

2 **Shoreline Master Program Table of Contents**

3 **Subchapter I Purpose and Policies**

4 23.60.001 Definition of the Seattle Shoreline Master Program.

5 23.60.002 Title and purpose.

6 23.60.004 Shoreline goals and policies.

7 **Subchapter II Administration**

8 **Part 1 Compliance**

9 23.60.010 Shoreline District established.

10 23.60.012 Inconsistent development prohibited.

11 23.60.014 Liberal construction.

12 23.60.016 Regulations supplemental.

13 23.60.018 Non-regulated actions.

14 23.60.020 Permits and exemptions.

15 23.60.022 Application when development partly out of Shoreline District.

16 23.60.024 Development of lots split into two or more shoreline environments.

17 23.60.026 Fee schedule.

18 23.60.027 Ecological mitigation and measuring program.

19 **Part 2 Criteria for Application Review**

20 23.60.029 Criteria for obtaining Shoreline Substantial Development Permits, special use
21 authorizations, shoreline conditional use permits and shoreline variance permits.

22 23.60.030 Criteria for obtaining Shoreline Substantial Development Permits, special use
23 authorizations, shoreline conditional use permits and shoreline variance permits.

24 23.60.032 Criteria for special use approvals.

25 23.60.034 Criteria for shoreline conditional use permits.

26 23.60.036 Criteria for shoreline variances permits.

27 23.60.038 Criteria for Council conditional use approvals.

28 23.60.041 Criteria for relief for property impacted by shift in shoreline location.

23.60.042 Criteria for shoreline environment redesignation.

Part 3 Procedures

23.60.060 Procedures for shoreline environment redesignations.

23.60.062 Procedures for determining consistency with the chapter for obtaining exemptions
from Shoreline Substantial Development Permit requirements.

23.60.064 Procedures for obtaining Shoreline Substantial Development Permit, shoreline special
use authorizations, shoreline conditional use permits and shoreline variance permits.

23.60.065 Procedures for relief for property impacted by shift in shoreline location.

23.60.066 Procedure for phasing of developments.

23.60.067 Procedure and criteria for Optional Plan Shoreline Permits.

23.60.068 Procedure for Council conditional use authorization.

- 1 23.60.069 Procedure for shoreline design review.
23.60.070 Decisions transmitted to State of Washington.
2 23.60.071 Appeals.
23.60.072 Commencement of construction.
3 23.60.074 Effective date of Shoreline Substantial Development Permits and time limits for
permit validity.
4 23.60.076 Revisions to permits.
23.60.078 Rescission.
5 23.60.082 Enforcement.

6 **Subchapter III General Provisions**

7 **Part 1 Use Standards**

- 8 23.60.090 Identification of principal and accessory uses.
9 23.60.092 Temporary development and uses.

10 **Part 2 Nonconforming Uses and Structures**

- 11 23.60.122 Nonconforming uses.
23.60.124 Nonconforming structures.
12 23.60.126 Structures in trespass.

13 **Part 3 Development Standards**

- 14 23.60.150 Applicable development standards.
23.60.152 General development.
15 23.60.154 Standards for archeological and historic resources.
23.60.156 Standards for environmentally critical areas in the Shoreline District.
16 23.60.157 Essential Public Facilities.
23.60.158 Standards for mitigation sequencing.
17 23.60.160 Standards for priority habitat protection.
23.60.162 Standards for parking and loading zone requirements.
18 23.60.164 Standards for regulated public access.
23.60.166 Standards for developments in public rights-of-way.
19 23.60.168 Standards for lot boundary adjustments, short subdivisions and subdivisions.
20 23.60.170 Standards for view corridors.

21 **Part 4 Standards Applicable to Shoreline Modifications**

- 22 23.60.172 Applicable standards for shoreline modifications.
23 23.60.174 Standards for artificial reefs.
24 23.60.175 Standards for boat launch and landing facilities.
23.60.176 Standards for breakwaters, jetties, groins and weirs.
25 23.60.182 Standards for dredging.
26 23.60.184 Standards for fill.
23.60.185 Standards for grading, landfill and slope stabilization.
27 23.60.186 Standards for mooring buoys, mooring piles and floating dolphins.
28 23.60.187 Standards for piers, floats and overwater structures.

- 1 23.60.188 Standards for shoreline stabilization.
2 23.60.190 Standards for vegetation and impervious surface management.

3 **Part 5 Standards Applicable to Specific Uses**

- 4 23.60.192 Applicable standards for specific uses.
5 23.60.194 Standards for aquaculture.
6 23.60.195 Standards for aquatic research.
7 23.60.196 Standards for bridges overwater and tunnels.
8 23.60.198 Standards for drive-in businesses.
9 23.60.199 Standards for intakes and outfalls.
10 23.60.200 Standards for marinas, commercial and recreational.
11 23.60.202 Standards for floating homes and floating home moorages.
12 23.60.204 Standards for house barges.
13 23.60.206 Standards for residences – other than floating homes, house barges, and vessels.
14 23.60.207 Standards for public facilities.
15 23.60.208 Standards for railroads and rail transit.
16 23.60.209 Standards for restoration and enhancement.
17 23.60.210 Standards for signs.
18 23.60.212 Standards for streets.
19 23.60.214 Standards for live-aboard uses on vessels.
20 23.60.216 Standards for vessel moorage.
21 23.60.217 Standards for utility lines.
22 23.60.219 Standards for yacht, boat and beach clubs.

23 **Subchapter IV Shoreline Environments**

- 24 23.60.220 Environments established.

25 **Subchapter V The Conservancy Management Environment**

- 26 23.60.222 Applicable standards in the CM Environment.

27 **Part 1 Uses**

- 28 23.60.224 Uses in the CM Environment.

29 **Part 2 Development Standards**

- 30 23.60.228 Height in the CM Environment.
31 23.60.230 Lot coverage in the CM Environment.
32 23.60.232 Shoreline setbacks in the CM Environment.
33 23.60.234 View corridors in the CM Environment.
34 23.60.236 Regulated public access in the CM Environment.

35 **Subchapter VI The Conservancy Navigation Environment**

- 36 23.60.238 Applicable standards in the CN Environment.

37 **Part 1 Uses**

- 38 23.60.240 Uses in the CN Environment.

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
26
27
28

Part 2 Development Standards

23.60.248 Development standards in the CN Environment.

Subchapter VII The Conservancy Preservation Environment

23.60.250 Applicable standards in the CP Environment.

Part 1 Uses

23.60.252 Uses in the CP Environment.

Part 2 Development Standards

23.60.256 Height in the CP Environment.

23.60.258 Shoreline setbacks in the CP Environment.

23.60.260 Ecological protection in the CP Environment.

Subchapter VIII The Conservancy Recreation Environment

23.60.280 Applicable standards in the CR Environment.

Part 1 Uses

23.60.282 Uses in the CR Environment.

Part 2 Development Standards

23.60.286 Height in the CR Environment.

23.60.288 Lot coverage in the CR Environment.

23.60.290 Shoreline setbacks in the CR Environment.

23.60.292 View corridors in the CR Environment.

23.60.294 Regulated public access in the CR Environment.

23.60.296 Ecological protection in the CR Environment.

Subchapter IX The Conservancy Waterway Environment

23.60.300 Applicable Standards in the CW Environment.

Part 1 Uses

23.60.310 Uses in the CW Environment.

23.60.326 General provisions in the CW Environment.

Part 2 Development Standards

23.60.328 Height in the CW Environment.

23.60.330 Lot coverage in the CW Environment.

23.60.332 Shoreline setbacks in the CW Environment

23.60.334 View corridors in the CW Environment.

23.60.336 Regulated public access in the CW Environment.

Subchapter X The Urban Commercial Environment

23.60.380 Applicable standards in the UC Environment.

1 **Part 1 Uses**

2 23.60.382 Uses in the UC Environment.

3 23.60.384 Uses allowed overwater in the UC Environment.

4 **Part 2 Development Standards**

5 23.60.386 Height in the UC Environment.

6 23.60.388 Lot coverage in the UC Environment.

7 23.60.390 Shoreline setbacks in the UC Environment.

8 23.60.392 Regulated public access in the UC Environment.

9 23.60.394 View corridors in the UC Environment.

10 **Subchapter XI The Urban General Environment**

11 23.60.400 Applicable standards in the UG Environment.

12 **Part 1 Uses**

13 23.60.402 Uses in the UG Environment.

14 **Part 2 Development Standards**

15 23.60.406 Height in the UG Environment.

16 23.60.408 Lot coverage in the UG Environment.

17 23.60.410 Shoreline setbacks in the UG Environment

18 23.60.412 View corridors in the UG Environment.

19 23.60.414 Regulated public access UG Environment.

20 **Subchapter XII Urban Harborfront Environment**

21 23.60.440 Applicable standards in the UH Environment.

22 **Part 1 Uses**

23 23.60.442 Uses in the UH Environment.

24 **Part 2 Development Standards**

25 23.60.446 Height in the UH Environment.

26 23.60.448 Lot coverage in the UH Environment.

27 23.60.450 Shoreline and side setbacks in the UH Environment.

28 23.60.452 View corridors in the UH Environment.

29 23.60.454 Regulated public access in the UH Environment.

30 23.60.456 Moorage requirements in the UH Environment.

31 23.60.458 Central Waterfront Landmark Designated Area review criteria.

32 **Subchapter XIII The Urban Industrial Environment**

33 23.60.480 Applicable standards in the UI Environment.

34 **Part 1 Uses**

35 23.60.482 Uses in the UI Environment.

1
2 **Part 2 Development Standards**

- 3 23.60.486 Height in the UI Environment.
4 23.60.488 Lot coverage in the UI Environment.
5 23.60.490 Shoreline setbacks in the UI Environment.
6 23.60.492 View corridors in the UI Environment.
7 23.60.494 Regulated public access in the UI Environment.
8 23.60.496 Development standards specific to water-related uses on waterfront lots in the UI
9 Environment.

7 **Subchapter XIV The Urban Maritime Environment**

- 8 23.60.500 Applicable standards in the UM Environment.

9 **Part 1 Uses**

- 10 23.60.502 Uses in the UM Environment.
11 23.60.504 Uses allowed overwater in the UM Environment.

11 **Part 2 Development Standards**

- 12 23.60.506 Height in the UM Environment.
13 23.60.508 Lot coverage in the UM Environment.
14 23.60.510 Shoreline setbacks in the UM Environment.
15 23.60.512 View corridors in the UM Environment.
16 23.60.514 Regulated public access in the UM Environment.
17 23.60.516 Development between the Pierhead Line and the Construction Limit Line in the UM
18 Environment in Lake Union and Portage Bay.

17 **Subchapter XV The Urban Residential Environment**

- 18 23.60.520 Applicable standards in the UR Environment.

19 **Part 1 Uses**

- 20 23.60.540 Uses in the UR Environment.

21 **Part 2 Development Standards**

- 22 23.60.572 Height in the UR Environment.
23 23.60.574 Lot coverage in the UR Environment.
24 23.60.575 Shoreline setbacks in the UR Environment.
25 23.60.576 View corridors in the UR Environment.
26 23.60.578 Regulated public access in the UR Environment.

24 **Subchapter XVI Definitions**

- 25 23.60.900 Definitions generally.
26 23.60.902 "A."
27 23.60.904 "B."
28 23.60.906 "C."
23.60.908 "D."

- 1 23.60.910 "E."
- 2 23.60.912 "F."
- 23.60.914 "G."
- 3 23.60.916 "H."
- 23.60.918 "I."
- 4 23.60.920 "J."
- 23.60.922 "K."
- 5 23.60.924 "L."
- 23.60.926 "M."
- 6 23.60.928 "N."
- 23.60.930 "O."
- 7 23.60.932 "P."
- 8 23.60.933 "Q."
- 9 23.60.934 "R."
- 23.60.936 "S."
- 10 23.60.938 "T."
- 23.60.940 "U."
- 11 23.60.942 "V."
- 12 23.60.944 "W."
- 23.60.946 "Y."

Subchapter XVII Measurements

- 13
- 14
- 15 23.60.950 Measurements in the Shoreline District.
- 23.60.952 Height.
- 16 23.60.954 View corridors.
- 23.60.956 Calculation of lot depth.
- 17 23.60.958 Calculation of percent of a lot occupied by a specific use.
- 18 23.60.962 Calculation of lot width for piers accessory to residential development.

- 19
- 20
- 21
- 22
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- 26
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1 **General Abbreviations and Acronyms**

- 2 BMPs – Best management practices
3 Ecology – Department of Ecology
4 DBH – Diameter at breast height
5 MLLW – Mean lower low water
6 MHHW – Mean higher high water
7 NPDES – National Pollutant Discharge Elimination System
8 OHW – Ordinary high water
9 RCW – Revised Code of Washington
10 SFR – Single family residence
11 SMA – Shoreline Management Act
12 SMC – Seattle Municipal Code
13 SMP – Shoreline Master Program
14 SPU – Seattle Public Utilities
15 USACE – U.S. Army Corps of Engineers
16 USEPA – U.S. Environmental Protection Agency
17 WAC – Washington Administrative Code
18 WDFW – Washington Department of Fish and Wildlife
19 WDNR – Washington State Department of Natural Resources
20 WRIA – Water Resource Inventory Area

21 **Shoreline Environment Abbreviations**

- 22 CM – Conservancy Management
23 CN – Conservancy Navigation
24 CP – Conservancy Preservation
25 CR – Conservancy Recreation
26 CW – Conservancy Waterway
27 UC – Urban Commercial
28 UG – Urban General
UH – Urban Harborfront
UI – Urban Industrial
UM – Urban Maritime
UR – Urban Residential

2 **ORDINANCE _____**

3 AN ORDINANCE relating to shoreline land use regulations; amending the Seattle
4 Shoreline Master Program; Chapter 23.60 of the Seattle Municipal Code

5 WHEREAS the Washington State Department of Ecology has mandated that all local
6 jurisdictions update their Shoreline Master Programs according to Chapter 173-26 of the
7 Washington Administrative Code; NOW, THEREFORE,

8 **Subchapter I: Purpose and Policies**

9 A new Section 23.60.001 is added to the Seattle Municipal Code as follows:

10 **23.60.001 Definition of the Seattle Shoreline Master Program**

11 The Seattle Shoreline Master Program (Master Program) is composed of the Seattle
12 Shoreline Master Program Regulations, the Shoreline Goals and Policies in the Seattle
13 Comprehensive Plan and the Shoreline Restoration and Enhancement Plan required by WAC
14 173-26-201(2)(f).

15 Section 23.60.002 of the Seattle Municipal Code, last amended by Ordinance 1187923,
16 and is amended as follows:

17 **23.60.002 Title and purpose**

18 A. This chapter shall be known as the "Seattle Shoreline Master Program Regulations."

19 B. It is the purpose of this chapter to implement the policy and provisions of the
20 Shoreline Management Act and the Shoreline Goals and Policies of the Seattle Comprehensive
21 Plan by regulating development uses and shoreline modifications of the shorelines of the City in
22 order to:

- 23 1. Protect the ecological functions of the shoreline areas;
- 24 2. Encourage water-dependent uses;
- 25 3. Provide for maximum public access to and enjoyment of the shorelines of the
26 City; and
- 27 4. Preserve, enhance, and increase views of the water.

28 Section 23.60.004 of the Seattle Municipal Code, last amended by Ordinance, is amended
as follows:

23.60.004 Shoreline goals and policies

The Shoreline Goals and Policies are part of the Land Use Element of Seattle's
Comprehensive Plan. The Shoreline Goals and Policies and the purpose and location criteria for
each shoreline environment designation contained in Section 23.60.220 shall be considered in
making all discretionary decisions in and adjacent to the Shoreline District where the intent of
the Land Use Code is a criterion and the proposal may have an adverse impact on the Shoreline
District. They shall also be used by the Director in the promulgation of rules and interpretation
decisions. The Shoreline Goals and Policies do not constitute regulations and shall not be the
basis for enforcement actions.

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Subchapter II: Administration

Part 1 Applicability

Section 23.60.010 of the Seattle Municipal Code, enacted by Ordinance 113466, is amended as follows:

23.60.010 Shoreline District established

A. There is established the Shoreline District that includes all shorelines of the city, the boundaries of which are illustrated on the Official Land Use Map, Chapter 23.32. In the event that any of the boundaries on the Official Land Use Map conflict with the criteria of WAC 173-22-040 as amended, the criteria shall control.

B. All property located within the Shoreline District is subject both to the standards of the applicable zone classification and to the requirements imposed by this chapter and any other overlay district except as provided in Section 23.60.016.

Section 23.60.016 of the Seattle Municipal Code, last amended by Ordinance 120866, is recodified as Section 23.60.12 and amended as follows:

23.60.012 Inconsistent development prohibited

No development shall be undertaken, no shoreline modification shall be made, and no use, including a use that is located on a vessel, shall be established in the Shoreline District unless the Director has determined that it is consistent with the policy of the Shoreline Management Act and the regulations of this chapter. This restriction applies even if no Shoreline Substantial Development Permit is required.

Section 23.60.012 of the Seattle Municipal Code, last amended by Ordinance 118793, is recodified as Section 23.60.014 and amended as follows:

23.60.014 Liberal construction

This chapter is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes of Chapter 90.58 RCW, the State Shoreline Management Act. The standard in this Chapter 23.60 that is most restrictive applies.

This chapter shall not be used when construing other chapters of this title except for actions in the Shoreline District or as stated in subsections 23.60.016 B and C.

Section 23.60.014 of the Seattle Municipal Code, last amended by Ordinance 117571, is recodified as Section 23.60.016 and amended as follows:

23.60.016 Regulations supplemental

A. The regulations of this chapter are superimposed upon and modify the underlying land use zones in the Shoreline District. The regulations of this chapter supplement other regulations of this title as set out in subsection 23.60.016.B and C.

B. Uses and shoreline modifications. To be allowed in the Shoreline District, a use or a shoreline modification must be allowed in both the shoreline environment, the underlying zone and any other overlay district in which it is located.

C. Development Standards.

1. A development, shoreline modification, or use in the Shoreline District shall meet the development standards of Chapter 23.60, the underlying zone and any other overlay district in which it is located. In the case of irreconcilable conflicts between the regulations of

1 Chapter 23.60 and the underlying zone or overlay district, the shoreline regulations apply,
2 except as provided in this subsection 23.60.016.C.

3 2. The height limit for a structure in the Shoreline District is the lower of the
4 height limit provided in the shoreline environment, the underlying zone, or overlay district,
5 except in the Urban Harborfront (UH) Environment where the shoreline height limit controls.

6 3. The floor area ratio (FAR) of the underlying zone may not be exceeded,
7 regardless of whether the maximum height and lot coverage allowed in the applicable shoreline
8 environment can be achieved.

9 4. Yards and/or setbacks of the underlying zone may be reduced or waived for
10 lots subject to view corridor requirements, in accordance with Section 23.60.170, and to preserve
11 buffers and riparian management areas in environmentally critical areas as allowed in Section
12 23.60.156.

13 5.

14 6. Within the Shoreline District, submerged lands are not counted in calculating lot
15 area for purposes of minimum lot area.

16 7. Measurements in the Shoreline District are regulated in this chapter 23.60,
17 Subchapter XVII, Measurements.

18 8. Lake Union construction limit line.

19 a. Established. There is established along the shores of Lake Union and
20 waters in the vicinity thereof in the City, a "Seattle Construction Limit Line." The Seattle
21 Construction Limit Line is as shown on the Official Land Use Map Chapter 23.32.

22 b. Unlawful Construction--Exceptions. It is unlawful to erect, construct or
23 maintain any building or structure outward from the shores of Lake Union beyond the Seattle
24 Construction Limit Line, except such buildings or structures as are expressly authorized by the
25 laws of the United States or State of Washington; provided, any residential structure located in
26 whole or in part beyond the Seattle Construction Limit Line prior to December 18, 1968, is
27 allowed as a nonconforming structure and is regulated pursuant to Section 23.60.124.

28 Section 23.60.018 of the Seattle Municipal Code, last amended by Ordinance 113764, is
amended as follows:

23.60.018 Non-regulated actions

Except as specifically provided otherwise, the regulations of this chapter do not apply to
the operation of boats, ships and other vessels designed and used for navigation, other than
moorage of vessels and uses on vessels unrelated to navigation; nor to the vacation and closure,
removal or demolition of buildings determined by the Director to be unfit for human habitation
pursuant to the Seattle Housing Code; nor to correction of conditions found by the Director to be
in violation of the minimum standards of Chapters 22.200, et seq., of the Seattle Housing Code;
nor to the demolition of a structure pursuant to an ordinance declaring it to be a public nuisance
and providing for summary abatement.

Section 23.60.020 of the Seattle Municipal Code, last amended by Ordinance 118793,
and is amended as follows:

23.60.020 Permits and exemptions

A. 1. A Shoreline Substantial Development Permit is required prior to undertaking
any development that is a substantial development unless the Director has issued an exemption
under this Section 23.60.020. "Substantial development" means any development for which the

1 total cost or fair market value exceeds \$5,718, as adjusted under RCW 90.58.030(3)(e) or any
2 development that materially interferes with the normal public use of the water or shorelines of
the city. The dollar threshold will be recalculated and published in the Washington State Register
every five years with the next recalculation to occur in 2012.

3 2. A development, shoreline modification, or use that does not meet the definition
of substantial development or that has received an exemption from the Shoreline Substantial
4 Development Permit process shall comply with the Shoreline Management Act, the provisions of
this chapter, and any other regulatory requirements.

5 3. A development, shoreline modification, or use that is listed as a shoreline
6 conditional use in this Chapter 23.60 or that is not identified in the shoreline environment where
it is proposed to be located and is allowed in the underlying zone and special district requires a
7 shoreline conditional use permit under this Chapter 23.60 even if the development, shoreline
modification, or use does not otherwise require a Shoreline Substantial Development Permit.

8 4. A development or shoreline modification that does not comply with the bulk,
9 dimensional and performance standards of this chapter may be authorized by a variance under
this chapter, even if the development or shoreline modification does not otherwise require a
10 Shoreline Substantial Development Permit.

11 5. Repair and maintenance of an existing development, shoreline modification or
use that was authorized by a special use, shoreline conditional use or variance does not require
12 approval of a special use permit, shoreline conditional use permit or variance if no expansion
occurs.

13 B. Application and Interpretation of Exemptions.

14 1. Exemptions shall be construed narrowly. Substantial developments that meet
the precise terms of one or more of the listed exemptions may be granted an exemption from the
15 Shoreline Substantial Development Permit process.

16 2. The applicant has the burden of proof that a development is not substantial
development and that a substantial development is exempt from the Shoreline Substantial
17 Development Permit process.

18 3. If any part of a proposed substantial development is not eligible for exemption,
then a Shoreline Substantial Development Permit is required for the entire proposed development
19 project.

20 4. The Director may attach conditions to the approval of exempted developments
as necessary to assure consistency of the project with the Shoreline Management Act and this
Chapter 23.60.

21 C. Exemptions. The following developments are exempt from obtaining a Shoreline
Substantial Development Permit from the Director.

22 1. "Normal maintenance" or repair of existing structures or developments,
including damage by accident, fire or elements.

23 a. "Normal maintenance" means those usual acts to prevent a decline,
24 lapse or cessation from a lawfully established state comparable to its original condition,
including but not limited to its size, shape, configuration, location, and external appearance,
25 within a reasonable period after decay or partial destruction, except where repair causes
substantial adverse effects to shoreline resources or environment.

26 b. Replacement of a structure or development is repair if such replacement
27 is the common method of repair for the type of structure or development and the replacement
structure or development is comparable to the original structure or development including but
28

1 not limited to its size, shape, configuration, location and external appearance, and the
2 replacement does not cause substantial adverse effects to shoreline resources or environment;

3 2. Construction of the "normal protective bulkhead" common to single-family
4 residences. A "normal protective bulkhead" means those structural and nonstructural
5 developments installed at or near, and parallel to, the ordinary high water mark for the sole
6 purpose of protecting an existing single-family residence and appurtenant structures from loss or
7 damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of
8 creating dry land. Construction of a normal protective bulkhead or repair is exempt if:

9 a. It is not constructed for the purpose of creating dry land;
10 b. A vertical wall is being constructed or reconstructed, not more than 1
11 cubic yard of fill per 1 foot of wall may be used as backfill;
12 c. An existing bulkhead is being repaired by construction of a vertical wall
13 fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead
14 than is necessary for construction of new footings;

15 d. A bulkhead has deteriorated such that an ordinary high water (OHW)
16 mark has been established by the presence and action of water landward of the bulkhead, then
17 the replacement bulkhead shall be located at or near the actual OHW mark; and

18 e. Beach nourishment, or non-structural or soft engineering is proposed
19 such projects may be considered a normal protective bulkhead if all structural elements are
20 consistent with the above requirements and if the project has been approved by the State
21 Department of Fish and Wildlife;

22 3. Emergencies. Emergency construction necessary to protect property from
23 damage by the elements if:

24 a. It does not include creation of new permanent protective structures
25 where none previously existed; or

26 b. If new protective structures are deemed by the Director to be the
27 appropriate means to address the emergency situation, upon abatement of the emergency
28 situation the new structure shall be removed or any permit that would have been required, absent
an emergency, pursuant to Chapter 90.58 RCW or these regulations shall be obtained.

29 c. Flooding or other seasonal events that can be anticipated and may occur
30 but that are not imminent are not an emergency;

31 4. Construction and practices normal or necessary for farming, irrigation, and
32 ranching activities, including agricultural service roads and utilities on shorelands, construction
33 of a barn or similar structure, and the construction and maintenance of irrigation structures,
34 including but not limited to head gates, pumping facilities, and irrigation channels; provided, that
35 a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of
36 the contour of the shorelands by leveling or filling other than that which results from normal
37 cultivation, are not considered normal or necessary farming or ranching activities.

38 5. Construction or modification, by or under the authority of the Coast Guard or a
39 designated port management authority, of navigational aids, such as channel markers and anchor
40 buoys;

41 6. Construction on shorelands by an owner, lessee or contract purchaser of a
42 single-family residence, for his or her own use or for the use of his or her family, that does not
43 exceed a height of 35 feet above average grade level and meets all requirements of the City.
44 Construction authorized under this exemption shall be located landward of the OHW mark. For
45 the purpose of this exemption:

1 a. Single family residence means a detached dwelling designed for and
2 occupied by one family including those structures and developments within a contiguous
ownership that are a normal appurtenance.

3 b. A normal appurtenance is necessarily connected to the use and
4 enjoyment of a single-family residence and is located landward of the OHW mark and the
5 perimeter of a wetland. Normal appurtenances include, but are not limited to, a garage, deck,
6 driveway, utilities, fences, installation of a septic tank and drainfield, and grading that does not
7 exceed 250 cubic yards and that does not involve placement of fill in any wetland, riparian
8 watercourse or waterward of the OHW mark.

9 7. Construction of a pier accessory to residential structures, including a
10 community pier, designed for pleasure craft only for the private noncommercial use of the
11 owners, lessee or contract purchaser of a single-family or multifamily residence. For the purpose
12 of this exemption a pier is a landing and moorage facility for watercraft and does not include
13 recreational decks, storage facilities or other appurtenances. This exception applies if either:

14 a. In saltwaters, which include Puget Sound, Elliott Bay, Shilshole Bay,
15 the Harborfront and the Duwamish River and all associated inlets, the fair market value of the
16 pier accessory to residential structures does not exceed \$2,500, or

17 b. In freshwater, the fair market value of the pier accessory to residential
18 structures does not exceed \$10,000, but if subsequent construction having a fair market value
19 exceeding \$2,500 occurs within five years of a completion of the prior construction, the
20 subsequent construction shall be considered a substantial development for the purpose of this
21 chapter;

22 8. Operation, maintenance, or construction of canals, waterways, drains,
23 reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an
24 irrigation system for the primary purpose of making use of system waters, including return flow
25 and artificially stored groundwater for the irrigation of lands;

26 9. The marking of property lines or corners on state-owned lands, if such marking
27 does not significantly interfere with normal public use of the surface of the water;

28 10. Operation and maintenance of any system of dikes, ditches, drains, or other
facilities existing on June 4, 1975, that were created, developed or used primarily as a part of an
agricultural drainage or diking system;

11. Demolition of structures as provided in subsection 23.60.018;

12. Any project with a certification from the Governor pursuant to Chapter 80.50
RCW;

13. Site exploration and investigation activities that are prerequisite to preparation
of an application for development authorization under this chapter, if:

22 a. The activity does not interfere with the normal public use of the surface
23 waters;

24 b. The activity will have no significant adverse impact on the
25 environment, including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and
26 aesthetic values;

27 c. The activity does not involve the installation of any structure, and upon
28 the completion of the activity the vegetation and land configuration of the site are restored to
conditions existing before the activity;

1 d. A private entity seeking development authorization under this section
2 first posts a performance bond or provides other evidence of financial responsibility to The City
3 of Seattle to ensure that the site will be restored to preexisting conditions; and

4 e. The activity is not subject to the permit requirements of RCW
5 90.58.550.

6 14. The process of removing or controlling aquatic noxious weeds, as defined in
7 RCW 17.26.020 , through the use of an herbicide or other chemical treatment methods applicable
8 to weed control that is recommended by a final environmental impact statement published by the
9 department of agriculture or Ecology jointly with other state agencies under Chapter 43.21C
10 RCW;

11 15. Watershed restoration projects that implement a watershed restoration plan
12 and meet the following criteria: The City of Seattle shall review the projects for consistency with
13 its Shoreline Master Program in an expeditious manner and shall issue its decision along with
14 any conditions within 45 days of receiving from the applicant all materials necessary to review
15 the request for exemption. No fee may be charged for accepting and processing requests for
16 exemption for watershed restoration projects as used in this section;

17 16. A public or private project, the primary purpose of which is to improve fish or
18 wildlife habitat or fish passage, if all of the following apply:

19 a. The project has been approved in writing by the State Department of
20 Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately
21 designed and sited to accomplish the purpose;

22 b. The project has received Hydraulic Project Approval by the State
23 Department of Fish and Wildlife pursuant to Chapter 75.20 RCW; and

24 c. The project is consistent with the City's Shoreline Master Program. This
25 determination shall be made in a timely manner and provided to the project proponent in writing.
26 A fish habitat enhancement project that conforms to RCW 77.55.290 is deemed to be consistent
27 with this Chapter.

28 17. Hazardous substance remedial actions for which a consent decree, order or
agreed order has been issued pursuant to Chapter 70.105D RCW or to Ecology when it conducts
a remedial action under Chapter 70.105D RCW. Ecology shall, in conjunction with The City of
Seattle, assure that such projects comply with the substantive requirements of Chapter 90.58
RCW and the Seattle Shoreline Master Program.

18. Temporary development of four weeks or fewer if the development:

a. does not remove any native vegetation;

b. does not remove any trees greater than 6" DBH;

c. does not include the erection of a permanent structure; and

d. does not cause or contribute to permanent adverse impacts to ecological
functions and mitigates any temporary adverse impacts to ecological function including impacts
caused by overwater structures; and

19. Development on that portion of land that is brought under shoreline
jurisdiction due to a lawful shoreline restoration project creating a landward shift in the OHW
mark, except when substantial development is proposed that would be partly on such land and
partly on other land within the Shoreline District.

D. Developments proposed in the Shoreline District may require permits from other
governmental agencies.

1 Section 23.60.022 of the Seattle Municipal Code, last amended by Ordinance 122448, is
2 amended as follows:

3 **23.60.022 Application when development partly out of Shoreline District**

4 A. The use and development standards of this chapter apply to that part of the
5 development, shoreline modification, or use that occurs within the Shoreline District unless the
6 underlying zone requires the entire development, shoreline modification, or use to comply with
7 all or part of this chapter.

8 B. If a substantial development is proposed that would be partly within the Shoreline
9 District, a Shoreline Substantial Development Permit is required for the entire development,
10 except that a Shoreline Substantial Development Permit is not required for those portions of a
11 linear transportation use such as light rail tracks, track support structure or tunnels that are
12 outside the Shoreline District. A Shoreline Substantial Development Permit also is not required
13 for discrete facilities, such as stations, that are wholly outside the Shoreline District.

14 C. The use and development standards, including measurement techniques, for that
15 portion of the development outside of the Shoreline District are as provided by the underlying
16 zone or other special district standards.

17 Section 23.60.023 of the Seattle Municipal Code, enacted by Ordinance 122198, and is
18 repealed, as shown in Attachment A.

19 Section 23.60.024 of the Seattle Municipal Code, enacted by Ordinance 113466, and is
20 amended as follows:

21 **23.60.024 Development of lots split into two or more shoreline environments**

22 If a shoreline lot is split by a boundary line between two different shoreline
23 environments, each portion of the lot is regulated by the shoreline environment covering that
24 portion. If the lot coverage requirements differ for portions of the lot governed by different
25 environments, the lot coverage restrictions must be met on each separate portion of the lot.

26 Section 23.60.026 of the Seattle Municipal Code, which was last amended by Ordinance
27 113466, is amended as follows:

28 **23.60.026 Fee schedule**

Permit and other shoreline-related fees are as described in the Permit Fee Ordinance.

A new Section 23.60.027 of the Seattle Municipal Code is added as follows:

23.60.027 Ecological Mitigation and Measuring Program

A. The Director by rule may establish a Shoreline Habitat Unit and Mitigation Program
for use in meeting the requirements of mitigation sequencing Step E in Section 23.60.158 or of
SEPA and in providing habitat units otherwise required in Chapter 23.60.

B The program shall

1. Use best available science to determine values for ecological functions
measured in habitat units; and

2. Determine the costs of habitat units and restoration and enhancement actions.

C. If SEPA or mitigation sequencing under Chapter 23.60 requires compensating for
impacts to ecological functions from proposed land and or water disturbing activity, those
impacts shall be determined using the methods developed in the program. In lieu of required

1 physical actions, the Director may authorize payment into a fund that is used for restoration and
2 enhancement of ecological functions in the Shoreline District.

3 D. If regulations in Chapter 23.60 other than mitigation sequencing require providing
4 habitat units, in lieu of physical actions the Director may authorize payment for habitat units into
5 a fund that is used for restoration and enhancement of ecological functions in the Shoreline
6 District.

7 **Part 2 Criteria for Application Review**

8 A new Section 23.60.029 of the Seattle Municipal Code is added as follows:

9 **23.60.029 Criteria for obtaining Shoreline Substantial Development Permits, special use 10 authorizations, shoreline conditional use permits and shoreline variance permits**

11 In evaluating whether a development, shoreline modification, or use that requires a
12 Shoreline Substantial Development Permit, shoreline conditional use permit, shoreline variance
13 permit, or special use authorization meets the applicable criteria, the Director shall determine
14 that:

15 A. The proposed development, shoreline modification or use is not prohibited in the
16 shoreline environment(s) and underlying zone(s) or overlay district in which it would be located;

17 B. The development, shoreline modification or use meets the standards pursuant to
18 Subchapter III of this Chapter 23.60, the standards for the specific environment in which the use
19 or development is located and any applicable development standards of the underlying zone or
20 special district, except where a shoreline variance from a specific development standard has been
21 granted; and

22 C. If the development, shoreline modification, or use requires a shoreline conditional use,
23 variance, or special use approval, the project meets the criteria for the same established in
24 Sections 23.60.034, 23.60.036, or 23.60.032, respectively.

25 Section 23.60.030 of the Seattle Municipal Code, last amended by Ordinance 118793,
26 and is amended as follows:

27 **23.60.030 Criteria for obtaining Shoreline Substantial Development Permits, special use 28 authorizations, shoreline conditional use permits and shoreline variance permits**

A. The Director may approve or approve with conditions an application that requires a
Shoreline Substantial Development Permit, shoreline conditional use permit, shoreline variance
permit, or special use if the Director determines the applicant has demonstrated that the
development, shoreline modification, or use:

1. is consistent with the policies and procedures of RCW 90.58.020;

2. is not prohibited in the shoreline environment(s) and underlying zone(s) in
which it would be located;

3. meets the standards in this Chapter and any applicable development standards
of the underlying zone or special district, except where a variance from a specific development
standard has been granted; and

4. if the development, shoreline modification, or use requires a special use
approval, shoreline conditional use permit, or shoreline variance permit, or the project meets the
criteria for the same established in Sections 23.60.032, 23.60.034, or 23.60.036, respectively.

B. If the development, shoreline modification or use is a prohibited use or if it is not a
prohibited use and cannot be conditioned to meet the applicable standards, the Director shall
deny the permit.

1 Section 23.60.032 of the Seattle Municipal Code, enacted by Ordinance 113466, and is
2 amended as follows:

3 **23.60.032 Criteria for special use approvals**

4 Uses that are identified as requiring special use approval in a particular environment may
5 be approved, approved with conditions, or denied by the Director. The Director may approve or
6 conditionally approve a special use if the Director finds the applicant has demonstrated:

7 A. B. The proposed use will not interfere with normal public use of public shorelines;

8 C. The proposed use of the site and design of the project is compatible with other allowed
9 uses within the area;

10 D. The proposed use can achieve no net loss of ecological functions except when the
11 applicant demonstrates by clear and convincing evidence that some net loss is required to allow
12 reasonable use of the property ; and

13 E. The public interest suffers no substantial detrimental effect.

14 Section 23.60.034 of the Seattle Municipal Code, last amended by Ordinance 118793, is
15 amended as follows:

16 **23.60.034 Criteria for shoreline conditional use permits**

17 A. The shoreline conditional use process may be used if either:

18 1. A use or shoreline modification is listed in this chapter as requiring shoreline
19 conditional use approval; or

20 2. A use or shoreline modification is not identified in the shoreline environment
21 where it is proposed to be located and is allowed in the underlying zone.

22 B. The Director may approve, approve with conditions or deny a shoreline conditional
23 use application if the Director finds the applicant has demonstrated that the proposed use or
24 shoreline modification:

25 1. Complies with the criteria in WAC 173-27-160 and the Shoreline Policies in
26 the Comprehensive Plan;

27 2. Complies with standards in Section 23.60.030;

28 3. Complies with all additional shoreline conditional use criteria in this chapter
for the specific use or shoreline modification listed as a shoreline conditional use; and

4. Can achieve no net loss of ecological functions except when the applicant
demonstrates by clear and convincing evidence that some net loss is required to allow
reasonable use of the property.

C. The Director's decision shall be transmitted to Ecology, which may approve the
decision or take further action to amend conditions or deny the application.

Section 23.60.036 of the Seattle Municipal Code, last amended by Ordinance 118793, is
amended as follows:

23.60.036 Criteria for shoreline variance permits

A. Except as provided in subsection 23.60.036.B and C, in specific cases the Director
with the approval of Ecology may authorize a shoreline variance from bulk, dimensional, and
performance standards of this chapter if the Director finds that the applicant has demonstrated
that the request:

1. complies with WAC 173-27-170 and the Shoreline Policies in the
Comprehensive Plan;

2. Complies with standards in Section 23.60.030;

1 3. complies with any additional criteria set out in this chapter for granting a
variance; and

2 4. the proposed development can achieve no net loss of ecological functions
unless a variance from this requirement is granted.

3 B. 1. Standards relating to the characteristics of uses or shoreline modifications that
are determinative of whether the uses or modifications are allowed, allowed as special uses,
4 allowed as shoreline conditional uses, or prohibited in the use sections of each environment or in
standards for specific uses are not subject to variance, except as provided below.

5 2. An applicant may apply for a variance from height, bulk and scale standards.

6 3. An applicant may apply for a variance from other characteristics of uses or
shoreline modifications by complying with the applicable variance standards of this chapter and
7 also demonstrating that there is no reasonable use of the property without the variance,
8 regardless of whether the project is waterward of the OHW mark or in a wetland.

9 C. No variance is allowed from the requirements to achieve no net loss of ecological
functions unless the applicant demonstrates by clear and convincing evidence that the standards
10 for a shoreline variance in WAC 173-27-170 (3) are met, regardless of whether the project is
waterward of the OHW mark or in a wetland, in addition to complying with other sections of this
11 chapter. Notwithstanding such findings, the Director may deny the shoreline variance, if the
impacts to shoreline ecological function are inconsistent with the policy of the Shoreline
12 Management Act.

13 D. Upon transmittal of the Director's approval to Ecology, the permit may be approved,
approved with conditions or denied by Ecology.

14 Section 23.60.038 of the Seattle Municipal Code, enacted by Ordinance 113466, is
15 amended as follows:

16 **23.60.038 Criteria for Council conditional use approvals**

17 Uses that are identified in this chapter as requiring Council conditional use approval may
be approved if the use as conditioned meets the Comprehensive Plan Shoreline Goals and
18 Policies, the Shoreline Management Act, the criteria provided for each Council conditional use
in the applicable environment and any additional criteria given in this chapter.

19 A new Section 23.60.041 of the Seattle Municipal Code is added as follows:

20 **23.60.041 Criteria for relief for property impacted by shift in shoreline location**

21 A. The Director may grant an applicant relief from compliance with the requirements of
this Chapter 23.60 as described in subsection 23.60.041.B if the applicant demonstrates that:

22 1. A shoreline restoration project causes or would cause a landward shift in the
OHW mark, resulting in the following:

23 a. Land that had not been regulated under this Chapter 23.60 prior to the
construction of the restoration project is brought under the shoreline jurisdiction; or

24 b. Additional regulatory requirements apply due to a landward shift in
required shoreline setbacks or other regulations of this Chapter 23.60; and

25 2. Application of the regulations of this Chapter 23.60 would preclude or
interfere with use of the property permitted by this Title 23, thus presenting a hardship to the
26 project proponent.

27 3. The applicant was not required to undertake the restoration project as
mitigation to obtain a development permit.

1 B. The Director may grant the applicant relief that meets the following criteria:
2 1. The proposed relief is the minimum necessary to relieve the hardship;
3 2. After granting the proposed relief there is net environmental benefit from the
restoration project; and
4 3. Granting the proposed relief is consistent with the objectives of the shoreline
restoration project and consistent with this Chapter 23.60.

5 Subsection 23.60.060.B of the Seattle Municipal Code, last amended by Ordinance
120691, is recodified as 23.60.042 and amended as follows:

6 **23.60.042 Criteria for shoreline environment redesignation**

7 A change to the location of a shoreline environment constitutes a rezone, which requires
8 a Council land use approval subject to the provisions of Chapter 23.76, and shall be evaluated
under the following criteria:

9 A. The Shoreline Management Act. The proposed change is consistent with the intent and
purpose of the Shoreline Management Act (RCW 90.58) and with Ecology Guidelines (WAC
173-26).

10 B. Shorelines of Statewide Significance. If the area is within a shoreline of statewide
11 significance, the change is consistent with the preferences for shorelines of statewide
significance pursuant to RCW 90.58.020.

12 C. Comprehensive Plan Shoreline Environment Goals and Policies. The proposed change
13 is consistent with the Comprehensive Plan Shoreline Environment Goals and Policies for the area
where the change is proposed.

14 D. Harbor Areas. If the area proposed for a change in the shoreline environment is within
15 or adjacent to a harbor area, the impact of the change on the purpose and intent of harbor areas as
set out in Articles XV and XVII of the State Constitution shall be considered.

16 E. Consistency with shoreline environments. The proposed change is consistent with the
17 shoreline environment purposes and locational criteria in section 23.60.220 and shall be
considered pursuant to Sections 23.34.007 and 008.

18 F. Consistency with Underlying Zone. The proposed change is consistent with the
appropriate rezone evaluation criteria for the underlying zone in Chapter 23.34 of the Land Use
Code unless overriding shoreline considerations exist.

19 G. Rezone Evaluation. The proposed change shall comply with the rezone evaluation
20 provisions in Section 23.34.007.

21 H. General Rezone Criteria. The proposed change meets the general rezone standards in
subsections 23.34.008.B through 23.34.008.J.

22 **Part 3 Procedures**

23 Subsection 23.60.060.A of the Seattle Municipal Code, last amended by Ordinance
24 120691, is amended as follows and subsection 23.60.060.B, is recodified as 23.60.042:

25 **23.60.060 Procedures for shoreline environment redesignations**

26 A. The location of shoreline environments may be amended according to the procedure
27 provided for land use map amendments in Chapter 23.76. Change in the location of a shoreline
environment is a Shoreline Master Program amendment that must be approved by Ecology
28 according to Ecology's procedures before it becomes effective.

1 Section 23.60.062 of the Seattle Municipal Code, last amended by Ordinance 118793, is
2 amended as follows:

3 **23.60.062 Procedures for determining consistency with the chapter and for obtaining
4 exemptions from Shoreline Substantial Development Permit requirements**

5 A. A Letter of Exemption or other documentation satisfactory to DPD is required for all
6 development the Director determines is exempt.

