 1, 2017, may be expanded subject to the following development standards:

1 a. The building may be expanded one or more times but the gross floor
2 area of all expansions combined and occurring after January 1, 2017 may not exceed 15,000
3 square feet.

4 b. No expansion may be located in a freestanding building that lacks a
5 common wall with the existing building or with an expansion to the existing building.

6 c. No expansion may exceed the elevation of the highest point of the
7 existing building.

8 d. Parking and loading for the proposed expansion is required as provided
9 in Sections 23.54.015 and 23.54.035. As a Type I decision, the Director may reduce parking and
10 loading requirements to an amount not less than the amount needed to provide adequate parking
11 and loading facilities, as demonstrated to the satisfaction of the Director by a parking and loading
12 study prepared by a licensed professional engineer and submitted to the Director by the
13 applicant.

14 e. Bicycle parking for the proposed expansion shall be provided in
15 accordance with subsection 23.54.015.K.

16 f. Street and sidewalk requirements do not apply.

17 g. Exterior lighting shall be shielded or directed away from adjacent
18 residentially zoned lots. Nonreflective surfaces shall be used to help reduce glare.

19 h. Nothing in this section alters the authority of the Landmarks
20 Preservation Board pursuant to the City's Landmarks Preservation Ordinance.

21 E. For purposes of this section, live-work units shall be deemed a nonresidential use.

22 F. Structures meeting applicable development standards for institutions in the applicable
23 zone may be added to existing cemeteries, but existing cemeteries shall not be expanded in size.

1 For purposes of this section, a change in a cemetery boundary is not considered an expansion in
2 size and is permitted provided that:

- 3 1. the change does not result in a net increase in the land area occupied by the
4 cemetery;
- 5 2. the land being added to the cemetery is contiguous to the existing cemetery and
6 is not separated from the existing cemetery by a public street or alley whether or not improved;
7 and
- 8 3. the use of the land being added as a cemetery will not result in the loss of
9 housing.

10 Section 2. Section 23.42.118 of the Seattle Municipal Code, last amended by Ordinance
11 120293, is amended as follows:

12 **23.42.118 – Landmark Structures**

13 A. Except as provided in section 23.42.118 C, landmark structures may be expanded even
14 if the expansion increases the extent of nonconformity, when the Landmarks Board determines
15 that there is no feasible alternative that meets the development standards of the zone while
16 preserving the integrity of the landmark structure.

17 B. The Director may permit the proposed expansion if it is approved by the Landmarks
18 Board and if:

- 19 1. The expansion does not have a significant adverse effect on the light, air, solar
20 and visual access of properties within a three hundred (300) foot radius; and
- 21 2. The expansion does not adversely affect the pedestrian environment in the
22 vicinity.

Seattle Department of Construction and Inspections
Seattle Asian Art Museum
Staff DRAFT
November 10, 2016

1 C. The Seattle Asian Art Museum building located in Volunteer Park may expand as
2 provided in subsection 23.42.106.D.3.

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

6 Passed by the City Council the _____ day of _____, 2017,
7 and signed by me in open session in authentication of its passage this _____ day of
8 _____, 2017.

9 _____
10 President _____ of the City Council

11 Approved by me this _____ day of _____, 2017.

12 _____
13 Edward B. Murray, Mayor

14 Filed by me this _____ day of _____, 2017.

15 _____
16 Monica Martinez Simmons, City Clerk

17 (Seal)