7 B. A determination that either a development exempt from the requirement for a
8 Shoreline Substantial Development Permit or an activity or use that is not development is
9 consistent with the regulations of this chapter, as required by Section 23.60.012, shall be made
10 by the Director as follows:

11 1. If the development, shoreline modification or use requires other authorization
12 from the Director, the determination as to consistency shall be made with the submitted
13 application for that authorization.

14 2. If the development, shoreline modification or use requires a Section 10 Permit
15 under the Federal Rivers and Harbors Act of 1899, a Section 404 permit under the Federal
16 Water Pollution Control Act of 1972, or a Hydraulic Project Approval permit under the State
17 Hydraulic Code of 1943, or is located on state-owned aquatic lands, a Letter of Exemption as
18 specified in WAC 173-27-050 and the determination of consistency shall be sent to Ecology and
19 to WA DNR for projects on state-owned land .

20 3. If the development, shoreline modification or use does not require other
21 authorizations, information of sufficient detail for a determination of consistency shall be
22 submitted to the Department, and the determination of consistency shall be made prior to any
23 construction.

24 Section 23.60.064 of the Seattle Municipal Code, enacted by Ordinance 113466, and is
25 amended as follows:

26 **23.60.064 Procedures for obtaining Shoreline Substantial Development Permits,
27 shoreline special use authorizations, shoreline conditional use permits and shoreline
28 variance permits**

A. Procedures for application, notice of application and notice of decision for a Shoreline
Substantial Development Permit, shoreline special use authorizations, shoreline conditional use
permits, and shoreline variance permit, are as required for a Master Use Permit in Chapter 23.76.

B. The applicant has the burden of proving that a substantial development, shoreline
special use, shoreline conditional use or shoreline variance meets the applicable criteria. The
applicant may be required to submit information or data, in addition to that routinely required
with permit applications, sufficient to enable the Director to evaluate the proposed development,
shoreline modification or use or to prepare any necessary environmental documents.

C. In addition to other requirements provided in this chapter, the Director may attach to
the permit or authorization any conditions necessary to carry out the spirit and purpose of and
assure compliance with this chapter and RCW 90.58.020. Such conditions may include changes
in the location, design, and operating characteristics of the development or use. Performance
bonds not to exceed a term of five years may be required to ensure compliance with the
conditions.

D. Nothing in this section shall be construed to limit the Director's authority to condition
or deny a project pursuant to the State Environmental Policy Act.

1 Section 23.60.065 of the Seattle Municipal Code, enacted by Ordinance 118793, and is
2 repealed, as shown in Attachment A and a new Section 23.60.065 of the Seattle Municipal Code
is added as follows:

3 **23.60.065 Procedures for relief for property impacted by shift in shoreline location**

4 A. To obtain the relief set out in Section 23.60.041, the applicant shall submit a written
5 application to the Director.

6 B. The Director shall review the application during the normal review of an application
7 for Shoreline Substantial Development Permit, special use permit, shoreline conditional use
8 permit or variance, or if none of these apply, during the review of any application for
9 authorization from the Department, and if no other authorization is required, the review shall be
10 made prior to any construction.

11 C. Written approval by Ecology of the Director's decision to approve the application is
12 required for the decision to be effective.

13 Section 23.60.066 of the Seattle Municipal Code, last amended by Ordinance 118793, is
14 recodified as Section 23.60.067, and a new Section 23.60.066 is added as follows:

15 **23.60.066 Procedure for phasing of developments**

16 A. Unless specifically stated otherwise in a Shoreline Substantial Development Permit,
17 the following project components, if required, shall be completed no later than final inspection of
18 the development by the Director:

- 19 1. Regulated public access and landscaping;
- 20 2. Piers, floats, barge facilities, or over-water elements of a development,
21 shoreline modification or use; and
- 22 3. The water-dependent components of a project.

23 B. The Director may require that components of projects in addition to those listed in
24 subsection 23.60.065.A be completed before final inspection of a portion of a project or at
25 another time during construction if the timing is necessary to comply with the Shoreline Master
26 Program and the shoreline policies of the Comprehensive Plan.

27 Section 23.60.066 of the Seattle Municipal Code, last amended by Ordinance 118793, is
28 recodified as a new Section 23.60.067 and amended as follows:

23.60.067 Procedure and criteria for Optional Plan Shoreline Permits

A. Optional Plan Shoreline Permits.

1. If a utility service use, utility line or sewage treatment plant is allowed in the
Shoreline District after a determination that no reasonable alternative location exists, the
applicant may request the determination whether such alternative exists be made as part of the
project-specific permit application or as an independent shoreline permit decision prior to
submission of an application for a project-specific shoreline permit for the development. This
determination is called a "Plan Shoreline Permit" decision.

2. The Director may accept an application for a Plan Shoreline Permit if the
Director finds that a proposal for a development within the Shoreline District is complex,
involves the phasing of programmatic and project-specific decisions, or affects more than one
shoreline site.

3. A Plan Shoreline Permit shall require the applicant to obtain a subsequent
shoreline permit with accompanying environmental documentation prior to construction of a
specific project in the Shoreline District.

B. Application Requirements for Plan Shoreline Permits.

1 1. Application for a Plan Shoreline Permit shall include the scope and intent of
2 proposed projects within the Shoreline District and the appropriate non-shoreline alternative(s)
3 identified by the applicant or the Director.

4 2. The application shall be accompanied by the necessary environmental
5 documentation, as determined by the Director, including an assessment of the impacts of the
6 proposed projects and of the non-shoreline alternative(s), according to the state and local SEPA
7 guidelines.

8 3. For projects within the Shoreline District, the application shall provide the
9 information specified in WAC 173-27-180 and this title. The application shall include
10 information on the overall system that outlines the interrelationship of shoreline and non-
11 shoreline facilities. Schematic plans outlining dimensions, elevations, locations on site and
12 similar specifications shall be provided for projects within the Shoreline District and for the non-
13 shoreline alternative(s), which may be changed at the time of the project-specific shoreline
14 permit(s) within the limitations of subsection 23.60.066.F.

C. Type of Decision.

1. Plan Shoreline Permits.

11 a. The decision on a Plan Shoreline Permit for sewage treatment plants
12 shall be made by the Council as a Council conditional use pursuant to Chapter 23.76.

13 b. The decision on a Plan Shoreline Permit for utility lines and utility
14 service uses shall be made by the Director as a Shoreline substantial development permit,
15 pursuant to Chapter 23.76.

16 c. The Council or the Director may grant the Plan Shoreline Permit with
17 conditions, including reasonable mitigation measures, or may deny the permit.

2. Project Specific-Substantial Development Permits.

18 a. The decision on a project specific-substantial development permit for a
19 sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the
20 Council as a Council conditional use, pursuant to Chapter 23.76.

21 b. The decision on a project specific-substantial development permit for
22 utility lines and utility service uses for which a Plan Shoreline Permit has been issued shall be
23 made by the Director as a Shoreline Substantial Development Permit, pursuant to Chapter
24 23.76.

25 D. Criteria for Decision. The decision as to the feasibility or reasonableness of
26 alternatives shall be based upon the Shoreline Goals and Policies in the Seattle Comprehensive
27 Plan and upon the Shoreline Management Act, as amended, and a full consideration of the
28 environmental, social and economic impacts on the community.

E. Appeal of Decision on a Plan Shoreline Permit. The decision of the Council for a
Council Conditional use or of the Director for Type II decisions on a Plan Shoreline Permit is
final and binding upon the City and the applicant. The decision is subject to appeal to the State
Shoreline Hearings Board pursuant to Section 23.60.071. If no timely appeal is made, the Plan
Shoreline Permit may not later be appealed in conjunction with an appeal of a shoreline permit
issued for a specific project at the approved location(s).

F. Project-specific Shoreline Substantial Development Permit Relying on a Plan
Shoreline Permit. An application for substantial development that is allowed in the Shoreline
District after a determination that no reasonable location alternative exists and that relies upon a
Plan Shoreline Permit may be approved if it complies with the provisions of this chapter,

1 including mitigation for loss of ecological function, and is in substantial conformance with the
2 Plan Shoreline Permit. Substantial conformance includes, but is not limited to, a determination
3 that all of the following standards have been met:

- 4 1. There is no increase in the amount or change in location of fill on submerged
5 lands;
- 6 2. There is no increase in lot coverage over water;
- 7 3. There is no net substantial increase in adverse environmental impacts in the
8 Shoreline District compared to the adverse impacts of the proposed development allowed in the
9 Plan Shoreline Permit; and
- 10 4. Conditions included as part of the Plan Shoreline Permit are met.

11 Section 23.60.068 of the Seattle Municipal Code, last amended by Ordinance 118793, is
12 amended as follows:

13 **23.60.068 Procedure for Council conditional use authorization**

14 Projects required by this chapter to obtain Council conditional use authorization shall be
15 processed in the following manner:

16 A. Application for the Council conditional use and the Shoreline Substantial
17 Development Permit shall be made concurrently. Application for environmental review, if
18 required, shall be filed with the Council conditional use application.

19 B. Notice of application shall be consolidated.

20 C. The Council conditional use shall be processed pursuant to Chapter 23.76, Procedures
21 for Master Use Permits and Council Land Use Decisions.

22 D. Upon receipt of Council's findings, conclusions and decisions from the City Clerk, the
23 Director shall file the decision to approve, deny, or condition the Shoreline Substantial
24 Development Permit with Ecology as required by WAC Chapter 173-27. The Director is bound
25 by and shall incorporate the terms and conditions of the Council's decision in the Shoreline
26 Substantial Development Permit. The Council's findings, conclusions and decisions constitute
27 the City report on the application.

28 E. The Director's decision to approve, condition or deny the Shoreline Substantial
29 Development Permit is the final City decision on the project and is appealable to the Shoreline
30 Hearings Board.

31 Section 23.60.154 of the Seattle Municipal Code, last amended by Ordinance 116909, is
32 recodified as a new Section 23.60.069 and amended as follows:

33 **23.60.069 Procedure for shoreline design review**

34 A. Application. The Director may require any development by a public agency or on
35 public property that has not been reviewed by the Design Commission to be reviewed for design
36 quality by appropriate experts selected by mutual agreement between the applicant and the
37 Director prior to approval of the development.

38 B. Procedure. The procedures and standards for this shoreline design review shall follow
39 the Seattle Design Commission's Project Review Handbook for the most similar type of project.
40 The shoreline design review may be conducted prior to an application for a Shoreline Substantial
41 Development Permit at the request of the applicant. The costs of the shoreline design review
42 shall be borne by the applicant.

1 Section 23.60.070 of the Seattle Municipal Code, last amended by Ordinance 121477, is
2 amended as follows:

3 **23.60.070 Decisions transmitted to State of Washington**

4 A. Any decision to approve or deny an application for a Shoreline Substantial
5 Development Permit, shoreline conditional use permit, shoreline variance permit, or revision
6 under authority of this chapter shall, concurrently with the transmittal of the ruling to the
7 applicant, be transmitted by the Director to Ecology and the Attorney General pursuant to WAC
8 173-27-130.

9 B. For shoreline conditional use and variance decisions, the Director shall also provide
10 notice of Ecology's final decision pursuant to WAC 173-27-200(3).

11 Subsection 23.60.070.B of the Seattle Municipal Code, last amended by Ordinance
12 121477, is recodified as a new Section 23.60.071 and amended as follows:

13 **23.60.071 Appeals**

14 A. Any person aggrieved by the Director's decision to grant or deny a Shoreline
15 Substantial Development Permit, a shoreline conditional use permit or a shoreline variance, or by
16 the rescission of a permit pursuant to this chapter may seek review by the Shoreline Hearings
17 Board by filing a petition for review within 21 days of the date of receipt as defined in RCW
18 90.58.140. Within seven days of the filing of any petition for review with the Shoreline Hearings
19 Board pertaining to the City's final decision, the petitioner shall serve copies of the petition on
20 the Director, the Director of Ecology and the Attorney General as provided in RCW 90.58.180.

21 B. Review of decisions not under the authority of this chapter shall occur pursuant to
22 Chapter 23.76 and Section 23.88.020, as appropriate for the type of decision.

23 Section 23.60.072 of the Seattle Municipal Code, last amended by Ordinance 119240, is
24 amended as follows:

25 **23.60.072 Commencement of construction**

26 A. No construction pursuant to a Shoreline Substantial Development Permit authorized
27 by this chapter shall begin or be authorized and no building, grading or other construction
28 permits shall be issued by the Director until 21 days from the date of receipt, as provided in
RCW 90.58.140(5) and (6), of the Director's final decision granting the Shoreline Substantial
Development Permit by the Director of Ecology and the Attorney General; or until all review
proceedings are terminated, if such proceedings were initiated within 21 days of the date of
receipt of the Director's final decision.

B. Exception: Construction may be commenced no sooner than 30 days after the date of
filing of a judicial appeal of a decision of the Shoreline Hearings Board approving the Director's
decision to grant the Shoreline Substantial Development Permit or approving a portion of the
substantial development for which the permit was granted, unless construction is prohibited until
all Superior Court review proceedings are final after a judicial hearing as provided in RCW
90.58.140. Any applicant who wishes to begin construction pursuant to this Section 23.60.072
prior to termination of all review proceedings does so at the applicant's own risk.

Section 23.60.074 of the Seattle Municipal Code, last amended by Ordinance 118793, is
amended as follows:

**23.60.074 Effective date of Shoreline Substantial Development Permits and time limits for
permit validity**

1 The following time requirements apply to all Shoreline Substantial Development Permits
2 and to any development authorized pursuant to a shoreline variance or shoreline conditional use
3 permit authorized under this chapter:

4 A. Upon finding of good cause, based on the requirements and circumstances of the
5 development, shoreline modification or use ("project") proposed and consistent with the policy
6 and provisions of WAC 173-27 and this chapter, the Director may adopt different time limits
7 from those in subsection 23.60.074.B as part of the decision on a Shoreline Substantial
8 Development Permit. The Director may also, with approval from Ecology, adopt appropriate
9 time limits as part of the decision on a shoreline conditional use or shoreline variance. "Good
10 cause, based on the requirements and circumstances of the project," means that the time limits
11 established are reasonably related to the time actually necessary to perform the project on the
12 ground and complete the project that is being permitted, and/or are necessary for the protection
13 of shoreline resources.

14 B. If the Director did not adopt different time limits on a permit decision, the following
15 time limits shall apply:

16 1. Construction activities or substantial progress toward construction of a project
17 or, if no construction activities are involved, the project for which a permit has been granted
18 pursuant to this Chapter 23.60 shall be commenced within two years of the effective date of a
19 Shoreline Substantial Development Permit or the permit shall terminate. The Director may
20 authorize a single extension of the two year period not to exceed one year based on reasonable
21 factors, if a request for extension has been filed before the expiration date and notice of the
22 proposed extension is given to parties of record on the Shoreline Substantial Development
23 Permit and to Ecology.

24 2. If a project for which a permit has been granted pursuant to this Chapter 23.60
25 has not been completed within five years after the effective date of the Shoreline Substantial
26 Development Permit, authorization to conduct construction activities shall expire unless the
27 Director authorizes a single extension based on reasonable factors, for a period not to exceed one
28 year, if a request for extension has been filed before the expiration date and notice of the
proposed extension is given to parties of record and to Ecology.

3. The effective date of a Shoreline Substantial Development Permit is the date of
receipt as provided in RCW 90.58.140(6). The time periods in subsections 23.60.074.A and
23.60.074.B do not include the time during which a project, use or activity was not pursued due
to the pendency of administrative appeals or legal actions or due to the need to obtain other
government permits and approvals for the project, use or activity, including all reasonably
related administrative or legal actions on any such permits or approval.

4. A Plan Shoreline Permit issued pursuant to Section 23.60.066 is valid for a
period of five years or as otherwise allowed by WAC 173-27-090. Project-specific shoreline
permits must be applied for within that period to be considered pursuant to the determination
made under the Plan Shoreline Permit. Development under project-specific permits shall
conform to the time limits outlined in subsections 23.60.074.A and 23.60.074.B.

Section 23.60.076 of the Seattle Municipal Code, last amended by Ordinance 119240, is
amended as follows:

23.60.076 Revisions to permits

A. If an applicant seeks to revise a permit, the applicant shall submit detailed plans and
text describing the proposed changes.

1 B. If the Director determines that the proposed changes are within the scope and intent of
2 the original permit as defined in WAC 173-27-100(2), the Director shall approve the revision.
3 Within eight days of the date of approval, the approved revision, along with copies of the revised
4 site plan and text, shall be transmitted to Ecology, the Attorney General, and copies provided to
5 parties of record and to persons who have previously notified the Director of their desire to
6 receive notice of decision on the original application.

7 C. If the Director determines that the proposed changes are not within the scope and
8 intent of the original permit, the applicant shall apply for a new permit in the manner provided
9 for in this chapter.

10 D. If the revision to the original permit involves a shoreline conditional use or shoreline
11 variance, the Director shall submit the revision to Ecology for Ecology's approval, approval with
12 conditions or denial, indicating that the revision is being submitted pursuant to WAC 173-27-
13 100(6). Ecology shall render and transmit to the City and the applicant Ecology's final decision
14 within 15 days of the date of Ecology's receipt of the submittal by the Director, who shall notify
15 parties of record of Ecology's final decision.

16 E. The revised permit is effective immediately upon final action by the Director, or if
17 appropriate under WAC 173-27-100(6), by Ecology.

18 F. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the
19 Shoreline Hearings Board within 21 days from date of Ecology's receipt of the revision approved
20 by the Director, or if the revision is to a shoreline conditional use or variance, from the date of
21 Ecology's final decision is transmitted to the City and the applicant. Appeals shall be based
22 solely upon contentions of noncompliance with the provisions of WAC 173-27-100(2).
23 Construction undertaken pursuant to that portion of a revised permit not authorized under the
24 original permit is at the applicant's own risk until the expiration of the appeals deadline. If an
25 appeal is successful in proving that a revision is not within the scope and intent of the original
26 permit, the decision shall have no bearing on the original permit. The party seeking review has
27 the burden of proving the revision was not within the scope and intent of the original permit.

28 Section 23.60.078 of the Seattle Municipal Code, last amended by Ordinance 121477, is
amended as follows:

23.60.078 Rescission

A. The Director may rescind or suspend a Shoreline Substantial Development Permit if
any of the following occur:

1. The permittee has developed the site in a manner not authorized by the permit;
2. The permittee has not complied with the conditions of the permit;
3. The permittee has secured the permit with false or misleading information; or
4. The permit was issued in error.

B. The determination that a permit should be rescinded or suspended shall be made
following a public hearing by the Director. Notice of the hearing shall be mailed to the permittee
not fewer than 15 days prior to the date set for the hearing and be included in the Land Use
Information Bulletin. The notice shall specify the basis for the hearing.

Section 23.60.080 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

1 Section 23.60.082 of the Seattle Municipal Code, last amended by Ordinance 113466, is
2 amended as follows:

3 **23.60.082 Enforcement**

4 Procedures for investigation and notice of violation, compliance, stop work orders,
5 emergency orders, and the imposition of civil penalties for the violation of any requirements of
6 this Chapter 23.60 shall be as specified in Chapter 23.90, Enforcement of the Land Use Code,
7 except as provided otherwise in this Chapter 23.60.

8 **Subchapter III: General Provisions**

9 **Part 1 Uses Standards**

10 Section 23.60.090 of the Seattle Municipal Code, last amended by Ordinance 122198, is
11 amended as follows:

12 **23.60.090 Identification of principal and accessory uses**

13 A. In all shoreline environments all uses are prohibited over water as a principal or
14 accessory use unless the use is allowed or allowed as a special use, a shoreline conditional use or
15 a Council conditional use in the shoreline environment where the use is proposed and the use is:

16 1. Boat moorage, off-loading goods from boats, dry-docks, swimming platforms,
17 uses on vessels authorized under Section 23.60.214, and other use components that by their
18 nature require an over water location to operate;

19 2. Railroad, rail transit, street and pedestrian bridges and tunnels that reasonably
20 need to cross water that is regulated in this Chapter 23.60; or

21 3. Allowed, allowed as a special use, a shoreline conditional use or Council
22 conditional use overwater in the specific regulations for the type of use.

23 B. Any principal use allowed, allowed as a special use, allowed as a shoreline
24 conditional use, or as a Council conditional use in a specific shoreline environment may be an
25 accessory use and shall be administered as an allowed use, or as a special use, shoreline
26 conditional use or Council conditional use, using the same process as the principal use.

27 C. An accessory use that is prohibited as a principal use in a particular shoreline
28 environment can be allowed on dry land if incidental to, and necessary for, the operation of the
principal use. The same process used to authorize the principal use(s) shall be used to authorize
a prohibited accessory uses. For purposes of subsections 23.60.090.B and C, water-based
airports, heliports, and helistops shall not be considered to be accessory to a principal use and are
allowed pursuant to the applicable shoreline environment.

D. Accessory uses shall be located on the same development site as the principal use;
provided that if the accessory use is also allowed as a principal use in the shoreline environment
applicable to another development site nearby, the accessory use may be located on that site.

Section 23.60.092 of the Seattle Municipal Code, last amended by Ordinance 119292, is
repealed, as shown in Attachment A, and a new Section 23.60.092 is added as follows:

23.60.092 Temporary development and uses

A. Development, shoreline modifications, limited to floats, and uses that will occur for
four weeks or less may be exempt from obtaining a Shoreline Substantial Development Permit as
provided in Section 23.60.020; developments that are exempt shall comply with the Shoreline
Management Act and the standards and provisions of this Chapter 23.60.

1 2. A conforming structure or development containing a nonconforming use or
2 uses may not be substantially improved or rebuilt, except as provided in subsections 23.60.122.C
3 and E.

4 C. 1. A conforming structure containing a nonconforming use may be substantially
5 improved or rebuilt if the applicant demonstrates that the structure is reasonably capable of
6 containing a conforming use without modifying the structure, except as provided in 23.60.122.E
7 (because the moorage use and the overwater structure are so intertwined that it is hard to know
8 whether it is the use or the structure that is creating the nonconformity). A structure that is
9 allowed to be substantially improved or rebuilt shall not be expanded or extended beyond its
10 existing external dimensions.

11 2. A conforming structure or development containing a nonconforming use that is
12 destroyed by fire, act of nature, or other causes beyond the control of the owner, excluding
13 normal deterioration of structures constructed in or over the water may be substantially improved
14 or rebuilt if:

15 a. The structure occupied by the nonconforming use is improved or
16 rebuilt to the same or smaller configuration, existing immediately prior to the time the structure
17 was destroyed;

18 b. The structure occupied by the nonconforming use is reconfigured and
19 results in reduced impacts on ecological functions as compared to the configuration
20 immediately prior to the time the structure was destroyed;

21 c. A substantially improved or rebuilt structure housing a nonconforming
22 eating and drinking establishment use in the UC Environment may consolidate other existing
23 nonconforming uses on the property, if no cumulative expansion or intensification of the
24 nonconforming use and no increase in over-water coverage occurs and the Director finds that the
25 reconfiguration will allow removal of structures housing other nonconforming uses, resulting in
26 improved ecological functions, view corridors or regulated public access; or

27 d. The structure is nonconforming moorage that is reconfigured consistent
28 with subsection 23.60.122.E; and

e. Action toward replacement is commenced within 12 months after
destruction.

D. 1. The change of one nonconforming use to another use not allowed in the
shoreline environment may be authorized as a shoreline conditional use by the Director with the
concurrence of the Ecology if the area occupied by the nonconforming use does not expand and
the Director determines that:

a. The new use is no more detrimental to ecological functions or to
property in the vicinity than the existing use;

b. The existing development is unsuited for a use allowed in the
environment;

c. In addition, for structures located over water, no alternative exists for
locating the use on the dry land portion of the lot, outside the setback, to the maximum extent
feasible; and

d. In addition, for structures located within the required shoreline setback
no alternative exists for locating the use outside of the setback.

2. If the Director determines that a nonconforming use in a structure over water
and/or within the required setback may be changed, the Director shall require the applicant to
provide twenty four habitat units per square foot of over water coverage, plus two habitat units

1 for additional floor area above the over water portion, and 10 habitat units per square foot of
2 developmental coverage located with the shoreline setback.

3 3. The new use shall retain its nonconforming use status for the purposes of
4 subsections A through D of this Section 23.60.122.

5 E. Reconfiguration of a nonconforming moorage.

6 1. Reconfiguration of a nonconforming moorage may be authorized as a shoreline
7 conditional use by the Director with the concurrence of Ecology, except as provided in
8 subsection 23.60.122.E.2, if the Director determines that:

9 a. The goals of this chapter, including limiting location of structures over
10 water, would be better served;

11 b. View corridors and public access are improved;

12 c. Total over water coverage is not increased;

13 d. If the moorage includes covered moorage:

14 1) The height of the covered moorage is not increased; and

15 2) Open walls are required, if not in conflict with the Seattle Fire
16 Code.

17 2. Reconfiguration of an existing nonconforming moorage may be authorized
18 without obtaining a shoreline conditional use permit if the conditions in subsection 23.60.122.E.1
19 are met and total area of over water coverage, including any existing covered moorage if the
20 moorage has covered moorage, is reduced by 20 percent. When calculating the reduction in over
21 water coverage grated decking and translucent roofing material shall not be included.

22 Section 23.60.124 of the Seattle Municipal Code, enacted by Ordinance 113466, is
23 amended as follows:

24 **23.60.124 Nonconforming structures**

25 A. Nonconforming structures are also regulated by the general development standards
26 for the type of use in Part III, in addition to the standards of this section.

27 B. On dry land and outside the shoreline setback and shoreline residential setback a
28 nonconforming structure or development may be maintained, repaired, structurally altered,
substantially improved or replaced but is prohibited from expanding or extending in any manner
that increases the extent of nonconformity or creates additional nonconformity, except as
otherwise required by law if necessary to improve access for the elderly or disabled or to provide
regulated public access.

C. Over water and/or within the required shoreline setback and/or residential shoreline
setback. A nonconforming structure or development that is over water, within the required
shoreline setback, or within the residential shoreline setback may be maintained, repaired and
structurally altered consistent with subsection 23.60.124.D but is prohibited from being:

1. substantially improved;

2. replaced; or

3. expanded in any manner that increases the extent of nonconformity or creates
additional nonconformity, except as provided in subsections 23.60.124.D.1 and 2 and
23.60.122.E, and as otherwise required by law if necessary to improve access for the elderly or
disabled or to provide regulated public access.

D. 1. If replacement or substantial improvement of a structure is allowed, mitigation
to ecological function pursuant to Section 23.60.158 is required and shall comply with the
following standards:

1 a. If the dry land portion of the lot from OHW to the street is at least 65
2 feet, the replacement structure shall be landward of the shoreline setback;

3 b. If the dry land portion of the lot from OHW to the street is less than 65
4 feet but more than 35 feet, the replacement structure shall be no further waterward from the
5 street than 35 feet and shall be located outside of the shoreline setback to the extent reasonable;
6 and

7 c. If the dry land portion of the lot from OHW to the street is 35 feet or
8 less, the replacement structure can be rebuilt within the shoreline setback to the existing footprint
9 of the structure or overwater to the existing footprint of the structure.

10 2. Reconfiguration. Portions of existing principal structures on dry land and
11 within the shoreline setbacks may be reconfigured as part of repair or replacement if the Director
12 determines that:

13 a. the reconfiguration results in equal or greater protection of ecological
14 functions;

15 b. views from neighboring waterfront residences are not affected;

16 c. required view corridors and street views are not further blocked; and.

17 d. public access, if required, is improved.

18 E. If the development is nonconforming as to lot coverage, existing lot coverage may not
19 be transferred from the dry-land portion of the site to the water or from outside the shoreline
20 setback to within the shoreline setback.

21 F. Reconfiguration of a moorage that is a conforming use but a nonconforming structure
22 may be authorized under the standards set out in subsection 23.60.122.E but does not require a
23 shoreline conditional use permit.

24 G. The Director may require compliance with Section 23.60.164, Standards for regulated
25 public access, as a condition of a Shoreline Substantial Development Permit for alteration of a
26 development nonconforming as to public access requirements.

27 H. 1. The Director shall require compliance with the standards of Section 23.60.152,
28 General development, for part or all of a lot as a condition for nonconforming development that
is substantially improved, replaced or rebuilt under this section if the Director finds that
continued nonconformity will cause adverse impacts to air quality, water quality, sediment
quality, ecological functions, or human health. If an impact cannot be mitigated, the application
shall be denied, except as provided in subsection 23.60.124.H.2.

2. If the development is replacement of nonconforming development over water
that is destroyed by an act of nature, other than replacement that is deemed "normal repair," the
Director shall require mitigation to meet no net loss of ecological functions unless the applicant
demonstrates that the full extent of mitigation will preclude reconstruction based on economic
hardship.

I. A nonconforming structure or development that is destroyed by fire, act of nature, or
other causes beyond the control of the owner, excluding normal deterioration of structures
constructed in or over the water, may be rebuilt if:

1. a. The structure occupied by the nonconforming use is rebuilt to the same
or smaller configuration, existing immediately prior to the time the structure was destroyed; or

b. The structure occupied by the nonconforming use is reconfigured and
results in reduced impacts on ecological functions as compared to the configuration
immediately prior to the time the structure was destroyed; or

1 c. A rebuilt structure housing a nonconforming eating and drinking
2 establishment use in the UC Environment may consolidate other existing nonconforming
3 structures on the lot if:

4 1) no increase in height or cumulative expansion of the area of
5 nonconforming structures and no increase in over water coverage occurs; and

6 2) the Director finds that the reconfiguration will allow removal of
7 other nonconforming structures that results in improved ecological functions, view corridors or
8 regulated public access; or

9 d. The structure is nonconforming moorage that is reconfigured consistent
10 with subsection 23.60.122.E; and

11 2. Action toward replacement is commenced within 12 months after demolition or
12 destruction.

13 Section 23.60.126 of the Seattle Municipal Code, enacted by Ordinance 113466, is
14 amended as follows:

15 **23.60.126 Structures in trespass**

16 The above provisions for nonconforming uses and structures, Sections 23.60.122 through
17 23.60.124, do not apply to any structure, improvement, dock, fill or development placed on
18 tidelands, shorelands, or beds of waters that are in trespass or in violation of state statutes.

19 **Part 3 Development Standards**

20 Section 23.60.150 of the Seattle Municipal Code, enacted by Ordinance 113466, is
21 amended as follows:

22 **23.60.150 Applicable development standards**

23 All development, shoreline modifications and uses in the Shoreline District shall be
24 subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards for
25 the specific environment in which the development, shoreline modification or use is located.

26 Section 23.60.152 of the Seattle Municipal Code, last amended by Ordinance 116325, is
27 amended as follows:

28 **23.60.152 General development**

All developments, shoreline modifications, and uses are subject to the following general
development standards:

A. All shoreline developments, shoreline modifications and uses, including uses
overwater and in setbacks, shall be located, designed, constructed and managed to achieve no net
loss of ecological functions. No net loss of ecological functions shall be achieved by applying the
standards set out in this Chapter and by applying mitigation sequencing, pursuant to Section
23.60.158.

B. All shoreline development, shoreline modifications and uses shall be located,
designed, constructed and managed first to avoid and second to minimize adverse impacts or
interference with beneficial natural shoreline processes such as water circulation, littoral drift,
sand movement, erosion and accretion.

C. All shoreline developments, shoreline modifications and uses shall be located,
designed, constructed and managed to prevent the need for shoreline defense and stabilization
measures and flood protection works such as bulkheads, other bank stabilization, fills, levees,

1 dikes, groins, jetties, dredging or substantial site regrades to the extent feasible. If such
2 stabilization measures and flood protection works are required to protect development,
3 mitigation pursuant to Section 23.60.158 is required.

4 D. All shoreline developments, shoreline modifications and uses shall be located,
5 designed, constructed and managed in a manner that minimizes adverse impacts to surrounding
6 land and water uses and is compatible with the affected area.

7 E. All shoreline developments, shoreline modifications and uses shall be located,
8 constructed, operated and managed to protect public health and safety.

9 F. Disturbance areas and land clearing shall be limited to the minimum necessary for
10 development. Any surface disturbed or cleared of vegetation and not to be developed shall be
11 planted with native vegetation except that existing landscaped areas containing non-native
12 vegetation may be re-landscaped using non-native, noninvasive vegetation if located outside the
13 shoreline setback pursuant to each shoreline environment and Section 23.60.190.

14 G. All shoreline developments, shoreline modifications and uses shall use best
15 management practices pursuant to DR 16-2009, Construction Stormwater Control Technical
16 Requirements, to control impacts during construction.

17 H. All shoreline developments, shoreline modifications and uses shall be located,
18 designed, constructed, operated and managed to: protect the quality and quantity of surface and
19 ground water on and adjacent to the development lot by the use of best management practices as
20 follows:

21 1. paving and berming of drum storage areas and fugitive dust control to prevent
22 contamination of land or water;

23 2. minimizing the amount of pervious surface on the site and utilizing permeable
24 surfacing where practicable, except where other required state or federal permits prohibit such
25 standards, are required.

26 3. Other control measures include, but are not limited to, bioretention, rainwater
27 harvesting, downspout dispersion, filters, catchbasins and planted buffers as applicable.

28 I. All in- and over-water structures shall be designed, located and managed to keep
adverse impacts, such as increased salmonid predator habitat and those adverse impacts due to
shading, to a minimum.

J. Durable, non-toxic components are the first priority for in-water and over-water
structures and shall be used unless it is *infeasible*, cost consideration can be used when
determining feasibility. Treated wood and other material shall be the least toxic according to
industry standards and wooden components that will be in contact with standing water or
floodwaters shall not contain polycyclic aromatic hydrocarbons, pentachlorophenol, creosote,
chromate copper arsenate (CCA), or comparably toxic substances. Treated wood used shall be
applied and used in accordance with the American Wood Preserver Association (AWPA)
standards for aquatic use.

K. Creosote piles.

1. Creosote treated piles can be repaired if;
a. the piling is under a structure that is not being replaced; or
b. fewer than 50% of the existing piles are in need of repair under a
structure that is being replaced.

2. "Sleeving" shall be the repair method used unless another method provides
better protection of ecological functions.

1 3.Creosote treated piles in need of repair must be replaced if under a structure that
2 is being replaced and 50% or more of the number of piles are proposed to be repaired, if *feasible*
3 and shall comply with subsection 23.60.152.J.

4 L. New and replaced covered moorage and boat sheds shall be designed to provide the
5 maximum ambient light to reach the water. Designs shall:

- 6 1. minimize sides of the structures; and
- 7 2. provide light transmitting roofing and side material to the maximum extent

8 *feasible*.

9 M. Light transmitting features are required to be installed for all new and replaced piers
10 and floats, over-water boat repair facilities and similar structures to the maximum extent *feasible*.
11 When determining feasibility for pier and floats see subsection 23.60.187.C.5.

12 N Tires are prohibited as part of above and below water structures or where tires could
13 potentially come in contact with the water (e.g., floatation, fenders, hinges). During maintenance,
14 existing tires shall be removed or replaced.

15 O. All foam material whether used for floatation or for any other purpose must be
16 encapsulated within a shell that prevents breakup or loss of the foam material into the water and
17 is not readily subject to damage by ultraviolet radiation or abrasion. During maintenance,
18 existing un-encapsulated foam material shall be removed or replaced.

19 P. Artificial night lighting shall be minimized by focusing the light on the dock surface,
20 using shades that minimize illumination of the surrounding environment and using lights that
21 minimize penetration into the water.

22 Q. The release of oil, chemicals, solid waste, untreated effluents, or other hazardous
23 materials onto or into the water is prohibited. Best management practices shall be employed for
24 the safe handling of these materials to prevent them from entering the water. Equipment for the
25 transportation, storage, handling or application of such materials shall be maintained in a safe
26 and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall
27 be suspended until the deficiency has been satisfactorily corrected. Best management practices
28 shall be employed for prompt and effective clean-up of any spills that do occur. A spill
prevention and response plan to meet the above requirements may be required by the Director
prior to issuance of a permit unless the Director has determined that it is reasonable to provide
the plan prior to commencement of construction.

R. Facilities, equipment and established procedures for the containment, recovery and
mitigation of spilled petroleum products shall be provided at recreational marinas, commercial
moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels
with petroleum product capacities of 10,500 gallons or more.

S. Construction and repair work shall use best management practices to prevent the entry
of debris and other waste materials into any water body. No over- or in-water application of
paint, preservative treatment, or other chemical compounds is permitted, except in accordance
with best management practices. Any cleaning, sanding, cutting of treated wood, or resurfacing
operation occurring over- or in-water shall employ tarpaulins securely affixed above the water
line to prevent material from entering the water. Prior to removing the tarpaulins, the
accumulated contents shall be removed by vacuuming or an equivalent method that prevents
material from entering the water.

T. Construction staging areas shall be as far from the OHW mark as reasonable. For
projects involving concrete, a concrete truck chute cleanout area shall be established to contain

1 wet concrete. All inlets and catch basins shall be protected from fresh concrete, paving, paint
2 stripping and other high-risk pollution generating activities during construction.

3 U. If at any time project-related activities cause a fish kill to occur, the permittee shall
4 stop all work relating to the fish kill and immediately notify the Department of Planning and
5 Development, Washington Department of Fish and Wildlife, and Ecology.

6 V. Navigation channels shall be kept free of hazardous or obstructing development or
7 uses.

8 W. Water-related uses on waterfront lots shall be designed and located on the shoreline to
9 encourage efficient use of the shoreline and to allow for water-dependent uses. Design
10 considerations may include additional setbacks from all or a portion of the water's edge, joint use
11 of piers and wharves with other water-related or water-dependent uses, development of the lot
12 with a mixture of water-related and water-dependent uses, or other means of ensuring continued
13 efficient use of the shoreline by water-dependent uses.

14 Section 23.60.154 of the Seattle Municipal Code, last amended by Ordinance 116909, is
15 recodified as Section 23.60.069, and a new Section 23.60.154 is added as follows:

16 **23.60.154 Standards for archaeological and historic resources**

17 A. Developments, shoreline modifications and uses on sites of historic or archeological
18 significance or sites containing items of historic or archeological significance, as defined by the
19 Washington State Department of Archaeology and Historic Preservation shall reasonably avoid
20 disruption of the historic or archeological resource.

21 B. Applications that include excavation in areas documented by the Washington State
22 Department of Archaeology and Historic Preservation to contain archaeological resources shall
23 include a site inspection and a draft written report prepared by a qualified professional
24 archaeologist, approved by the City, prior to the issuance of a permit. In addition, the
25 archaeologist shall provide copies of the draft report to affected tribes and the Washington State
26 Department of Archaeology and Historic Preservation. After consultation with these tribes and
27 agencies, the archaeologist shall provide a final report that includes any recommendations from
28 affected tribes and the Washington State Department of Archaeology and Historic Preservation
on avoidance or mitigation of the proposed project's impacts. The Director shall condition
project approval, based on the final report from the archaeologist, to avoid, minimize and
mitigate impacts to the site consistent with federal and state law.

C. If any archaeological resources are uncovered during excavation, work shall be
stopped immediately and the applicant shall notify the City and the State Department of
Archeology and Historic Preservation. The applicant shall submit a site inspection and
evaluation report by a qualified professional archaeologist, approved by the City, that identifies
all possible valuable archaeological data and makes recommendations on how to handle the data
properly. When the report is prepared, the applicant shall notify affected tribes and the State
Department of Archaeology and Historic Preservation and provide them with copies of the
report. Failure to comply with this requirement is a violation of this Chapter 23.60.

D. If identified historical or archaeological resources are present, site planning and access
to such areas shall be designed and managed to give protection to the resource and surrounding
environment and any permit issued shall be revised.

E. In the event that unforeseen factors constituting an emergency as defined in RCW
90.58.030 necessitate rapid action to retrieve or preserve artifacts or data, the project may be
exempted from the requirement to obtain a Shoreline Substantial Development Permit. The City

1 shall notify Ecology, the State Attorney General's Office and the State Department of
2 Archaeology and Historic Preservation of the exemption in a timely manner.

3 Section 23.60.156 of the Seattle Municipal Code, last amended by Ordinance 118793, is
4 recodified as Section 23.60.162, and a new Section 23.60.156 is added as follows:

5 **23.60.156 Standards for environmentally critical areas in the Shoreline District**

6 A. Applicable regulations. The standards and procedures in Chapter 25.09, as set out in
7 Ordinance 122050, and amended by Ordinances 122370, 122738 and the 2011 ordinance are
8 incorporated by reference into this Chapter 23.60. These standards and procedures are modified
9 as set out in subsections 23.60.156.E through N for environmentally critical areas in the
10 Shoreline District. If there are any conflicts between the standards and procedures in Chapter
11 25.09 incorporated into this Chapter and other provisions of the Shoreline Master Program, the
12 requirements most protective of ecological functions apply except when preempted by federal or
13 state law or where this Shoreline Master Program expressly states that these regulations do not
14 apply.

15 B. Regulated actions. Development as defined in Section 25.09.520, except for planting
16 or altering vegetation, on parcels containing environmentally critical areas or buffers in the
17 Shoreline District is regulated under this Section 23.60.156, in addition to the provisions of this
18 Chapter.

19 C. Mitigation Sequencing. Mitigation sequencing is required if a provision of Chapter
20 25.09 as incorporated by reference and modified in this Section 23.60.156 specifically requires
21 mitigation or if additional mitigation is required to meet no net loss of ecological function
22 pursuant to Section 23.60.152.A.

23 D. Exemptions.

24 1. An application that is exempt from the requirement of applying for a Shoreline
25 Substantial Development Permit under Section 23.60.020 is not exempt from the standards and
26 requirements set out in Chapter 25.09 as incorporated into this Chapter 23.60, unless the
27 application is also exempt from Chapter 25.09 to the extent allowed under Section 25.09.045.
28 An application that is exempt from the standards and requirements in Chapter 25.09 under
Section 25.09.045, is not exempt from the requirement for a Shoreline Substantial Development
Permit, unless the application is also exempt from applying for that permit under the standards of
Section 23.60.020.

2. Any development that is exempt under Section 25.09.045 from other standards
and requirements set out in Chapter 25.09 shall mitigate adverse impacts to meet no net loss of
ecological functions, in addition to complying with the standards of Section 25.09.045.

E. Small project waivers. The small project waiver provisions in Section 25.09.055 do
not apply in the shoreline setback area.

F. Development standards for flood-prone areas. Development in flood-prone areas shall
comply with the standards set out in Chapter 25.06 as set out in Ordinance (X).

G. Development standards in wetlands.

1. Application for a Category IV buffer reduction under Section 25.09.160.D.2
shall use the Shoreline Variance standards and procedures in addition to the standards in addition
to complying with the standards in subsection 25.09.160.D.2.

2. The avoidance and mitigation standards set out in subsection 25.09.160.E
apply in lieu of the mitigation sequencing set out in Section 23.60.158 if the Director grants a

1 Shoreline Variance to standards for wetlands in Section 25.09.160, other than a Shoreline
2 Variance for a Category IV buffer reduction.

3 H. Development Standards for steep slope areas.

4 1. Subsection 25.09.180.B.2. does not apply to development on waterfront lots.

5 2. Applications for steep slope area variances under subsection 25.09.180.E for
6 developments on lots with a feeder-bluff in the Shoreline District shall use the Shoreline
7 Variance standards and process in addition to complying with the standards in subsection
8 25.09.180.E; in applying these standards the applicant is required to demonstrate the
9 development is necessary for reasonable use of the property instead of demonstrating hardship.
10 If the Director authorizes a Shoreline Variance under these standards, relief shall be in the
11 sequence in subsection 25.09.180.E.2.

12 3. Applications for steep slope area variances under subsection 25.09.180.E for
13 developments in the Shoreline District not on waterfront lots with a feeder bluff shall use the
14 Shoreline Variance standards and process in addition to complying with the standards in
15 subsection 25.09.180.E. If the Director authorizes a variance under these standards, relief shall
16 be in the sequence set out in subsection 25.09.180.E.2.

17 I. Development standards for riparian corridors.

18 If access is allowed within the Shoreline District over a watercourse in a riparian
19 corridor under subsection 25.09.200.A.2.a, the Director shall require mitigation of impacts to
20 ecological function, including the associated hyporheic zone, pursuant to Section 23.60.158.

21 J. Subdivisions

22 1. The standards for short subdivisions and subdivisions in Section 25.09.240
23 incorporated by reference into this Chapter 23.60 apply to short subdivisions and subdivisions in
24 the Shoreline District, except as provided in subsections 23.60.156.J.2 and 3.

25 2. Subsection 25.09.240.B does not apply. Parcels shall be divided so that each
26 lot contains an area for the principal structure, all accessory structures, and necessary walkways
27 and access for this area that are outside the riparian corridor, wetlands, wetland buffers, and steep
28 slope areas and buffers, except as follows:

a. Development on upland lots may be located on steep slope areas that
have been created through previous legal grading activities, including rockeries or retaining
walls resulting from rights of way improvements, if no adverse impact on the steep slope will
result as determined by the Director based on a geotechnical report; and

b. Development on upland lots may be located on steep slope areas that
are less than 20 feet in vertical rise and that are 30 feet or more from other steep slope areas, if
no adverse impact on the steep slope will result as determined by the Director based on a
geotechnical report.

3. Subsection 25.09.240.E does not apply. In computing the number of lots a
parcel in a single family zone may contain, the Director shall exclude easements and/or fee
simple property used for shared vehicular access to proposed lots that are required under Section
23.53.005.

K. Environmentally critical areas administrative conditional use. The provisions of
Section 25.09.260 do not apply in the Shoreline District.

L. Environmentally critical area exceptions.

1. In lieu of the environmentally critical area exception process in Section
25.09.300, the applicant shall apply for a Shoreline Variance. In addition to the standards for a

1 Shoreline Variance the applicant shall comply with the requirements and standards in
subsections 25.09.300.A, B, and C.

2 2. The relief from the requirements protecting environmentally critical areas that
3 is approved by the Director through a Shoreline Variance shall be consistent with the provisions
in subsections 25.09.300.D and E.

4 3. In granting a shoreline variance the Director shall require mitigation
5 sequencing pursuant to Section 23.60.158, except that if a Shoreline Variance is granted from the
standards for wetlands in Section 25.09.160, the standards in subsection 25.09.160.E apply.

6 M. Vegetation management within environmentally critical areas shall comply with
7 Section 23.60.190, and Section 25.09.320 does not apply.

8 N. Enforcement. The enforcement procedures provided in Chapter 23.90 shall be
9 applied, rather than the provisions of Sections 25.09.420 through 25.09.450 and Sections
25.09.470 through 25.09.480, to enforce the regulations in this section and Chapter 25.09 as
10 incorporated by reference for environmentally critical areas in the Shoreline District. The
amount of the civil penalty is as set out in Section 25.09.460.

11 A new Section 23.60.157 of the Seattle Municipal Code is added as follows:

23.60.157 Essential Public Facilities

12 A. Essential public facilities defined in Section 23.84.A.010 and located in the
Shoreline District are subject to the provisions of Chapter 23.80.

13 B. Essential public facilities are required to comply with development standards
14 in this chapter for each component of the essential public facility and to mitigate all adverse
15 impacts to the ecological functions of shorelines and critical areas by applying mitigation
sequencing set forth in Section 23.60.158. Mitigation sequencing does not apply to the scope of
16 the project but does apply to the siting of specific project components of the project.

17 Section 23.60.158 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.198 and a new Section 23.60.158 is added as follows:

Section 23.60.158 Standards for mitigation sequencing

18 A. 1. Mitigation is required for the loss of ecological functions resulting from:
19 a. new or replacement development, shoreline modifications or uses,
20 b. maintaining, repairing or altering existing development, shoreline
modification, or uses that creates new adverse impacts to ecological functions, or
21 c. substantially improving, replacing or rebuilding nonconforming uses or
structures.

22 2. Mitigation is intended to prevent net loss of ecological functions due to, but not
23 limited to, location, design, construction and management of the development, shoreline
modification, or use.

24 3. Mitigation shall achieve the equivalent ecologic functions, as determined by the
Director.

25 B. Regulations set out in this Chapter 23.60 to mitigate impacts to ecological functions,
26 including regulations for environmentally critical areas, are minimum requirements to mitigate
27 impacts to ecological functions and are to be supplemented by using mitigation sequencing in
this Section 23.60.158 to achieve no net loss of ecological functions. Mitigation under this
28 Section is not intended to duplicate mitigation for the same ecologic function that is required

1 under other City regulations or under state and federal permits. The permit condition most
2 protective of the ecologic functions shall be enforced.

3 C. Application of the mitigation sequence below shall be undertaken to prevent net loss
4 of ecological function and include six steps:

5 1. Step A. Avoiding the impact altogether by not taking a certain action or parts of
6 an action;

7 2. Step B. Minimizing impacts by limiting the degree or magnitude of the action
8 and its implementation by using appropriate technology or by taking affirmative
9 steps to avoid or reduce impacts;

10 3. Step C. Rectifying the impact by repairing, rehabilitating, or restoring the
11 affected environment;

12 4. Step D. Reducing or eliminating the impact over time by preservation and
13 maintenance operations;

14 5. Step E. Compensating for the impact by replacing, enhancing, or providing
15 substitute resources or environments; and

16 6. Step F. Monitoring the impact and the compensation projects and taking
17 appropriate corrective measures.

18 7. Lower priority measures shall be applied only if the higher priority measure is
19 infeasible or inapplicable to achieve NNL.

20 D. Each component of the mitigation proposed to meet the requirements of Step E of
21 subsection 23.60.158.C shall be consistent with the standards for the shoreline environment
22 where the mitigation action will occur and with all regulations applicable to the type of each
23 component of the mitigation undertaken.

24 E. Mitigation and Monitoring Plan:

25 1. A Mitigation and Monitoring plan shall be submitted for review and approval
26 to meet the standards set out in subsection 23.60.158.C. The mitigation plan shall include the
27 following information as determined by the Director for the type of project proposed:

28 a. An inventory of the existing physical, chemical and biological condition
of the environment within the shoreline district where the impact will occur;

b. An analysis of the project's impacts and their effect on the ecological
functions necessary to support existing shoreline resources;

c. Management recommendation received from federal, state, or local
agencies that have been developed for terrestrial, wetlands or aquatic species and habitat on the
site and their applicability to the proposal;

d. Proposed management practices that will protect fish and wildlife
habitat both during construction, and after the project site has been fully developed, including
proposed monitoring and maintenance programs;

e. Identify measures to preserve existing habitats and opportunities to
restore habitats that were degraded prior to the proposed land use activity.

f. Planting and soil specifications; success standards; and contingency
plans if vegetation planting is proposed as part of the mitigation;

g. Proposed measures that will mitigate the impacts of the project to
ensure no net loss of shoreline ecological functions, value, and proposed success criteria;

h. An evaluation of the anticipated effectiveness of the proposed
mitigation measures to ensure no net loss of ecological functions;

1 i. Identify components of the project that could fail and develop a
2 monitoring plan for up to five years from the date of completion for such mitigation projects to
3 ensure the success of required mitigation.

4 j. Contingency actions to be taken if the mitigation fails to meet
5 established success criteria; contingency actions should include additional monitoring if the
6 mitigation fails.

7 k. Any additional information as determined by the Director that is
8 necessary to determine the impacts of a proposal and mitigation of the impacts.

9 2. Mitigation plans shall be forwarded to the appropriate state and/or federal
10 resource agencies and affected Tribes for review and comment.

11 3. If off-site mitigation is implemented by the applicant, the applicant shall
12 demonstrate to the Director that the mitigation site will be protected in perpetuity. This may be
13 accomplished through various means including but not limited to dedication of a permanent
14 easement to the City or approved non-profit entity; participation in a publicly sponsored
15 restoration or enhancement program or purchase of credits from a state certified mitigation bank
16 in accordance with Chapter 90.86 RCW 84 (Wetlands Mitigation Banking). Any restrictions,
17 conditions, or easements which are tied to the parcel through off-site mitigation shall be recorded
18 on a revised Notice on Title.

19 4. Where *feasible*, replacement mitigation shall be required prior to impact and, at
20 a minimum, prior to occupancy.

21 E. Bonds. Except for projects undertaken by public entities, performance or maintenance
22 bonds or other security shall be required by the City to assure that work is completed, monitored,
23 and maintained.

24 Section 23.60.160 of the Seattle Municipal Code, last amended by Ordinance 113466, is
25 recodified as Section 23.60.164, and a new Section 23.60.160 is added as follows:

26 **23.60.160 Standards for priority habitat protection**

27 A. Priority freshwater habitat.

28 1. The following are designated as priority freshwater habitat:

a. Sockeye salmon spawning habitat.

b. Creek mouths and areas within 100 feet of creek mouths in Lake
Washington.

c. Hyporheic zones as determined by the Director.

2. Applicants for any permit or review in the Shoreline District shall provide an
inventory containing the following information:

a. Location and boundaries of all freshwater habitat on the lot and on
adjacent lands within 25 feet of the lot lines, noting both total square footage and percentage of
lot;

b. Location and boundaries of all existing development on the lot, on
adjacent lands within 25 feet of the lot lines, and on the full width of abutting public and private
rights-of-way and easements. This shall include the amount of developmental coverage;

c. Location and boundaries of non-disturbance areas on the lot that have
been required by previous permit; and

d. Location and boundaries of all proposed development, shoreline
modifications and proposed disturbance areas on the lot and on the full width of abutting public
and private rights-of-way and easements. This shall include areas of developmental coverage,

1 dredging, filling, or impervious surfaces, construction activity areas and any other areas that
2 will disturbed (noting total square footage and percentage of the lot occupied);

3 3. No structure, including but not limited to new piers, bulkheads, bridges, fill,
4 floats, jetties, and utility crossings shall be located within priority freshwater habitat, unless the
5 applicant demonstrates that no reasonable alternative alignment or location exists.

6 B. Priority saltwater habitat.

7 1. The following are designated as priority saltwater habitat:

8 a. kelp beds;

9 b. eelgrass beds;

10 c. spawning and holding areas for forage fish, such as herring, smelt and
11 sandlance;

12 d. subsistence, commercial and recreational shellfish beds;

13 e. mudflats;

14 f. intertidal habitats with vascular plants;

15 g. areas with which WDFW priority species have a primary association;
16 and.

17 h. habitat designated as priority salt water habitat by the Director under
18 25.09.200.E.

19 2. Applicants for any permit in the Shoreline District shall provide an inventory
20 containing the following information:

21 a. Location and boundaries of all saltwater habitat on the lot and on
22 adjacent lands within 25 feet of the lot lines, noting both total square footage and percentage of
23 the lot;

24 b. Location and boundaries of all existing development on the lot, on
25 adjacent lands within 25 feet of the lot lines, and on the full width of abutting public and private
26 rights-of-way and easements. This shall include the amounts of developmental coverage;

27 c. Location and boundaries of non-disturbance areas on the lot that have
28 been required by previous approvals.

d. Location and boundaries of all proposed development, shoreline
modifications and proposed disturbance areas on the lot and on the full width of abutting public
and private rights-of-way and easements. This shall include the areas of developmental coverage,
dredging, filling, or impervious surfaces and construction activity areas (noting total square
footage and percentage of the lot occupied);

3. No structure, including but not limited to bulkheads, bridges, fill, floats, jetties,
utility crossings, and piers, except for piers that are regulated under subsection 23.60.160.B.4
shall intrude into or over priority saltwater habitats unless the applicant demonstrates that all of
the conditions below are met:

a. The public's need for such an action or structure is clearly demonstrated
and the proposal is consistent with protection of the public trust, as embodied in RCW
90.58.020;

b. It is not feasible to avoid adverse impacts to priority saltwater habitats
by an alternative alignment or location or avoidance would result in unreasonable and
disproportionate cost to accomplish the same general purpose; and

c. The project is consistent with the state's interest in resource protection
and species recovery.

1 4. Private, noncommercial piers for individual residential or community use may
2 be authorized if the applicant demonstrates that it is not feasible to avoid adverse impacts to
3 priority saltwater habitats by an alternative alignment or location.

4 5. Exceptions for priority salt water habitat: The provision of this Section
5 23.60.160 are waived for water-dependent and water-related uses, shoreline modifications and
6 development proposed in shoreline habitat that is determined to be priority salt water habitat
7 pursuant to subsection 23.60.160.B.1.g because the habitat is used by anadromous fish for
8 migration. The proposed project shall comply with all other provisions of this Chapter 23.60
9 including the requirement for no net loss of ecological function.

10 Section 23.60.162 the Seattle Municipal Code, enacted by Ordinance 113466, is
11 recodified as Section 23.60.170 and 23.60.156 of the Seattle Municipal Code, last amended by
12 Ordinance 118793, is recodified as Section 23.60.162 and amended as follows:

13 **23.60.162 Standards for parking and loading zone requirements**

14 A. Required parking spaces and loading berths shall be provided for uses in the Shoreline
15 District as specified in Chapter 23.54, except that the requirements may be waived or modified at
16 the discretion of the Director if:

17 1. alternative means of transportation will meet the parking demand of the
18 proposed project in lieu of such off-street parking and loading requirements; or

19 2. parking to serve the proposed uses is available within 800 feet of the proposed
20 project and if pedestrian facilities are provided.

21 B. New off-street parking and parking structures shall be located at least 50 feet from the
22 OHW mark. The Director may modify this requirement to allow parking required pursuant to
23 Section 23.54, for lots that have a lot depth of less than 75 feet of dry-land. In such cases the
24 parking is prohibited within shoreline setbacks and shall be located as far upland from the OHW
25 mark as reasonable.

26 C. 1. New over water parking is prohibited.

27 2. Existing over water parking areas shall not be expanded or restriped to create
28 additional parking stalls.

3. Existing over water parking areas may be relocated over water if the relocation
results in a 20% reduction in parking area or if the relocation results in greater protection of
ecological functions;

4. Loading zones are allowed to be located over water on existing structures if the
applicant demonstrates that:

a. loading zones are necessary for the operation of a water-dependent or
water-related use;

b. no reasonable alternative location exists; and

c. there is no increase in overwater coverage.

D. Accessory parking is not allowed unless it is accessory to a use allowed in the
shoreline environment in which the parking is located.

E. The design and construction of parking facilities shall remove to the maximum extent
feasible contaminants from surface water runoff prior to its entering adjacent waters and shall
prevent erosion of soil or beaches. Control measures may include oil separators, retention ponds,
and pervious materials where there is sufficient separation from the shoreline to allow for
complete filtration of pollutants.

1 F. Parking facilities in areas not zoned IG1, IG2, IB and IC shall be screened from
2 residential, recreation, and natural areas using a 5 foot wide landscaping strip with native
3 evergreen plantings at least 3 feet tall. The screening shall be located outside any required sight
4 triangle. The requirement for screening may be waived or modified by the Director to address
5 traffic safety.

6 G. In environments other than UM and UI environments appropriately placed planter
7 islands and planting strips shall be used to avoid large visual expanses of asphalt or concrete
8 paving. Planting areas shall be designed and located to direct and control traffic flow and
9 stormwater runoff. The landscaping shall consist of native vegetation.

10 Section 23.60.160 of the Seattle Municipal Code, last amended by Ordinance 113466,
11 is recodified as Section 23.60.164, and amended as follows:

12 **23.60.164 Standards for regulated public access**

13 A. Public access meeting the following criteria shall be provided and maintained on
14 properties as set forth in each shoreline environment.

15 B. Public Property. Public access shall be provided and maintained on all publicly owned
16 and publicly controlled waterfront lots whether leased to private lessees or not, except if the lot is
17 submerged land that does not abut dry land.

18 C. Minimum Standards

19 1. Regulated public access shall be provided in the form of any one or a
20 combination of the following physical improvements: Walkway, bikeway, viewpoint, park, deck,
21 observation tower, pier, boat-launching ramp, non-motorized pull-out areas, transient moorage,
22 or other areas serving as a means of view and/or physical approach to public waters for the
23 public. Regulated public access may also include, but not be limited to, interpretive centers and
24 displays explaining maritime history and industry.

25 2. The minimum regulated public access shall consist of an improved walkway at
26 least 5 feet wide on an easement 10 feet wide, leading from the street or from a public walkway
27 directly to a waterfront use area or to an area on the property from which the water and water
28 activities can be observed. There shall be no significant obstruction of the view from this
viewpoint.

3. Maintenance of the regulated public access is the responsibility of the owner or
developer.

D. The Director shall review the type, design, and location of regulated public access to
insure development of a public place meeting the intent of the Shoreline Master Program. The
Director shall apply the following criteria in determining what constitutes adequate public access
on a specific site:

1. The location of the access on the lot shall be chosen to:

a. Maximize the public nature of the access by locating it adjacent to other
public areas including street-ends, waterways, parks, other public access and connecting trails;

b. Maximize views of the water and sun exposure; and

c. Minimize intrusions ()into privacy for both site users and public access
users by avoiding locations adjacent to private windows and/or outdoor private open spaces and
by screening or other separation techniques.

2. Public amenities appropriate to the usage of the public access space, such as
bike racks, benches, picnic tables, public docks and sufficient public parking to serve the users,
shall be selected and placed to promote a usable and comfortable public area.

1 3. Regulated public access shall be located to avoid interference with the use of
the site by water-dependent uses located on the site.

2 4. Public access shall be separated from private uses through landscaping or other
appropriate screening unless the private spaces include uses that are open to the public, such as
3 eating and drinking establishments or retail stores.

4 5. Required public access shall provide connections to trails, parks, and other
public amenities wherever *feasible*.

5 6. Paths and other public access features shall not disturb trees and shall be sited
in locations that result in the least disturbance to native vegetation; and

6 7. Pedestrian paths shall use pervious material to the greatest extent *feasible*.

7 E. Regulated public access may be limited as to types of activities allowed and the
Director may approve limited hours of access availability based on location and projected use of
8 the site. However, 24 hour availability is preferable and the access must be available to the
public on a regularly scheduled basis.

9 F. Regulated public access shall be open to the public no later than the time of the
Director's final inspection of the proposed development that requires public access.

10 G. Regulated public access and any related parking shall be indicated by permanent signs
provided by the applicant, of standard design and materials prescribed by the Director. The signs
11 shall be located for maximum public visibility and be clearly visible and legible from the right-
of-way.

12 H. All regulated public access points shall be provided through an easement, covenant or
13 similar legal agreement recorded with the King County Department of Records and Elections.

14 I. For shoreline development requiring more than one Shoreline ((s))Substantial
Development Permit or extending for more than 1,000linear feet of shoreline, regulated public
15 access shall be required in the context of the entire project as follows:

16 1. A shoreline development that requires more than one Shoreline Substantial
Development Permit need not provide separate regulated public access for each permit, but
17 regulated public access shall be provided in the context of the entire development.

18 2. A comprehensive development plan for the entire project shall be submitted
with the first shoreline permit application. The plan shall include all project components
intended, plans for the regulated public access and a development schedule that indicates when
19 various components of regulated public access will be available for public use. The level of
detail of the plans for the regulated public access shall be equal to that of the project proposal.

20 3. If a regulated public access area for the development has previously been
21 agreed upon during a street vacation process, then the Director shall not require a greater land
area for access, but may require development of physical improvements.

22 4. A minimum of one regulated public access site shall be provided for each
3,500linear feet of shoreline unless public access standards are met elsewhere as part of a public
23 access plan approved by the City Council or public access is not required for the development.

24 J. General Exceptions.

25 1. The requirement for one regulated public access site for each terminal or
facility may be waived if the terminal or facility is included in a public access plan approved by
the Council and the applicant complies with the plan.

26 2. In lieu of development of public access on the lot, an applicant may choose to
27 meet the requirement for regulated public access through payment-in-lieu or by development of
public property equivalent to the regulated public access otherwise required if the applicant's lot
28

1 is located in an area included in a regulated public access plan approved by the Council and in
2 the City's Capital Facilities Element of the Comprehensive Plan. To be allowed, payment in lieu
or development off-site must be allowed by the approved public access plan.

3 3. Regulated public access is not required or may be modified if the Director has
4 reviewed all reasonable alternatives for public access, including off-site improvements under the
control of the applicant, viewing platforms, and separation of uses through site planning and
design, and has determined that:

5 a. The cost of providing public access is unreasonably disproportionate to
6 the total cost of the proposed development, in which case the Director may adjust the required
public access so that it is reasonably proportionate; or

7 b. The site is not located in an area covered by a public access plan
8 approved by the Council, and public access for the site is not part of the City's Capital
Improvement Plan that would allow payment-in-lieu or public access development off-site and
one of the following conditions exists:

- 9 1) Unavoidable hazards to the public in gaining access exist;
10 2) Inherent security requirements of the use cannot be satisfied;
11 3) Unavoidable interference with the use would occur;
12 4) Public access at the particular location cannot be developed to
satisfy the public interest in providing a recreational, historical, cultural, scientific or educational
opportunity or view; or
13 5) Adverse impacts to ecological functions that cannot be *feasibly*
mitigated would result.

14 4. Access to regulated public access may be denied to any person who creates a
nuisance or engages in illegal conduct on the property. The Director may authorize regulated
15 public access to be temporarily or permanently closed if it is found that offensive conduct cannot
otherwise be reasonably controlled.

16 K. Public Access Plan. A public access plan shall meet the requirements of WAC 173-26-
17 221(4) and shall be developed through an open public process as provided in WAC 173-26-
201(3)(b)(i).

18 A new Section 23.60.166 of the Seattle Municipal Code is added as follows:

19 **23.60.166 Standards for developments in public rights-of-way**

20 A. Submerged public rights-of-way are subject to the standards in subsection
23.60.166.B, except for floating homes, which are required to comply with Section 23.60.202:

21 B. 1. All structures shall be floating or buried except as allowed in subsection
23.60.166.A.2;

22 2. Floating structures may be secured by piling and dolphins if the structures
23 cannot be secured safely with anchors or with pilings or dolphins located outside of the right-of-
way;

24 3. The maximum height of structures is 15 feet;

25 4. Structures shall not occupy more than 35 percent of the right-of-way and shall
not occupy more than 40 percent of the width of the right-of-way;

26 5. A view corridor or corridors of not less than 50 percent of the width of the
right-of-way shall be provided and maintained; and

27 6. An open channel, unobstructed by vessels or structures for access to and from
the water for public navigation and for access to adjacent properties shall be maintained.
28

1 C. Any proposed activity occurring within public rights of way located on state-owned
2 aquatic lands must be authorized by the WA DNR prior to obtaining City of Seattle shoreline
3 permits.

4 A new Section 23.60.168 of the Seattle Municipal Code is added as follows:

5 **23.60.168 Standards for lot boundary adjustments, short subdivisions and subdivisions**

6 A. This section applies to all applications for lot boundary adjustments, short
7 subdivisions and subdivisions, excluding unit lot subdivisions, on parcels within the Shoreline
8 District, in addition to the standards in Title 23.

9 B. Lots shall be divided and lot boundaries shall be adjusted so that each lot contains an
10 area for a principal structure, necessary accessory structures, and necessary walkways and for
11 access to the principal and accessory structures outside the required shoreline setback as
12 provided in the shoreline environments and outside priority habitat as provided in 23.60.160.

13 C. Lots shall be divided and lot boundaries shall be adjusted to prevent the need for
14 shoreline stabilization for the life of the project by establishing on the plat or lot boundary
15 adjustment plan the location of future structures a minimum distance from the shoreline that
16 allows natural shoreline processes, including shoreline erosion, to occur without threatening the
17 stability of the development.

18 D. Lots shall be configured to protect ecological functions, including priority habitat as
19 provided in 23.60.160, by:

20 1. For subdivisions and short subdivisions, establishing a separate tract or lot
21 with each owner having an undivided interest; or

22 2. Establishing non-disturbance areas on individual lots that are recorded on
23 the plat for short subdivisions and subdivisions and for lot boundary adjustments shall be legibly
24 shown and described on the site plan, and a covenant shall be required as set out in Section
25 25.09.335.

26 E. Newly created waterfront lots and lots reconfigured to have new water frontage are
27 restricted to water-dependent or water-related uses or to single family residential uses; this shall
28 be recorded on the plat or covenant.

F. Public access is required as provided in 23.60.164 for the subdivision of land into
more than four parcels. The area of public access provided is required to be equivalent to the
total of the minimum area required for each newly created parcel, may be located in one location,
and shall be shown on the plat.

Section 23.60.162 of the Seattle Municipal Code, last amended by Ordinance 113466,
is recodified as Section 23.60.170, and is amended as follows:

23.60.170 View corridors

A. View corridors shall be provided and maintained on properties pursuant to the
standards in each shoreline environment and this section. If a standard in the a shoreline
environment is inconsistent with a standard in this Section 23.60.170, the standard in the
shoreline environment applies.

B. Minimum Standards unless otherwise provided in the shoreline environment the view
corridor is located.

1. View corridors shall provide a view of the water through the lot from the public
right-of-way.

1 2. A view corridor or corridors meeting the minimum size requirement of the
2 applicable shoreline environment shall be provided and maintained. Applicants may meet their
3 total percentage by providing multiple view corridors on a lot if each view corridor has a
4 minimum width of 10 feet, except in the UH environment where the maximum number of view
5 corridors is two, and each view corridor has a minimum width of 20 feet.

6 3. Structures, including but not limited to buildings, fences, and covered
7 walkways, shall not be located in view corridors unless the slope of the lot permits full,
8 unobstructed view of the water over the structures or unless allowed to be in the view corridor
9 under the view corridor standards for the shoreline environment where it is proposed. Eaves and
10 open railings may be located in view corridors.

11 4. Parking for motor vehicles is not allowed in view corridors, except if allowed
12 to be in the view corridor under the view corridor standards for the specific shoreline
13 environment, or if the applicant demonstrates that:

14 a. The parking is required parking for a water-dependent or a water-related
15 use and no reasonable alternative exists; or

16 b. The area of the lot where the parking would be located is 4 or more feet
17 below street level.

18 5. If the use is allowed or allowed as a special use or a shoreline conditional use,
19 the following may be located in a required view corridor:

20 a. Open wet moorage;

21 b. Storage of boats undergoing repair; and

22 c. Outdoor storage of items accessory to water-dependent or water-related
23 uses.

24 6. Removal of existing landscaping is not required. New landscaping complying
25 with the standards of Section 23.60.190 is allowed in a view corridor.

26 C. Waiver or Modifications.

27 1. The Director may waive or modify the view corridor requirements if the
28 applicant demonstrates that the intent to preserve views cannot be met by a strict application of
the requirements or one of the following conditions applies:

a. There is no available clear view of the water from the street; or

b. Existing development or topography effectively blocks any possible
views from the street; or

c. The view corridor requirement would prohibit use of the lot for water-
dependent shoreline uses or physical public access.

2. In determining whether to waive or modify the requirement, the Director shall
consider the following factors:

a. The direction of predominant views of the water;

b. The extent of existing public view corridors, such as parks or street ends
in the immediate vicinity;

c. The availability of actual views of the water and the potential of the lot
for providing those views from the street;

d. The percent of the lot that would be devoted to a view corridor if the
requirements were strictly applied;

e. Extreme irregularity in the shape of the lot or the shoreline topography
that precludes effective application of the requirements; and

1 f. The purpose of the shoreline environment in which the development is
2 located, to determine whether the primary objective of the environment is water-dependent uses
3 or public access views.

4 D. The Director may reduce or waive the yard and setback requirements in underlying
5 residential zones in order to facilitate the goal of providing view corridors.

6 **Part 4 Standards Applicable to Shoreline Modifications**

7 A new Section 23.02.172 of the Seattle Municipal Code is added as follows:

8 **23.60.172 Applicable standards for shoreline modifications**

9 A. All shoreline modifications are subject to the standards set out in Subchapter III of this
10 Chapter 23.60.

11 B. Any proposed shoreline modification located on state-owned aquatic lands must be
12 authorized by the WA DNR prior to obtaining authorization from the Director.

13 C. All shoreline modifications are prohibited except as allowed, allowed as a special use
14 or shoreline conditional use to this Section 23.60.172 and Table A for Section 23.60.172. If
15 Table A lists a shoreline modification in association with a specific use or other shoreline
16 modification, that use or shoreline modification must be allowed, allowed as a special use or
17 allowed as a conditional use in the shoreline environment for which the shoreline modification is
18 proposed.

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Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
1	Aquatic noxious weed control	A	A	A	A	A	A	A	A	A	A	A
2	Artificial reefs	A	SU	A	A	SU	SU	X	CU	X	X	CU
3 Boat launch and landing facilities												
3a	Motorized boat launches	A	P	P	CU	SU	A	A	A	A	A	A
3b	Non-motorized boat launches	A	P	P	A	SU	A	A	A	A	A	A
3c	Non-motorized boat landing	A	P	SU	A	A	A	A	A	A	A	A
4 Breakwater, jetties, groins and weirs												
4a	If essential for the safe operation of a water-dependent use	CU	CU	X	CU	CU	CU	CI	CU	CU	CU	CU
4b	For ecological restoration and enhancement or ecological mitigation	A	A	A	A	A	A	A	A	A	A	A
5 Dredging												
5a	Necessary for a water-dependent use	CU	SU	X	X	SU	SU	CU	SU	SU	SU	X
5b	Necessary for navigational access for existing navigational uses	CU	SU	X	X	SU	SU	CU	SU	SU	SU	X
5c	For ecological restoration and enhancement or ecological mitigation	A	A	SU								
5d	Necessary to obtain fill for an ecological restoration and enhancement project that improves habitat for native species and the fill is placed waterward of OHW	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
5e	Necessary for clean-up and disposal of contaminated sediments as part of an interagency environmental clean-up plan	A	A	SU	SI	SU						

Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
5f	Necessary to obtain fill for restoration and enhancement of ecological functions associated with a MTCA or CERCLA ecological restoration and enhancement project and the fill is placed waterward of the OHW	A	A	SU								
5g	Necessary to install bridges	CU	CU	CU	CU	CU	SU	CU	CU	CU	CU	CU
5h	Necessary to install utility lines	A	CU	CU	CU	SU	CU	SU	SU	SU	SU	SU
6	Dry docks	X	X	X	X	X	X	A	X	A	A	X
7	Fill (6a through 6 g are required to demonstrate that alternatives to fill are infeasible).											
7a	necessary for the expansion or alteration of transportation facilities of statewide significance currently located on the shoreline	CU	X	CU								
7b	part of cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
7c	necessary to install authorized shoreline stabilization or public access at the Central Waterfront, if the overall impacts of the project results in a net gain of ecological functions at or near where the fill is proposed.				X	X	X	X	CU	X	X	X
7d	Necessary to support a water dependent use	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
7e	Necessary to support disposal of dredge material considered suitable under, and conducted in accordance with the Dredge Material Management Program of the Department of Natural Resources.	X	CU	X	X	X	X	X	X	X	X	X
7f	necessary to install bridges	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
7g	For ecological mitigation, restoration and enhancement, or beach nourishment project if the fill will not permanently and negatively impact native aquatic vegetation.	A	SU									
7h	necessary to install utility lines	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
8	Grading and upland slope stabilization											
8a	if accessory to a use that is allowed, allowed as a special use, or allowed as a shoreline conditional use in the shoreline environment for which it is proposed.	A	A	SU	A	A	A	A	A	A	A	A
9	Heat exchangers, in-water/aquatic, allowed as a conditional in the specified shoreline environments if located outside Lake Washington, Lake Union and the Ship Canal	CU	CU	P	CU	P	CU	CU	CU	CU	P	P
10	Piers and floats											

Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
10a	if accessory to a water-dependent or water-related use or if accessory to a single family or multifamily residential use in the CR, UC, UG and UR shoreline environments.	A	CU	SU	A	A	A	A	A	A	A	A
10b	as a parks and open space use if there is no net gain in overwater coverage compared to existing conditions.	A	X	X	A	SU	A	SU	A	X	X	X
11	Shoreline stabilization											
11a	Soft shoreline stabilization	A	A	A	A	A	A	A	A	A	A	A
11b	Hard shoreline stabilization	SU	CU	CU	CU except prohibited on accretion beaches	SU	SU	SU	SU	SU	SU	CU
12	Surface water heating and cooling systems	CU	CU	X	CU	CU	CU	CU	CU	CU	CU	CU
13	Floating dolphins											
13a	if accessory to a water-dependent.	SU	CU	X	X	CU	CU	SU	SU	SU	SU	X
14	Mooring buoys											
14a	if accessory to a water-dependent use. When a number is listed in parenthesis this number is the maximum number allowed.	SU	X	SU (1)	A (2)	SU	A	A	A	A	A	A (1)
15	Mooring pilings											
15a	if accessory to a water-dependent use. When a number is listed in parenthesis this number is the maximum number allowed.	SU	X	SU (2)	A (2)	SU	A	A	A	A	A	A (1)
16	Vegetation and impervious surface management											

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Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
16a	Vegetation management is allowed for maintenance, mitigation sequencing or restoration and enhancement as provided in Section 23.60.190	A	A	A	A	A	A	A	A	A	A	A
17b	Impervious surface management is allowed as provided in each shoreline environment in conjunction with Section 23.60.158.	A	A	A	A	A	A	A	A	A	A	A

A new Section 23.60.174 of the Seattle Municipal Code is added as follows:

23.60.174 Standards for artificial reefs

A. In shoreline environments where artificial reefs are allowed, allowed as special uses, or allowed as shoreline conditional uses they shall comply with the standards for artificial reefs in the specific shoreline environment and in this Section 23.60.174.

B. Artificial reefs shall be marked with buoys and shall be located to avoid interference with navigation.

C. Artificial reefs shall be designed for restoration and enhancement or for recreational purposes.

D. Artificial reefs shall not contain toxic materials

E. Artificial reefs and construction related to them shall not adversely impact the stability of any slope on or off the site.

F. Dredging and fill allowed as part of the installation of an artificial reef shall be the minimum necessary to accommodate the structure of the artificial reef, shall maintain slope stability, and shall comply with all standards for dredging.

G. Prior to permit issuance applicants for artificial reefs shall demonstrate in writing that they have consulted with the Washington Department of Fish and Wildlife and Seattle Department of Parks and Recreation about the creation of a marine protection area surrounding the artificial reef.

H. In applying mitigation sequencing pursuant to Section 23.60.158, adverse impacts on ecological functions to be addressed include, but are not limited to, construction impacts, release of debris and other waste materials, release of nutrients, heavy metals, sulfides, organic materials, or toxic substances from materials used, modification of sediment flows, modification of shallow water habitat, loss or disturbance of food, shelter, spawning, and migration habitat, and loss or disturbance of fish runs, biological communities and biodiversity.

A new Section 23.60.155 of the Seattle Municipal Code is added as follows:

23.60.175 Standards for boat launch and landing facilities

A. In shoreline environments where boat launch and landing facilities are allowed, allowed as special uses, or allowed as shoreline conditional uses they shall comply with the standards for boat launch and landing facilities in Table A of Section 23.60.172 and in each shoreline environment.

B. New or renovated boat launches and landing facilities shall be:

1. Elevated within the nearshore area to:

a. minimize the obstruction of currents;

b. minimize alteration of sediment transport;

c. eliminate the accumulation of drift logs and debris resulting from the facilities; and

d. span substrate suitable for forage fish spawning; or

2. Level with the beach slope within the nearshore area and avoid substrate suitable for forage fish spawning pursuant to subsection 23.60.160.B,

Section 23.60.190 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.176, and amended as follows:

23.60.176 Standards for breakwaters, jetties, groins and weirs

1 A. In shoreline environments where breakwaters, jetties, groins and weirs are allowed,
2 allowed as special uses, or allowed as shoreline conditional uses they shall comply with the
standards for breakwaters, jetties, groins and weirs in Table A of Section 23.60.172.

3 B. The applicant is required to demonstrate that:

4 1. The structure is necessary for the safe operation of a water-dependent use or to
5 protect ecological functions;

6 2. Any jetty is designed to protect inlet entrances from clogging by excess
7 sediment or to protect a harbor area from storm waves; and

8 3. If the breakwater, jetty or groin protects a water-dependent use, the benefits to
9 the public provided by that use outweigh any undesirable effects or adverse impacts on the
10 environment or impacts on wave energy, water circulation, or sediment movement adversely
11 affecting other waterfront properties that remain after mitigation sequencing.

12 C. Mitigation Sequencing.

13 In applying mitigation sequencing pursuant to Section 23.60.158, the Director shall apply
14 the following additional criteria:

15 1. Impacts on ecological functions to be addressed include, but are not limited to,
16 construction impacts; modification or obstruction of water circulation and flow; modification of
17 waves and currents; loss of intertidal, sub-tidal, or shallow water habitat; loss or disturbance of
18 food, shelter, spawning, and migration habitat; and loss or disturbance of fish runs, biological
19 communities and biodiversity.

20 2. The following techniques shall be used in the sequence listed below to mitigate
21 the adverse impacts of breakwaters, jetties, groins and weirs on ecological functions, unless the
22 applicant demonstrates that the priority is inapplicable or not *feasible*, or that a different
23 sequence or technique will be more effective in reducing adverse impacts:

24 a. Use of floating structures;

25 b. Use of structures on piles;

26 c. Use of solid fill structures.

27 Section 23.60.182 of the Seattle Municipal Code, last amended by Ordinance 113466, is
28 amended as follows:

23.60.182 Standards for dredging

29 A. In shoreline environments where dredging is allowed, or allowed as a special use or a
30 shoreline conditional use it shall comply with the standards for dredging in this Section
23.60.182.

31 B. Dredging for the primary purpose of obtaining fill material is prohibited except if:

32 1. the fill is placed waterward of the OHW mark; and

33 2. a. the project is a restoration and enhancement project associated the
34 Model Toxics Control Act (MTCA), the Comprehensive Environmental Response,
35 Compensation, and Liability Act (CERCLA); or

36 b. a restoration and enhancement project that the Director has determined
37 to be significant and approved through a shoreline conditional use permit.

38 C. Dredging for the purpose of establishing, expanding, relocating or reconfiguring
navigation channels and basins is allowed if the applicant demonstrates dredging is necessary
for assuring safe and efficient accommodation of existing navigational uses.

1 D. Maintenance dredging of established navigation channels is restricted to maintaining
2 the location, depth, and width previously authorized or permitted by the Army Corps of
3 Engineers.

4 E. Dredging shall be timed to be consistent with the state and federal regulatory agencies
5 standards for state aquatic priority species and aquatic species protected under the Endangered
6 Species Act.

7 F. Construction designs shall identify the locations of known substrate and groundwater
8 contamination, provide specifications to guide management of contaminated soil and
9 groundwater, including testing, treatment, and/or disposal, to minimize inadvertent release of
10 contaminants to the environment, and include plans to address unanticipated contamination
11 discovered during construction.

12 G. Dredging operations shall be designed, located, constructed, and managed to maintain
13 stability of slopes on and off the site.

14 H. Temporary stockpiling of dredged material in or under water is prohibited.

15 I. Disposal of dredge material on shorelands within a channel migration zone of a
16 watercourse is discouraged and requires a shoreline conditional use permit.

17 J. Open-water disposal of dredged material is allowed at designated disposal sites.

18 K. Dredging of material that does not meet the federal Environmental Protection Agency
19 and Ecology criteria for open-water disposal is allowed if the applicant demonstrates that:

20 1. The dredging would not cause long-term adverse impacts to water sediment
21 quality, aquatic life or human health in adjacent areas; and

22 2. The dredged material will be disposed of at a dry-land or contained submerged
23 disposal site that has been approved by the federal Environmental Protection Agency and the
24 Dredge Material Management Program (DMMP), or any successor agency.

25 L. Incidental dredged material resulting from the installation of a utility line or intake or
26 outfall may remain under water if the applicant demonstrates that:

27 1. It can be placed without long-term adverse impacts to water quality, sediment
28 quality, aquatic life or human health; and

2. The adverse environmental impacts of removing the material and relocating it
to an open-water disposal site are greater than the adverse impacts of leaving the material at the
original site.

M. In applying mitigation sequencing pursuant to Section 23.60.158, potential adverse
impacts to be addressed include, but are not limited to, turbidity; release of nutrients, heavy
metals, sulfides, organic materials or toxic substances; dissolved oxygen depletion; disruption of
food chains; loss of benthic productivity; disturbance of fish runs and important biological
communities; and loss or modification of shallow water habitat.

Section 23.60.184 of the Seattle Municipal Code, last amended by Ordinance 113764, is
amended as follows:

23.60.184 Standards for fill

A. In shoreline environments where fill is allowed or allowed as a special use or a
shoreline conditional use it shall comply with the standards for fill in Section 23.60.172 and in
this Section 23.60.184.

B. Fill materials shall be of a quality that will not cause degradation of water or sediment
quality.

1 C. Solid waste, refuse, and debris shall not be placed in the water or on shorelands.

2 D. Fills shall be designed, located, constructed, and managed to ensure stability of
3 slopes created including the provision of vegetation, retaining walls, or other mechanisms for
4 erosion prevention.

5 E. Dredged material not meeting the federal Environmental Protection Agency and
6 Ecology criteria for open-water disposal may be used for fill in the water or shorelands if the
7 applicant demonstrates that:

8 1. The fill meets the criteria for fill in the environment in which it is located;

9 2. Either the area in which the fill material is placed has the same level of the
10 same contaminant or the material is placed in a manner that it will not be a source of
11 contaminants in an area cleaner than the proposed fill material;

12 3. The fill can be placed in the water or on the land without long-term adverse
13 impacts to water quality, sediment quality, aquatic life, or human health, provided that if the fill
14 is dredged material, placement of the material also complies with Section 23.60.182; and

15 4. If classified by the state or federal government as problem or hazardous waste,
16 any required federal Environmental Protection Agency and Ecology approval is obtained.

17 F. Fill shall not result in the creation of dry land except where necessary for
18 transportation projects of statewide significance as part of ecological restoration and
19 enhancement, beach nourishment, mitigation or where necessary to repair pocket erosion as
20 allowed in Section 23.60.184.G.

21 G. Fill that creates dry land that is necessary to repair pocket erosion between adjacent
22 revetments is required to meet the standards of this Section 23.60.184 and the following
23 standards:

24 1. The erosion pocket is necessary to protect water-dependent or water-related
25 uses;

26 2. The erosion pocket does not exceed 20 feet in length or 100 feet of shoreline, as
27 measured between adjacent revetments;

28 3. The erosion pocket is in an area characterized by continuous revetments
abutting and extending in both directions along the shoreline away from the erosion pocket;

4. The fill will not appreciably increase interference with a system of beach
accretion and erosion; and

5. The fill does not extend beyond a line subtended between the adjacent
revetments.

H. Fill incidental to the repair or replacement of existing shoreline stabilization measures
including, but not limited to, the placement of additional riprap or the replacement of a bulkhead
directly in front on an existing bulkhead, does not require approval as fill under this section,
provided that the fill is the minimum necessary to accommodate the repair or replacement and
the repair or replacement has been approved.

I. In applying mitigation sequencing pursuant to Section 23.60.158, potential adverse
impacts to be addressed include, but are not limited to, total water surface reduction; navigation
restriction; impediment to water flow and circulation; reduction of water quality; disturbance of
fish runs and other biological communities; and loss or modification of upland or shallow water
vegetation functions and habitat.

Section 23.60.186 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as a new Section 23.60.185, and amended as follows:

1 **23.60.185 Standards for grading, landfill and slope stabilization**

2 A. In shoreline environments where grading, landfill or slope stabilization are allowed or
3 allowed as special uses or shoreline conditional uses they shall comply with the standards for
4 grading, landfill and slope stabilization in the specific shoreline environment and in this Section
5 23.60.185.

6 B. Grading or landfill that necessitates the installation of a taller bulkhead or additional
7 slope stabilization measures is prohibited unless necessary for the operation of a water-dependent
8 use.

9 C. Grading, landfill and alteration of natural drainage features and landforms is limited to
10 the minimum necessary for development. Surface drainage systems or substantial earth
11 modifications shall be professionally designed to prevent maintenance problems or adverse
12 impacts on shoreline features.

13 D. Landfill shall not be placed in the critical root zone of any trees over 6" DBH, and
14 grading, landfill and slope stabilization work shall not result in the compaction of soils in the
15 critical root zone of any trees over 6" DBH.

16 E. Spray-on concrete and similar material, is prohibited as a slope stabilization method.

17 F. Grading and slope stabilization that is shoreline stabilization due to the proximity of
18 the work at the shoreline and the intent of the work to stabilize the shoreline shall comply with
19 Section 23.60.188.

20 Section 23.60.186 of the Seattle Municipal Code, enacted by Ordinance 113466, is
21 recodified as Section 23.60.185, and a new Section 23.60.186 is added as follows:

22 **23.60.186 Standards for mooring buoys, mooring piles and floating dolphins**

23 A. The design and location of all mooring buoys, mooring piles and floating dolphins
24 shall not interfere with navigational uses;

25 B. All mooring buoys, mooring piles and floating dolphins shall be the lesser of the
26 minimum necessary for the water-dependent use that is an accessory to or the number allowed in
27 Table A of Section 23.60.172 .

28 C. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or
comparably toxic compounds is prohibited material for mooring buoys, mooring piles and
floating dolphins. Non-toxic material shall be used unless *infeasible*, when determining
feasibility cost can be considered.

 Section 23.60.210 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as a new Section 23.60.187, and amended as follows:

23.60.187 Standards for piers and floats and overwater structures

 A. In shoreline environments where piers and floats are allowed or allowed as special
uses or a shoreline conditional uses, they shall comply with the standards for piers and floats in
the specific shoreline environment and in this Section 23.60.187.

 B. Residential Development. Piers and floats accessory to residential development shall
meet the following standards:

 1. Piers are limited to overwater projections, walkways and open-bottom boat or
jet-ski lifts. Covered moorage and overwater work sheds are prohibited.

 2. Projections mean finger, ell, or spur piers, angled extensions, floating pier
extensions, platforms, and platform-style or closed-bottom-style boat and jet ski lifts.

 3. Piers and floats shall be designed and used for access to watercraft.

1 4. Shared piers for residential development are preferred and shall meet the
2 following standards:

3 a. The owners of the pier shall be owners of waterfront lots located no
4 more than 800 ft apart. More than two property owners may share a pier.

5 b. Shared piers may be located adjacent to or on both sides of a common
6 lot line of the sharing property owners.

7 c. An application to build a shared pier shall be submitted jointly by the
8 eligible property owners and shall include easements or covenants identifying the location of the
9 shared pier and assuring joint use of the entire facility.

10 d. The minimum combined lot width for lots sharing a pier is 60 feet.

11 5. Unshared piers for single-family or multifamily development must be on a
12 waterfront lot with a minimum lot width of 45 feet.

13 6. No single-family lot, and no multifamily lot containing four or fewer units,
14 shall have more than one pier or float, whether shared or unshared. Multifamily lots containing
15 more than four units may have more than one pier, provided overwater coverage is the minimum
16 necessary.

17 7. New residential development of two or more dwellings are required to share
18 piers or provide a community dock facility unless infeasible.

19 8. Size and Number of Piers

20 a. Piers

21 1) Unshared single-family piers are allowed one linear walkway
22 with one overwater projection and up to two open-bottom boat or jet ski lifts.

23 2) Shared single-family piers are allowed one linear walkway with
24 one overwater projection per dwelling unit and two open-bottom boat or jet ski lifts per dwelling
25 unit.

26 3) Multifamily piers of four or fewer units are allowed one linear
27 walkway with one over water projection per dwelling unit and one open-bottom boat or jet ski
28 lifts per dwelling unit.

1) Multifamily residences of five or more units are allowed
multiple piers or forked walkways, provided they are designed to minimize total over water
coverage, with one over water projection per two dwelling units and one open-bottom boat or jet
ski lift per two dwelling units.

b. Walkways. Walkways are required to be located generally parallel to
side lot lines and perpendicular to the shoreline. If the shoreline or the lot lines are irregular or
the side lot lines are not perpendicular to the shoreline, the Director shall decide the orientation
of the walkway to minimize conflicts. No walkway is allowed to exceed 4 feet in width for piers
that are not shared, or 6 feet in width for shared piers or piers serving multifamily lots. In Lake
Washington, Lake Union, and the Ship Canal, walkways are required to be fixed within 30 feet
of the OHW mark. In Puget Sound, the Duwamish River, and Green Lake, walkways may be
fixed or floating.

c. Projections. Projections may be located overwater on the sides or
waterward end of walkways. Each overwater projection is limited to 100 square feet and shall
comply with the length and setback standards of this Section 23.60.187.

d. Over water projections, boat lifts, and areas used for boat moorage shall
be located no closer than 30 feet from the OHW mark unless located in an area where the water
depth is at least 8 feet deep at mean lower low water or ordinary low water.

e. Length of Piers. Piers shall meet the following standards:

1) No pier shall extend waterward further from the OHW mark than to a point where the depth of the water at the end of the pier reaches 8 feet below OHW in freshwater or below mean lower low water in tidal waters.

2) No pier shall extend waterward more than 100 feet from OHW mark, except where the water depth is less than 6 feet below OHW 100 feet from shore, the maximum pier length shall be to a point where the water depth at the end of the pier is 6 feet below OHW.

3) No pier shall extend beyond the Outer Harbor or Pierhead Line, except in Lake Union where piers are not allowed to extend beyond the Construction Limit Line as shown upon the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

9. Improvement of Existing Piers. Existing residential piers that do not meet the standards of subsection 23.60.187.C.8 shall comply with the provisions of 23.60.124; however, if such piers are replaced or undergo substantial improvement, they shall meet either the standards of 23.60.187.C.5 for the entire pier or reduce the total area of the pier by 20% and increase conformity under 23.60.187.C.5 for any non-conforming portion of the pier.

10. The bottom of all structures over water except floats or floating piers shall be at least 1.5 feet above ordinary height water. No pier shall exceed 5 feet in height above OHW, except that arched walkways may reach a height of 7 feet above OHW within 30 feet waterward of the OHW mark.

11. Swimming floats are allowed in lieu of moorage piers if anchored off-shore a minimum of 30-ft from OHW and limited to 100 square feet per dwelling unit for single-family, two-family, and three-family residential units and to 50 square feet per dwelling unit for four or more family residential units; such swimming floats are not required to meet the standards of subsections 23.60.187.C.3 and 8.

12. No pier shall be located within 15 feet of a side lot line unless the pier is shared with the owner of the adjacent waterfront lot. An existing pier not meeting this provision may be extended to the maximum length permitted in subsection 23.60.187.C.8.e.

13. Piers and floats shall be fully grated with the maximum light permeability *feasible*.

14. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds is prohibited for decking or piling. Non-toxic material shall be used unless *infeasible*, when determining feasibility cost can be considered.

15. Fees or other compensation may not be charged for use of piers accessory to residences in the CR and UR Environments.

16. Residential developments providing moorage in excess of 3,500 linear feet shall provide:

a. self-service sewage pump-out facilities or the best available method of disposing of sewage wastes from boats, as determined by the Director; and

b. either a vacuum apparatus or oil-absorbent materials and waste receptacles for disposal of bilge wastes.

C. Non-residential development. Piers and floats accessory to non-residential development shall meet the following standards:

1. Piers and floats are allowed and prohibited as follows:

1 a. If the applicant demonstrates they are necessary to accommodate boat
2 moorage, boat repair, or loading and offloading of passengers, goods or materials to and from
3 vessel uses;

4 b. If part of a parks and open space shoreline use and limited to the
5 minimum necessary for the intended use; or

6 c. Piers and floats solely for the purpose of public access or art are
7 prohibited unless a pier is necessary to accommodate a view that would otherwise be
8 substantially blocked by adjacent overwater buildings.

9 2. Covered moorage is prohibited.

10 3. Over water work sheds are allowed if they are:

11 a. located in the UI and UM environments and limited to 20 percent
12 overwater coverage of the submerged portion of the development site.

13 b. accessory to a legitimate vessel repair use ; and

14 c. maintain the maximum light permeability *feasible*.

15 4. Wood treated with pentachlorophenol, creosote, chromate copper arsenate
16 (CCA) or comparably toxic compounds is prohibited for decking or piling. Non-toxic material
17 shall be used unless *infeasible*, when determining feasibility cost can be considered.

18 5. Light transmitting features are required to be installed for all new and replaced
19 piers and floats to the maximum extent *feasible*. If the site is used for the following it is
20 considered infeasible to include light transmitting features:

21 a. The pier is used for average loads greater than 30 lbs per SF.

22 b. The pier functions as spill prevention or secondary containment for the
23 following:

24 i. toxic substances or material such as oil or fuel is transported
25 across the deck. This does not apply to the substances used to operate the equipment used on the
26 deck; or

27 ii. fueling of vessels; or

28 ii. storm water is collected and recycled or treated prior to
discharge.

6. Piers shall not extend beyond the Outer Harbor or Pierhead Line except in Lake
Union where piers shall not extend beyond the Construction Limit Line as shown upon the
Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the
State Department of Natural Resources and the U.S. Army Corps of Engineers.

D. Non-commercial slip-side vessel maintenance is limited to:

1. Interior vessel repair and cleaning, replacement of running gear and other
cleaning and repair activities excluding hull scraping, which is prohibited.

2. 25% of the exterior of the boat. The Director may establish appropriate best
management practices based on Department of Ecology's Resource Manual For Pollution
Prevention in Marinas May 1998, Revised 2009 Publication #9811 in a Director's rule.

E. In applying mitigation sequencing pursuant to Section 23.60.158, adverse impacts to
ecological functions to be addressed include, but are not limited to, shading of habitat and
vegetation, adverse impacts to migration corridors, creation of habitat for non-native or abundant
predator species, changes to the strength and pattern of wave and water movement, alteration of
growing conditions and aquatic productivity, pollution resulting from boat and other uses
(including maintenance of facilities and ancillary recreation uses), periodic or continual
disturbance by human activity and remaining shading of habitat after installation of grating.

1 Section 23.60.188 of the Seattle Municipal Code, last amended by Ordinance 113466, is
2 amended as follows:

3 **23.60.188 Standards for shoreline stabilization**

4 A. In shoreline environments where shoreline stabilization is allowed, allowed as a
5 special use, or allowed as a shoreline conditional use it shall comply with the standards for
6 shoreline stabilization in this Section 23.60.188.

7 B. Classification of practices. Shoreline stabilization practices are classified as non-
8 structural measures, soft engineering, or hard engineering.

9 C. Soft engineering.

10 1. The size of the soft engineering stabilization measure shall be the minimum
11 necessary.

12 2. Soft engineering projects are allowed to extend waterward of the OHW mark, if
13 they do not move the OHW line waterward.

14 3. In applying mitigation sequencing pursuant to Section 23.60.158, adverse
15 impacts on ecological functions include, but are not limited to, the impacts on size of substrate
16 and the effects of beach slope on waves.

17 D. New hard engineering.

18 1. New hard engineering is prohibited unless a geotechnical report conclusively
19 demonstrates that all of the following conditions exist, except as provided in subsection
20 23.60.188.D.2:

21 a. Erosion is not caused by upland conditions, such as vegetation loss or
22 drainage problems;

23 b. An existing principal structure or access to an existing principal
24 structure is in imminent danger of erosion damage caused by tidal action or currents. Imminent
25 danger is demonstrated by the likelihood of either undermining or loss of lateral support for
26 foundations within three years at a constant rate of erosion or vulnerability to a large one-time
27 event;

28 c. Non-structural and soft engineering methods are infeasible or do not
provide sufficient protection;

d. the proposed hard engineering would prevent or reduce structural
damage; and

e. Installation and maintenance of hard engineering will result in no net
loss of ecological function and will not result in adverse impacts to adjacent properties.

2. For ecological restoration and enhancement, or remediation of hazardous
substances, the geotechnical report must demonstrate the conditions set out in subsections
23.60.188.D.1.a, 23.60.188.D.1.c, and 23.60.188.D.1.e.

3. The size of the stabilization measure shall be the minimum necessary.

E. Geologically hazardous areas Shoreline stabilization in geologically hazardous areas
are required to:

1. Demonstrate that no alternatives, including relocation or reconstruction of
existing structures, are found to be feasible, and less expensive than the proposed stabilization
measure, stabilization structures or measures to protect existing primary residential structures;
and

2. Meet the provisions of this Section 23.60.187.

F. Replacement hard engineering

1. Replacement of existing hard engineering structures is allowed for:

1 a. water-dependent or water-related uses if the site is used for the
2 following; or if otherwise infeasible to use softer shoreline stabilization:

3 i. the bulkhead or piers on the site are used to moor vessels that are
4 off-loaded or loaded as part of the operation of the use of the site;

5 ii. the bulkhead is need to provide load-carrying land immediately
6 adjacent to shoreline that allow heavy trucks access to vessels or heavy equipment for the
7 operation of the use of the site;

8 iii. the bulkhead and adjacent land is used to provide access to
9 vessels undergoing repair;

10 iv. the area adjacent to the bulkhead is used for fuel transfer to
11 vessels;

12 v. the area adjacent to the bulkhead is used for equipment for the
13 operation of the water dependent or water related use of the site;

14 vi. the bulkhead is required to provide sufficient depth at the
15 shoreline to allow large, deep draft vessels to moor at the docks allowed within the pier head
16 line.

17 vii. the bulkhead provides containment of pollution sources to the
18 adjacent water body and is a requirement of an agency mandated cleanup action.

19 b. ecological restoration and enhancement; or

20 c. remediation of hazardous substances

21 d. an existing principal use, principal structure or substantial appurtenant
22 structure that is located 15 feet or less from the OHW mark, or the vertical difference from 5 feet
23 inland of the OHW mark to 5 feet waterward of the OHW mark is greater than 2.5 feet (as
24 illustrated in Exhibit A for 23.60.188)

25 2. Replacement of existing hard engineering is otherwise prohibited unless the
26 applicant demonstrates the need for replacement by providing

27 a. no further documentation of demonstrated need is required; or

28 b. a geotechnical report establishing that an existing principal structure or
substantial appurtenant structure is in imminent danger of erosion damage caused by tidal
action, currents, or waves. Imminent danger is demonstrated as likely damage within three years
at a constant rate of erosion or as vulnerability to a likely large one-time event. The report also
must demonstrate that non-structural and soft engineering will not provide adequate protection,
and that the proposed hard engineering will prevent or reduce structural damage.

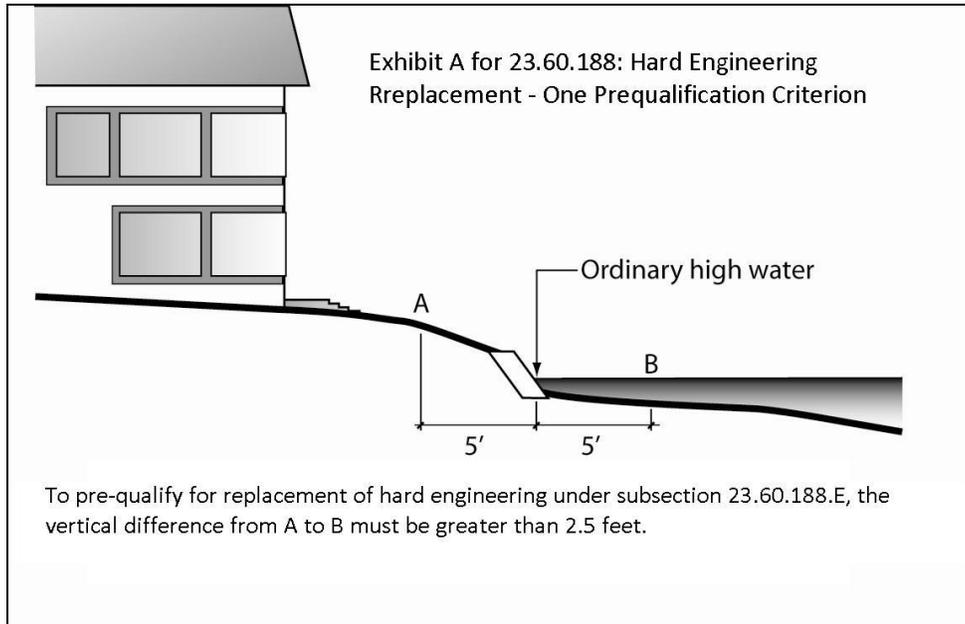
3. Replacement of hard engineering shall not encroach waterward of the ordinary
high-water mark or existing structure unless it is to protect a residence that has been
continuously occupied since December 31, 1991, and there are overriding safety or
environmental concerns. In such cases, the replacement structure shall abut the existing
shoreline stabilization structure.

4. The size of the stabilization measure shall be the minimum necessary.

5. Additions to or increases in size of existing hard engineering shoreline
stabilization structures are considered new structures and regulated under subsection
23.60.188.D.

6. Where a net loss of ecological functions associated with critical saltwater
habitats would occur by leaving the existing structure, it shall be removed as part of the
replacement measure.

1 G. Publicly financed or subsidized shoreline stabilization shall not restrict public access
2 to the shoreline except where such access is determined to be infeasible because of incompatible
3 uses, safety, security, or harm to ecological functions. If feasible the publicly financed or
4 subsidized shoreline stabilization shall incorporate ecological restoration and enhancement and
5 public access improvements into the project.



14
15 H. Mitigation sequencing

16 1. In applying mitigation sequencing for new or replaced hard engineering
17 stabilization pursuant to Section 23.60.158, adverse impacts on ecological functions to be
18 addressed include, but are not limited to, disturbance of underwater substrate, turbidity, loss or
19 disturbance of food, shelter, spawning, and migration habitat, and loss or disturbance of fish
20 runs, biological communities and biodiversity, particularly benthic productivity, and change in
21 water depth including ongoing scouring. Ongoing scouring means the continuation of substrate
22 movement that causes deeper water.

23 2. In designing a project, the following priorities are established, and these
24 measures are required to be used in the sequence listed below to reduce the adverse impacts of
25 shoreline stabilization, unless the applicant demonstrates that the priority is inapplicable or not
26 *feasible*, or that a different sequence or technique will be more effective in reducing adverse
27 impacts.

28 a. Approaches to shoreline stabilization. Non-structural practices are
required unless infeasible or are not sufficient to provide protection. If non structural practices
are infeasible or insufficient then soft engineering takes priority over hard engineering.

b. Hard engineering. For new or replaced hard engineering, the order of
priority is as follows:

- 1) Riprap;
- 2) Terraced and stepped bulkheads with an average slope of 30 percent or less;
- 3) Sloped bulkhead, with a slope of 30 percent or less;

1 greater than 30 percent;

- 2 4) Terraced and stepped bulkheads with an average slope that is
- 3 5) Sloped bulkhead, with a slope greater than 30 percent; and
- 3 6) Vertical bulkhead

4 Section 23.60.190 of the Seattle Municipal Code, last amended by Ordinance 113466,
5 is recodified as Section 23.60.176, and a new Section 23.60.190 is added as follows:

6 **23.60.190 Standards for vegetation and impervious surface management**

7 A. Application and plans

8 1. An application and a plan are required for all actions allowed under this
9 Section 23.60.190, unless specifically provided otherwise in this Section 23.60.190.

10 2. Applications shall be made on the form approved by the Director.

11 3. Plans prepared under this Section 23.60.190. shall be consistent with the
12 standards promulgated by the Director and with best management practices.

13 4. Plans prepared under this Section 23.60.190 shall be prepared by a qualified
14 professional with training and experience related to the type of ecological environment where the
15 work will occur.

16 5. Plans shall identify:

17 a. the location and area of all disturbance areas;

18 b. the type and area of the existing ground surface coverage;

19 c. the size, species, and location of existing trees;

20 d. the type and area of final proposed ground surface coverage; and

21 e. the species and location of proposed trees.

22 6. Plans shall display the vegetation areas and improvements that are provided as
23 compensatory mitigation for project impacts.

24 B. Shoreline District waterward of OHW.

25 1. Removing or disturbing aquatic vegetation, except for aquatic noxious weeds,
26 is prohibited except as necessary for development, uses or shoreline modifications approved
27 under this Chapter 23.60, including review for mitigation sequencing pursuant to Section 23.60.158.

28 2. Noxious weed removal

a. Removing or controlling aquatic noxious weeds is allowed, allowed as a
special use, allowed as a shoreline conditional use, or prohibited as provided in each shoreline
environment, subject to mitigation sequencing pursuant to Section 23.60.158.

b. The following techniques are required to be used in the sequence listed
below, unless the applicant demonstrates that the priority is inapplicable or not *feasible* or that a
different sequence or technique will be more effective in reducing impacts on ecological
functions:

1) Hand-pulling or mechanical harvesting and cutting;

2) Placement of bottom barriers. Bottom barriers are required to
be made of biodegradable material and shall not cover an area greater than 1,000 square feet;

3). Rotovating, weed rolling, or other methods that disturbs bottom
sediments or the benthos;

4) Use of herbicides or other chemical treatment methods
applicable to the control of aquatic noxious weeds that are approved by Ecology and the federal
Environmental Protection Agency.

c. Techniques not listed in subsection 23.60.190.B.2.b are prohibited.

3. In applying mitigation sequencing pursuant to Section 23.60.158, adverse impacts on ecological functions to be addressed include, but are not limited to, disturbance of underwater substrate, turbidity, loss or disturbance of food, shelter, spawning, and migration habitat, and loss or disturbance of fish runs, biological communities and biodiversity, particularly benthic productivity.

C. Shoreline District landward of OHW. The following vegetation and impervious surface management activities are allowed or prohibited within the portion of the Shoreline District that is landward of OHW, both within and outside the shoreline setback:

1. Normal and routine pruning and maintenance that promotes the health and vigor of trees and shrubs is allowed without submitting an application:

a. up to 750 sq. ft. of trees and vegetative cover lawfully maintained prior to May 9, 2006;

b. lawns paths and landscaping lawfully maintained prior to May 9, 2006, that were not in an environmentally critical area or buffer prior to May 9, 2006, but are in an environmentally critical area or buffer as a result of the passage of Ordinance 122050;

c. steep slope areas created through previous legal grading activities, including rockeries or retaining walls resulting from right-of-way improvements, if no adverse impact on the steep slope or shoreline area will result;

d. trees and vegetation specifically approved by permit prior to May 9, 2006, if the conditions of that permit are complied with;

e. vegetation and trees planting and removal approved by the Director under subsection 25.09.320.A.3.b and c before the effective date of this ordinance; and

f. vegetation and tree planting and removal shown on a plan filed with the Department in compliance with subsection 25.09.320.A.3.b before the effective date of this ordinance.

2. Actions taken under subsection 23.60.190.D.1.d, e and f are required to comply with the conditions on such permit or plans.

3. Removing trees is allowed if the Director determines the tree is a threat to health or safety based on a report prepared by a qualified professional with a Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the International Society of Arboriculture (ISA) or equivalent experience and training and the removal is performed by or under the direction of a qualified professional.

4. Permits authorizing development, shoreline modifications and uses may authorize disturbance areas and land clearing using mitigation sequencing set forth in Section 2360.158.

a. Any surface disturbed or cleared of vegetation and not to be developed shall be planted with native vegetation, except that existing landscaped areas containing non-native vegetation may be re-landscaped using non-native, noninvasive vegetation if located outside the shoreline setback.

b. Mitigation required for Step E of Section 23.60.158 shall include a plan with the vegetation areas and improvements required for project impacts.

c. Mitigation required for Step E for the removal of trees shall include compensation for the loss of the contribution of woody debris into the adjacent aquatic environment.

1 D. Shoreline Setback. Within the shoreline setback established for each environment,
2 any land disturbing activity, including planting, improving soils, restoring or improving
3 vegetation and trees, removing vegetation, including removing non-native vegetation or invasive
4 plants and noxious weeds, clearing, tree-topping, or any action detrimental to aquatic or wildlife
5 habitat, vegetation or trees is prohibited, except as allowed in the shoreline setback regulations or
6 use tables for the applicable environment, as provided in Section 23.60.124, subsection
7 23.60.190.C, or as follows:

8 1. Replacing any vegetation or ground surface coverage by planting native
9 vegetation in an area of 300 square feet or less per year is allowed without submitting an
10 application only if:

- 11 a. no new impervious surface is created;
- 12 b. land disturbance is minimized and kept within the planting area; and
- 13 c. no native trees and nonnative trees over 6" DBH are removed.

14 2. Restoring or improving vegetation and trees using native vegetation in areas
15 that exceed 300 square feet is allowed if:

16 a. the work is performed by or under the direction of a qualified
17 professional with training and professional experience related to the type of ecological
18 environment where the work will occur; and

19 b. the project:

20 1). removes non-native vegetation, except for trees with a DBH
21 greater than 6", invasive plants, noxious weeds or dead native vegetation; and

22 2) promotes maintenance or creation of a naturally functioning
23 condition that prevents erosion, protects water quality, or provides diverse habitat.

24 E. Outside the shoreline setback. Within the Shoreline District but outside of the
25 shoreline setback area, removing or altering vegetation is allowed as provided in subsection
26 23.60.190.C or as follows:

27 1. Replacing any vegetation or ground surface coverage by planting native
28 vegetation in an area of 750 square feet or less per year is allowed without submitting an
application only if:

- a. no new impervious surface is created;
- b. land disturbance is minimized and kept within the planting area; and
- c. no native trees and non-native trees over 6" DBH are removed.

2. Restoring or improving vegetation and trees in areas that exceed 750 square
feet is allowed if:

a. the work is performed by or under the direction of a qualified
professional with training and professional experience related to the type of ecological
environment where the work will occur; and

b. the project:

1) removes non-native vegetation, invasive plants, noxious weeds,
or dead native vegetation; and

2) promotes maintenance or creation of a naturally functioning
condition that prevents erosion, protects water quality, or provides diverse habitat.

F. Vegetation alteration and increase in impervious surface. If vegetation is lawfully
altered or removed other than as allowed in subsection 23.60.190.C.1, D.1 and E.1 or if there is
an increase in impervious surface that is required for work allowed pursuant to this Chapter
23.60, all adverse impacts to ecological functions shall be mitigated as follows:

1 1. Mitigation shall be applied pursuant to 23.60.158. Mitigation must achieve the
2 equivalent ecologic functions as the conditions existing in the Shoreline District immediately
3 prior to the work.

4 2. In applying mitigation sequencing pursuant to Section 23.60.158, adverse
5 impacts on ecological functions to be addressed include, but are not limited to:

- 6 a. loss of shading to nearshore aquatic habitat;
- 7 b. loss of organic inputs critical for aquatic life;
- 8 c. loss of habitat for insects and other terrestrial species;
- 9 d. loss of woody debris inputs to the aquatic system;
- 10 e. loss of soil stabilization functions; and
- 11 f. loss of stormwater filtering, detention, and infiltration.

12 3. In applying mitigation sequencing the following actions are required to offset
13 impacts of vegetation and impervious surface management, unless the applicant demonstrates the
14 action is inapplicable, *infeasible* or a different approach will be more effective in mitigating
15 impacts.

16 a. Location of plantings. Plantings provided for mitigation purposes shall
17 be sited as close to the shoreline as possible on waterfront lots and adjacent to other vegetation
18 on both waterfront and upland lots.

19 b. Replacement of vegetation. If vegetation and impervious surface
20 management results in a long-term reduction of trees, shrubs, or groundcovers, or a change from
21 mature vegetation to new vegetation mitigation shall include plantings that will replace the
22 ecological function of the vegetation that is replaced.

23 c. Plant selection. Mitigation plantings shall be native species suited to
24 specific site conditions.

25 d. Pervious surfaces. If vegetation and impervious surface management
26 results in a loss of pervious surfaces, mitigation shall create new pervious surfaces or replicate
27 the functions of pervious surfaces according to the standards in Volume 3 of the Stormwater
28 Manual DR 17-2009.

e. Vegetation and impervious surface management actions requiring soil
disturbance shall use appropriate best management practices to prevent sediment runoff into the
shoreline area.

f. Monitoring and maintenance is required to ensure 80% survival of new
vegetation planted at the end of 5 years.

G. Vegetation Monitoring is required for any vegetation planting within the Shoreline
District that requires submittal of an application set forth in this Section 23.60.190 and for
projects that required a shoreline substantial development permit or a building permit. The
monitoring plans shall include:

- 1. Five years of monitoring that ensures eighty percent survival of the
vegetation planted;
- 2. Annual inspections of the plants;
- 3. Replacement of failed plants;
- 4. Removal of exotic invasive species that may have become established; and
- 5. photographic documentation of planting success

H. Application of pesticides and fertilizers in the Shoreline District

1. Application of pesticides and fertilizers farther than 50 feet from the OHW
mark is allowed without submitting an application if best management practices as promulgated

1 by the Director are followed except in a wetland, in a riparian watercourse or 50 feet landward
2 from the OHW mark of a riparian watercourse.

3 2. Application of pesticides and fertilizers is prohibited in wetlands, riparian
4 watercourses and other water bodies and within 50-ft of the edge of wetlands, and waterward the
5 OHW mark of riparian watercourses and other water bodies except as provided in subsection
6 23.60.190.B.2 or as allowed by the Director for the following circumstances and if the allowed
7 pesticide application is done by a licensed applicator:

8 a. The state or local Health Department recommends or directs their use to
9 address a threat to public health;

10 b. A county, state, or federal agency with jurisdiction directs their use for
11 control of a state listed noxious weed or plant pests covered by the Washington State Department
12 of Agriculture plant pest program, and if non-chemical alternatives have been evaluated;

13 c. If the Director determines the applicant has demonstrated that the use of
14 pesticides will have no adverse impact to fish and wildlife. Such a determination may be in the
15 form of concurring that the applicant has developed best management practices or an integrated
16 pest management plan consistent with standards developed by the Director;

17 d. If the Director has determined that use of a pesticide to control invasive
18 plants would have less overall adverse environmental impact than other control strategies; or

19 e. If the Director determines there is a serious threat to public safety,
20 health, or the environment.

21 **Part 5 Standards Applicable to Specific Uses**

22 Section 23.60.192 of the Seattle Municipal Code, last amended by Ordinance 113466,
23 is repealed, as shown in Attachment A and Section 23.60.179 of the Seattle Municipal Code,
24 enacted by Ordinance 113466, is recodified as Section 23.60.192, and amended as follows:

25 **23.60.192 Applicable standards for specific uses**

26 All uses and developments in the Shoreline District, including shoreline modifications,
27 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
28 for the applicable environment in which the use or development is located.

Section 23.60.194 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.199 and a new Section 23.60.194 is added as follows:

23.60.194 Standards for aquaculture

A. In shoreline environments where aquaculture is allowed, or allowed as a special use or
a shoreline conditional use it shall comply with the standards for aquaculture in this Section
23.60.194.

B. Aquaculture facilities are required to be located, designed, constructed and managed
so as not to spread disease to native aquatic life, adversely impact eelgrass and macroalgae, or
significantly conflict with navigation.

C. Aquaculture facilities are required to develop best management practices to mitigate
impacts from the construction and management of the facilities.

D. Aquaculture facilities shall not cultivate nonnative species.

A new Section 23.60.195 of the Seattle Municipal Code is added as follows:

23.60.195 Standards for aquatic research

Scientific, historic, cultural and educational aquatic research uses are allowed if

- A. No permanent structures are erected; and
- B. No interference with navigation occurs.

Section 23.60.196 of the Seattle Municipal Code, last amended by Ordinance 121477, is recodified as Section 23.60.202 and a new Section 23.60.196 is added as follows:

23.60.196 Standards for bridges, overwater and tunnels

A. In shoreline environments where bridges over water and tunnels are allowed, or allowed as a special use or a shoreline conditional use, they shall comply with the standards in the applicable shoreline environment and this Section 23.60.196.

B. Bridges required for subdivisions shall span any floodway or channel migration zone.

C. In mitigating impacts from bridges, including approaches to bridges, impacts shall be applied in the following sequence:

1. Access points that do not require crossing water bodies are required to be used when available;

2. Shared crossings with existing crossings shall be used if feasible;

3. Crossings shall span the floodway or channel migration zone;

4. The route of the bridge or tunnel and appurtenant structures shall be sited in the locations that has the least possible adverse effect on unique or fragile shoreline features.

5. Impacts on ecological functions including, but are not limited to, shading of aquatic and wetland habitat; modification or obstruction of water circulation and flow; loss or disturbance of intertidal, sub-tidal, or shallow water habitat; loss or disturbance of food, refuge, spawning, and migration habitat; and loss or disturbance of fish runs, biological communities and biodiversity; and

6. Impacts to view corridors, which shall be minimized

D. In mitigating impacts from entry ways to and exit ways from tunnels and accessory structures, impacts shall be applied in the following sequence:

1. Adverse impacts to ecological functions; and

2. Adverse impacts to views of the water from waterfront parcels.

Section 23.60.198 of the Seattle Municipal Code, last amended by Ordinance 118419, is recodified as Section 23.60.206 and Section 23.60.158 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.198 and amended as follows:

23.60.198 Standards for drive-in businesses

Drive-in businesses are not allowed on waterfront lots in the Shoreline District. Drive-in businesses may be allowed on upland lots in the Shoreline District subject to the provisions of the underlying zone and other special districts.

Section 23.60.194 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as a new Section 23.60.199, and is amended as follows:

23.60.199 Standards for intakes and outfalls

A. Intakes and outfalls shall be designed and constructed to prevent the entry of fish.

1 B. Intakes and outfalls shall be located, designed, constructed, and managed to prevent
2 erosion and threats to slope stability, including the use of appropriate energy dissipation at the
3 discharge end.

4 Section 23.60.200 of the Seattle Municipal Code, enacted by Ordinance 113466, is
5 amended as follows:

6 **23.60.200 Standards for marinas, commercial and recreational**

7 A. In shoreline environments where commercial marinas and recreational marinas are
8 allowed, or allowed as a special use or a shoreline conditional use, they shall comply with the
9 standards in the applicable shoreline environment and in this Section 23.60.200.

10 B. General Standards

11 1. Marina operators are required to develop a best management practices (BMPs)
12 document for marina tenants. This document shall, at a minimum, address the requirements of
13 this subsection 23.60.200.B.2 and 23.60.200.B.4 Moorage agreements shall include the BMPs
14 document and a section that states that by signing the moorage agreement the tenant has read and
15 agrees to comply with the BMPs.

16 2. Marinas shall be operated and managed in a manner to preserve water quality,
17 pursuant to Chapter 22.stormwater code, and to protect the public health. The Director shall
18 adopt a rule establishing model BMPs as a minimum standard based on Department of Ecology's
19 Resource Manual For Pollution Prevention in Marinas May 1998, Revised 2009 Publication
20 #9811.

21 3. Non-commercial slip-side vessel maintenance is limited to:

22 a. Interior vessel repair and cleaning, replacement of running gear and
23 other cleaning and repair activities excluding hull scraping, which is prohibited.

24 b. 25% of the exterior of the boat. The Director may establish appropriate
25 best management practices based on Department of Ecology's Resource Manual For Pollution
26 Prevention in Marinas May 1998, Revised 2009 Publication #9811 in a Director's rule.

27 4. Marinas are required to provide restrooms, on dry land, for use by any patron of
28 the marina facility. At a minimum, the facilities are required to include one toilet and one
washbasin. The Director shall determine the need for additional facilities to provide reasonable
hygiene based on the number of slips, percentage of live-aboard slips, and the number of
transient moorage slips within the marina.

5. Marinas having either more than 3,500 linear feet of moorage or slips large
enough to accommodate vessels larger than 20 feet in length shall provide a sewage pump-out
facility or the best available method of disposing of sewage wastes;

6. All buildings and open areas used for boat and/or trailer storage are required to
be screened with natural existing vegetated buffers or planted landscaped areas except for lots
with less than 35-50-ft of upland.

7. If dredging is allowed, allowed as a special use, or allowed as a conditional use,
dredging shall prevent internal deeper pockets that create unflushed holding basins.

8. In Lake Washington and the Puget Sound overwater projections, boat lifts, and
areas used for vessel moorage shall be located a minimum distance of 30 feet waterward from
the OHW mark or in a minimum water depth of 8 feet, whichever is less if reasonable. In Lake
Union and Portage Bay overwater projections, boat lifts, and areas used for vessel moorage shall
be located a minimum distance of 15 feet waterward from the OHW mark or in a minimum
water depth of 8 feet, whichever is less, if practicable.

1 9. Piers and floats shall be grated to the maximum extent *feasible* taking into
2 account the structural and use requirements of the pier and the potential for discharges that might
3 pollute the water.

4 10. Standards for piers and floats are provided in Section 23.60.187.

5 C. Standards for new marinas. New marinas shall be located in areas that have a flushing
6 rate of at least 30 percent per 24 hours.

7 D. Standards for new marinas and expansion of existing marinas: New or expanded
8 marinas shall:

9 1. Be designed to prevent water stagnation and the need for dredging by creating
10 two openings at the opposite ends so that water and sediment moves through the marina.

11 2. Orient docks with currents or prevailing winds to prevent trapping surface
12 debris and oily residue.

13 E. Additional Standards for Recreational Marinas

14 1. Public access is required as follows:

15 a. Marinas with a lot depth that is 35 linear feet or less are exempt from
16 the requirement to provide public access under this subsection.

17 b. Marinas providing less than 2,000 linear feet of moorage space and
18 containing only water-dependent or water-related principal uses are exempt from the requirement
19 to provide public access under this subsection.

20 c. The minimum public access for a marina providing less than 9,000
21 linear feet of moorage space is an improved walkway 5 feet wide on an easement 10 feet wide
22 leading to an area located at the water's edge, which shall be 10 feet wide and shall provide 10
23 feet of water frontage for every 100 feet of the marina's water frontage.

24 d. The minimum public access for a marina providing 9,000 or more linear
25 feet of moorage space is an improved walkway 5 feet wide on an easement 10 feet wide leading
26 to a public walkway 5 feet wide on an easement 10 feet wide located along the entire length of
27 the marina's water frontage.

28 e. Easements are not required for publicly owned marinas.

1 2. Transient Moorage.

2 a. Transient moorage for recreational vessels is required at the rate of 40
3 linear feet of transient moorage space for each 1,000 linear feet of moorage space in the marina if
4 one or more of the following conditions apply:

5 1) The marina provides 9,000 or more linear feet of moorage;

6 2) The marina is part of a development that includes a restaurant or
7 other use that is not water-dependent or water-related and that operates during evening and
8 weekend hours; or

9 3) The marina is owned, operated, or franchised by a governmental
10 agency for use by the general public.

11 b. The Director may waive the requirement for transient recreational
12 moorage if the Director finds adequate transient moorage already exists within ¼ mile of the
13 marina.

14 c. Transient moorage for commercial vessels may be required as part of a
15 recreational marina providing more than 9,000 linear feet of moorage if the site is in an area near
16 commercial facilities generating commercial transient moorage demand. Transient moorage for
17 commercial vessels shall be provided at the rate of 100 linear feet of transient moorage space for
18 each 2,000 linear feet of moorage space.

1 F. Additional Standards for Commercial Marinas. Transient Moorage for commercial
2 vessels at the rate of 50 linear feet of transient moorage space for each 1,000 linear feet of
3 moorage space is required as part of a marina providing more than 9,000 linear feet of moorage
4 if the site is in an area near commercial facilities generating commercial transient moorage
5 demand.

6 G. Commercial and recreational marinas may provide moorage for vessels used as live-
7 aboard vessels if the marina meets the following standards, in addition to the standards in
8 subsections 23.60.200.A-F:

9 1. The live-aboard vessel is the type of vessel allowed to be moored at the
10 commercial or recreational marina.

11 2. The marina or moorage provides shower facilities connected to a sanitary sewer
12 that are adequate to serve number of live-aboard vessels moored at the marina.

13 Section 23.60.202 of the Seattle Municipal Code, last amended by Ordinance 110381, is
14 recodified as Section 23.60.219 and Section 23.60.196 is recodified as Section 23.60.202 and
15 amended as follows:

16 **23.60.202 Standards for floating homes and floating home moorages**

17 A. Floating homes allowed.

18 1. Floating homes that either are legally established on the effective date of this
19 ordinance or comply with the standards of this Section 23.60.202 and occupy floating home
20 moorages that are legally established on the effective date of this ordinance are allowed.

21 2. New floating homes and floating homes that do not meet the standards of
22 subsection 23.60.202.A.1 are prohibited, except as replacements for lawful existing floating
23 homes under subsection 23.60.202.D.5.

24 B. Standards for floating home moorages and sites.

25 1. Moorage Location.

26 a. Every floating home moorage is required to be located on privately
27 owned or privately controlled premises. No floating home moorage is allowed to be located in
28 any waterway or fairway or in the public waters of any street or street end, except as provided
below.

b. Floating home moorages that were located in public waters or any
street or street end on January 1, 1974, or on property later dedicated to the City for street
purposes are allowed if they:

- 1) have continuously existed in such locations;
- 2) comply with all the provisions of this chapter except the provisions of this subsection 23.60.202.B;
- 3) are authorized by a use and occupancy permit approved by the Director of Seattle Department of Transportation; and
- 4) are not moved from its existing site.

c.

Floating homes may not relocate to that portion of a floating home moorage occupying public waters.

d. Floating home moorages are allowed to be located in Portage Bay in a submerged street segment lying generally parallel to the shoreline that terminates on the north and on the south in a submerged street area if the same person owns or leases the property abutting on both sides.

1 e. Floating home moorages existing as of January 1, 1974, are allowed to
2 be located partially on private property and partially in submerged portions of Fairview Avenue
3 East lying generally parallel to the shoreline, if the occupant of the floating home owns or leases
4 the private portion of the floating home site and has obtained a long-term permit from City to
5 occupy the abutting street area.

6 2. New floating home moorages and sites.

7 a. A new floating home moorage or a new floating home site at an existing
8 floating home moorage is allowed in the Urban Residential Environment if:

9 1) The floating home moorage or site will be used to accommodate
10 a floating home moored in a floating home moorage lawfully existing on the effective date of
11 this ordinance.

12 2) It is located in Lake Union or Portage Bay; and

13 3) It complies with the other standards in this Section 23.60.202.

14 b. A new floating home moorage or a new floating home site at an existing
15 floating home moorage is allowed in the Urban Commercial Environment if:

16 1) The floating home moorage or site is necessary to accommodate
17 a floating home moored in a floating home moorage lawfully existing on the effective date of
18 this ordinance that is unable to continue to moor in that floating home moorage for the reasons
19 set out in subsection 7.20.040.E, F, or G;

20 2) It is located in Lake Union or Portage Bay;

21 3) The floating home moorage or site is added to a recreational
22 marina, commercial marina, or floating home moorage existing as of December 31, 1987;

23 4) If the floating home moorage is to be located within a
24 recreational marina or commercial marina, the marina has no more than two existing floating
25 home sites at the marina;

26 5) No more than one such floating home moorage or site may be
27 added to any marina or floating home moorage after April 1, 1987; and

28 6) It complies with the other standards in this Section 23.60.202.

c. Total water coverage, including all moorage walkways, in the new
floating moorage or in the expanded portion of the existing floating home moorage shall not
occupy more than 45% of the submerged area, including the floating home.

d. Each new floating home site in a new or expanded floating home
moorage shall meet the following standards:

1) The area for a floating home site is a minimum of 2,000 sq. ft.

2) Floating home sites must be of sufficient dimensions to
accommodate a floating home meeting the standards of subsection 23.60.202.C.

3) Floating home sites shall be configured so that a floating home
cannot extend beyond the waterward end of the pier. 4) Floating home sites shall not be located
within 15 feet of the OHW mark.

5) Floating home sites shall have direct access to a pier of not less
than 5 feet of unobstructed width that is accessible from a street.

6) Floating home sites shall have at least 20 feet of frontage on
water continuously open to navigation.

e. A new floating home moorage or site established for a floating home
that is unable to continue mooring in a floating home moorage lawfully existing as of the

1 effective date of this ordinance for the reasons set out in subsection 7.20.040.E, F, or G is not
2 required to comply with parking or minimum floating home site area requirements.

3 3. Existing floating home moorages and sites.

4 a. Total water coverage of floating home moorages, including all piers,
5 shall not be increased above 45% of the submerged area or the currently existing coverage,
6 whichever is greater, including the floating home;

7 b. The area of an existing floating home site shall not be reduced below
8 2,000 square feet or the currently existing area, whichever is less,

9 c. Existing floating home sites shall not be expanded in a manner that will
10 result in the blockage of the view from the waterward end of a pier.

11 d. Existing floating home moorages shall not be reconfigured and existing
12 floating homes shall not be relocated within a floating home moorage site unless the standards of
13 this Section 23.60.202 are met or the Director determines that the standards cannot be met at the
14 site and the reconfiguration or relocation will result in improved ecological functions.

15 4. Floating home moorages shall not provide moorage to floating homes that do
16 not display a registration number issued under subsection 23.60.202.G.

17 C. Standards for exchange of floating home between existing floating home sites. Two
18 floating homes may exchange floating home sites, either within a moorage or between moorages,
19 if:

20 1. Height

21 a. Both floating homes are the same height;

22 b. The relocation will not result in a floating home that is over 18 feet in
23 height and higher than the replaced floating home being located waterward of floating homes
24 that are 18 feet or less in height; or

25 c. No floating home greater than 18 feet in height shall be relocated except
26 to replace a floating home of equal or greater height.

27 2. The minimum distance between adjacent floating home walls and between any
28 floating home wall and any floating home site line will meet the requirements of the applicable
moorage standards in subsection B or D of this Section 23.60.202; and

3. The requirements of Chapter 7.20 of the Seattle Municipal Code, Floating
Home Moorages, have been met.

D. Standards for floating homes.

1. Floating homes are required to be moored at sites established as floating home
moorages.

2. Floating homes may relocate to any established floating home moorage,
consistent with the standards of subsection 23.60.202.B.

3. Floating homes are required to be lawfully connected to sewer service for all
black and grey water discharge.

4. Float area is required to be no larger than 1200 square feet or the area of the
existing float.

5. A floating home may be rebuilt, replaced, repaired, or remodeled consistent
with the following standards:

a. The float area or over water coverage of the floating home is not
increased, including cantilevered portions that extend beyond the edge of the float.

b. No portion of any addition to a floating home exceeds 18 feet in height
or current height if above 18 feet, except to the minimum extent necessary in order to satisfy the

1 provisions of the Building Code for open railings, chimneys and mechanical vents. Open
2 railings are limited to 36 inches in height.

3 c. Setbacks between adjacent floats and walls.

4 1) The minimum distance between adjacent floating home floats or
5 walls is not reduced below 10 feet or the existing distance, whichever is less, and shall not be
6 less than 6 feet if the floating home is being replaced.

7 2) The minimum distance between any floating home float or wall
8 and the boundary of any floating home moorage site is not reduced below 5 feet or the existing
9 distance, whichever is less, and shall not be less than 3 feet when the floating home is replaced or
10 rebuilt. No minimum distance is required between a floating home float or wall and a moorage
11 lot line when the lot line is adjacent to a public street right-of-way, a waterway, or the fairway.

12 d. No new accessory floating structures are allowed. Accessory floating
13 structures that have been continuously in use since March 1, 1977, may be maintained or
14 replaced or relocated with the associated floating home but not expanded or transferred.

15 e. The design of the floating home does not block the view from the
16 waterward end of a pier, more than any existing view blockage.

17 f. No new living or storage spaces are located below water level. Existing
18 living or storage spaces below water level may be remodeled, replaced, or rebuilt, but may not be
19 expanded.

20 g. Unenclosed Styrofoam or similar material that has the potential to break
21 apart is prohibited in floats.

22 h. Floats shall be maintained and repaired using the minimum amount of
23 structure below OHW necessary to maintain floatation. At the time of replacement of the float
24 and/or floating home, any structure below OHW and outside the primary float structure that
25 provides minimal or no floatation shall be removed.

26 i. Moorage Plan. Any proposal to replace, remodel, rebuild, or relocate a
27 floating home shall be accompanied by an accurate, fully dimensioned floating home site plan,
28 at a scale of not less than 1 inch to 20 feet, unless such plan is already on file with the
Department.

6. Remodeling floating homes outside the Construction Limit Line. Remodeling a
floating home located in whole or in part outside the Construction Limit Line in Lake Union,
including removing and replacing its floats and superstructure, is allowed subject to the
following standards:

a. the floating home was located outside the Construction Limit Line in
Lake Union prior to December 18, 1968,

b. the replacement is performed within 12 months of any removal or
demolition; and

c. the development complies with the standards of SMC Section
23.60.202.D.5

7. Application for permits associated with the replacement structure, including but
not limited to SEPA review and a Shoreline Substantial Development Permit, shall be made at
the same time as application for the demolition permit.

E. Owners and tenants of floating homes shall use best management practices to
minimize impacts on the aquatic environment. The best management practices include the
following:

1. disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;
2. securing all outside furniture, barbeque grills, plant containers and other material to ensure that they do not blow away in the wind.
3. using non-toxic building material that are exposed to the elements to eliminate leaching of toxins into the water.
4. using non-toxic cleaning and other household products in outside areas and on exterior structures.
5. not using herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure.
6. using a double containment system when using liquid products on decks and other areas exposed to the outside so that any spills are contained in the second receptacle rather than entering the water.

F. The Director may establish appropriate best management practices to implement the requirements of sub-section 23.60.202.E by Director's Rule.

G. Registration numbers for floating homes.

1. The owner of each floating home that is allowed under subsection 23.60.202.A is required to obtain from the Director a registration number within six months of the effective date of this ordinance and to pay the fee established by the Director to recover the costs of issuing registration numbers. The Director shall determine whether a floating home meets the standard in subsection 23.60.202.A before issuing a registration number. The owner shall display the registration number on the landward side of the floating home in numbers at least 3 inches high in a location legible from the pier.

2. Failure to obtain or correctly display a registration number is a violation of this chapter that is subject to the enforcement process in Chapter 23.90, and does not forfeit the owner's right to maintain a floating home.

Section 23.60.204 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.170, and a new Section 23.60.204 is added as follows:

23.60.204 Standards for house barges

A. New house barges are prohibited.

B. House barges that are established by a permit issued by the department prior to the effective date of this ordinance are allowed as non-conforming uses pursuant to Section 23.60.122. A qualifying permit must verify that the house barge existed and was used for residential purposes within The City of Seattle as of June 1990. The Director may invalidate the permit, following notice and a hearing, if the Director determines that the house barge was removed from Seattle waters for more than six months after the permit was issued.

C. House barges that were in existence prior to January 2011 per HB 1783 and after June 1990 shall be allowed and must be registered pursuant to subsection 23.60.204.L. A qualifying house barge must verify that the house barge existed and was used for residential purposes within The City of Seattle as of January 2011.

D. House barges are required to be moored at a recreational marina.

E. House barges must meet state water quality standards and the City's stormwater code, and all overboard discharges are required to be sealed and contain a means for conveying all waste water.

1 F. Owners and operators of house barges shall use best management practices to
2 minimize impacts on the aquatic environment. The best management practices include the
3 following:

- 4 1. using non-toxic cleaners and other products used on vessels;
- 5 2. eliminating wastewater and sewage discharge by conveying wastewater to an
6 approved disposal facility using a pump out station or a pump out service.
- 7 3. disposing of garbage, food scraps, waste material and recyclables into the
8 appropriate on-land receptacles; and
- 9 4. securing all outside furniture, barbeque grills, plant containers and other
10 material to ensure that they do not blow away in the wind.
- 11 5. using non-toxic building material that are exposed to the elements to eliminate
12 leaching of toxins into the water.
- 13 6. using non-toxic cleaning and other household products in outside areas and on
14 exterior structures.
- 15 7. not using herbicides, pesticides or fertilizers in outside areas or on the exterior
16 of the structure.
- 17 8. using a double containment system when using liquid products on the vessel so
18 that any spills are contained in the second receptacle rather than entering the water.

19 G. The Director may establish appropriate best management practices to implement the
20 requirements of sub-section 23.60.204.F by Director's Rule.

21 H. The permit for a house barge is transferable between owners of that house barge, but
22 cannot be transferred to a different house barge.

23 I. A house barge may relocate to a different recreational marina within the city;

24 J. If a house barge is removed from Seattle waters for more than six months, the house
25 barge is prohibited from relocating in Seattle waters.

26 K. House barges cannot expand or extend beyond external dimensions above or below
27 the water.

28 L. Registration numbers for house barges.

1. The owner of each house barge that is allowed under subsection 23.60.204.C is
required to obtain from the Director a registration number within six months of the effective date
of this ordinance and to pay the fee established by the Director to recover the costs of issuing
registration numbers. The Director shall determine whether a house barge meets the standard in
subsection 23.60.204.C before issuing a registration number. The owner shall display the
registration number on the landward side of the house barge in numbers at least 3 inches high in
a location legible from the pier.

2. Failure to obtain or correctly display a registration number is a violation of this
chapter that is subject to the enforcement process in Chapter 23.90, and does not forfeit the
owner's right to maintain a house barge.

Section 23.60.198 of the Seattle Municipal Code, last amended by Ordinance 118419, is
recodified as Section 23.60.206, and amended as follows:

**23.60.206 Standards for residences – other than floating homes, house barges, and live-
aboard vessels**

A. Floating homes, house barges, and live-aboard uses of vessels that comply with the
standards of Sections 23.60.202, 23.60.204, and 23.60.214, respectively, are not subject to the
standards of this Section 23.60.206.

1 B. All residential uses other than those described in subsection 23.60.206.A where
2 allowed, or allowed as a special use or a shoreline conditional use, in each shoreline environment
3 shall comply with the standards in the applicable shoreline environment and the following
4 standards:

5 1. Residences shall not be constructed over water unless specifically permitted in
6 the applicable shoreline environment.

7 2. Shoreline residential setback.

8 a. In addition to shoreline setbacks required for specific shoreline
9 environments, a shoreline residential set back is required for residences on waterfront lots.
10 Residences shall not be located waterward of the shoreline residential setback.

11 b. The shoreline residential setback is calculated as follows:

12 1) If there are no other residences within 100 feet, the shoreline
13 residential set-back is 35 feet landward from the OHW mark; or

14 2) If there is at least one residence within 100 feet, the shoreline
15 residential setback is a line parallel to the OHW mark and not further waterward than adjacent
16 residences.

17 3) If a required shoreline residential setback calculated under
18 subsection 23.60.206.B.2.b.2 exceeds 75 feet from the OHW mark, the Director may reduce the
19 shoreline residential setback to no less than 75 feet if it does not adversely impact the shoreline
20 environment and if views of the shoreline from adjacent existing residences are not blocked.

21 c. Fences and freestanding walls accessory to residences and that are not
22 shoreline modifications may be located in the shoreline setback and in the shoreline residential
23 setback if views of the shoreline from adjacent existing residences are not blocked and the
24 structure is no less than five feet landward from the OHW mark. The Director shall determine
25 the permitted height of the fences and freestanding walls.

26 3. Submerged lands may not be used to satisfy landscaped open space
27 requirements of multifamily developments.

28 A new Section 23.60.207 of the Seattle Municipal Code is added as follows:

23.60.207 Standards for public facilities

A. Public facility uses that are not set out in the use tables for the environment in which
the use is proposed are allowed, allowed as a special use, allowed as a shoreline conditional use
or prohibited as follows:

1. Except as provided in subsection 23.60.207.D, uses in public facilities that are
substantially similar to uses allowed, allowed as a special use, allowed as a shoreline conditional
use or prohibited in the shoreline environment where the public facility is sited are allowed,
allowed as a special use, allowed as a conditional use, or prohibited, subject to the same use
regulations, development standards, special use requirements, and conditional use criteria that
govern the similar use. A proposed use in a public facility that is substantially similar to more
than one use shall be regulated pursuant to the most restrictive regulations.

2. Unless specifically prohibited, uses in public facilities that are not substantially
similar to uses specifically regulated in the standards for the shoreline environment where the
public facility is sited may be allowed by the Council, with the concurrence of Ecology,
according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with
public projects considered as Type IV quasi-judicial decisions and City facilities considered as
Type V legislative decisions.

1 B. City Council approval of modifications. The Council, with the concurrence of
2 Ecology, may waive or modify applicable development standards or special use requirements
3 criteria under Chapter 23.60 for uses allowed or allowed as a special use under subsection
4 23.60.207.A according to Chapter 23.76, Subchapter III, Council Land Use Decisions, with
5 public projects considered as Type IV quasi-judicial decisions and City facilities considered as
6 Type V legislative decisions.

7 C. Expansion of Uses in Public Facilities. Uses allowed, allowed as a special use,
8 allowed as a shoreline conditional use, or allowed with modifications pursuant to subsections
9 23.60.207.A or 23.60.207.B may be expanded as follows:

10 1. Major Expansion. A major expansion of a public facility use occurs when the
11 proposed expansion would not meet development standards or exceed either 750 square feet or
12 10% of its existing area, whichever is greater, including but not limited to gross floor area and
13 areas devoted to active outdoor uses other than parking. Major expansions of uses in public
14 facilities allowed in subsections 23.60.207.A and 23.60.207.B are allowed following the
15 standards and procedural requirements in those subsections.

16 2. Minor Expansion. An expansion that falls below the major expansion
17 threshold level is a minor expansion. Minor expansions of uses in public facilities are allowed
18 subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions,
19 for a Type I Master Use Permit if the development standards of the zone in which the public
20 facility is located are met.

21 Section 23.60.208 of the Seattle Municipal Code, enacted by Ordinance 113466, is
22 amended as follows:

23 **23.60.208 Standards for railroads and rail transit**

24 A. In shoreline environments where railroads and rail transit are allowed, or allowed as a
25 special use or a shoreline conditional use, they shall comply with the standards in the applicable
26 shoreline environment, in this Section 23.60.208, and if located on a bridge or in a tunnel, in
27 Section 23.60.196.

28 B. New railroad tracks are allowed in the Shoreline District only if necessary to serve lots
in the Shoreline District and options outside the shoreline District are not available and feasible,
except as allowed in subsection 23.60.208.C.

C. Existing railroad tracks may be expanded and new tracks added within existing rail
corridors.

D. Where possible, new rail transit facilities in the Shoreline District shall use existing
highway or rail corridors.

E. All new railroads and rail transit facilities are required to provide means for the public
to overcome the physical barrier created by the facility and gain access to the shoreline.

F. All new railroad and rail transit facilities routes and appurtenant structures shall be
sited in the locations that have the least possible adverse effect on unique or fragile shoreline
features and do not adversely impact existing or planned water-dependent or water-related uses.

G. The Director may approve or condition applications for intermittent or temporary
railroad or rail transit uses not approved pursuant to subsection 23.80.004.C if the use complies
with the following standards:

1. All impacted areas are revegetated with 100% native vegetation;

2. There is no increase in impervious surface from the condition of the site prior
to the intermittent or temporary use; and

1 3. The rail transit use complies with the standards of subsection 23.42.040.F.

2 A new section 23.60.209 is added to the Seattle Municipal Code as follows:

3 **23.60.209 Standards for restoration and enhancement**

4 A. Restoration and enhancement uses are allowed, allowed as a special use or allowed as
5 a shoreline conditional use as required by each component of the restoration and enhancement
6 project. Components of a restoration plan can include shoreline modifications, such as soft
7 shoreline stabilization, vegetation management and grading and these components are regulated
8 in Part 4 of this Chapter 23.60.

9 B. Actions to restore and enhance ecological functions, whether as part of mitigation
10 sequencing or otherwise, shall use the Restoration Plan as guidance.

11 Section 23.60.210 of the Seattle Municipal Code, last amended by Ordinance 118793, is
12 repealed, as shown in Attachment A, and Section 23.60.180, last amended by Ordinance 117555,
13 is recodified as Section 23.60.210 and amended as follows:

14 **23.60.210 Standards for signs**

15 A. General Standards for All Signs.

16 1. Roof signs are prohibited in the Shoreline District.

17 2. Signs mounted on buildings are limited to wall signs, except as follows:

18 a. projecting signs mounted on the street-front facade of a building facing
19 a street running generally parallel to the shoreline and located at a distance from the corner of the
20 building so as not to obstruct views of the water are allowed; and

21 b. canopy signs located in the UH Environment and outside of required
22 view corridors are allowed.

23 3. Pole signs are allowed on piers or floats that lack buildings for wall-mounted
24 signs and that provide visibility from fairways for water-dependent or water-related uses. Pole
25 signs shall not be located in or obstruct view corridors required by this Chapter 23.60. The
26 Director may modify proposed signs to prevent such view obstruction.

27 4. Ground signs are allowed if not located in required view corridors or in an area
28 that obstructs required view corridors.

1. The size, height and number of signs allowed and the determination whether a
sign may be flashing, illuminated, rotating or portable, is regulated in the underlying zone except
as follows:

a. Any sign that is visible from a fairway is limited to the name and nature
of the use, and each letter is limited to no more than 16 inches in height;

b. Signs on piers are limited to 24 square feet in area; and

c. Freestanding signs on piers shall not exceed 12 feet in height.

B. Types of Signs.

1. Signs allowed in the CN, CP, CR, CM, CW and UR Environments are
identification signs, on-premises directional signs, and interpretive signs.

2. Signs allowed in the UC, UH, UM, and UG Environments are identification
signs, on-premises directional signs, and on-premises signs, including interpretive signs.

3. Signs allowed on waterfront and upland lots in the UI Environment are
identification signs, on-premises directional signs, on-premises signs, including interpretive signs
and off-premises directional signs. Advertising signs are allowed on upland lots in the UI
Environment. All other signs are prohibited.

1 4. Temporary signs as defined in Section 23.55.012 are allowed in all shoreline
2 environments, subject to the restrictions in subsection 23.60.210.A.

3 Section 23.60.206 of the Seattle Municipal Code, enacted by Ordinance 113466, is
4 recodified as a new Section 23.60.212 and amended as follows:

5 **23.60.212 Standards for streets**

6 A. New Streets.

7 1. In shoreline environments where new streets are allowed or allowed as a
8 special use or a shoreline conditional use, they shall comply with the standards in the applicable
9 shoreline environment and in this Section 23.60.212, and if located on a bridge or in a tunnel,
10 shall comply with the standards provided in Section 23.60.196.

11 2. New streets are required to be necessary to serve lots in the Shoreline District,
12 to provide the minimum access necessary to serve bridges or tunnels, or to connect to public
13 access facilities.

14 B. Relocation and expansion of existing streets.

15 1. Permanent relocation and expansion. Existing streets may be relocated and
16 expanded if other options outside the Shoreline District are not reasonable and any expansion or
17 relocation that is closer to the shoreline as measured from the original street location is the only
18 reasonable option and is the minimum necessary to accommodate estimated traffic flow.

19 2. Temporary relocation and expansion. Existing streets may be temporarily
20 relocated and expanded within the Shoreline District:

21 a. For a period of 4 years or less and for an additional 2 years if the road
22 relocation is accommodating 2 projects; and.

23 b. If any expansion or relocation that is closer to the shoreline as measured
24 from the original street location is the only reasonable option and is the minimum necessary to
25 accommodate estimated traffic flow.

26 C. Where allowed, new streets and the expansion or relocation of existing streets shall be
27 located and designed to:

- 28 1. Improve public visual and physical access to the shoreline;
- 29 2. Conform to the topography and other natural features with minimum of cut, fill,
30 and structural elements;
- 31 3. Minimize adverse effects on unique or fragile shoreline features, including
32 minimizing the amount of impervious surface;
- 33 4. Provide means for the public to overcome the physical barrier created by the
34 street and gain access to the shoreline;
- 35 5. Minimize the area of upland lots and maximize the area of waterfront lots; and
- 36 6. Result in no adverse impact to existing water-dependent uses or water-
37 dependent uses that have received City permits.

38 A new Section 23.60.214 of the Seattle Municipal Code is added as follows:

39 **23.60.214 Standards for live-aboard uses on vessels**

40 A. House barges are regulated in Section 23.60.204.

41 B. Live-aboard uses are allowed on vessels other than house barges if the vessel is
42 moored at a marina for the particular type of vessel, and if the marina complies with the
43 standards set out in Section 23.60.200.

A new Section 23.60.215 of the Seattle Municipal Code is added as follows:

23.60.215 Standards for uses on vessels

Activities and uses on a vessel, except as allowed in subsection 23.60.214.A, that are not customary to that type of vessel are prohibited while the vessel is moored. Customary activities or uses occurring while the vessel is moored are subject to the standards of the applicable shoreline environment unless incidental to the customary use of the vessel or the residential use allowed under subsection 23.60.214.A.

A new Section 23.60.216 of the Seattle Municipal Code is added as follows:

23.60.216 Standards for vessel moorage

A. Owners and operators of vessels moored in recreational marinas, commercial marinas and other lawful moorages shall use best management practices to minimize impacts on the aquatic environment. The best management practices include the following:

1. using non-toxic cleaners and other products used on vessels;
2. limiting the amount of gray water produced by using less water;
3. disposing of sewage at pump-out stations or through a pump-out service;
4. disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles; and
5. storing all outside materials in a secure manner so that they do not blow away in the wind.
6. not using herbicides, pesticides or fertilizers in outside.
7. using a double containment system when using products on the vessel so that any spills are contained in the second receptacle rather than entering the water.

B. The Director may establish appropriate best management practices to implement the requirements of this Section 23.60.216 by Director’s Rule.

Section 23.60.192 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as a new Section 23.60.217, and amended as follows:

23.60.217 Standards for utility lines

A. In shoreline environments where utility lines, including intakes and outfalls, are allowed or allowed as a special use or a shoreline conditional use shall comply with the standards in the applicable shoreline environment and in this Section 23.60.217.

B. All new utility lines shall be located or constructed in the following order to the extent feasible or reasonable.

1. Outside the Shoreline District;
2. Within existing utility corridors;
3. In locations that minimize adverse impacts within the Shoreline District outside existing utility corridors including using bridge attachments; and
4. When located under water shall use methods that minimize impacts and assist in future repair and replacement using methods such as boring, using sleeving; and shall be constructed to prevent the “French drain effect” in high-ground water areas.

C. New utility lines in areas where no such lines exist or the substantial expansion of existing utility lines in all environments except the UI Environment shall be located underground or under water, except for lines carrying 115 kilovolts or more and for temporary relocation.

1 D. Overhead installation of utility lines in the UI Environment and lines carrying 115
2 volts or more are allowed if the location and design minimizes visibility of the overhead
3 utilities and preserves views of the water.

4 E. Overhead installation of utility lines are allowed temporarily for a period of one year
5 or less.

6 F. Pipelines, except gravity sewers and storm drains, carrying materials intrinsically
7 harmful or potentially injurious to aquatic life and/or water quality shall have shutoff facilities
8 and use other appropriate best management practices to prevent and contain such materials from
9 entering the water or the ground.

10 G. Underwater pipelines, except gravity sewers and storm drains, carrying materials
11 intrinsically harmful or potentially injurious to aquatic life and/or water quality shall have
12 shutoff facilities at each end of the underwater segments.

13 H. All disturbed areas shall be restored to pre-project configuration or a more habitat
14 friendly configuration subject to approval by the director, and planted with native vegetation
15 upon completion of utility line installation or maintenance projects, pursuant to an approved
16 maintenance plan that ensures that the newly planted vegetation is re-established.

17 Section 23.60.202 of the Seattle Municipal Code, last amended by Ordinance 110381, is
18 recodified as a new Section 23.60.219 and amended as follows:

19 **23.60.219 Standards for yacht, boat and beach clubs**

20 A. Non-water-dependent facilities of yacht, boat and beach clubs, other than moorage
21 facilities, shall be located on dry land except as specifically provided in the applicable shoreline
22 environment.

23 B. Yacht, boat and beach clubs moorage facilities shall comply with Section 23.60.200.

24 **Subchapter IV Shoreline Environments**

25 Section 23.60.220 of the Seattle Municipal Code, last amended by Ordinance 120691, is
26 amended as follows:

27 **23.60.220 Environments established**

28 A. The following shoreline environments and the boundaries of these environments are
established on the Official Land Use Map as authorized in Chapter 23.32. B. Submerged Lands.

1. On Puget Sound, Lake Washington and Green Lake submerged lands shall be
designated as shoreline environments that preserve them for ecological functions and public or
recreational purposes.

2. On Elliot Bay, Lake Union, the Ship Canal, and the Duwamish River,
submerged lands shall be designated as shoreline environments that balance preservation of
ecological functions and a mix of public, recreational, industrial, and commercial purposes. In
these areas; the environmental designation given to submerged lands is generally the same as the
abutting waterfront dry land and extends to the outer Harbor Line, Construction Limit Line, or
other navigational boundary.

3. Where the shoreline environment designation on submerged land is different
than the shoreline environment designation of the adjacent dry land, the environment boundary is
the OHW mark in freshwater environments and mean higher high water in saltwater
environments.

C. For the purpose of this chapter, the Shoreline District is divided into 11 environments .

Table A for 23.60.220: Environment Designation

Conservancy Management	CM
Conservancy Navigation	CN
Conservancy Preservation	CP
Conservancy Recreation	CR
Conservancy Waterway	CW
Urban Commercial	UC
Urban General	UG
Urban Harborfront	UH
Urban Industrial	UI
Urban Maritime	UM
Urban Residential	UR

C. The purpose and locational criteria for each shoreline environment are as follows:

1. Conservancy Management (CM) Environment.

a. Purpose. The purpose of the CM Environment is to provide for water-dependent infrastructure, such as navigational locks, that provide a substantial public benefit, and recreational facilities, such as marinas and parks. Development allowed in the CM Environment can be managed to preserve ecological functions and typically provide public access.

b. Locational Criteria.

1) Dry or submerged land that is generally owned by a public agency and developed with a major infrastructure or a recreational facility, including navigation locks and marinas;

2) Public and private parks; or

3) Areas of medium to high intensity development that are surrounded by areas of less intense development such that they may require active management to protect ecological functions.

2. Conservancy Navigation (CN) Environment.

a. Purpose. The purpose of the CN Environment is to preserve open water for navigation.

b. Locational Criteria.

1) Submerged lands used as a fairway for vessel navigation; or

2) Submerged lands seaward of the Outer Harbor Line, Construction Limit Line or other navigational boundary that are not specifically designated or shown on the Official Land Use Map shall be designated Conservancy Navigation.

3. Conservancy Preservation (CP) Environment.

a. Purpose. The purpose of the CP Environment is to preserve, protect, restore, or enhance shoreline areas that have intact or mostly intact ecological functions and areas that are particularly biologically or geologically fragile. ((Enjoyment of these areas by the public is encouraged to the extent that sensitive or fragile ecological functions are not adversely impacted.

b. Locational Criteria.

1) Dry or submerged lands with significant ecological functions;

2) Shorelines serving fragile biological, geological processes or containing ecological functions that may warrant preservation or restoration and enhancement; or

1 3) Shorelines unable to support development or uses without
adverse ecological impacts or risk to public safety.

2 4. Conservancy Recreation (CR) Environment.

3 a. Purpose. The purpose of the CR Environment is to provide public
access and recreational use of shorelines while protecting ecological functions.

4 b. Locational Criteria.

5 1) Dry or submerged lands generally owned by a public agency
and developed as a park;

6 2) Areas where the biological, geological or other natural resource
shoreline processes and functions can be maintained by limiting development; or

7 3) Submerged lands adjacent to dry lands designated Urban
Residential where the biological, geological or other natural resource shoreline processes and
8 functions can be maintained by limiting development.

9 5. Conservancy Waterway (CW) Environment.

10 a. Purpose. The purpose of the CW Environment is to preserve City
waterways for navigation and commerce, including public access to and from water areas and to
11 protect ecological functions. Since the waterways are public ways for water transport, they are
designated CW to provide navigational access to adjacent properties, access to and from land for
the loading and unloading of watercraft and temporary moorage.

12 b. Locational Criteria. Waterways on Lake Union and Portage Bay.

13 6. Urban Commercial UC Environment.

14 a. Purpose.

15 1) Provide for a mix of water-oriented uses and development.

16 2) Allow limited non-water-oriented uses and development where
it would not displace water-oriented uses and if located on waterfront lots where it achieves
another goal of the Shoreline Management Act, such as public access or protection or
improvement of ecological functions.

17 3) Provide for public access and recreational enjoyment of the
shoreline while protecting ecological functions. b. Locational Criteria.

18 1) Areas zoned Commercial, Neighborhood Commercial or lowrise
multifamily;

19 2) Areas with minimal amounts of dry land between the shoreline
and the first parallel street, with steep slopes, limited truck and rail access or other features
20 making the area unsuitable for water-dependent or water-related industrial uses but that may be
suitable for water-oriented commercial uses; or

21 3) Areas with large amounts of submerged land in relation to dry
land and sufficient wave protection for water-dependent recreation.

22 7. Urban General (UG) Environment.

23 a. Purpose. The purpose of the UG Environment is to provide for
economic use of commercial and industrial areas that are not suited for water-dependent uses
24 due to limited or no water access and to protect existing ecological function.

25 b. Locational Criteria.

26 1) Areas with little or no direct water access, which makes the
development of water-dependent uses impractical or *infeasible*; and

27 2) Areas zoned Commercial or Industrial.

28 8. Urban Harborfront (UH) Environment.

1 a. Purpose. The purpose of the UH Environment is to encourage
2 economically viable water-dependent and water-related uses to meet the needs of waterborne
3 commerce, facilitate the revitalization of the city's central waterfront, provide opportunities for
4 public access and recreational enjoyment of the shoreline, preserve elements of historic and
5 cultural significance and protect ecological functions.

6 b. Locational Criteria. The locational criterion is areas located
7 within Downtown Harborfront 1 or Downtown Harborfront 2 zones.

8 9. Urban Industrial (UI) Environment.

9 a. Purpose. The purpose of the UI Environment is to provide for efficient
10 use of industrial shorelines by major cargo facilities and other water-dependent and water-related
11 industrial uses and to allow for warehouse uses that are not water-dependent or water-related
12 where they currently exist. Public access should be provided on public lands or in conformance
13 with an area-wide Public Access Plan and accommodates ecological restoration and
14 enhancement were reasonable.

15 b. Locational Criteria.

- 16 1) Areas zoned Industrial; or
17 2) Areas adjacent to or part of major industrial centers that provide
18 support services for water-dependent and other industrial uses; or
19 3) Areas where predominant uses are water-dependent or water-
20 related manufacturing, warehousing, major port cargo facilities or other similar uses.

21 10. Urban Maritime (UM) Environment.

22 a. Purpose. The purpose of the UM Environment is to provide for efficient
23 use of industrial and commercial shorelines by water-dependent and water-related uses. Public
24 access should be provided mainly on public lands or in conformance with an area-wide Public
25 Access Plan and accommodates ecological restoration and enhancement were reasonable.

26 b. Locational Criteria.

- 27 1) Areas zoned Industrial or Commercial 2 with sufficient dry
28 land for industrial uses but generally in smaller parcels than in the UI Environment;
2) Areas developed predominantly with water-related
manufacturing or commercial uses or a combination of manufacturing-commercial and
recreational water-dependent uses;
3) Areas with concentrations of state waterways for use by
commerce and navigation; or
4) Areas near, but not necessarily adjacent to, residential or
Neighborhood Commercial zones that require protection from the impacts of heavy
industrialization and are therefore inappropriate for a UI Environment designation.

11. Urban Residential (UR) Environment.

a. Purpose. The purpose of the UR Environment is to provide for single
family residential development and accessory structures, while protecting ecological functions.
Multifamily is allowed in this environment where the underlying zone as the date of this
ordinance allows multifamily.

b. Locational Criteria.

- 1) Areas zoned Single-family;
2) Areas zoned multifamily on the date of this ordinance;

1 3) Areas where it is impractical to site water-dependent uses due to
2 natural conditions such as steep slopes, shallow water, poor wave protection, or limited
3 vehicular or water access: or

4 4) Areas with sufficient dry land lot area to allow for residential
5 development entirely on dry land and without intruding into the shoreline setback.

6 **Subchapter V: The Conservation Management (CM) Environment**

7 A new Section 23.60.222 of the Seattle Municipal Code is added as follows

8 **23.60.222 Applicable standards in the CM Environment**

9 All uses and developments in the Shoreline District, including shoreline modifications,
10 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
11 for the specific environment in which the use or development is located.

12 **Part 1 Uses**

13 Section 23.60.420 of the Seattle Municipal Code, last amended by Ordinance 120927, is
14 repealed, as shown in Attachment A.

15 Section 23.60.422 of the Seattle Municipal Code, enacted by Ordinance 113466, is
16 repealed, as shown in Attachment A.

17 Section 23.60.424 of the Seattle Municipal Code, last amended by Ordinance 122310, is
18 repealed, as shown in Attachment A.

19 Section 23.60.426 of the Seattle Municipal Code, last amended by Ordinance 122310, is
20 repealed, as shown in Attachment A.

21 Section 23.60.428 of the Seattle Municipal Code, last amended by Ordinance 118793, is
22 repealed, as shown in Attachment A.

23 Section 23.60.430 of the Seattle Municipal Code, last amended by Ordinance 122310, is
24 repealed, as shown in Attachment A.

25 Section 23.60.432 of the Seattle Municipal Code, enacted by Ordinance 113466, is
26 repealed, as shown in Attachment A.

27 Section 23.60.434 of the Seattle Municipal Code, enacted by Ordinance 113466, is
28 repealed, as shown in Attachment A.

Section 23.60.436 of the Seattle Municipal Code, enacted by Ordinance 118663, is
repealed, as shown in Attachment A.

A new Section 23.60.224 of the Seattle Municipal Code is added as follow:

23.60.224 Uses in the CM Environment

A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use
or prohibited pursuant to this Section 23.60.224 and Table A for Section 23.60.224. Use
categories and subcategories cover all uses in that category and subcategory except when a
subcategory of that use is specifically shown in the table. If the table indicates that a use is
required to be water-dependent or water-related, a use that does not have the required attribute is
prohibited except as provided in the subsections of this Section 23.60.224.

Table A for Section 23.60.224 Uses in the CM Environment

Table A for Section 23.60.224 Uses in the CM Environment

1	A. AGRICULTURAL	-
2	A.1. Animal husbandry	X
	A.2. Aquaculture	X
3	A.3. Horticulture	X
4	B. CEMETERIES	X
	C. COMMERCIAL USES	-
5	C.1. Animal shelters and kennels	X
	C.2. Eating and drinking establishments	See subsection 23.60.224.B and C
6	C.3. Entertainment uses	See subsection 23.60.224.C
7	C.4. Food processing and craft work uses	X
	C.5. Laboratories, research and development	X
8	C.6. Lodging	X
	C.7. Medical services	X
9	C.8. Offices	See subsection 23.60.224.D
10	C.9. Sales and service uses, automotive	X
	C.10. Sales and services, general	See subsection 23.60.224.B and C
11	C.11. Sales and service uses, heavy	X
12	C.12. Sales and services, marine	-
	C.12.a. Marine service station	SU
13	C.12.b. Sale or rental of large boats	SU
14	C.12.c. Sale or rental of small boats, boat parts, or accessories	SU
15	C.12.d. Vessel repair, major	X
	C.12.e. Vessel repair, minor	SU
16	D. HIGH-IMPACT USES	X
	E. INSTITUTIONAL USES	-
17	E.1. Adult care centers	See subsections 23.60.224.D and E
18	E.2. Child care centers	See subsections 23.60.224.D and E
	E.3. Colleges	See subsections 23.60.224.D and F
19	E.4. Community center or club	-
20	E.4a. Yacht boat and beach clubs	SU
	E.4b. Other community centers or clubs	See subsections 23.60.224.D and E
21	E.5. Family support center	See subsections 23.60.224.D and E
	E.6. Hospitals	See subsection 23.60.224.D and E
22	E.7. Institute for advanced study	See subsections 23.60.224.D and F
23	E.8. Library	See subsections 23.60.224.D and E
	E.9. Major institutions	See subsections 23.60.224.D and E
24	E.10. Museum	See subsections 23.60.224.D and F
25	E.11. Private club	-
	E.11a. Yacht, boat and beach clubs	SU
26	E.11b. Other private clubs	See subsections 23.60.224.D and E
	E.12. Religious facilities	See subsections 23.60.224.D and E
27	E.13. Schools, elementary or secondary	See subsections 23.60.224.D and E
28	E.14. Vocational or fine arts schools	See subsections 23.60.224.D and F

Table A for Section 23.60.224 Uses in the CM Environment

1	E.15. Other institutional uses	X
2	F. LIVE-WORK UNITS	X
3	G. MANUFACTURING USES	X
4	H. PARKS AND OPEN SPACE	-
	H.1 General	See subsection 23.60.224.E
	H.2 Shoreline	A
5	I. PUBLIC FACILITIES	See Section 23.60.207
6	J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
7	K. RESIDENTIAL USES	X
8	L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209
9	M. STORAGE USES	X
10	N. TRANSPORTATION FACILITY USES	-
	N.1. Bridges and tunnels	See subsection 23.60.224.G
	N.2. Cargo terminals	See subsection 23.60.224.H
11	N.3 Moorage	-
	N.3.a. Boat moorage	-
	N.3.a.1. Commercial marina	X
	N.3.a.2. Recreational marina	A
	N.3.b. Dry boat storage	A
14	N.4 Navigational locks	A
15	N.5. Parking	-
	N.5.a Parking, principal use	X
16	N.6. Passenger terminal	See subsection 23.60.224.I
17	N.7. Rail transit facilities	A
	N.8. Transportation facilities, air	-
18	N.9.a. Airports, land-based	X
	N.9.b. Airports, water-based	SU
19	N.9.c. Heliports	X
20	N.9.d. Helistops	X
	N.10. Vehicle storage and maintenance	X
21	N.11. Tugboat services	X
22	N.12. Railroads	X
	N.13. Streets	SU
23	O. UTILITY USES	-
	O.1. Communication utilities, minor	X
24	O.2. Communication utilities, major	X
	O.3. Power plants	X
25	O.4. Recycling	X
26	O.5. Sewage treatment plants	See subsection 23.60.224.J
	O.6. Solid waste management	X
27	O.7. Utility service uses	See subsection 23.60.224.K
28	P. UTILITY LINES	A

KEY

A = Allowed

CU – Shoreline Conditional Use

SU = Special Use

X = Prohibited

B. Eating and drinking establishments and general sales and services are prohibited, except eating and drinking establishments and general retail sales and services, limited to retail sales, are allowed as a shoreline conditional uses if located:

1. in a public park; or

2. on an historic ship if

a. the ship is a designated historic landmark pursuant to Chapter 25.12, Landmark Preservation, or listed on the National Register of Historic Places;

b. the use is compatible with the existing design and/or construction of the ship without significant alteration;

c. other uses allowed or allowed as special uses are not practical, because of ship design or because such uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;

d. a Certificate of Approval has been obtained from the Landmarks Preservation Board; and

e. no other historic ship containing restaurant or retail uses is located within 1/2 mile of the proposed site; or

3. in a recreational marina and the use is an eating and drinking establishment that meets the following criteria:

a. The recreational marina has at least 9,000 linear feet of moorage;

b. The size and location of the eating and drinking establishment will not restrict efficient use of the site for water-dependent recreation or public access; and

c. The location of the eating and drinking establishment is either on dry land or over water if the lot has a depth of less than 50 feet of dry land and a reasonable dry land alternative is not available.

C. Eating and drinking establishments and entertainment uses are prohibited, except these uses are allowed in existing buildings within designated historic districts as a special use if other uses allowed or allowed as special uses are not practical, because of building design or because such uses cannot provide adequate financial support necessary to sustain the building in a reasonably good physical condition.

D. Office uses and institutional uses are prohibited, except these uses are allowed in existing buildings within designated historic districts as a special use if located on the second floor. Child care uses may also be located on the first or second floor of the existing building and other uses allowed or allowed as special uses are not practical, because of building design or because such uses cannot provide adequate financial support necessary to sustain the building in a reasonably good physical condition.

E. Identified institutional uses, except as provided in subsection 23.60.224.D, and parks and open space general uses are prohibited on waterfront lots and are allowed on upland lots.

F. Uses are allowed on upland lots and are allowed on waterfront lots if the uses are water-dependent, water-related or accessory shoreline parks and open space to a college, institute for advanced study or vocational or fine arts school.

1 G. Bridges and tunnels containing Sound Transit rail facilities are allowed bridges and
tunnels containing other rail transit facilities, railroads or streets are allowed as a special use.

2 H. Existing water dependent cargo terminals are allowed and limited to no expansion.
New cargo terminals are prohibited.

3 I. Passenger terminals are prohibited, except they are allowed as a special use if the use is
water-dependent or water-related and significant adverse impacts of terminal operation on any
4 adjacent residential neighborhood can be mitigated.

5 J. Sewage treatment plants.

1. New sewage treatment plants are prohibited.

6 2. Expansion of an existing sewage treatment plant that does not add capacity or a
new treatment level is allowed as a special use.

7 3. Expansion of an existing sewage treatment plant that adds capacity or a new
treatment level is allowed as a Council conditional use if:

8 a. A determination has been made that an alternative design is not *feasible*
9 and that pursuant to Section 23.60.066 no reasonable alternative location exists to expanding the
sewage treatment plant;

10 b. Public access is provided along the entire length of the shoreline that is
part of the sewage treatment facility, except for any portion occupied by barge loading and
11 unloading facilities to serve the sewage treatment plant; and

12 c. All reasonable mitigation measures to protect views and to control
odors, noise, traffic and other adverse impacts on the human and natural environment are
13 provided.

14 K. Utility service uses are allowed if they reasonably require a shoreline location to
operate, except communication utilities, which are prohibited.

15 16 **Part 2 Development Standards**

17 Sections 23.60.450 and 23.60.452 of the Seattle Municipal Code, enacted by Ordinance
18 113466, are repealed, as shown in Attachment A.

19
20 Sections 23.60.454 of the Seattle Municipal Code, enacted by Ordinance 120117, is
21 recodified as a new Section 23.60.228 and amended as follows:

22 **23.60.228 Height in the CM Environment**

23 A. Maximum Height. The maximum height in the CM Environment is 30 feet, except on
Lake Washington where the maximum height for structures over water, including existing
24 single-family residences, is 15 feet, except as modified in subsections 23.60.228.B through E.

25 B. Height Exceptions for Water-dependent and Water-related Uses. Cranes, mobile
conveyors and similar equipment necessary for the function of water-dependent and water
related uses or the servicing of vessels may extend above the maximum height limit.

26 C. Pitched Roofs. The ridge of pitched roofs on principal structures, including projections
27 to accommodate windows, may extend up to 5 feet above the height permitted where allowed in
the underlying zone and special district.
28

D. Rooftop Features. The following apply to rooftop features:

1 1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys and
2 religious symbols for religious institutions, are exempt from height controls of this chapter,
provided:

3 a. The features are no closer to any adjoining lot line than 50 percent of
4 their height above existing grade; or

5 b. If attached to the roof, no closer to any adjoining lot line than 50
percent of their height above the roof portion where attached; and

6 c. The width of the feature does not obstruct the view of the shoreline of a
substantial number of residences within the Shoreline District on areas adjoining such shorelines.

7 2. Open railings, green roofs, skylights, clerestories, solar collectors, parapets,
8 planters, firewalls, stair and elevator penthouses, mechanical equipment, communication utilities
and accessory communication devices may extend 4 feet above the maximum height limit where
allowed in the underlying zone and special district.

9 3. Structures may extend 18 inches above the maximum height limit if the
proposed roof insulation exceeds the current energy code requirements.

10 E. Bridges. Bridges may extend above the maximum height limit.

11 Section 23.60.456 of the Seattle Municipal Code, enacted by Ordinance 113466, is
12 recodified as a new Section 23.60.230, and amended as follows:

13 **23.60.230 Lot coverage in the CM Environment**

14 A. Structures, including floats and piers, shall not occupy more than 35 percent of a
waterfront lot or an upland lot except as provided in subsection 23.60.230.B.

15 B. Lot Coverage Exceptions.

16 On single-family zoned lots, the maximum lot coverage allowed for principal and
accessory structures on dry land is as follows:

17

Table B for Section 23.60.230 Lot coverage in the CM Environment	
Lot Size	Maximum Coverage
Less than 5,000 square feet (sq. ft.)	1,000 sq. ft. + 15% of lot area
5,000 sq. ft. or more	35% of lot area

18
19

20 A new Section 23.60.232 of the Seattle Municipal Code is added as follows:

21 **23.60.232 Shoreline setbacks in the CM Environment**

22 A. A shoreline setback of 50 feet from the OHW mark is required. No development,
use, or shoreline modification is allowed within this shoreline setback except as follows:

23 1. The minimum necessary for:

24 a. shoreline modifications allowed, or allowed as a special use or a
conditional use in the CM environment and for access to such shoreline modifications;

25 b. constructing and providing necessary access to shoreline parks and open
space uses; and

26 c. operation of the over water-components of a water-dependent or water-
related use to the extent reasonably necessary; and

27 2. Greater than fifteen feet landward of the OHW for:
28

1 a. viewpoints accessory to a parks and open space use allowed, allowed as
2 a special use or allowed as a conditional use in this environment or for required public access.

3 B. All development allowed in the shoreline setback shall comply with mitigation
4 sequencing pursuant to Section 23.60.158 to achieve NNL and in applying mitigation
5 sequencing shall:

- 6 1. avoid reducing vegetation height, volume, density or coverage;
- 7 2. avoid adverse impacts to habitat;
- 8 3. minimize disturbance to natural topography;
- 9 4. minimize impervious surface to the maximum extent feasible; and
- 10 5. prevent the need for shoreline stabilization to protect these structures.
- 11 6. prioritize meeting the requirements of Step E through planting native

12 vegetation as close to OHW as possible.

13 C. Vegetation management and restoration and enhancement projects within shoreline
14 setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

15 Section 23.60.458 of the Seattle Municipal Code, enacted by Ordinance 113466, is
16 recodified as Section 23.60.234, and amended as follows:

17 **23.60.234 View corridors in the CM Environment**

18 A view corridor or corridors of not less than 35 percent of the width of the lot shall be
19 provided and maintained on all waterfront lots and on any upland through lot in the CM
20 Environment separated from a waterfront lot designated CM, CR, CP or CN by a street or
21 railroad right-of-way.

22 Section 23.60.460 of the Seattle Municipal Code, enacted by Ordinance 113466, is
23 recodified as Section 23.60.236, and amended as follows:

24 **23.60.236 Regulated public access in the CM Environment**

25 A. Private Property.

26 1. Public access shall be provided and maintained on privately owned waterfront
27 lots for the following developments:

- 28 a. Recreational marinas, except as provided in subsection 23.60.200.E; and
- 29 c. Development and uses that:

- 30 i. are not water-dependent; or
- 31 ii. are water-related but not because the use has a functional
32 requirement for a waterfront location, such as the arrival or shipment materials by water, or the
33 need for large quantities of water.

34 2. The provisions of subsection 23.60.236.B do not apply to uses on privately
35 owned waterfront lots that abut Lake Union with a front lot line of less than 100 feet in length,
36 measured at the upland street frontage generally parallel to the water edge, that abut a street or
37 waterway providing public access.

38 B. Utilities. Regulated public access shall be provided on utility-owned or controlled
39 property within the Shoreline District.

40 **Subchapter VI: The Conservation Navigation (CN) Environment**

41 A new Section 23.60.238 of the Seattle Municipal Code is added as follows:

1 **23.60.238 Applicable standards in the CN Environment**

2 All uses and developments in the Shoreline District, including shoreline modifications,
3 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
4 for the specific shoreline environment in which the use or development is located.

5 **Part 1 Uses**

6 Section 23.60.242 of the Seattle Municipal Code, enacted by Ordinance 113466, is
7 repealed, as shown in Attachment A.

8 Section 23.60.244 of the Seattle Municipal Code, last amended by Ordinance 118793, is
9 repealed, as shown in Attachment A.

10 Section 23.60.240 of the Seattle Municipal Code, enacted by Ordinance 113466, is
11 repealed, as shown in Attachment A, and a new Section 23.60.240 of the Seattle Municipal Code
12 is added as follows:

13 **23.60.240 Uses in the CN Environment**

14 A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use,
15 or prohibited pursuant to this Section 23.60.240 and Table A for Section 23.60.240. Use
16 categories and subcategories cover all uses in that category and subcategory except when a
17 subcategory of that use is specifically shown in the table. If the table indicates that a use is
18 required to be water-dependent or water-related, a use that does not have the required attribute is
19 prohibited except as provided in the subsections of this Section 23.60.240.

20 **Table A for Section 23.60.240 Uses in the CN Environment**

21	A. AGRICULTURAL	X
22	B. CEMETERIES	X
23	C. COMMERCIAL USES	X
24	D. HIGH-IMPACT USES	X
25	E. INSTITUTIONAL USES	X
26	F. LIVE-WORK UNITS	X
27	G. MANUFACTURING USES	X
28	H. PARKS AND OPEN SPACE USES	See subsection 23.60.240 B
	I. PUBLIC FACILITIES	See Section 23.60.207
	J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
	K. RESIDENTIAL USES	X
	L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209
	M. STORAGE USES	X
	N. TRANSPORTATION FACILITY USES	-
	N.1. Bridges and tunnels	See subsection 23.60.240.C
	N.2. Cargo terminals	X
	N.3. Moorage	-
	N.3.a. Boat moorage	X
	N.3.b. Dry boat storage	X
	N.4 Navigational locks	X

Table A for Section 23.60.240 Uses in the CN Environment

N.5. Parking	-
N.5.a. Parking, principal use	X
N.6. Passenger terminal	X
N.7. Rail transit facilities	See subsection 23.60.240.C
N.8 Navigational aids including channel markers and anchor buoys	A
N.9. Transportation facilities, air	-
N.9.a. Airports, land-based	X
N.9.b. Airports, water-based	X
N.9.c. Heliports	X
N.9.d. Helistops	X
N.10. Vehicle storage and maintenance	X
N.11. Tugboat services	X
N.12. Railroads	See subsection 23.60.240.C
N.13. Streets	See subsection 23.60.240.C
O. UTILITY USES	X
P. UTILITY LINES	SU

KEY

A = Allowed

CU = Shoreline Conditional Use

SU – Special Use

X = Prohibited

B. Underwater diving areas are allowed as a special use. Bicycle, pedestrian paths and view points are allowed as a special use if on dry land. All other parks and open space uses are prohibited.

C. Bridges and tunnels containing Sound Transit rail facilities are allowed bridges and tunnels containing other rail transit facilities, railroads or streets are allowed as a special use.

Section 23.60.246 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Part 2 Development Standards

Section 23.60.248 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed, as shown in Attachment A and Section 23.60.270, enacted by Ordinance 113466, is recodified as Section 23.60.248, and amended as follows:

23.60.248 Development standards in the CN Environment

Development, shoreline modifications and uses in the CN Environment shall be located and designed to avoid interference with navigation. Buoys or other markings may be required to warn of navigation hazards.

Subchapter VII: The Conservation Preservation (CP) Environment

A new Section 23.60.257 of the Seattle Municipal Code is added as follows:

23.60.250 Applicable standards in the CP Environment

All uses and developments in the Shoreline District, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards for the specific shoreline environment in which the use or development is located.

Part 1 Uses

Section 23.60.300 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

Section 23.60.302 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

Section 23.60.304 of the Seattle Municipal Code, last amended by Ordinance 118793, is repealed, as shown in Attachment A.

Section 23.60.306 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.308 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed, as shown in Attachment A.

A new Section 23.60.252 of the Seattle Municipal Code is added as follows:

23.60.252 Uses in the CP Environment

A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to this Section 23.60.252 and Table A for Section 23.60.252. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table. If the table indicates that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited except as provided in the subsections of this Section 23.60.252.

Table A for Section 23.60.252 Uses in the CP Environment

A. AGRICULTURAL	X
B. CEMETERIES	X
C. COMMERCIAL USES	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	See subsection 23.60.252.B
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60.252.B
I. PUBLIC FACILITIES	See Section 23.60.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	-
N.1. Bridges and tunnels	See subsection 23.60.252.C

Table A for Section 23.60.252 Uses in the CP Environment

N.2. Cargo terminals	X
N.3. Moorage	X
N.4 Navigational locks	X
N.5. Parking	X
N.6. Passenger terminal	X
N.7. Rail transit facilities	See subsection D
N.8. Transportation facilities, air	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	X
N.11. Railroads	X
N.12. Streets	See subsections 23.60.252.E
O. UTILITY USES	X
P. UTILITY LINES	See subsections 23.60.252.F

KEY

A = Allowed

CU = Shoreline Conditional Use

X = Prohibited

B. Park and Open Space and Institutional uses. Underwater diving areas, vegetated areas used for open space, pervious bicycle and pedestrian paths, and viewpoints are allowed as a special use. Non-motorized-boat landing areas are allowed as a special use if located a minimum of 200-ft from any developed areas where boats can enter or exit the water and designed and located to minimize loss of vegetation. All other park and open space uses are prohibited. Institutional uses that are allowed Park and Open Space uses are allowed; all other institutional uses are prohibited.

C. Sound Transit rail facilities are allowed on existing bridges or if no other feasible option exists. Bridges containing railroads and streets are prohibited. Tunnels are allowed if no permanent adverse impacts to the shoreline environment occurs.

D. Sound transit rail facilities are allowed if located in a tunnel or on an existing bridge structure or if no other feasible option exists. Other rail transit facilities are allowed as a conditional use.

E. Streets are allowed as a shoreline conditional use if needed to access a lot in the Shoreline District and if no reasonable alternative location exists.

F. Utility lines are allowed on dry land as a special use and are allowed in water as a shoreline conditional use if no reasonable alternative location exists.

Part 2 Development Standards

Section 23.60.330 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed as shown in Attachment A.

Section 23.60.334 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.256, and amended as follows:

23.60.256 Height in the CP Environment

The maximum height in the CP Environment (()) is 15 feet.

A new Section 23.60.258 of the Seattle Municipal Code is added as follows:

23.60.258 Shoreline setbacks in the CP Environment

A. A shoreline setback of 50 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:

1. The minimum necessary for:

a. shoreline modifications allowed, or allowed as a special use or a conditional use in the CP environment and for access to them; and

2. Greater than twenty feet landward of the OHW mark.

a. viewpoints accessory to a parks and open space use allowed, or allowed as a special use or as a conditional use in the CP environment or for required public access; and

b. spur trails to access viewpoints.

B. All development allowed in the shoreline setback shall comply with mitigation sequencing in Section 23.60.158. and in applying mitigation sequencing shall:

1. avoid reducing vegetation height, volume, density or coverage;

2. avoid adverse impacts to habitat;

3. minimize disturbance to natural topography;

4. minimize impervious surface to the maximum extent feasible; and

5. prevent the need for shoreline stabilization to protect these structures.

6. prioritize meeting the requirements of Step E through planting native vegetation as close to OHW as possible.

C. Vegetation management and restoration and enhancement projects within shoreline setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

Section 23.60.332 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as a new Section 23.60.260, and amended as follows:

23.60.260 Ecological protection in the CP Environment

Development in the CP Environment shall be located and designed to avoid permanently disturbing ecological functions and to enhance the enjoyment by the public of the shoreline environment.

Subchapter VIII: The Conservation Recreation (CR) Environment

A new Section 23.60.280 of the Seattle Municipal Code is added as follows:

23.60. 280 Applicable standards in the CR Environment

All uses and developments in the Shoreline District, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards for the specific shoreline environment in which the use or development is located.

Part 1 Uses

Section 23.60.360 of the Seattle Municipal Code, last amended by Ordinance 116325, is repealed, as shown in Attachment A.

Section 23.60.362 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

1 Section 23.60.364 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

2 Section 23.60.365 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

3 Section 23.60.368 of the Seattle Municipal Code, enacted by Ordinance 122310, is
repealed, as shown in Attachment A.

4 Section 23.60.370 of the Seattle Municipal Code, enacted by Ordinance 118663, is
repealed, as shown in Attachment A.

6 A new Section 23.60.282 of the Seattle Municipal Code is added as follows:

7 **23.60.282 Uses in the CR Environment**

8 A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use
or prohibited pursuant to this Section 23.60.282 and Table A for Section 23.60.282. Use
9 categories and subcategories cover all uses in that category and subcategory except when a
subcategory of that use is specifically shown in the table. If the table indicates that a use is
10 required to be water-dependent or water-related, a use that does not have the required attribute is
11 prohibited except as provided in the subsections of this Section 23.60.282.

12 **Table A for Section 23.60.282 Uses in the CR Environment**

A. AGRICULTURAL	X
B. CEMETERIES	X
C. COMMERCIAL USES	-
C.1. Animal shelters and kennels	X
C.2. Eating and drinking establishments	See subsection 23.60.282.B
C.3. Entertainment uses	X
C.4. Food processing and craft work uses	X
C.5. Laboratories, research and development	X
C.6. Lodging	X
C.7. Medical services	X
C.8. Offices	X
C.9. Sales and service uses, automotive	X
C.10. Sales and services, general	See subsection 23.60.282.B
C.11. Sales and service uses, heavy	X
C.12. Sales and services, marine	-
C.12.a. Marine service station	X
C.12.b. Sale or rental of large boats,	See subsection 23.60.282.B
C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsection 23.60.282.B
C.12.d. Vessel repair, major	X
C.12.e. Vessel repair, minor	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	-
E.1. Adult care centers	X
E.2. Child care centers	X

Table A for Section 23.60.282 Uses in the CR Environment

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E.3. Colleges	X
E.4. Community center or club	-
E.4a. Yacht boat and beach clubs	See subsection 23.60.282.C
E.4b. Other community centers or clubs	See subsection 23.60.282.B
E.5. Family support center	X
E.6. Hospitals	X
E.7. Institute for advanced study	X
E.8. Library	X
E.9. Major institutions	X
E.10. Museum	X
E.11. Private club	X
E.12. Religious facilities	X
E.13. Schools, elementary or secondary	X
E.14. Vocational or fine arts schools	X
E.15. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60.282.D
I. PUBLIC FACILITIES	See Section 23.60.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
K. RESIDENTIAL USES	-
K.1. Accessory dwelling unit	X
K.2. Adult family homes	X
K.3. Artist studio/dwelling	X
K.4. Assisted living facilities	X
K.5. Congregate residences	X
K.6. Detached accessory dwelling unit	X
K.7. Domestic Violence Shelter	X
K.8. Floating homes and moorage	X
K.9. Mobile park home	X
K.10. Multifamily residences	X
K.11. Nursing homes	X
K.12. Single-family dwelling units	See subsection 23.60.282.E
K.13. Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	-
N.1. Bridges and tunnels	See subsection 23.60.282.F
N.2. Cargo terminals	X
N.3. Moorage	-
N.3.a. Boat moorage	-
N.3.a.1. Commercial marina	X

Table A for Section 23.60.282 Uses in the CR Environment

1	N.3.a.2. Recreational marina	See subsection 23.60.282.G
2	N.3.b. Dry boat storage	SU
3	N.4 Navigational locks	X
4	N.5. Parking	-
5	N.5.a. Parking, principal use	X
6	N.6. Passenger terminal	SU
7	N.7. Rail transit facilities	A
8	N.8. Transportation facilities, air	-
9	N.8.a. Airports, land-based	X
10	N.8.b. Airports, water-based	CU
11	N.8.c. Heliports	X
12	N.8.d. Helistops	X
13	N.9. Vehicle storage and maintenance	X
14	N.10. Tugboat services	SU
15	N.11. Railroads	SU
16	N.12. Streets	See subsection 23.60.282.H
17	O. UTILITY USES	-
18	O.1. Communication utilities, minor	X
19	O.2. Communication utilities, major	X
20	O.3. Power plants	X
21	O.4. Recycling	X
22	O.5. Sewage treatment plants	X
23	O.6. Solid waste management	X
24	O.7. Utility service uses	See subsection 23.60.282.I
25	P. UTILITY LINES	See subsections 23.60.282.H

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

X = Prohibited

B . Eating and drinking establishments, general sales and services, limited to general retail sales, rental of large boats, or sale and rental of small boats, boat parts, or accessories and community centers limited to small craft centers, are allowed as a shoreline conditional use if located in a public park, and are prohibited otherwise.

C. Yacht, boat and beach clubs that are community clubs are allowed as a shoreline conditional use if:

1. No eating and drinking establishment is included in the use;
2. No more than one accessory pier or float is included in the use; and
3. The accessory pier or float meets the standards of Section 23.60.187 for piers and floats accessory to a single-family residential development.

1 D. Parks and Open Space Uses. Auto-trailer boat launch areas are allowed as a
2 conditional use if in a park and otherwise are prohibited. Other shoreline parks and open spaces
3 uses are allowed, and general parks and open space uses are prohibited.

4 E 1. Single family dwelling units constructed partially over water are allowed as a
5 shoreline conditional use if the following conditions are met:

6 a. There is no existing principle use on the lot; and

7 b. The lot on which the dwelling unit is to be located:

8 1) is a residentially zoned and privately owned lot established in
9 the public records of the County or City prior to March 1, 1977, by deed, contract of sale,
10 mortgage, platting, property tax segregation or building permit; and

11 2) has a lot area that is less than 1,200 square feet of dry-land and a
12 dry-land lot depth that is less than 30 feet but at least 15 feet as calculated pursuant to Section
13 23.60.956; and

14 c. The development is limited to the greatest extent reasonable to the level
15 and stable, dry-land portions of the site; and

16 d. The development standards of the underlying zone applicable to the
17 single-family use in a CR Environment may be waived or modified by the Director to minimize
18 the amount of development over submerged lands; and

19 2. Existing single family dwelling units constructed partially over water may be
20 maintained, repaired, structurally altered, substantially improved, or replaced, but may not
21 change location or configuration in a manner that increases adverse environmental impacts and
22 decks located overwater shall be reduced to 150 square feet or less when either the dwelling unit
23 or deck structure is substantially improved or replaced.

24 F. Bridges and tunnels containing Sound Transit rail facilities are allowed bridges and
25 tunnels containing other rail transit facilities, railroads or streets are allowed as a special if no
26 reasonable alternative location exists.

27 G. Recreational marinas are allowed if associated with a yacht, boat and beach club and
28 meet the standards of subsection 23.60.282.C.

H. Streets necessary to serve lots in the Shoreline District and utility lines are allowed as
a special use, if no reasonable alternative location exists.

I. Utility service uses for treating and storing stormwater and/or combined sewage are
allowed as a shoreline conditional use if they reasonably require a shoreline location to operate.
All other utility service uses are prohibited.

Part 2 Development Standards

Section 23.60.390 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

Section 23.60.394 of the Seattle Municipal Code, last amended by Ordinance 120927, is
recodified as Section 23.60.286 and amended follows:

23.60.286 Height in the CR Environment

A. Maximum Height.

1. The maximum height allowed in the CR Environment))is 15 feet except as
modified by subsections 23.60.286.B, C and D.

2. The maximum height allowed as a shoreline conditional use in the CR Environment is 30 feet except as modified by subsections 23.60.286.B, C and D.

B. Pitched Roofs. The ridge of pitched roofs on principal structures, including projections to accommodate windows, may extend up to 5 feet above the height allowed where allowed in the underlying zone or special district.

C. Rooftop Features.

1. Radio and television receiving antennas, flagpoles, smokestacks chimneys and religious symbols for religious institutions may extend 10 feet above the maximum height limit except where the width of such features obstructs the view of the shoreline of a substantial number of residences within the Shoreline District on areas adjoining such shorelines.

2. Open railings, planters, green roofs, skylights, clerestories, monitors, greenhouses, solar collectors, parapets, firewalls, stair and elevator penthouses, mechanical equipment, communication devices, and accessory communication devices may extend 4 feet above the maximum height limit where allowed in the underlying zone or special district.

3. Structures may extend 18 inches above the maximum height limit if the proposed roof insulation exceeds the current energy code requirements.

D. Bridges. Bridges may extend above the maximum height limits.

Section 23.60.396 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.288, and amended as follows:

23.60.288 Lot coverage in the CR Environment

A. Waterfront lots. Structures, including floats and piers, shall not occupy more than 35 percent of a waterfront lot except as modified by subsection 23.60.288.C.

B. Upland Lots. On upland lots, the lot coverage of the underlying zone or special district shall not be exceeded.

C. Lot Coverage Exceptions. On waterfront single-family zoned lots, the maximum lot coverage allowed for principal and accessory structures on dry land is as follows:

Table B for Section 23.60.288 Lot coverage in the CR Environment	
Lot Size	Maximum Coverage
Less than 5,000 square feet (sq. ft.)	1,000 sq. ft. + 15% of lot area
5,000 sq. ft. or more	35% of lot area

A new Section 23.60.290 of the Seattle Municipal Code is added as follows:

23.60.290 Shoreline setbacks in the CR Environment

A. A shoreline setback of 50 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:

1. The minimum necessary for:

a. shoreline modifications allowed, or allowed as a special use or a conditional use in the CR environment for water-dependent and water-related uses and for access to such shoreline modifications; or

b. constructing and providing access to shoreline parks and open space uses except natural athletic fields and concessions;

2. Greater than fifteen feet landward of the OHW mark for pathways and viewpoints accessory to a shoreline parks and open space use allowed, allowed as a special use or allowed as a conditional use in this environment or for required public access: and

1 3. Greater than thirty-five feet landward of the OHW mark for water-dependent
and water-related uses and shoreline parks and open space natural athletic fields and concessions.

2 B. All development allowed in the shoreline setback shall comply with mitigation
sequencing in Section 23.60.158. and in applying mitigation sequencing shall:

- 3 1. avoid reducing vegetation height, volume, density or coverage;
4 2. avoid adverse impacts to habitat;
5 3. minimize disturbance to natural topography;
6 4. minimize impervious surface to the maximum extent feasible; and
7 5. prevent the need for shoreline stabilization to protect these structures.
8 6. prioritize meeting the requirements of Step E through planting native
vegetation as close to OHW as possible.

9 C. In addition to shoreline setback required in subsection 23.60.290.A, residences on
waterfront lots shall not be located further waterward than adjacent residences as measured in
23.60.206.B.2.

10 D. Vegetation management and restoration and enhancement projects within shoreline
setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

11 Section 23.60.398 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.292, and amended as follows:

12 **23.60.292 View corridors in the CR Environment**

13 A view corridor or corridors of not less than 35 percent of the width of the lot are
required to be provided and maintained on all waterfront lots except those developed with single-
14 family dwellings.

15 Section 23.60.400 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.294, and amended as follows:

16 **23.60.294 Regulated public access in the CR Environment**

17 A. Private Property. Public access shall be provided and maintained on privately owned
waterfront lots for the following developments:

18 1. Multifamily residential development containing more than four units with
19 more than 100 feet of shoreline, except if located on saltwater shorelines where public access
from a street is available within 600 feet of the lot line of the proposed development; and

20 2. Development and uses that:

- 21 a. are notresidential and water-dependent; or
22 b. are water-related but not because the use has a functional requirement
for a waterfront location, such as the arrival or shipment materials by water, or the need for large
23 quantities of water.

24 B. Utilities. Regulated public access shall be provided on utility-owned or controlled
property within the Shoreline District.

25 Section 23.60.392 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.296, and amended as follows:

26 **23.60.296 Ecological protection in the CR Environment**

1 Developments in the CR Environment shall be located and designed to avoid disturbing
2 ecological functions and to provide or enhance public access on public land. ((

3 **Subchapter IX: The Conservation Waterway (CW) Environment**

4 A new Section 23.60.300 of the Seattle Municipal Code is added as follows:

5 **23.60.300 Applicable standards in the CW Environment**

6 All uses and developments in the Shoreline District, including shoreline modifications,
7 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
8 for the specific shoreline environment in which the use or development is located.

9 **Part 1 Uses**

10 Section 23.60.482 of the Seattle Municipal Code, last amended by Ordinance 122072, is
11 repealed, as shown in Attachment A.

12 Section 23.60.480 of the Seattle Municipal Code, enacted by Ordinance 113764, is
13 repealed, as shown in Attachment A.

14 Section 23.60.484 of the Seattle Municipal Code, last amended by Ordinance 122310, is
15 repealed, as shown in Attachment A.

16 Section 23.60.486 of the Seattle Municipal Code, last amended by Ordinance 122310, is
17 repealed, as shown in Attachment A.

18 Section 23.60.488 of the Seattle Municipal Code, last amended by Ordinance 122310, is
19 repealed, as shown in Attachment A.

20 Section 23.60.490 of the Seattle Municipal Code, enacted by Ordinance 118663, is
21 repealed, as shown in Attachment A.

22 A new Section 23.60.310 of the Seattle Municipal Code is added as follows:

23 **23.60.310 Uses in the CW Environment**

24 A. 1. All uses are allowed, or allowed as a special use or a shoreline conditional use
25 or prohibited pursuant to Table A for Section 23.60.310 subject to the provisions of subsections
26 23.60.310.B , C and D.

27 2. Use categories and subcategories cover all uses in that category and
28 subcategory except when a subcategory of that use is specifically shown in the table. If the table
indicates that a use is required to be water-dependent or water-related, a use that does not have
the required attribute is prohibited except as provided in the subsections of this Section
23.60.310.

B. In addition to the use standards for the CW Environment, uses shall also meet the use
standards of abutting shoreline environments.

C. On dry land, uses are allowed if accessory to conforming uses on abutting lots.

D. Uses may also need separate approval from the Washington Department of Natural
Resources and/or Seattle Department of Transportation.

Subchapter X: The Conservation Waterway (CW) Environment

Table A for Section 23.60.310 Uses in the CW Environment

A. AGRICULTURAL	X
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Table A for Section 23.60.310 Uses in the CW Environment

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B. CEMETERIES	X
C. COMMERCIAL USES	-
C.1. Animal shelters and kennels	X
C.2. Eating and drinking establishments	See subsection 23.60.310.E
C.3. Entertainment uses	X
C.4. Food processing and craft work uses	X
C.5. Laboratories, research and development	X
C.6. Lodging	X
C.7. Medical services	X
C.8. Offices	X
C.9. Sales and services, automotive	X
C.10. Sales and services, general	See subsection 23.60.310.E
C.11. Sales and services, heavy	X
C.12. Sales and services, marine	-
C.12.a. Marine service station	X
C.12.b. Sale or rental of large boats	See subsection 23.60.310.G
C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsections 23.60.310.E and F
C.12.d. Vessel repair, major	See subsection 23.60.310.H
C.12.e. Vessel repair, minor	SU
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	-
E.1. Adult care centers	X
E.2. Child care centers	X
E.3. Colleges	X
E.4. Community center or club	-
E.4a. Yacht, boat and beach clubs	SU
E.4b. Other community centers or clubs	X
E.5. Family support center	X
E.6. Hospitals	X
E.7. Institute for advanced study	X
E.8. Library	X
E.9. Museum	WD SU
E.10. Private club	X
E.11. Religious facilities	X
E.12. Schools, elementary or secondary	X
E.13. Vocational or fine arts schools	X
E.14. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE	-
H.1 General	X
H.2 Shoreline	SU
I. PUBLIC FACILITIES	See Section 23.60.207

Table A for Section 23.60.310 Uses in the CW Environment

1	J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
2	K. RESIDENTIAL USES	X
3	L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209
4	M. STORAGE USES	X
5	N. TRANSPORTATION FACILITY USES	-
6	N.1. Bridges and tunnels	See subsection 23.60.310.I
7	N.2. Cargo terminals	X
8	N.3. Moorage	-
9	N.3.a. Boat moorage	SU
10	N.3.b. Dry boat storage	X
11	N.4 Navigational locks	X
12	N.5. Parking, principal use	X
13	N.6. Passenger terminal	X
14	N.7. Rail transit facilities	A
15	N.8. Transportation facilities, air	-
16	N.8.a. Airports, land-based	X
17	N.8.b. Airports, water-based	SU
18	N.8.c. Heliports	X
19	N.8.d. Helistops	X
20	N.9. Vehicle storage and maintenance	X
21	N.10. Tugboat services	SU
22	N.11. Railroads	X
23	N.12. Streets	X
24	O. UTILITY USES	X
25	P. UTILITY LINES	SU

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

X = Prohibited

E. Eating and drinking establishments, general sales and service uses and sale and rental of small boats, boat parts and accessories are prohibited except as provide in 23.60.310.F and they are allowed as a shoreline conditional use on an historic ship if:

1. the ship is a designated landmark pursuant to Chapter 25.12, Landmark Preservation, or listed on the National Register of Historic Places;
2. the use is compatible with the existing design and/or construction of the ship without significant alteration;

1 3. other uses allowed or allowed as special uses are not practical, because of ship
2 design or because such uses cannot provide adequate financial support necessary to sustain the
3 ship in a reasonably good physical condition;

4 4. a Certificate of Approval has been obtained from the Landmarks Preservation
5 Board; and

6 5. no other historic ship containing restaurant or retail uses is located within 1/2
7 mile of the proposed site.

8 F. Sale and rental of small boats, boat parts and accessories that are boat liveries are
9 allowed.

10 G. Rental of large boats is allowed as a special use and the sale of large boats is
11 prohibited.

12 H. Major vessel repair is prohibited, except it is allowed as a shoreline conditional use for
13 repair of historic ships designated as a landmark pursuant to Chapter 25.12, Landmark
14 Preservation, or listed on the National Register of Historic Places;

15 I. Bridges and tunnels containing Sound Transit rail facilities are allowed. Bridges
16 containing other rail transit facilities, railroads or streets are prohibited. Bridges for pedestrians
17 that provide public access across the waterway if they connect parts of a public park are allowed
18 as a special use. Tunnels for other rail transit facilities, railroads or streets are allowed as a
19 special use.

20 **Part 2 Development Standards**

21 Section 23.60.510 of the Seattle Municipal Code, enacted by Ordinance 113466, is
22 repealed, as shown in Attachment A.

23 Section 23.60.512 of the Seattle Municipal Code, enacted by Ordinance 113466, is
24 recodified as Section 23.60.326, and amended as follows:

25 **23.60.326 General provisions in the CW Environment**

26 All structures in waterways shall be floating except that pilings and dolphins may be
27 allowed in waterways to secure floating structures if the structures cannot be safely secured with
28 anchors or with pilings or dolphins located outside of the waterway.

Section 23.60.514 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.328, and amended as follows:

23.60.328 Height in the CW Environment

The maximum height in the CW Environment is 15 feet.

Section 23.60.516 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.330, and amended as follows:

23.60.330 Lot coverage in the CW Environment

Structures, including floats and piers, shall not occupy more than 35 percent of the entire
waterway nor more than 40 percent of the width of the waterway.

A new Section 23.60.332 of the Seattle Municipal Code is added as follows:

23.60.332 Shoreline setbacks in the CW Environment

1 A. A shoreline setback of 35 feet from the OHW mark is required. No development,
2 use, or shoreline modification is allowed within this shoreline setback except as follows:

3 1. The minimum necessary for shoreline modifications allowed, or allowed as a
4 special use or a conditional use in the CW environment and for access to them; and

5 2. Greater than fifteen feet landward of the OHW mark for,
6 a. viewpoints accessory to a shoreline parks and open space use allowed,
7 or allowed as a special use or as a conditional use in the CW environment;
8 b. required public access; and
9 c. viewpoints and spur pathways accessory to a shoreline parks and open
10 space use allowed, or allowed as a special use or as a conditional use in the CW environment or
11 for required public access.

12 B. All development allowed in the shoreline setback shall comply with mitigation
13 sequencing in Section 23.60.158. and in applying mitigation sequencing shall:

- 14 1. avoid reducing vegetation height, volume, density or coverage;
- 15 2. avoid adverse impacts to habitat;
- 16 3. minimize disturbance to natural topography;
- 17 4. minimize impervious surface to the maximum extent feasible; and
- 18 5. prevent the need for shoreline stabilization to protect these structures.
- 19 6. prioritize meeting the requirements of Step E through planting native
20 vegetation as close to OHW as possible.

21 C. Vegetation management and restoration and enhancement projects within shoreline
22 setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

23 Section 23.60.518 of the Seattle Municipal Code, enacted by Ordinance 113466, is
24 recodified as Section 23.60.334, and amended as follows:

25 **23.60.334 View corridors in the CW Environment**

26 A view corridor or corridors of not less than 50 percent of the width of the waterway
27 shall be provided and maintained for all developments.

28 Section 23.60.520f of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.336, and amended as follows:

23.60.336 Regulated public access in the CW Environment

A. Public access shall be provided and maintained on all dry land abutting waterways
except where the dry land is being leased for a water-related use where the use has a functional
requirement for a waterfront location, such as the arrival or shipment materials by water, or the
need for large quantities of water.

B. An open water area with a width of not less than 50 feet for the length of the waterway
shall be provided and maintained on all waterways to provide access for public navigation. The
location of the open water area shall be determined by the Director.

Subchapter XI: The Urban Commercial (UC) Environment

A new Section 23.60.380 of the Seattle Municipal Code is added as follows:

23.60.380 Applicable standards in the UC Environment

All uses and developments in the Shoreline District, including shoreline modifications, are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards for the specific shoreline environment in which the use or development is located.

Part 1 Uses

Section 23.60.600 of the Seattle Municipal Code, last amended by Ordinance 122771, is repealed, as shown in Attachment A.

Section 23.60.602 of the Seattle Municipal Code, last amended by Ordinance 113764, is repealed, as shown in Attachment A.

Section 23.60.604 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.606 of the Seattle Municipal Code, last amended by Ordinance 122771, is repealed, as shown in Attachment A.

Section 23.60.608 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.610 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

Section 23.60.612 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed, as shown in Attachment A.

A new Section 23.60.382 of the Seattle Municipal Code is added as follows:

23.60.382 Uses in the UC Environment

A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to this Section 23.60.382 and Table A for Section 23.60.382. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table. If the table indicates that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

B. Uses on upland lots are allowed, allowed as a conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:

1. Transportation uses that are prohibited on waterfront lots
2. Utility uses that are prohibited on waterfront lots;
3. Heavy manufacturing uses; and
4. High Impact uses.

Table A for Section 23.60.382 Uses in the UC Environment	
Uses	Waterfront Lots
A. AGRICULTURAL	-
A.1. Aquaculture	CU
A.2. Other agricultural uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	

Table A for Section 23.60.382 Uses in the UC Environment

Uses	Waterfront Lots
C.1. Commercial uses	WD/WR
C.2. Marine sales and service	A
C.3. Eating and drinking establishments	See subsection 23.60.382.C and E
C.4. Entertainment uses	See subsection 23.60.382.C and E
C.5. Food processing and craft work uses	See subsection 23.60.382.C and E
C.6. Sales and services, general	See subsection 23.60.382.C and E
C.7. Offices	See subsection 23.60.382.C and E
C.8. Other commercial uses	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	-
E.1. Yacht, boat, and beach clubs	A
E.2. Colleges	WD/WR
E.3. Institutes for advance study	WD/WR
E.4. Museums	WD/WR
E.5. Vocational schools	WD/WR
E.6. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	-
G.1. Light manufacturing	WD/WR
G.2. General manufacturing	WD/WR
G.3. Heavy manufacturing	X
H. PARKS AND OPEN SPACE USES	A
I. PUBLIC FACILITIES	See subsection 23.60.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
K. RESIDENTIAL USES	-
K.1. Artist studio/dwelling	See subsections 23.60.382.D and E
K.2. Floating homes and moorage	See subsection 23.60.382.F
K.3. Multifamily residences	See subsections 23.60.382.D and E
K.4. Single-family dwelling units	See subsections 23.60.382.D and E
K.5. Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209
M. STORAGE USES	WD/WR
N. TRANSPORTATION FACILITY USES	-
N.1. Bridges and tunnels	A
N.2. Cargo terminals	X
N.3. Moorage	-
N.3.a. Boat moorage	A
N.3.b. Dry boat storage	A
N.4. Navigational locks	X
N.5. Parking	-
N.5.a. Parking, principal use	X

Table A for Section 23.60.382 Uses in the UC Environment

Uses	Waterfront Lots
N.5.b. Parking, accessory use	A
N.6. Passenger terminal	WD
N.7. Rail Transit Facilities	A
N.8. Transportation Facilities, Air	-
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	A
N.11. Railroads	A
N.12. Streets	A
O. UTILITY USES	-
O.1. Communication utilities, minor	See subsection 23.60.382.G
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	X
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60.382.H
P. UTILITY LINES	A

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise

X = Prohibited

C. Certain Commercial Uses.

1. The following uses are prohibited on waterfront lots except they are allowed if water-dependent or water-related or if the requirements of subsections 23.60.382.C.2, 3, 4, and 5 are met:

- a. Eating and drinking establishments;
- b. Entertainment uses;
- c. Food processing and craft work uses
- d. Sales and services, general; and
- e. Offices.

2. Office uses must be located on dry land and either:

- a. on a lot that does not abut the Lake Union Area; or
- b. above the lowest floor level of a structure on a lot that abuts Lake Union and in a structure that complies with the standards in subsection 23.60.382.D,

3. Non-office uses must be located:

- a. on dry land;
- b. on a lot where the average distance between the OHW mark to the adjacent right-of-way is less than 35 feet; or
- c. on a historic ship and meeting the following conditions:
 - i. The ship is designated as historic by the City of Seattle Landmarks Preservation Board or listed on the National Register of Historical Places;
 - ii. It is impractical to incorporate uses permitted outright because of the ship design and/or the permitted uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;
 - iii. The use is compatible with the existing design and/or construction of the ship without significant alteration;
 - iv. A certificate of approval has been obtained from the City of Seattle Landmarks Preservation Board; and
 - v. No other historic ship containing an eating and drinking establishment or sales and services, general, uses is located within 1/2 mile of the proposed site.

4. Development that includes any of the uses listed in subsection 23.60.382.B.1, development meeting the standards of 23.60.382.B.3.c for historic ships, shall comply with one of the following conditions or a combination of conditions if the Director determines the combination would achieve a similar offset for siting a use that is not water-dependent or water-related on a waterfront lot:

- a. water-related uses where the use has a functional requirement for a waterfront location, such as the arrival or shipment materials by water, or the need for large quantities of water, occupy 50 percent of the dry-land portion of the lot; or
- b. Enhanced public access is provided that:
 - 1) occupies at least 1/3 of the dry-land lot area;
 - 2) includes public access to the water frontage;
 - 3) includes a public walkway with benches and picnic tables along the entire water frontage; and
 - 4) connects public walkways to adjacent sites and any nearby public parks or other public facilities; or
- c. Fourteen habitat units per square foot of gross floor area of a new use are provided within the same Geographic Area as the proposed project; or
- d. Where enhanced public access cannot be provided due to lot size and configuration or incompatibility with water-dependent uses, the Director may approve one or more of the following facilities or amenities as an alternative to 23.60.382.B.4. b. or c if the Director determines they would provide a similar amount of public access:
 - 1) Facilities for the moorage, restoration, or reconstruction of one or more historic vessels;
 - 2) Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization;
 - 3) Terminal facilities for one or more cruise ships, harbor tour boats, or foot passenger ferries;
 - 4) Moorage marked as being exclusively for commercial fishing vessels at rates equivalent to that charged at public moorage facilities of 500 linear feet or greater;

1 vessels; or

2 6) Other facilities or amenities similar to those listed above that
3 provide an opportunity for substantial numbers of people to enjoy the shoreline.

4 5. In measuring the size of a regulated public access site, vegetated areas within
5 35 feet of the OHW mark may be included.

6 D. Artist studio/dwellings, multifamily structures, and single-family dwelling units.

7 1. Existing artist studio/dwellings, multifamily structures, and single-family
8 dwelling units located on dry land are allowed on waterfront lots provided there is no increase in
9 the number of units.

10 2. Existing overwater artist studio/dwellings, multifamily structures, and single-
11 family dwelling units located overwater:

12 a. may be maintained, repaired, structurally altered, substantially
13 improved, or replaced, but may not:

14 1. increase the number of units;

15 2. increase over water coverage;

16 3. change location or configuration in a manner that increases
17 adverse environmental impacts; and

18 b. shall reduce decks located overwater to 150 square feet or less when
19 either the dwelling unit or deck structure is substantially improved or replaced.

20 3. Height of structures overwater containing a residential use can increase to 30-ft
21 if treated wood piles are removed and replaced with non-treated piles or if there is another
22 significant improvement to ecological functions.

23 4. New or expanded artist studio/dwellings, multifamily structures, and single-
24 family dwelling units on dry land on waterfront lots are allowed as a shoreline conditional use if:

25 a. the use is not located near uses that are may be incompatible with
26 residential use because of factors such as noise or air and water pollutants;

27 b. the use is located above lowest floor level of a structure containing
28 nonresidential uses at the lowest floor level, as calculated in subsection 23.60.382.D, except that
single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and
Northwest 60th Street may be located at the lowest floor level;

c. the use is on a lot developed with or on a lot abutting another lot
developed with a residential use on waterfront lots other than a caretaker's quarters; and

d. siting the use on the lot does not render the lot unsuitable for water-
dependent or water-related uses if the lot was otherwise suitable for those uses based on the
following characteristics:

1) Existing piers or other structures suitable for use by a water-
dependent use;

2) Adequate amounts of submerged and dry lands; and

3) Adequate water depth and land slope.

E. Location of Uses.

1. If a use is allowed on waterfront lots only above the lowest floor level of the
structure:

a. No more than 50 percent of the lowest floor level of the structure shall
be occupied by required parking for uses in the building; and

1 b. All uses located on the lowest floor level shall be located and designed,
2 as determined by the Director, to encourage public access to the shoreline.

3 2. Calculation of Lowest Floor Level. The lowest floor level shall be that level of
4 a structure having the closest floor level to the OHW. For a sloping lot, the Director shall
5 determine what constitutes the lowest floor level, taking into consideration the purpose of
6 subsection 23.60.382.F.1.b.

7 F. New floating homes and moorage are prohibited except as allowed under Section
8 23.60.202.A. Uses accessory to floating homes, including storage, are allowed on waterfront lots
9 if located 35 feet or more waterward from the OHW mark.

10 G. Minor communication utilities are allowed, except for freestanding transmission
11 towers, which are prohibited.

12 H. Utility service uses are allowed if they reasonably require a shoreline location to
13 operate.

14 A new Section 23.60.384 of the Seattle Municipal Code is added as follows:

15 **Section 23.60.384 Uses allowed overwater in the UC Environment**

16 A. In addition to the uses allowed overwater in Section 23.60.090, the following water-
17 related uses are allowed overwater on or in existing structures in the UC environment if the lot
18 depth is less than 35-ft, there is no increase in overwater coverage, and either the uses is
19 accessory to a water-dependent use on the structure or complies with subsection 23.60.384.C.

- 20 1. Commercial uses;
- 21 2. Light and general manufacturing;
- 22 3. Storage uses, if accessory to a water-dependent use located on the same
23 development site as the water-dependent use;
- 24 4. Passenger terminals; and
- 25 5. Colleges, vocational schools and institutes for advanced studies;

26 B. The following uses that are not water-dependent or water-related are allowed
27 overwater as a conditional use if subsection 23.60.384.C is met.

- 28 1. Eating and drinking establishments;
- 29 2. General sales and services;
- 30 3. Entertainment uses; and
- 31 4. Custom and craft work.

32 C. Fourteen habitat units of ecological improvement per square foot of gross floor area of
33 a new use are provided. The ecological improvement is required to occur in the same Geographic
34 Area as the proposed project.

35 **Part 2 Development Standards**

36 Section 23.60.630 of the Seattle Municipal Code, enacted by Ordinance 113466, is
37 repealed, as shown in Attachment A.

38 Section 23.60.632 of the Seattle Municipal Code, last amended by Ordinance 120927, is
39 recodified as Section 23.60.386 and amended follows:

40 **23.60.386 Height in the UC Environment**

1 A. Maximum Height. The maximum heights in the UC Environment are as follows, as
modified in subsections 23.60.386.B through E:

2 1. The maximum height is 30 feet in all locations except those listed in
subsections 23.60.386.A.2 through A.4;

3 2. The maximum height on upland lots along Westlake Avenue North is as
follows:

4 a. Fremont Bridge to Newton Street – 40 feet,

5 b. South of Newton Street – 65 feet.

6 3. The maximum height on upland lots along Harbor Avenue Southwest between
California Way Southwest and Southwest Bronson Way is 65 feet.

7 4. The maximum height on upland lots along Seaview Avenue Northwest between
Northwest 61st Street and Northwest 62nd Street is 40 feet.

8 B. Height Exemptions for Water-dependent Uses.

9 Cranes, mobile conveyors, light standards and similar equipment necessary for the
function of water-dependent uses or the servicing of vessels may extend above the maximum
height limit.

10 C. Pitched Roofs. In areas with a maximum height limit of 30 or 40 feet, the ridge of
pitched roofs on principal structures, including projections to accommodate windows, may
extend up to 5 feet above the height permitted where allowed in the underlying zone or special
district.

11 D. Rooftop Features.

12 1. Radio and television receiving antennas, smokestacks, chimneys, flagpoles, and
religious symbols for religious institutions are exempt from height controls of this chapter if
they are a minimum of ten feet from any side or rear lot line except where the width of such
features obstructs the view of the shoreline of a substantial number of residences within the
Shoreline District on areas adjoining such shorelines.

13 2. Open rails, planters, skylights, green roofs, clerestories, greenhouses, parapets,
and firewalls may extend up to 4 feet above the maximum height limit where allowed in the
underlying zone or special district, except where the width of such features obstructs the view of
the shoreline of a substantial number of residences within the Shoreline District on areas
adjoining such shorelines; in which case the Director may authorize a lower height.

14 3. The following rooftop features may extend up to 15 feet above the maximum
height limit, so long as the combined total coverage of all features listed in this subsection does
not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes screened
mechanical equipment and where allowed in the underlying zone or special district, except where
the width of such features obstructs the view of the shoreline of a substantial number of
residences within the Shoreline District on areas adjoining such shorelines; in which case the
Director may authorize a lower height:

15 a. Solar collectors;

16 b. Stair and elevator penthouses;

17 c. Mechanical equipment; and

18 d. Play equipment and open-mesh fencing which encloses it, so long as the
fencing is at least 15 feet from the roof edge.

19 4. Structures may extend 18 inches above the maximum height limit if the
proposed roof insulation exceeds the current energy code requirements.

20 E. Bridges. Bridges may extend above the maximum height limits.

1 Section 23.60.633 of the Seattle Municipal Code, last amended by Ordinance 117571, is
2 repealed as shown in Attachment A.

3 Section 23.60.634 of the Seattle Municipal Code, enacted by Ordinance 113466, is
4 recodified as Section 23.60.388, and amended as follows:

5 **23.60.388 Lot coverage in the UC Environment**

6 A. Waterfront Lots. On waterfront lots, the following requirements apply:

7 1. Structures, including floats and piers, shall not occupy more than 50 percent of
8 the submerged land of any lot.

9 2. Structures shall not occupy more than 50 percent of the dry land of any lot.

10 B. Upland Lots. The lot coverage of the underlying zone shall not be exceeded.

11 C. Lot Coverage Exceptions.

12 1. On waterfront lots with less than 50 feet of dry land between the OHW mark
13 and the street right-of-way, a maximum lot coverage of 65 percent is allowed on the dry-land
14 portion of the lot.

15 2. On single-family zoned lots the maximum lot coverage allowed for principal
16 and accessory structures on dry land is as follows:

17 Table B for Section 23.60.388 Lot coverage in the UC Environment	
18 Lot Size	19 Maximum Coverage
20 Less than 5,000 square feet (sq. ft.)	21 1,000 sq. ft. + 15% of lot area
22 5,000 sq. ft. or more	23 35% of lot area

24 3. On the dry-land portion of the lot where some portion of a proposed structure
25 will be placed below the grade existing prior to construction, those portions of the structure that
26 are less than 18 inches above original grade shall not be included in lot coverage.

27 A new Section 23.60.390 of the Seattle Municipal Code is added as follows:

28 **23.60.390 Shoreline setbacks in the UC Environment**

A. A shoreline setback of 35 feet from the OHW mark is required. No development,
use, or shoreline modification is allowed within this shoreline setback except as follows:

1. The minimum necessary for:

a. shoreline modifications allowed, or allowed as a special use or a
conditional use in the UC environment for water-dependent and water-related uses and for access
to such shoreline modifications;

b. constructing and providing access to shoreline parks and open space
uses allowed, allowed as a special use or allowed as a conditional use in this environment; and

2. Greater than fifteen feet landward of the OHW for:

a. operation of the over water components of water-dependent and water-
related uses;

b. viewpoints and spur pathways accessory to a parks and open space use
allowed, allowed as a special use or allowed as a conditional use in this environment; or

c. required public access.

1 3. Greater than five feet landward of the OHW mark for fences and freestanding
2 walls accessory to residences and that are not shoreline modifications if views of the shoreline
3 from adjacent existing single family dwelling units are not blocked. The Director shall
4 determine the permitted height of the fences and freestanding walls; and

5 B. All development allowed in the shoreline setback shall comply with mitigation
6 sequencing in Section 23.60.158. and in applying mitigation sequencing shall:

- 7 1. avoid reducing vegetation height, volume, density or coverage;
- 8 2. avoid adverse impacts to habitat;
- 9 3. minimize disturbance to natural topography;
- 10 4. minimize impervious surface; and
- 11 5. prevent the need for shoreline stabilization to protect these structures.
- 12 6. prioritize meeting the requirements of Step E through planting native
13 vegetation as close to OHW as possible.

14 C. Vegetation management and restoration and enhancement projects within shoreline
15 setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

16 Section 23.60.638 of the Seattle Municipal Code, last amended by Ordinance 116398, is
17 recodified as Section 23.60.392, and amended as follows:

18 **23.60.392 Regulated public access in the UC Environment**

19 A. Private Property.

20 1. Public access shall be provided and maintained on privately owned waterfront
21 lots for the following developments:

22 a. Residential developments containing more than 4 units with more than
23 100 feet of shoreline, except if located on salt water shorelines where public access from a street
24 is available within 600 feet of the lot line of the proposed development;

25 b. Development and uses that are not water-dependent or that are not
26 water-related where the use has a functional requirement for a waterfront location, such as the
27 arrival or shipment materials by water, or the need for large quantities of water;

28 c. Marinas, except as exempted by Section 23.60.200.E; and;

29 d. Existing yacht, boat and beach clubs that have facilities that are not
30 water-dependent over water;

31 2. Development and uses on private lots that abut Lake Union with a front lot line
32 of less than 100 feet in length, measured at the upland street frontage generally parallel to the
33 water edge, that abut a street or waterway providing public access are not required to provide
34 public access on privately owned lots.

35 3. If a lot contains a mix of uses that require public access and uses that are
36 exempt, public access shall be provided unless the percentage of the lot that is covered by uses
37 that are exempt from public access is more than 75 percent.

38 B. Utilities. Regulated public access shall be provided on utility owned or controlled
39 property within the Shoreline District.

40 Section 23.60.636 of the Seattle Municipal Code, last amended by Ordinance 112310, is
41 recodified as Section 23.60.394, and amended as follows:

42 **23.60.394 View corridors in the UC Environment**

1 A. A view corridor or corridors of not less than 35 percent of the width of the lot shall be
2 provided and maintained on all waterfront lots and on any upland through lot designated UC
3 separated from the water by a street, railroad right-of way, or a waterfront lot designated CM,
4 CR, CP or CN, except as provided in subsection 23.60.394.D.

5 B. View corridors are not required for single-family residential development and floating
6 home moorages.

7 C. A view corridor or corridors of not less 65 percent of the width of the lot shall be
8 provided and maintained on the waterfront lots fronting on Seaview Avenue Northwest between
9 the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th
10 Street.

11 D. The required view corridor width shall be reduced to 25percent of the width of the lot
12 if water-related uses where the use has a functional requirement for a waterfront location, such as
13 the arrival or shipment materials by water, or the need for large quantities of water, occupy more
14 than 40 percent of the dry land area of the lot.

15 **Subchapter XII: The Urban General (UG) Environment**

16 A new Section 23.60.400 of the Seattle Municipal Code is added as follows:

17 **23.60.400 Applicable standards in the UG Environment**

18 All uses and developments in the Shoreline District, including shoreline modifications,
19 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
20 for the specific shoreline environment in which the use or development is located.

21 **Part 1 Uses**

22 Section 23.60.780 of the Seattle Municipal Code, last amended by Ordinance 122310, is
23 repealed, as shown in Attachment A.

24 Section 23.60.782 of the Seattle Municipal Code, enacted by Ordinance 113466, is
25 repealed, as shown in Attachment A.

26 Section 23.60.784 of the Seattle Municipal Code, last amended by Ordinance 118793, is
27 repealed, as shown in Attachment A.

28 Section 23.60.786 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.788 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.790 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

Section 23.60.795 of the Seattle Municipal Code, enacted by Ordinance 118663, is
repealed, as shown in Attachment A.

A new Section 23.60.402 of the Seattle Municipal Code is added as follows:

23.60.402 Uses in the UG Environment

A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use
or prohibited pursuant to this Section 23.60.402 and Table A for Section 23.60.402. Use
categories and subcategories cover all uses in that category and subcategory except when a
subcategory of that use is specifically shown in the table. If the table indicates that a use is

required to be water-dependent or water-related, a use that does not have the required attribute is prohibited except as provided in the subsections of this Section 23.60.402.

B. Uses on upland lots are governed by the underlying zones except for the following uses, which are prohibited on upland lots:

1. Transportation uses that are prohibited on waterfront lots
2. Utility uses that are prohibited on waterfront lots;
3. Residential uses that are prohibited on waterfront lots;
4. Lodging;
5. Live-Work Units; and
6. High Impact uses that are not water-dependent or water-related.

Table A for Section 23.60.402 Uses in the UG Environment

Uses	Waterfront Lots
A. AGRICULTURAL	-
A.1. Animal husbandry	X
A.2. Aquaculture	CU
A.3. Horticulture	A
B. CEMETERIES	X
C. COMMERCIAL USES	-
C.1. Animal shelters and kennels	A
C.2. Eating and drinking establishments	A
C.3. Entertainment uses	A
C.4. Food processing and craft work uses	A
C.5. Laboratories, research and development	A
C.6. Lodging	X
C.7. Medical services	A
C.8. Offices	A
C.9. Sales and services, automotive	X
C.10. Sales and services, general	A
C.11. Sales and services, heavy	A
C.12. Sales and services, marine	A
D. HIGH-IMPACT USES	See subsection 23.60.402.C
E. INSTITUTIONAL USES	A
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	A
H. PARKS AND OPEN SPACE USES	A
I. PUBLIC FACILITIES	See Section 23.60.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
K. RESIDENTIAL USES	-
K.1. Accessory dwelling unit	X
K.2. Adult family homes	X
K.3. Artist studio/dwelling	See subsection 23.60.402.D

Table A for Section 23.60.402 Uses in the UG Environment

Uses	Waterfront Lots
K.4. Assisted living facilities	X
K.5. Congregate residences	X
K.6. Detached accessory dwelling unit	X
K.7. Domestic Violence Shelter	X
K.8. Floating homes and moorage	X
K.9. Mobile park home	X
K.10. Multifamily residences	X
K.11. Nursing homes	X
K.12. Single-family dwelling units	See subsection 23.60.402.D
K.13. Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209
M. STORAGE USES	A
N. TRANSPORTATION FACILITY USES	-
N.1. Bridges and tunnels	A
N.2. Cargo terminals	WD/WR
N.3. Moorage	-
N.3.a. Boat moorage	CU
N.3.b. Dry boat storage	A
N.4. Navigational locks	X
N.5. Parking, principal use	X
N.6. Passenger terminal	WD/WR
N.7. Rail transit facilities	A
N.8. Transportation facilities, air	-
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	A
N.11. Railroads	A
N.12. Streets	A
O. UTILITY USES	-
O.1. Communication utilities, minor	See subsection 23.60.402.E
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	WD/WR
O.5. Sewage treatment plants	X
O.6. Solid waste management	WD/WR
O.7. Utility service uses	See subsection 23.60.402.F
P. UTILITY LINES	A

KEY

1 A = Allowed

2 CU = Shoreline Conditional Use

3 SU = Special Use

4 WD = Allowed for water-dependent uses; prohibited otherwise

5 WR = Allowed for water-related uses; prohibited otherwise

6 X = Prohibited

7 C. High impact uses are allowed as a special use if they are water-dependent or water-related.

8 D. Existing single family dwelling units and artist studio/dwellings are allowed.

9 E. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

10 F. Utility service uses are allowed if they reasonably require a shoreline location to operate.

11 **Part 2 Development Standards**

12 Section 23.60.810 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed as shown in Exhibit X.

13 Section 23.60.812 of the Seattle Municipal Code, enacted by Ordinance 120927, is recodified as Section 23.60.406, and amended as follows:

14 **23.60.406 Height in the UG Environment**

15 A. Maximum Height. The maximum height in the UG Environment is 35 feet, except as modified in subsections 23.60.406.B through D.

16 B. Height Exceptions for Water-Dependent Uses. The following height exceptions apply to water-dependent uses in the UG Environment:

17 1. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

18 2. Structures accessory to a water-dependent or water-related use, including but not limited to accessory office, accessory warehouse, and accessory manufacturing facilities may be authorized up to 55 feet by the Director if:

19 a. The accessory structure requires additional height because of its intended use;

20 b. Granting additional height for the accessory structure would result in a significant amount of additional usable area for the principal water-dependent use, water-related use and/or additional area for ecological restoration and enhancement;

21 c. Not more than 20 percent of the lot area is covered by portions of the structure that exceed the maximum height established in Section 23.60.406;

22 d. The remaining 80 percent of the lot is preserved through a covenant for water-dependent and water-related uses if uses that are not water-dependent or water-related occupy the structure; and

23 e. The views of a substantial number of upland residences would not be substantially blocked by the increased height.

24 C. Rooftop Features.

1 1. Radio and television receiving antennas, smokestacks, chimneys, flagpoles and
2 religious symbols for religious institutions are exempt from height controls of this chapter ,
()provided:

3 a. The features are no closer to any adjoining lot line than 50 percent of
4 their height above existing grade; or

5 b. If attached to the roof, the feature is no closer to any adjoining lot line
6 than 50 percent of their height above the roof portion where attached.

7 c. The width of the feature does not obstruct the view of the shoreline of a
8 substantial number of residences on areas adjoining such shorelines.

9 2. Open railings, skylights, clerestories, solar collectors, parapets, planters, green
10 roofs, greenhouses, firewalls, communication utilities and accessory communication may extend
11 4 feet above the maximum height limit.

12 3. The following rooftop features may extend 10 feet above the maximum height
13 so long as the combined total coverage of all features does not exceed (())15 percent of the roof
14 area or 20 percent of the roof area if the total includes screened mechanical equipment and where
15 allowed in the underlying zone or special district, except where the width of such features
16 obstructs the view of the shoreline of a substantial number of residences within the Shoreline
17 District on areas adjoining such shorelines; in which case the Director may authorize a lower
18 height:

19 a. Stair and elevator penthouses; and

20 b. Mechanical equipment.

21 4. Structures may extend 18 inches above the maximum height limit if the
22 proposed roof insulation exceeds the current energy code requirements.

23 D. Bridges. Bridges may exceed the maximum height limit.

24 Section 23.60.814 of the Seattle Municipal Code, enacted by Ordinance 113466, is
25 recodified as Section 23.60.408, and amended as follows:

26 **23.60.408 Lot coverage in the UG Environment**

27 The lot coverage of the underlying zone shall not be exceeded.

28 A new Section 23.60.410 of the Seattle Municipal Code is added as follows:

23.60.410 Shoreline setbacks in the UG Environment

A. A shoreline setback of 35 feet from the OHW mark is required. No development,
use, or shoreline modification is allowed within this shoreline setback except as follows:

1. The minimum necessary for:

a. shoreline modifications allowed, or allowed as a special use or a
conditional use in the UG environment for water-dependent and water-related uses and for
access to such shoreline modifications;

b. constructing and providing access to shoreline parks and open space
uses allowed, allowed as a special use or allowed as a conditional use in this environment; and

c. operation of the over water-components of a water-dependent or water-
related use; and

2. Greater than fifteen feet landward of the OHW for:

a. operation of the over water components of water-dependent and water-
related uses;

1 b. viewpoints and spur pathways accessory to a parks and open space use
allowed, allowed as a special use or allowed as a conditional use in this environment; or
2 c. required public access.

3 B. All development allowed in the shoreline setback shall comply with mitigation
sequencing in Section 23.60.158. and in applying mitigation sequencing shall:

- 4 1. avoid reducing vegetation height, volume, density or coverage;
- 5 2. avoid adverse impacts to habitat;
- 6 3. minimize disturbance to natural topography;
- 7 4. minimize impervious surface; and
- 8 5. prevent the need for shoreline stabilization to protect these structures.
- 9 6. prioritize meeting the requirements of Step E through planting native

10 vegetation as close to OHW as possible.

11 C. In addition to shoreline setback required in subsection 23.60.410.A, residences on
waterfront lots shall not be located further waterward than adjacent residences as measured in
12 23.60.206.B.2.

13 D. Vegetation management and restoration and enhancement projects within shoreline
setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

14 Section 23.60.816 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.412, and amended as follows:

15 **23.60.412 View corridors in the UG Environment**

16 A view corridor or corridors of not less than 35 percent of the width of the lot shall be
provided and maintained on all waterfront lots and on all upland shown on Map 23.60.412.A.

17 Section 23.60.818 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.414, and amended as follows:

18 **23.60.414 Regulated public access in the UG Environment**

19 A. Private Property. Public access shall be provided and maintained on privately owned
waterfront lots for the following developments:

- 20 1. Marinas, except as exempted in Section 23.60.200.E; and
- 21 2. Development that is not water-dependent or that is not water-related where the

22 use has a functional requirement for a waterfront location, such as the arrival or shipment
materials by water, or the need for large quantities of water, except those located on private lots
in the Lake Union area with a front lot line of less than 100 feet in length, measured at the upland
street frontage generally parallel to the water edge, that abut a street and/or waterway providing
public access.

23 B. Utilities. Regulated public access shall be provided to utility-owned or controlled
property within the Shoreline District.

24 **Subchapter XIII: The Urban Harborfront (UH) Environment**

25 A new Section 23.60.440 of the Seattle Municipal Code is added as follows:

26 **23.60.440 Applicable standards in the UH Environment**

27 All uses and developments in the Shoreline District, including shoreline modifications,
are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
for the specific shoreline environment in which the use or development is located.

Part 1 Uses

Section 23.60.660 of the Seattle Municipal Code, last amended by Ordinance 122771, is repealed, as shown in Attachment A.

Section 23.60.662 of the Seattle Municipal Code, last amended by Ordinance 120927, is repealed, as shown in Attachment A.

Section 23.60.664 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.668 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.670 of the Seattle Municipal Code, enacted by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.672 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

A new Section 23.60.442 of the Seattle Municipal Code is added as follows:

23.60.442 Uses in the UH Environment

A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to this Section 23.60.442 and Table A for Section 23.60.442. Use categories and subcategories include all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table. If the table indicates that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited except as provided in the subsections of this Section 23.60.442.

Table A for Section 23.60.442 Uses in the UH Environment		
Uses	Waterfront Lots	Upland Lots
A. AGRICULTURAL	-	-
A.1. Aquaculture	CU	CU
A.2. Other agricultural uses	X	X
B. CEMETERIES	X	X
C. COMMERCIAL USES	-	-
C.1. Animal shelters and kennels	X	A
C.2. Eating and drinking establishments	See subsection 23.60.442.B, C and D	A
C.3. Entertainment uses	See subsection 23.60.442.B and D	A
C.4. Food processing	See subsection 23.60.442.B	A
C.4.a Food processing uses	A	
C.4.b Craft work uses	See subsection 23.60.442.B and D	
C.5. Laboratories, research and development	WD	A
C.6. Lodging	See subsection 23.60.442.E	A
C.7. Medical services	X	A

Table A for Section 23.60.442 Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
C.8. Offices	See subsection 23.60.442.G	A
C.9. Sales and service uses, automotive	X	X
C.10. Sales and services, general	See subsection 23.60.442.B, C and D	
C.11. Sales and service uses, heavy	-	-
C.11.b. Commercial services, heavy	X	A
C.11.c. Retail sales, major durables	X	A
C.11.d. Retail sales and services, non- household	X	A
C.11.e. Wholesale showroom	CU	A
C.12. Sales and services, marine	-	-
C.12.a Marine service station	X	X
C.12.b. Sale or rental of large boats	CU	CU
C.12.c. Sale or rental of small boats, boat parts, or accessories	A, and see subsection C	A
C.12.d. Vessel repair, major	X	X
C.12.e. Vessel repair, minor	See subsection 23.60.442.F	X
D. HIGH-IMPACT USES	X	X
E. INSTITUTIONAL USES	-	-
E.1. Adult care centers	X	A
E.2. Child care centers	See subsection 23.60.442.G	A
E.3. Colleges	See subsection 23.60.442.H	A
E.4. Community center or club		
E.4.a Yacht, boat and beach clubs	A	A
E.4.b Other community centers or clubs	A	A
E.5. Family support center	X	A
E.6. Hospitals	X	A
E.7. Institute for advanced study	See subsection 23.60.442.H	A
E.8. Library	X	A
E.9. Major institutions	See subsection 23.60.442.H	A
E.10. Museum	See subsections 23.60.442.B, D and H	A
E.11. Private club	X	A
E.12. Religious facilities	X	A
E.13. Schools, elementary or secondary	X	A

Table A for Section 23.60.442 Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
E.14. Vocational or fine arts schools	See subsection 23.60.442.H	A
E.15. Other institutional uses	X	X
F. LIVE-WORK UNITS	X	A
G. MANUFACTURING USES	-	-
G.1. Light manufacturing	See subsection 23.60.442.I	See subsection 23.60.442.I
G.2. General manufacturing	X	X
G.3. Heavy manufacturing	X	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60.442.D and J	A
I. PUBLIC FACILITIES	See subsection 23.60.442.K	A
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195	See Section 23.60.195
K. RESIDENTIAL USES	X	A
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209	See Section 23.60.209
M. STORAGE USES	-	-
M.1. Mini-warehouses	X	X
M.2. Storage, outdoor	See subsection 23.60.442.L	See subsection 23.60.442.L
M.3. Warehouses	See subsection 23.60.442.L	See subsection 23.60.442.L
N. TRANSPORTATION FACILITY USES	-	-
N.1. Bridges and tunnels	A	A
N.2. Cargo terminals	See subsection 23.60.442.M	See subsection 23.60.442.M
N.3. Parking	-	-
N.3.a. Boat moorage	A	A
N.3.b. Dry boat storage	See subsection 23.60.442.N	See subsection 23.60.442.N
N.4 Navigational locks	X	X
N.5. Parking	-	-
N.5.a Parking, principal use	X	See subsection 23.60.442.O
N.5.b. Parking, accessory	See subsection 23.60.442.P	A
N.6 Passenger terminal	See subsection 23.60.442.Q	WR
N.7. Rail transit facilities	A	A
N.8. Transportation facilities, air	X	X
N.9. Vehicle storage and maintenance	X	X

Table A for Section 23.60.442 Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
N.10. Tugboat services	A	A
N.11. Railroads	A	A
N.12. Streets	A	A
O. UTILITY USES	-	-
O.1. Communication utilities, minor	See subsection 23.60.442.R	See subsection 23.60.442.R
O.2. Communication utilities, major	X	X
O.3. Power plants	X	X
O.4. Recycling	X	X
O.5. Sewage treatment plants	X	X
O.6. Solid waste management	X	X
O.7. Utility service uses	See subsection 23.60.442.S	See subsection 23.60.442.S
P. UTILITY LINES	SU	A

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WR= Allowed for water-related-uses; prohibited otherwise

X = Prohibited

B. 1. The following uses are allowed on the dry land portion of waterfront lots: Eating and drinking establishments, entertainment uses (except adult motion picture theaters and panorams), parks and open space uses, custom and craft work, museums and sales and services, general.

2. The uses in 23.60.442.B.1 are prohibited overwater; except on existing and replaced structures as a shoreline conditional use if:

a. the lot depth is less than 35 feet measured from OHW mark to the landward lot line;

b. an unenclosed water enjoyment use is provided in the area between the building and 15 feet from the seaward end of the pier;

c. all waste and recycling containers are located minimum of 10 feet from the edge of any side of the pier and is located in an enclosed area; and

d. the requirements of subsection 23.60.382.C.4.c are met:

3. Adult motion picture theaters and panorams are prohibited.

C. Commercial Uses on Historic Ships.

1. The following uses are allowed as a shoreline conditional use on an historic ship on waterfront lots if meeting the criteria in subsection 23.60.442.C.2 are met:

a. Eating and drinking establishments;

b. Sales and services, general, and

c. Sale and rental of small boats, boat parts and accessories.

1 2. Development that includes uses listed in subsection 23.60.442.C.1 must comply
2 with the following conditions in addition to the conditions for shoreline conditional uses
3 provided in Section 23.60.034:

4 a. The ship is designated as historic by the City of Seattle Landmarks
5 Preservation Board or listed on the National Register of Historical Places;

6 b. It is impractical to incorporate uses permitted outright because of the
7 ship design and/or the permitted uses cannot provide adequate financial support necessary to
8 sustain the ship in a reasonably good physical condition;

9 c. The use is compatible with the existing design and/or construction of
10 the ship without significant alteration;

11 d. A certificate of approval has been obtained from the City of Seattle
12 Landmarks Preservation Board; and

13 e. No other historic ship containing an eating and drinking establishment
14 or sales and services, general, uses is located within 1/2 mile of the proposed site.

15 D. The following uses are permitted overwater if accessory to the public passenger
16 terminal at Colman Dock, provided that the amount of over water coverage is not increased:

17 1. eating and drinking establishments;

18 2. entertainment uses, except adult motion picture theaters and panorams;

19 3. parks and open space uses,

20 4. custom and craft work;

21 5. museums; and

22 6. sales and services, general

23 E. Existing lodging uses are allowed. Expansion of public access if no new overwater
24 coverage is created is allowed. All other expansion and new lodging is prohibited.

25 F. Minor vessel repair is allowed if repair work is limited to non-motorized vessels, there
26 is no painting involved with the repair work and no boatsheds are a part of the development and
27 is otherwise prohibited.

28 G. Offices and child care facilities on waterfront lots are allowed and are allowed on
submerged land if they are located on a lot with a wharf and any offices are at least one storey
above wharf level.

H. Colleges, institutes for advanced studies, museums, major institutions, and vocational
or fine art schools on waterfront lots are allowed if they are water-dependent or water-related and
are allowed as a shoreline conditional use if they are not water-dependent or water-related.

I. Light manufacturing is allowed if it is water-dependent or water-related and is allowed
as a shoreline conditional use if it is not water-dependent or water-related and meets the
following conditions:

1. The use is part of a mixed-use development if the light manufacturing uses
occupy no more than 25 percent of the developed portion of the lot,

2. The use contributes to the maritime or tourist character of the area, and

3. The use on the lot does not block the access to the water or interfere with the
use of the site by water-dependent or water-related uses on site.

J. Parks and Open space uses are allowed on submerged lands on existing structure or on
new structures pursuant to 9b of Table A for Section 23.60.172

K. Public facilities that are water-dependent or water-related or part of an approved, for
the Harborfront adopted by City Council.

1 L. Outdoor storage is allowed as a temporary use if staging for construction, and outdoor
2 storage and warehouses are allowed as a shoreline conditional use if they are water-dependent or
water-related and are prohibited if not water-dependent or water-related or staging.

3 M. Cargo terminals are allowed as a shoreline conditional uses if they are breakbulk
facilities and are prohibited otherwise.

4 N. Dry boat storage is allowed for non-motorized boats and is otherwise prohibited

5 O. Principal use parking is allowed if located on dry land, in a structure and the street
front is occupied by a use other than parking. All other principal parking is prohibited.

6 P. Accessory parking is allowed if on dry land and accessory to a permitted use on the
same lot where the parking is proposed.

7 Q. Water-dependent and water-related passenger terminals are allowed and queuing
accessory to a passenger terminals are allowed as follows:

8 1. Queuing area is permitted as a use that is accessory to a water dependent
9 passenger terminal or a water dependent cargo terminal located on the same lot. The Director, in
10 consultation with the Director of the Department of Transportation, shall determine, as a Type I
decision, the amount of queuing area to be permitted on a lot based on the capacity and operation
of vessels serving the water dependent transportation facility.

11 R. Minor communication utilities are allowed, except for freestanding transmission
towers, which are prohibited.

12 2. Queuing area is prohibited off-site over-water or on a waterfront lot that is
located west of the Alaskan Way South right-of-way, as platted at the date of this ordinance.

13 S. Utility service uses are allowed as a special use on water front lots and are allowed on
14 upland lots, if they reasonably require a shoreline location to operate.

15 Section 23.60.666 of the Seattle Municipal Code, last amended by Ordinance 118663, is
deleted.

16 **Part 2 Development Standards**

17 Section 23.60.690 of the Seattle Municipal Code, enacted by Ordinance 113466, is
18 repealed as shown in Attachment A.

19 Section 23.60.692 of the Seattle Municipal Code, last amended by Ordinance 120927, is
20 recodified as Section 23.60.446 and amended as follows:

21 **23.60.446 Height in the UH Environment**

22 A. Maximum Height. The maximum heights in the UH Environment are as follows, as
modified in subsections 23.60.446.B through D:

23 1. The maximum height is 50 feet in all locations except those listed in
subsections 23.60.446.A.2 and A.3;

24 2. The maximum height on waterfront lots in the Central Waterfront Landmark
Designated Area is 50 feet as measured from Alaskan Way;

25 3. The maximum height on upland lots is as determined by the underlying zone or
special district.

26 B. Height Exceptions for Water-dependent Uses. Cranes, gantries, mobile conveyors,
27 light standards, and similar equipment necessary for the functions of water-dependent uses or the
servicing of vessels may extend above the applicable maximum height limit, provided such
28 structures shall be designed to minimize view obstruction.

1 C. Height Exception for Public Open Space Structures. To allow a public rooftop open
2 space and viewing area on a structure located on dry land, the Director may, as a Type I decision
3 allow an increase above the otherwise applicable 45 foot height limit, up to a maximum of 65
4 feet, provided that no height above 45 feet is allowed within 100 feet of OHW. The additional
5 height shall allow for structures accessory to the open space and abutting development, either
6 above or below the rooftop open space, such as retail pavilions, shelters, parking, exhibition
7 space, and other permitted uses that complement the open space. The Director's decision to
8 allow the increase in height shall, in part, be based on the review of the proposal as a public
9 project by the Seattle Design Commission, and a subsequent determination that the proposed
10 departures will accomplish the following design objectives:

- 11 1. Provides better integration of upland areas and the waterfront, with improved
12 public access for the general public between the two areas;
- 13 2. Creates a unique viewing environment for observing harborfront activity,
14 Elliott Bay, the city, and surrounding natural features;
- 15 3. Provides open space at varied elevations to relate to existing topographic
16 conditions and minimize the appearance of bulk;
- 17 4. Encourages additional uses and features that will attract the public, enliven
18 public areas, and add to the comfort and safety of public spaces; and
- 19 5. Promotes more environmentally sustainable design.

20 D. Rooftop Features.

21 1. Radio and television receiving antennas, smokestacks, chimneys, flagpoles,
22 religious symbols for religious institutions and architectural elements that are not occupied by a
23 use, such as clock towers and spires, and that are accessory to public water dependent passenger
24 terminals may extend up to 50 feet above the maximum height limit, provided:

- 25 a. The feature is a minimum of 10 feet from all lot lines and allowed in
26 the underlying zone or special district; and
- 27 b. The width of the feature does not obstruct the view of the shoreline of a
28 substantial number of residences on areas adjoining such shorelines.

29 2. Open railings, planters, clerestories, green roofs, skylights, greenhouses,
30 parapets firewalls, communication utilities and accessory communication devices may extend up
31 to 4 feet above the maximum height limit with unlimited rooftop coverage, where allowed in the
32 underlying zone or special district.

33 3. Solar collectors may extend up to 7 feet above the maximum height with
34 unlimited rooftop coverage.

35 4. a. The following rooftop features in 23.60.446.B.4.b may extend up to 15
36 feet above the maximum height, if

37 1) the combined coverage of all features listed in this subsection
38 23.60.446.C.4 does not exceed 20 percent of the roof area, or 25 percent if the total includes stair
39 or elevator penthouses or screened mechanical equipment;

40 2) where allowed in the underlying zone or special district;

41 3) where the width of such features does not obstruct the view of
42 the shoreline of a substantial number of residences within the Shoreline District on areas
43 adjoining such shorelines; in which case the Director may authorize a lower height:

- 44 b. 1) Solar collectors;
- 45 2) Stair and elevator penthouses;
- 46 3) Mechanical equipment; and

1 4) Play equipment and open-mesh fencing, if the fencing is at least
2 15 feet from the roof edge.

3 5. Structures may extend 18 inches above the maximum height limit if the
4 proposed roof insulation exceeds the current energy code requirements.

5 E. Bridges. Bridges may exceed the maximum height limits.

6 Section 23.60.694 of the Seattle Municipal Code, enacted by Ordinance 113466, is
7 recodified as Section 23.60.448, and amended as follows:

8 **23.60.448 Lot coverage in the UH Environment**

9 A. Waterfront Lots. On waterfront lots, the following requirements apply:

10 1. Structures, including floats and piers, shall not occupy more than 50 percent of
11 the submerged land of any lot, except as provided in subsection 23.60.448.C ; and

12 2. Structures shall not occupy more than 50 percent of the dry land of any lot.

13 B. Upland Lots. The lot coverage of the underlying zone applies.

14 C. Lot Coverage Exceptions. Piers may exceed allowed lot coverage by the addition of
15 floats for open wet moorage. Existing or new floats may exceed the existing lot coverage or the
16 lot coverage limit, whichever is greater, by 1,600 square feet total for all floats. An additional
17 400 square feet of coverage is allowed for an access ramp.

18 D. Allowance for increased lot coverage. Additional coverage of a submerged portion of
19 a lot may be allowed for a water dependent use or a permitted public use, provided that the
20 following conditions are met:

21 1. An equivalent amount of coverage is permanently removed from another
22 overwater structure located within the UH environment and covenants recorded reflecting this;

23 2. The total amount of coverage on the lot with increased coverage does not
24 exceed 65 percent of the submerged land of the lot; and

25 3. A binding agreement with all relevant parties identifies the lot that has gained
26 additional coverage through this provision and the lot providing for the equivalent reduction in
27 coverage.

28 Section 23.60.696 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.450, and amended as follows:

23.60.450 Shoreline and side setbacks in the UH Environment

A. A shoreline setback of 15 feet from the OHW mark is required. No development, use,
or shoreline modification is allowed within the shoreline setback except the minimum necessary
for:

1. shoreline modifications allowed, or allowed as a special use or as a conditional
use in the UH environment and for access to them; and

2. constructing and providing access to shoreline parks and open space uses
allowed, allowed as a special use or allowed as a conditional use in this environment; and

3. operation of the over water components of water-dependent and water-related
uses.

4. uses allowed pursuant to subsection 23.60.442.

5. to allow for structures providing overhead weather protection within the public
right-of-way, such as canopies or awnings, that enhance the pedestrian environment and
complement street level activity and uses in abutting development;

1 6. to accommodate stairs, ramps, overhead pedestrian walkways, mechanical
2 assists, and other forms of pedestrian access to passenger terminal facilities and public open
3 space located above street level, to improve public access from upland areas, increase public
4 safety and minimize pedestrian and vehicle conflicts, and contribute to an active and inviting
5 pedestrian environment along Alaskan Way

6 7. to better accommodate nearshore habitat improvements, such as features
7 provided to increase daylighting.

8 B. All development allowed in the shoreline setback shall comply with mitigation
9 sequencing in Section 23.60.158. and in applying mitigation sequencing shall:

- 10 1. avoid reducing vegetation coverage;
- 11 2. avoid adverse impacts to habitat;
- 12 3. minimize disturbance to natural topography;
- 13 4. minimize impervious surface; and
- 14 5. prevent the need for shoreline stabilization to protect these structures.
- 15 6. prioritize meeting the requirements of Step E through planting native
16 vegetation as close to OHW as possible.

17 C. Vegetation management and restoration and enhancement projects within shoreline
18 setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

19 D. The side setback is 50 feet from the nearest lot line for all fixed pier structures, not
20 including moorage floats. One-half of an adjacent submerged street right-of-way may be used in
21 meeting this requirement.

22 Section 23.60.698 of the Seattle Municipal Code, enacted by Ordinance 113466, is
23 recodified as Section 23.60.452, and amended as follows:

24 **23.60.452 View corridors in the UH Environment**

25 A. A view corridor or corridors of not less than 30 percent of the width of the lot,
26 measured at Alaskan Way, shall be provided and maintained on all waterfront lots.

27 1. View corridors shall allow views of the water from the street. View corridors
28 shall maintain and enhance pedestrian views from Alaskan Way along existing view corridors
established by submerged street rights-of-way, as well as views from upland areas along
east/west rights-of-way. View corridors shall provide views past pier development out into the
open water of Elliott Bay and to the Olympic Mountains where possible;

2. View corridors through a development site shall be encouraged to assist in
relieving the overall sense of bulk of development over water; and

3. Overhead weather protection may extend into the view corridor if designed to
frame views from Alaskan Way and east/west right-of-ways and structures in the view corridors
are narrow to minimize view obstruction from pedestrian areas at Alaskan Way or on upland
streets.

B. One-half of an adjacent submerged street right-of-way may be used in meeting view
corridor requirements.

C. Departures for over water public open space. As an incentive to enhance viewing
opportunities by developing public open space jointly with other permitted public uses on piers
or wharf structures, the Director may, as a Type I decision, allow departures to the view corridor
requirements of this subsection 23.60.452 and subsection 23.60.170 View corridors, under the
process and conditions specified in subsection 23.60.460.

1 Section 23.60.702 of the Seattle Municipal Code, enacted by Ordinance 113466, is
2 recodified as Section 23.60.454, and amended as follows:

3 **23.60.454 Regulated public access in the UH Environment**

4 A. Public access meeting the following criteria shall be provided and maintained on all
5 waterfront lots for all developments , except as modified by subsections 23.60.454.C.B.
6 Development shall provide a minimum of 15 percent of the developed lot area or 5,000 square
7 feet, whichever is greater, for public access.

8 1. If 10,500 square feet or more of public access is required, the development
9 shall provide a minimum of a 10 foot wide public access walkway along the three seaward edges
10 of the pier or wharf.

11 2. If less than 10,500 square feet of public access is required, the development
12 shall provide:

13 a. a minimum of a 10 foot wide public access walkway along the north or
14 south edge of the pier or wharf;

15 b. a minimum of a 15 foot wide public access walkway along the seaward
16 edge of the pier; and

17 c. a water enjoyment use is required pursuant to subsection 23.60.442.B.2
18 in the area between the seaward edge of the pier and the building.

19 3. The required walkways may be located on the required 18 foot pier apron.

20 4. If a lot contains a mix of uses that require public access and uses that are
21 exempt, public access shall be provided unless the percentage of the lot that is covered by uses
22 that are exempt from public access is more than 75 percent.

23 **C. Public Access Exceptions.**

24 1. On piers or wharf structures that have been reconfigured to allow open water at
25 the landward end of the structure the standards in subsections 23.60.454.A and B may be
26 modified to provide public access that meets the intent of those subsections as determined by the
27 Director;

28 2. The Director may modify the configuration of the public access required in
subsection 23.60.454.B if a development provides public access that connects to public access
north and south of the site around the perimeter of a wharf or pier; and

3. The Director may modify the standards of the public access required in
subsection 23.60.454.B if the lot is included in a public access plan approved by the Council and
in the City's Capital Facilities Element of the Comprehensive Plan meeting the requirements of
Section 23.60.164.

4. As an incentive to develop public open space jointly with other permitted
public uses on piers or wharf structures, the Director may, as a Type I decision, allow departures
from the standards for regulated public access in subsections 23.60.454.A and B under the
process and conditions specified in 23.60.460.

Section 23.60.700 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.456, and amended as follows:

23.60.456 Moorage requirements in the UH Environment

A. Developments in the UH Environment shall offer moorage on a regular basis
through:

1. Offering on-site moorage for lease for use by commercial or recreational
watercraft;

2. Actively advertising the availability of on-site transient moorage; or
3. Complying with subsections 23.60.456.D, 23.60.456.E or 23.60.456.F.

B. To facilitate moorage developments shall provide:

1. Cleats on the two sides of the pier sufficiently strong for the moorage of vessels 100 feet in length;
2. Floats that are at least 1,800 square feet with a minimum width of 6 feet, for moorage of smaller vessels; or
3. Alternative moorage facilities providing an equivalent amount of moorage, as determined by the Director.

C. To facilitate access to moorage developments shall provide:

1. A pier apron of a minimum width of (18 feet on each side and the seaward end of the pier or wharf; and
2. Railings and/or ramps designed to facilitate access to the pier apron or roadway from moored ships and boats.

D. Marinas. Marinas in the UH Environment shall meet the specific development standards in Section 23.60.200 in lieu of the moorage requirements of subsection 23.60.456.B and C and shall provide transient moorage at the rate of 40 linear feet of transient space for each 1,000 linear feet of permanent moorage space.

E. Using on-site moorage as an integral part of the development's operation.

F. Exceptions for principal use public open space. The Director may waive or modify the moorage requirements for the public open space if:

1. The applicant demonstrates that sufficient moorage is provided within 1000 feet of the proposed project; or
2. There is exiting moorage provided by public open space within ¼ mile of the proposed project.

Section 23.60.704 of the Seattle Municipal Code, last amended by Ordinance 116744, is recodified as Section 23.60.458, and amended as follows:

23.60.458 Central Waterfront Landmark Designated Area review criteria

A. Location. All developments located in the Central Waterfront Landmark Area, which includes Piers 54, 55, 56, 57 and 59.

B. Review Process. All applications for development in the Central Waterfront Landmark Area shall be referred to the Landmarks Preservation Board and to the Department of Neighborhoods for their review and comment prior to issuance of a permit. In order to avoid undue project delay, such review and comment shall be completed within 45 days of receipt of an application by the Landmarks Preservation Board and the Department of Neighborhoods.

C. Review Standards. New construction or replacement or modification of existing structures shall be reviewed using the Central Waterfront Piers Design Guidelines developed by the Seattle Landmarks Preservation Board with the recognition by the Board and the City Historic Preservation Officer that alteration to existing structures may be necessary to meet requirements of the Shoreline Master Program to protect the shoreline environment.

Section 23.60.460 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.236, and a new section 23.60.460 is added as follows:

23.60.460. Incentive for public open space and viewing areas at Colman Dock

1 A. Applicability. As an incentive to include significant public open space and enhance
2 viewing opportunities in the development of a water dependent passenger terminal at Colman
3 Dock, the Director may, as a Type I decision, allow departures from development standards,
4 under conditions specified in this section 23.60.460, based on the determination that, relative to
5 the strict application of the standards, the departures will result in substantially improved public
6 access and increased viewing opportunities. The Director's decision to grant, modify or deny
7 requested departures shall, in part, be based on the review of the proposal as a public project by
8 the Seattle Design Commission, and a subsequent determination that the proposed departures
9 will accomplish the following design objectives:

10 1. The design and siting of the open space and viewing areas will increase and
11 enhance public access and viewing opportunities in the area relative to a strict application of the
12 prescribed regulated public access and view corridor requirements, and any public access plans
13 that may be in place for the UH environment;

14 2. The siting and design of the open space and viewing area will better integrate
15 waterfront development with upland areas and improve pedestrian connections between the two
16 areas;

17 3. Public open space and viewing areas shall be sited and designed to minimize
18 the overall appearance of the bulk of overwater structures and impacts on views from upland
19 streets; and

20 4. Public open space and viewing areas located above grade shall be visible from
21 Alaskan Way and shall be sited and designed to facilitate easy access from street level, including
22 ADA accessibility and public wayfinding.

23 B. Allowed departures.

24 1. View corridor requirements. To create a unique viewing environment for
25 observing harbor activity, Elliott Bay, and the city and surrounding natural features, departures
26 from the standards of subsections 23.60.170 View corridors and 23.60.452 View corridors in the
27 UH Environment may be permitted to consolidate required view corridors into a large public
28 view observation area meeting the following conditions:

a. The view observation area is a public open space that, at a minimum, is
open along its perimeter to views beyond pier development to the open water of Elliott Bay and
the Olympic Mountains,; and

b. The view observation area substituting for required view corridors may
be located above street level, provided that the area meets the conditions for regulated public
access above street level in subsection 23.40.460.B.2.b.

2. Regulated public access. Departures from the standards of subsections
23.60.164 Standards for regulated public access and 23.60.454 Regulated public access in the
UH environment may be permitted if the following conditions are met:

a. The required configuration of regulated public access may be modified
to allow a large contiguous open space that is equal to or greater in area than the amount
otherwise required by subsection 23.60.454.B, or approximately 15 percent of the of the lot
coverage, whichever is greater, provided that the open space is easily identifiable as public
space, is visible and accessible by the public from the street, has a minimum horizontal
dimension of 10 feet, and provides maximum exposure to the bay and surrounding activity, with
views of the water along at least 50 percent of the perimeter;

b. The public open space may be located above street level on the
rooftops of structures or on terraces at multiple levels, provided that all areas of the open space

1 are accessible to pedestrians from Alaskan Way, with vertical connections between the street
2 level and upper levels designed to facilitate easy access, including ADA access and public
wayfinding;

3 c. Limited coverage of the space may be allowed to accommodate uses
4 and features that activate the space and make it more comfortable and usable in inclement
5 weather. Up to 50 percent of the total open space area may be covered, provided that at least 50
6 percent of the perimeter of any covered area is open to views of the water);

7 d. Efforts should be made to physically and visually link open space
8 providing public access over water to upland streets that provide links to upland areas; and

9 e. Public access to the space is required, without charge, for a minimum
10 of ten hours each day of the year. The hours of public access shall be during daylight hours,
11 unless there are insufficient daylight hours, in which case the open space shall also be open
12 during nighttime hours for the balance of the hours the open space is to remain open. Public
13 access may be limited temporarily during hours that are otherwise required to be open to the
14 public for necessary maintenance, temporary event rentals or concessions that encourage use and
15 enjoyment of the space, or for reasons of public safety.

16 **Subchapter XIV: The Urban Industrial (UI) Environment**

17 A new Section 23.60.480 of the Seattle Municipal Code is added as follows:

18 **23.60.480 Applicable standards in the UI Environment**

19 All uses and developments in the Shoreline District, including shoreline modifications,
20 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
21 for the specific shoreline environment in which the use or development is located.

22 **Part 1 Uses**

23 Section 23.60.840 of the Seattle Municipal Code, last amended by Ordinance 122310, is
24 repealed, as shown in Attachment A.

25 Section 23.60.842 of the Seattle Municipal Code, last amended by Ordinance 113764, is
26 repealed, as shown in Attachment A.

27 Section 23.60.844 of the Seattle Municipal Code, last amended by Ordinance 122310, is
28 repealed, as shown in Attachment A.

Section 23.60.846 of the Seattle Municipal Code, last amended by Ordinance 118793 is
repealed, as shown in Attachment A.

Section 23.60.848 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.850 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.852 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

Section 23.60.854 of the Seattle Municipal Code, enacted by Ordinance 118663, is
repealed, as shown in Attachment A.

A new Section 23.60.482 of the Seattle Municipal Code is adopted as follows:

23.60.482 Uses in the UI Environment

1 A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use,
 2 or prohibited pursuant to this Section 23.60.482 and Table A for Section 23.60.482. Use
 3 categories and subcategories cover all uses in that category and subcategory except when a
 4 subcategory of that use is specifically shown in the table. If the table indicates that a use is
 5 required to be water-dependent or water-related, a use that does not have the required attribute is
 6 prohibited except as provided in the subsections of this Section 23.60.482.

7 B. Uses on upland lots are allowed, allowed as a conditional use, or prohibited as
 8 provided in the underlying zones, except for the following uses; these use are prohibited on
 9 upland lots:

- 10 1. Transportation uses that are prohibited on waterfront lots; except for cargo
 terminals and passenger terminals that are not water-dependent or water-related.
- 11 2. Utility uses that are prohibited on waterfront lots except for:
 - 12 a. solid waste management that are not water-dependent or water-related
 13 excluding solid waste transfer stations; and
 - 14 b. recycling uses that are not water-dependent or water-related; and
- 15 3. High Impact uses that are not water-dependent or water-related.

16 **Table A for Section 23.60.482 Uses in the UI Environment**

17 Use	18 Waterfront Lots
19 A. AGRICULTURAL	-
20 A.1. Aquaculture	CU
21 A.2. Other agricultural uses	X
22 B. CEMETERIES	X
23 C. COMMERCIAL USES	-
24 C.1. Commercial uses	WD/WR
25 C.3. Eating and drinking establishments	See subsection 23.60.482.C
26 C.4. Food processing and craft work uses	See subsection 23.60.482.C
27 C.5. Offices	See subsection 23.60.482.C
28 C.6. Sales and services, general	See subsection 23.60.482.C
C.7. Sales and services, heavy	See subsection 23.60.482.C
C.8. Other commercial uses	X
D. HIGH-IMPACT USES	WD/WR
E. INSTITUTIONAL USES	-
E.1. Colleges	WD/WR
E.2. Institute for advanced study	WD/WR
E.3. Vocational or fine arts schools	WD/WR
E.4. Yacht boat and beach clubs	See subsection 23.60.482.D
E.5. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	See subsection 23.60.482.C
H. PARKS AND OPEN SPACE USES	-
H.1 Shoreline park and open space	A
H.2 General park and open space	X
I. PUBLIC FACILITIES	see Section 23.60.207

Table A for Section 23.60.482 Uses in the UI Environment

Use	Waterfront Lots
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209
M. STORAGE USES	-
M. STORAGE USES	-
M.1. Mini-warehouses	See subsection 23.60.482.C
M.2. Storage, outdoor	See subsection 23.60.482.C
M.3. Warehouses	See subsection 23.60.482.C and E
N. TRANSPORTATION FACILITY USES	-
N.1. Bridges and tunnels	A
N.2. Cargo terminals	WD/WR
N.3. Moorage	-
N.3.a. Boat moorage	-
N.3.a.1. Commercial marina	A
N.3.a.2. Recreational marina	See subsection 23.60.482.D
N.3.b. Dry boat storage	A
N.4 Navigational locks	X
N.5. Parking	-
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	A
N.6. Passenger terminal	WD/WR
N.7. Rail transit facilities	A
N.8. Transportation facilities, air	-
N.9.a. Airports, land-based	X
N.9.b. Airports, water-based	SU
N.9.c. Heliports	X
N.9.d. Helistops	X
N.10. Vehicle storage and maintenance	X
N.11. Tugboat services	A
N.12. Railroads	A
N.13. Streets	A
O. UTILITY USES	-
O.1. Communication utilities, minor	See subsection 23.60.482.F
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	WD/WR
O.5. Sewage treatment plants	See subsection 23.60.482.G
O.6. Solid waste management	WD/WR
O.7. Utility service uses	See subsection 23.60.482.H
P. UTILITY LINES	A

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WR = Allowed for water-dependent uses; prohibited otherwise

X = Prohibited

C. 1. The following uses are allowed if water-dependent or water-related or if they meet the requirements of subsections 23.60.482.C.2 through 6 are met and are otherwise prohibited:

- a. Food processing and craft work;
- b. Offices;
- c. Sales and services, general;
- d. Sales and services, heavy;
- e. Storage uses; and
- f. Manufacturing;

2. The total of the allowed uses that are not water-dependent or water-related occupy no more than 20 percent of the dry land area of the lot.

3. The uses are located on site to prevent conflicts with water-dependent or water-related uses on site.

4. Heavy sales and service uses are limited to heavy commercial sales, construction services, and building maintenance services. Non-water-dependent and non-water-dependent commercial laundry is prohibited.

5. Eating and drinking establishment and mini-warehouse uses are not located in the Duwamish Manufacturing/Industrial Center.

6. The use is located in the structure that contains accessory uses for the water-dependent and water-related use if the site contains a structure meeting the standards of subsection 23.60.486.B.2

D. Yacht boat and beach clubs are allowed as a conditional use and recreational marinas are allowed as a conditional use in the Duwamish and are allowed in the Ship Canal and Lake Union if:

- 1. There is no eating and drinking establishment;
- 2. Located where there is no or minimal interference with turning basins, navigation areas for large vessels or other areas that would conflict with shipping;
- 3. Located to not conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and
- 4. Located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent commercial uses because of:
 - a. shallow water depth, or
 - b. inadequate amount of dry land.

E. Existing warehouse uses that are not water-dependent or water-related are allowed provided they do not expand. New or expansion of warehouse uses that are not water-dependent or water-related are prohibited except as provided in subsection 23.60.482.C.

F. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited

1 G. Sewage treatment plants are allowed as a Council conditional use if:

- 2 1. Located in the Duwamish area;
- 3 2. A determination has been made that an alternative design is not *feasible* and
that pursuant to Section 23.60.066 no reasonable alternative exists to expanding the sewage
4 treatment plant;
- 5 3. The plant is set back 60 feet from the line of OHW mark;
- 6 4. Public access is provided along the entire length of the shoreline that is part of
the sewage treatment facility, except for any portion occupied by barge loading and unloading
7 facilities to serve the sewage treatment plant; and
- 8 5. All reasonable mitigation measures to protect views and to control odors, noise,
traffic and other adverse impacts on the human and natural environment are required.

9 H. Utility service uses are allowed if they reasonably require a shoreline location to
operate.

10 **Part 2 Development Standards**

11 Section 23.60.870 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed as shown in Attachment A.

12 Section 23.60.872 of the Seattle Municipal Code, last amended by Ordinance 120927, is
recodified as Section 23.60.486, and amended as follows:

13 **23.60.486 Height in the UI Environment**

14 A. Maximum Height. The maximum height is 35 feet, except as modified by subsections
23.60.872.B through D.

15 B. Height Exceptions for Water-dependent Uses. The following height exceptions apply
to water-dependent uses in the UI Environment:

16 1. Cranes, mobile conveyers, light standards and similar equipment necessary for
the function of water-dependent uses or the servicing of vessels may extend above the maximum
17 height limit.

18 2. Other structures accessory to a water-dependent or water-related use, including
but not limited to accessory office, accessory warehouse and accessory manufacturing facilities
19 may be authorized by the Director up to 55 feet in the Ship Canal and up to 80 feet in the
Duwamish and Elliott Bay if:

20 a. The accessory structure requires additional height because of its
21 intended use; or

22 b. Granting additional height for the accessory structure would result in a
significant amount of additional usable area for the principal water-dependent use and/or
23 additional area for ecological restoration and enhancement; and

24 c. No more than 20 percent of the lot area is covered by portions of the
structure that exceed the maximum height established in Section 23.60.486;

25 d. The remaining 80 percent of the lot is preserved through a covenant for
water-dependent and water-related uses if uses that are not water-dependent or water-related
26 occupy the structure; and

27 e. The views of a substantial number of upland residences would not be
substantially blocked by the increased height.

28 C. Rooftop Features.

1 1. Radio and television receiving antennas, flagpoles, chimneys, smokestacks, and
2 religious symbols for religious institutions are exempt from height controls, provided:

3 a. The feature is no closer to any adjoining lot line than 50 percent of their
4 height above existing grade; or

5 b. If attached to the roof, the feature is no closer to any adjoining lot line
6 than 50 percent of their height above the roof portion where attached.

7 c. The width of the feature does not obstruct the view of the shoreline of a
8 substantial number of residences within the Shoreline District on areas adjoining such shorelines.

9 2. Open railings, skylights, clerestories, solar collectors, parapets, planters, green
10 roofs, greenhouses, firewalls, communication utilities, and accessory communication devices
11 may extend 4 feet above the maximum height limit where allowed in the underlying zone.

12 3. The following rooftop features may extend 10) feet above the maximum height
13 limit, if the combined total coverage of all features listed in this subsection 23.60.486.C does not
14 exceed 15 percent of the roof area, or 20 percent of the roof area if the total includes screened
15 mechanical equipment and where allowed in the underlying zone or special district, except where
16 the width of such features obstructs the view of the shoreline of a substantial number of
17 residences within the Shoreline District on areas adjoining such shorelines; in which case the
18 Director may authorize a lower height:

19 a. Solar collectors

20 b. Stair and elevator penthouses; and

21 c. Mechanical equipment.

22 4. Structures may extend 18 inches above the maximum height limit if the
23 proposed roof insulation exceeds the current energy code requirements.

24 D. Bridges. Bridges may exceed the maximum height limit.

25 Section 23.60.874 of the Seattle Municipal Code, enacted by Ordinance 113466, is
26 recodified as Section 23.60.488, and amended as follows:

27 **23.60.488 Lot coverage in the UI Environment**

28 The lot coverage of the underlying zone shall not be exceeded.

A new Section 23.60.490 of the Seattle Municipal Code is adopted as follows:

23.60.490 Shoreline setbacks in the UI Environment

A. A shoreline setback of 60 feet from the OHW mark is required for uses that are not
water –dependent or water-related.

B. A shoreline setback of 15 feet from the OHW mark is required. No development, use,
or shoreline modification is allowed within this shoreline setback except as follows:

1. The minimum necessary for:

a. shoreline modifications allowed, or allowed as a special use or a
conditional use in the UI environment for water-dependent and water related uses and for access
to such shoreline modifications;

b. operation of the over water-components of a water-dependent or water-
related use.

C. All development allowed in the shoreline setback shall comply with mitigation
sequencing in Section 23.60.158. and in applying mitigation sequencing shall:

1. avoid reducing vegetation height, volume, density or coverage;

2. avoid adverse impacts to habitat;

3. minimize disturbance to natural topography;
4. minimize impervious surface; and
5. prevent the need for shoreline stabilization to protect these structures.
6. prioritize meeting the requirements of Step E through planting native

vegetation as close to OHW as possible.

D. Vegetation management and restoration and enhancement projects within shoreline setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

Section 23.60.876 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.492, and amended as follows:

23.60.492 View corridors in the UI Environment

A view corridor or corridors of not less than 35 percent of the width of the lot shall be provided and maintained on all waterfront lots, except if water-dependent or water-related uses occupy more than 50 percent of the dry land area of the lot.

Section 23.60.882 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.494, and amended as follows:

23.60.494 Regulated public access in the UI Environment

A. Private Property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments:

1. Marinas, except as exempted in subsection 23.60.200.E;
2. Existing yacht, boat and beach clubs that have facilities that are not water-dependent over water;
3. Developments that are not water-dependent or that are not water-related where

the use has a functional requirement for a waterfront location, such as the arrival or shipment materials by water, or the need for large quantities of water, except those located on private lots in the Lake Union area that have a front lot line of less than 100 feet in length, measured at the upland street frontage generally parallel to the water edge, and that abut a street and/or waterway providing public access.

4. If a lot contains a mix of uses that require public access and uses that are exempt, public access shall be provided unless the percentage of the lot that is covered by uses that are exempt from public access is more than 50 percent.

B. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

Section 23.60.880 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.496, and amended as follows:

23.60.496 Development standards specific to water-related uses on waterfront lots in the UI Environment

A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include additional shoreline setbacks from all or a portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

B. Specific design constraints shall not be required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.

1 **Subchapter XV: The Urban Maritime (UM) Environment**

2 A new Section 23.60.500 of the Seattle Municipal Code is added as follows:

3 **23.60.500 Applicable standards in the UM Environment**

4 All uses and developments in the Shoreline District, including shoreline modifications,
5 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
6 for the specific shoreline environment in which the use or development is located.

7 **Part 1 Uses**

8 Section 23.60.720 of the Seattle Municipal Code, last amended by Ordinance 122771, is
9 repealed, as shown in Attachment A.

10 Section 23.60.722 of the Seattle Municipal Code, last amended by Ordinance 113764, is
11 repealed, as shown in Attachment A.

12 Section 23.60.724 of the Seattle Municipal Code, last amended by Ordinance 122310, is
13 repealed, as shown in Attachment A.

14 Section 23.60.728 of the Seattle Municipal Code, last amended by Ordinance 122310, is
15 repealed, as shown in Attachment A.

16 Section 23.60.730 of the Seattle Municipal Code, last amended by Ordinance 122310, is
17 repealed, as shown in Attachment A.

18 Section 23.60.732 of the Seattle Municipal Code, enacted by Ordinance 113466, is
19 repealed, as shown in Attachment A.

20 Section 23.60.734 of the Seattle Municipal Code, enacted by Ordinance 118663, is
21 repealed, as shown in Attachment A.

22 A new Section 23.60.502 of the Seattle Municipal Code is added as follows:

23 **23.60.502 Uses in the UM Environment**

24 A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use
25 or prohibited pursuant to this Section 23.60.502 and Table A for Section 23.60.502. Use
26 categories and subcategories cover all uses in that category and subcategory except when a
27 subcategory of that use is specifically shown in the table. If the table indicates that a use is
28 required to be water-dependent or water-related, a use that does not have the required attribute is
prohibited except as provided in the subsections of this Section 23.60.502.

B. Uses on upland lots are allowed, allowed as a conditional use, or prohibited as
provided in the underlying zones, except for the following uses; these use are prohibited on
upland lots:

1. Transportation uses that are prohibited on waterfront lots except for:

a. vehicle storage and maintenance; and

b. heliports and helistops are allowed as a council conditional use if:

i. The use is for takeoff and landing of helicopters which serve a
public safety, news gathering or emergency medical care function, is part of an approved
transportation plan and is a public facility, or is part of an approved transportation plan and
located at least two thousand (2,000) feet from a residential zone;

1 ii. The use is located so as to minimize adverse physical
 2 environmental impacts on lots in the surrounding area, and on public parks and other areas where
 3 substantial public gatherings may be held;

4 iii. The lot is of sufficient size that operations of the use and flight
 5 paths of helicopters can be buffered from the surrounding area;

6 iv. Open areas and landing pads shall be hard-surfaced; and

7 v.. The use meets all federal requirements including those for
 8 safety, glide angles and approach lanes.

9 2. Utility uses that are prohibited on waterfront lots except for recycling uses that
 10 are not water-dependent or water-related; and

11 3. High Impact uses.

12 **Table A for Section 23.60.502 Uses in the UM Environment**

Uses	Waterfront Lots
A. AGRICULTURAL	-
A.1. Aquaculture	CU
A.2. Other agricultural uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	-
C.1. Commercial uses	WD/WR
C.2. Eating and drinking establishments	See subsection 23.60.482.C
C.3. Entertainment uses	See subsection 23.60.482.C
C.4. Food processing and craft work uses	See subsection 23.60.482.C
C.5. Offices	See subsection 23.60.482.C
C.6. Laboratories, research and development	See subsection 23.60.482.C
C.7. Sales and services, general	See subsection 23.60.482.C
C.8. Sales and services, heavy	See subsection 23.60.482.C
C.9. Other commercial uses	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	-
E.1. Colleges	WD/WR
E.2. Institute for advanced study	WD/WR
E.3. Vocational or fine arts schools	WD/WR
E.4. Yacht, Boat and beach clubs	See subsection 23.60.502.D
E.5 Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	See subsection 23.60.502.C
H. PARKS AND OPEN SPACE USES	-
H.1 Shoreline parks and open space	A
H.2 General parks and open space	X
I. PUBLIC FACILITIES	See section 23.60.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209

Table A for Section 23.60.502 Uses in the UM Environment

Uses	Waterfront Lots
M. STORAGE USES	See subsection 23.60.502.C
N. TRANSPORTATION FACILITY USES	-
N.1. Bridges and tunnels	A
N.2. Cargo terminals	WD/WR
N.3. Moorage	-
N.3.a. Boat moorage	-
N.3.a.1. Commercial marina	See subsection 23.60.502.E
N.3.a.2. Recreational marina	See subsection 23.60.502.D
N.3.b. Dry boat storage	A
N.4. Navigational lock	X
N.5. Parking, principal use	X
N.6. Passenger terminal	WD
N.7. Rail transit facilities	A
N.8. Transportation facilities, air	-
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	A
N.11. Railroads	A
N.12. Streets	A
O. UTILITY USES	-
O.1. Communication utilities, minor	See subsection 23.60.502.F
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	WD/WR
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60.502.G
P. UTILITY LINES	A

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD/WR = Allowed for water-dependent or water-related uses otherwise prohibited

X = Prohibited

C. 1. The following uses are allowed if water-dependent or water-related or if they meet the requirements of subsections 23.60.502.C.2 through 7 are met and are otherwise prohibited:

- a. Entertainment uses, indoor participant sports;

- b. Food processing and craft work;
- c. Offices;
- d. Laboratories, research and development;
- e. Sales and services, general;
- f. Sales and services, heavy;
- g. Storage uses; and
- h. Manufacturing;

2. The total of the allowed commercial, storage and manufacturing uses that are not water-dependent or water-related occupy no more than 20 percent of the dry land area of the lot.

3. Commercial uses that are not water-dependent or water-related occupy no more than 10 percent of the dry-land area of the lot, except that if the lot provides more than 9,000 linear feet of moorage for commercial vessels, the commercial uses that are not water-dependent or water-related may occupy up to 20 percent of the dry-land area of the lot;

4. The uses are located on site to prevent conflicts with water-dependent or water-related uses on site.

5. Heavy sales and service uses are limited to heavy commercial sales, construction services, and building maintenance services. Non-water-dependent and non-water-dependent commercial laundry is prohibited.

6. Eating and drinking establishment and mini-warehouse uses are not located in the Duwamish Manufacturing/Industrial Center.

7. The use is located in the structure that contains accessory uses for the water-dependent and water-related use if the site contains a structure meeting the standards of subsection 23.60.506.B.2

D. Yacht boat and beach clubs are allowed as a conditional use and recreational marinas are allowed if:

- 1. There is no eating and drinking establishment;
- 2. Located where there is no or minimal interference with turning basins, navigation areas for large vessels or other areas that would conflict with shipping;
- 3. Located to not conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and
- 4. Located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent commercial uses because of:
 - a. shallow water depth, or
 - b. inadequate amount of dry land.

E. Commercial marinas are allowed; however, covered moorage is prohibited in Lake Union and Portage Bay.

F. Minor communication utilities are allowed, except freestanding transmission towers, which are prohibited.

G. Utility service uses are allowed if they reasonably require a shoreline location to operate.

A new section 23.60.504 is added to the Seattle Municipal Code as follows:

Section 23.60.504 Uses allowed overwater in the UM Environment

A. In addition to uses allowed overwater in Section 23.60.090, the following water-related uses are allowed overwater if they meet the requirements of Section 23.60.504.B.

1. Commercial uses;
2. Light and general manufacturing;
3. Storage uses, if accessory to a water-dependent use located on the same lot;
4. Passenger terminals; and
5. Colleges, vocational schools and institutes for advanced study.

B. To be allowed under subsection 23.60.504.A the following requirements must be met.:

1. The lot depth is less than 50 feet;
2. The location of the uses on dry land is not reasonable; and
3. There is no increase in overwater coverage.

allowed when meeting the requirements of Section 23.60.504.A

C. The following uses are allowed over water on or in existing structures if they are not water-related and if they meet the requirements of Section 23.60.504.D.

1. General sales and services;
2. Custom and craft work;
3. Offices;
4. Storage uses;
5. Food processing; and
6. Light, general and heavy manufacturing.

D. To be allowed under subsection 23.60.504.C the following requirements must be met.

1. The lot depth is less than 50 feet;
2. The location of the uses on dry land is not reasonable;
3. There is no increase in overwater coverage;
4. The total of all non water dependent uses does not exceed 10 percent of the lot including submerged land;
5. If requirement in Subsection 23.60.504.E are met; and
6. Fourteen habitat units of ecological improvement per square foot of gross floor area of a new use are provided. The ecological improvement is required to occur in the same Geographic Area as the proposed project.

Part 2 Development Standards

Section 23.60.750 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed as shown in Attachment A.

Section 23.60.752 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.506, and amended as follows:

23.60.506 Height in the UM Environment

A. Maximum Height. The maximum height in the UM Environment is 35 feet, except as modified in subsections 23.60.506.B through D.

B. Height Exceptions for Water-Dependent Uses. The following height exceptions apply to water-dependent uses in the UM Environment:

1. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

1 2. Other structures accessory to a water-dependent or water-related use, including
2 but not limited to accessory office, accessory warehouse and accessory manufacturing facilities
3 may be authorized up to 55 feet by the Director if:

4 a. The accessory structure requires additional height because of its
5 intended use; or

6 b. Granting additional height for the accessory structure would result in a
7 significant amount of additional usable area for the principal water-dependent use, water-related
8 use and/or additional area for ecological restoration and enhancement; and

9 c. No more than 20 percent of the lot area is covered by portions of the
10 structure that exceed the maximum height established in Section 23.60.506;

11 d. The remaining 80 percent of the lot is preserved through a covenant for
12 water-dependent and water-related uses if uses that are not water-dependent or water-related
13 occupy the structure; and

14 e. The views of a substantial number of upland residences would not be
15 substantially blocked by the increased height.

16 C. Rooftop Features.

17 1. Radio and television receiving antennas, smokestacks, chimneys, flagpoles and
18 religious symbols for religious institutions are exempt from height controls of this Chapter 23.60,
19 provided:

20 a. The feature is no closer to any adjoining lot line than 50 percent of their
21 height above existing grade; or

22 b. If attached to the roof, the feature is no closer to any adjoining lot line
23 than 50 percent of their height above the roof portion where attached; and

24 c. The width of the feature does not obstruct the view of the shoreline of a
25 substantial number of residences within the Shoreline District on areas adjoining such shorelines.

26 2. Open railings, skylights, clerestories, solar collectors, parapets, planters, green
27 roofs, greenhouses, firewalls, communication utilities and accessory communication devices may
28 extend up to 4 feet above the maximum height limit where allowed in the underlying zone.

3. The following rooftop features may extend 10 feet above the maximum height
if the combined total coverage of all features does not exceed 15 percent of the roof area or 20
percent of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment.

4. Structures may extend 18 inches above the maximum height limit if the
proposed roof insulation exceeds the current energy code requirements.

D. Bridges. Bridges may exceed the maximum height limit.

Section 23.60.754 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.508, and amended as follows:

23.60.508 Lot coverage in the UM Environment

A. Waterfront Lots. On waterfront lots, the following requirements apply:

1. Structures, including floats and piers, shall not occupy more than ((50 percent
of the submerged portion of a waterfront lot, except as modified by subsection 23.60.508.C.

2. Structures shall not occupy more than 75 percent of the dry-land portion of a
waterfront lot.

B. Upland Lots. The lot coverage of the underlying zone shall not be exceeded.

C. Lot Coverage Exceptions.

1. Structures, including floats and piers, may occupy up to 65 percent of the submerged portion of a waterfront lot that has a depth of less than 50 feet of dry land.

2. Dry docks may cover up to an additional 25 percent of submerged land for a maximum lot coverage of 75 percent of all uses combined.

A new Section 23.60.510 of the Seattle Municipal Code is added as follows:

23.60.510 Shoreline setbacks in the UM Environment

A. A shoreline setback of 40 feet from the OHW mark is required for uses that are not water-dependent or water-related except as provided in Section 23.60.504.

B. A shoreline setback of 15 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:

1. The minimum necessary for:

a. shoreline modifications allowed, or allowed as a special use or a conditional use in the UI environment for water-dependent and water related uses and for access to such shoreline modifications;

b. operation of the over water-components of a water-dependent or water-related use.

B. All development allowed in the shoreline setback shall comply with mitigation sequencing in Section 23.60.158. and in applying mitigation sequencing shall:

1. avoid reducing vegetation height, volume, density or coverage;

2. avoid adverse impacts to habitat;

3. minimize disturbance to natural topography;

4. minimize impervious surface; and

5. prevent the need for shoreline stabilization to protect these structures.

6. prioritize meeting the requirements of Step E through planting native vegetation as close to OHW as possible.

C. Vegetation management and restoration and enhancement projects within shoreline setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

Section 23.60.756 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.512, and amended as follows:

23.60.512 View corridors in the UM Environment

A. A view corridor or corridors of not less than 35 percent of the width of the lot shall be provided and maintained on all waterfront lots.

B. The required view corridor width shall be reduced to 15 percent of the width of the lot if water-dependent uses occupy more than 40 percent of the dry land area of the lot.

C. View Corridor Reductions. The required percent of the width of the lot may be reduced by five percent for each of the following conditions provided that such reduction does not result in a view corridor of less than 15 feet:

1. The required view corridor is provided entirely in one location;

2. A view corridor of at least one-half the required width abuts a lot line that separates the lot from a street, waterway, or public park;

3. A view corridor of at least one-half the required width abuts a view corridor provided on the adjacent property.

1 D. Viewing Area Substitution. In lieu of the required view corridor, developments that
2 are not required to provide public access may provide a public viewing area as follows:

3 1. The viewing area shall be either an observation tower or a designated portion of
4 the lot that is easily accessible;

5 2. The viewing area shall provide a clear view of the activities on the lot and the
6 water;

7 3. The viewing area shall have a minimum dimension of 150 square feet; and

8 4. The conditions of Section 23.60.164 for public access relating to accessibility,
9 signs, and availability apply.

10 Section 23.60.758 of the Seattle Municipal Code, enacted by Ordinance 113466, is
11 recodified as Section 23.60.514, and amended as follows:

12 **23.60.514 Regulated public access in the UM Environment**

13 A. Private Property. Public access shall be provided and maintained on privately owned
14 waterfront lots for the following developments:

15 1. Marinas, except as exempted in Section 23.60.200.E;

16 2. Existing yacht, boat and beach clubs that have facilities that are not water-
17 dependent over water;

18 3. Developments and uses that are not water-dependent or that are not water-
19 related where the use has a functional requirement for a waterfront location, such as the arrival or
20 shipment materials by water, or the need for large quantities of water, except those located on
21 private lots in the Lake Union area that have a front lot line of less than 100 feet in length,
22 measured at the upland street frontage generally parallel to the water edge, and that abut a street
23 and/or waterway providing public access.

24 4. If a lot contains a mix of uses that require public access and uses that are
25 exempt, public access shall be provided unless the percentage of the lot that is covered by uses
26 that are exempt from public access is more than 50 percent.

27 C. Utilities. Regulated public access shall be provided on utility-owned or controlled
28 property within the Shoreline District.

Section 23.60.760 of the Seattle Municipal Code, last amended by Ordinance 113764, is
recodified as a new Section 23.60.516, and amended as follows:

**23.60.516 Development between the Pierhead Line and the Construction Limit Line
in the UM Environment in Lake Union and Portage Bay**

Structures located between the Pierhead Line and the Construction Limit Line in Lake
Union and Portage Bay are limited to piers and floats without accessory buildings, drydocks, and
existing floating homes at existing floating home moorages.

Subchapter XVI: The Urban Residential (UR) Environment

A new Section 23.60.520 of the Seattle Municipal Code is added as follows:

23.60.520 Applicable standards in the UR Environment

All uses and developments in the Shoreline District, including shoreline modifications,
are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
for the specific shoreline environment in which the use or development is located.

Part 1 Uses

Section 23.60.540 of the Seattle Municipal Code, last amended by Ordinance 118793, is repealed, as shown in Attachment A.

Section 23.60.542 of the Seattle Municipal Code, last amended by Ordinance 113764, is repealed, as shown in Attachment A.

Section 23.60.544 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.546 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

Section 23.60.548 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

Section 23.60.550 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed, as shown in Attachment A.

A new Section 23.60.540 of the Seattle Municipal Code is added as follows:

23.60.540 Uses in the UR Environment

A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to this Section 23.60.540 and Table A for Section 23.60.540. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table. If the table indicates that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited except as provided in the subsections of this Section 23.60.540.

Table A for 23.60.540 Uses in the UR Environment		
Uses	Waterfront Lots	Upland Lots
A. AGRICULTURAL	X	X
B. CEMETERIES	X	X
C. COMMERCIAL USES	X	X
D. HIGH-IMPACT USES	X	X
E. INSTITUTIONAL USES	See subsection B	A
F. LIVE-WORK UNITS	X	X
G. MANUFACTURING USES	X	X
H. PARKS AND OPEN SPACE USES	-	-
H.1 Shoreline	A	A
H.2 General	X	A
I. PUBLIC FACILITIES	See Section 23.60.207	See Section 23.60.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60.195	See Section 23.60.195
K. RESIDENTIAL USES	-	-
K.1. Accessory dwelling unit	X	A
K.2. Adult family homes	X	A
K.3. Artist studio/dwelling	X	A

Table A for 23.60.540 Uses in the UR Environment

Uses	Waterfront Lots	Upland Lots
K.4. Assisted living facilities	X	A
K.5. Congregate residences	X	A
K.6. Detached accessory dwelling unit	X	X
K.7. Domestic Violence Shelter	X	X
K.8. Floating homes and moorage	See subsection C	See subsection C
K.9. Mobile park home	X	X
K.10. Multifamily residences	A	A
K.11. Nursing homes	X	A
K.12. Single-family dwelling units	A	A
K.13. Other residential uses	X	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60.209	See Section 23.60.209
M. STORAGE USES	X	X
N. TRANSPORTATION FACILITY USES	-	-
N.1. Bridges and tunnels	See subsection 23.60.540.D	A
N.2. Cargo terminals	X	X
N.3. Moorage	-	-
N.3.a. Boat moorage	-	-
N.3.a.1. Commercial marina	X	X
N.3.a.2. Recreational marina	X	X
N.3.b. Dry boat storage	X	X
N.4. Navigational locks	X	X
N.5. Parking	-	-
N.5.a. Parking, principal use	X	X
N.6. Passenger terminal	X	X
N.7. Rail transit facilities	A	A
N.8. Transportation facilities, air	X	X
N.9. Vehicle storage and maintenance	X	X
N.10. Tugboat services	X	X
N.11. Railroads	SU	A
N.12. Streets	A	A
O. UTILITY USES	-	-
O.1. Communication utilities, minor	X	X
O.2. Communication utilities, major	X	X
O.3. Power plants	X	X
O.4. Recycling	X	X
O.5. Sewage treatment plants	X	X
O.6. Solid waste management	X	X
O.7. Utility service uses	See subsection 23.60.540.E	See subsection 23.60.540.E
P. UTILITY LINES	A	A

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WR = Allowed for water-related uses; prohibited otherwise

X = Prohibited

B. Community yacht, boat and beach clubs, and community centers or clubs that provide outdoor parks and recreation shoreline uses are allowed as a special use. All other institutional uses are prohibited.

C. New floating homes and moorage are prohibited except as allowed under Section 23.60.202 and accessory uses to floating homes, including storage, are allowed on waterfront lots if located 35 feet or more landward of the OHW mark and on upland lots.

D. Bridges and tunnels containing Sound Transit rail facilities are allowed. Bridges containing other rail transit facilities, railroads or streets are allowed as a special use.

E. Utility service uses are allowed if they reasonably require a shoreline location to operate.

Part 2 Development Standards

Section 23.60.570 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed as shown in Attachment A.

Section 23.60.572 of the Seattle Municipal Code, last amended by Ordinance 120927, is amended as follows:

23.60.572 Height in the UR Environment

A. Maximum Height. The maximum height allowed in the UR Environment is as follows: as modified by subsections 23.60.572.B through D.

1. Thirty feet in all locations except as provided in subsection 23.60.572.A.2.

2. The maximum height allowed on an upland lot on Harbor Avenue Southwest and Alki Avenue Southwest from Southwest Leon Place to 59th Avenue Southwest is 60 feet.

B. Pitched Roofs. The ridge of a pitched roof on a principal structure, including projections to accommodate windows, may extend 5 feet above the maximum height allowed, where also allowed in the underlying zone or special district.

C. Rooftop Features.

1. Radio and television receiving antennas, smokestacks, chimneys, flagpoles and religious symbols for religious institutions are exempt from the height limit, provided:

a. The feature is no closer to any adjoining lot line than 50 percent of their height above existing grade;

b. If attached to the roof, the feature is no closer to any adjoining lot line than 50 percent of their height above the roof portion where attached; or

c. The width of the feature does not obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines.

2. Open railings, planters, green roofs, skylights, clerestories, monitors, solar greenhouses, solar collectors, parapets, firewalls, communication utilities, and accessory communication devices may extend 4 feet above the maximum height allowed where also

1 allowed in the underlying zone or special district, except where the width of such features
2 obstructs the view of the shoreline of a substantial number of residences within the Shoreline
3 District on areas adjoining such shorelines; in which case the Director may authorize a lower
4 height.

5 3. The following rooftop features may extend 10 feet above the maximum height,
6 if the combined total coverage of all features does not exceed 15 percent of the roof area or 20
7 percent of the roof area if the total includes screened mechanical equipment and where also
8 allowed in the underlying zone or special district, except where the width of such features
9 obstructs the view of the shoreline of a substantial number of residences within the Shoreline
10 District on areas adjoining such shorelines; in which case the Director may authorize a lower
11 height:

- 12 a. Stair and elevator penthouses;
- 13 b. Mechanical equipment; and
- 14 c. Play equipment and open-mesh fencing which encloses it, so long as the
15 fencing is at least 5 feet from the roof edge

16 4. Structures may extend 18 inches above the maximum height limit if the
17 proposed roof insulation exceeds the current energy code requirements.

18 D. Bridges. Bridges may extend above the maximum height limit.

19 Section 23.60.574 of the Seattle Municipal Code, last amended by Ordinance 118793, is
20 amended as follows:

21 **23.60.574 Lot coverage in the UR Environment**

22 A. Structures including floats and piers shall not occupy more than 35 percent of a lot
23 except as provided in subsection 23.60.574.B.

24 B. Lot Coverage Exceptions.

25 1. Floating home moorages (()) are subject to the lot coverage provisions in
26 Section 23.60.202.

27 2. On single-family zoned lots the maximum lot coverage allowed for principal
28 and accessory structures on dry land is as follows:

29 Table B for Section 23.60.574 Lot coverage in the UR Environment	
30 Lot Size	31 Maximum Coverage
32 Less than 5,000 square feet (sq. ft.)	33 1,000 sq. ft. + 15% of lot area
34 5,000 sq. ft. or more	35 35% of lot area

36 3. On multifamily zoned lots, the maximum lot coverage allowed by the
37 underlying zone or special district shall apply to the dry land portion of the lot.

38 A new Section 23.60.575 of the Seattle Municipal Code is adopted as follows:

39 **23.60.575 Shoreline setbacks in the UR Environment**

40 A. A shoreline setback of 35 feet from the OHW mark is required. No development, use,
41 or shoreline modification is allowed within this shoreline setback except as follows:

- 42 1. The minimum necessary for:

- 1 23.60.282.E. a. single family dwelling units allowed pursuant to subsection
 2 conditional use in the UR environment; and
 3 c. One pathway per SFR limited to 3-ft wide constructed of pervious
 4 surface.
 5 2. Greater than fifteen feet landward of the OHW mark for:
 6 a. one on-grade patio per SFR limited to 45 square feet located a
 7 minimum;
 8 b. viewpoints accessory to a shoreline parks and open space use allowed,
 9 or allowed as a special use or as a conditional use in the UR environment; or
 10 c. required public access.
 11 3. Greater than five feet landward of the OHW mark for fences and freestanding
 12 walls accessory to residences that are not shoreline modifications, if views of the shoreline from
 13 adjacent existing residences are not blocked. The Director shall determine the permitted height of
 14 the fences and freestanding walls; and
 15 B. All development allowed in the shoreline setback shall comply with mitigation
 16 sequencing in Section 23.60.158. and in applying mitigation sequencing shall:
 17 1. avoid reducing vegetation height, volume, density or coverage;
 18 2. avoid adverse impacts to habitat;
 19 3. minimize disturbance to natural topography;
 20 4. minimize impervious surface to the maximum extent feasible; and
 21 5. prevent the need for shoreline stabilization to protect these structures.
 22 6. prioritize meeting the requirements of Step E through planting native
 23 vegetation as close to OHW as possible.
 24 C. In addition to shoreline setback required in subsection 23.60.575.A, residences on
 25 waterfront lots shall not be located further waterward than adjacent residences as measured in
 26 23.60.206.B.2.
 27 D. Vegetation management and restoration and enhancement projects within shoreline
 28 setbacks are regulated pursuant to Section 23.60.190 and this shoreline environment.

Section 23.60.576 of the Seattle Municipal Code, enacted by Ordinance 113466, is amended as follows:

23.60.576 View corridors in the UR Environment

A. A view corridor or corridors of not less than 35 percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot in the UR Environment separated from a waterfront lot designated CM, CR, or CP by a street or railroad right-of-way.

B. View corridors are not required for single-family dwelling units.

Section 23.60.578 of the Seattle Municipal Code, enacted by Ordinance 113466, is amended as follows:

23.60.578 Regulated public access in the UR Environment

A. Private Property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments, except as modified by subsection 23.60.578.B.2:

1. Multifamily residential developments containing more than four units with more than 75 feet of shoreline, except if located on salt water shorelines where public access from a street is available within 600() feet of the proposed development;

2. Uses on privately owned waterfront lots that abut Lake Union with a front lot line of less than 100 feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street or waterway providing public access are not required to provide public access on privately owned lots

3. Marinas, except as exempted by subsection 23.60.200.E; and

4. Development and uses that are not water-dependent or that are not water-related where the use has a functional requirement for a waterfront location, such as the arrival or shipment materials by water, or the need for large quantities of water.

B. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

Subchapter XVII: Definitions

Section 23.60.900 of the Seattle Municipal Code, last amended by Ordinance 122771, is amended as follows:

23.60.900 Definitions generally

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapter 23.84A, which are also applicable to this chapter and to the definitions in Chapter 25.09, which are incorporated by reference into this Chapter in Section 23.60.156. In the event that a definition in this chapter differs from a definition of the same term in Chapter 23.84A, the definition in this chapter shall apply in the Shoreline District.

Section 23.60.902 of the Seattle Municipal Code, which section was last amended by Ordinance 118793, is amended as follows:

23.60.902 Definitions -- "A"

"Agricultural use" means a business establishment in which crops are raised or animals are reared or kept, but not including animal shelters and kennels. Agricultural uses include animal husbandry uses such as poultry farms and rabbitries, aquaculture uses such as fish farms and shellfish beds, and horticulture uses such as nurseries and orchards.

1. "Animal husbandry" means an agricultural use in which animals are reared or kept in order to sell the products they produce, such as meat, fur or eggs.

2. "Aquaculture" means an agricultural use in which fish, shellfish, other aquatic animals or aquatic plants are cultured or grown in fresh or saltwater for food for human consumption or use.

3. "Horticulture" means an agricultural use in which plants are raised outdoors or in greenhouses for sale either as food or for use in landscaping. Examples include but are not limited to nurseries, flower raising, orchards, vineyards, and truck farms.

"Aquatic noxious weeds" means aquatic noxious weeds as defined in RCW 17.26.020.

"Aquatic rotovator" means the use of a rotovator, which has underwater rototiller-like blades that are used to uproot aquatic plants as a means of plant control.

1 “Artificial reef” means a submerged human-made structure developed for the purpose of
enhancing recreational diving or creating habitat for marine life.

2 “Average grade level” means the calculation determined by averaging the elevations at
3 the center of all exterior walls of the proposed building or structure. In the case of structures to
4 be built over water, average grade level shall be the elevation of ordinary high water in
freshwater and mean higher high water in marine waters.

5 Section 23.60.904 of the Seattle Municipal Code, enacted by Ordinance 113466, is
amended as follows:

6 **23.60.904 Definitions -- "B"**

7 “Best available science” means the science and technical information requirements
described in WAC 173 -26-201(2)(a).

8 “Best management practices” means actions that are taken to avoid minimize and reduce
the impacts to habitat ecological functions.

9 "Boat or Beach Club." See "Yacht club."

10 “Boat yard” means a facility with a General NPDES permit in which boats are built, dry
docked, painted and/or repaired and primarily handles vessels under 65 feet in length.

11 “Boat moorage” means recreational or commercial marina or moorage accessory to a
residential use.

12 “Bottom barrier” means synthetic or natural fiber sheets of material used to cover and kill
plants growing on the bottom of a water body by depriving plants of sunlight.

13 "Breakwater" means a protective structure built offshore to protect harbor areas,
14 moorages, navigation, beaches or bluffs from wave action.

15 "Bridge" means a structure carrying a path, street, or railway over-water, and necessary
support and accessory structures.

16 "Bulkhead" means a retaining wall constructed parallel to the shore whose primary
purpose is to hold or prevent sliding of soil caused by erosion or wave action or to protect the
17 perimeter of a fill. For the purpose of determining whether a bulkhead is exempt from obtaining
a Shoreline Substantial Development Permit see Section 23.60.020.

18 Section 23.60.906 of the Seattle Municipal Code, last amended by Ordinance 122310, is
19 amended as follows:

20 **23.60.906 Definitions -- "C"**

21 "Cargo terminal" means a transportation facility in which quantities of goods or container
22 cargo are stored without undergoing any manufacturing processes, transferred to other carriers or
stored outdoors in order to transfer them to other locations. Cargo terminals may include
accessory warehouses, railroad yards, storage yards, and offices.

23 “Central Waterfront Landmark Area” means all lots from the southerly edge of Pier 54 to
the northerly edge of Pier 59 along Seattle’s downtown waterfront.

24 “Critical Root Zone” means the area on the ground surround the tree that is 1 ½ times the
maximum diameter of the tree’s canopy or 20 times the DBH, whichever is greater.

25 “CM” means the Conservancy Management shoreline environment.

26 “CN” means the Conservancy Navigation shoreline environment.

27 "Commercial use" means the following uses:

-- Animal shelters and kennels;

--

- Eating and drinking establishments;
- Entertainment uses;
- Food processing and craft work uses;
- Laboratories, research and development;
- Lodging;
- Medical services;
- Offices;
- Sales and service uses, automotive;
- Sales and services, general;
- Sales and service uses, heavy;
- Sales and services, marine.

"Conditional use" means a use identified in this chapter as requiring specific approval by either the Department of Ecology (Shoreline Conditional Use) or the City Council (Council Conditional Use).

"Constructed" means the process of creating or undertaking development including but not limited to construction of structures, associated site work, installation of on-site utilities, and re-establishment of disturbed areas.

"CR" means the Conservancy Recreation shoreline environment.

"CP" means the Conservancy Preservation shoreline environment.

"Custom craft work " in addition to the definitions in 23.60.84A custom craftwork in the Shoreline District includes wooden boat building and this is a water-related use.

"CW" means the Conservancy Waterway shoreline environment.

Section 23.60.930 of the Seattle Municipal Code, enacted by Ordinance 122310, is amended as follows:

23.60.908 Definitions -- "D"

"DBH" means tree diameter at breast height and is the method to measure the size of a tree.

"De-rooting" means the use of an aquatic rotovator or other method to uproot aquatic plants as a means of plant control.

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters overlying lands subject to this title at any water level.

"Development standards" means regulations pertaining to the physical modification of the environment including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum front, side and rear yards, setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public access.

"Development, Substantial." See "Substantial development."

"Director" means the Director of the Department of Planning and Development of The City of Seattle.

"Diver-operated dredging" means the use of portable suction/hydraulic dredges held by SCUBA divers to remove aquatic plants.

1 “Dock” means an artificial side of a harbor or bank of river for mooring ships, also
described as a shipping or loading platform.

2 “Dredging” means the removal or displacement of sand, silt, gravel, or other submerged
3 materials, from the bottom of water bodies, riparian watercourses, or natural wetlands. Support
4 activities and operations, including but not limited to the collection and transfer of dredged
5 materials, are included in this definition. Dredging does not include removal of riprap and
6 incidental grading when shoreline stabilization is replaced if the water depth does not increase
when compared to pre-project conditions. The placement of dredged materials into water bodies,
7 riparian watercourses or natural wetlands is “fill” and is not included in this definition.

8 “Dry land” means land at an elevation above the line of ordinary high water in freshwater
or mean higher high water in marine water.

9 “Dry boat storage” means a “parking and moorage” use, in which space on a lot on dry
land, either open or inside a structure, is rented or sold to the public or to members of a yacht,
10 boat or beach club for the purpose of storing boats.

11 “Dry dock” means any method or mechanism by which a vessel can be removed from
the water for the purpose of viewing, working on or painting the underwater portions of the
vessel. Dry docks include:

12 “Marine railway dry dock” means a place where a vessel is tied to a carriage
which is then pulled out of the water on an inclined railway usually with winches. The rails are
spaced far enough apart to provide stability of the carriage with a vessel on it.

13 “Floating dry dock” means a strong decked barge that are submerged by filling
with water. A vessel is floated over the submerged barge which is then pumped out to lift the
14 barge deck clear of the water with the vessel sitting high and dry. The wing walls provide enough
flotation to prevent sinking all the way to the bottom.

15 “Synchro-lift dry dock” means a stiffened deck or barge like structure that is
lifted out of water by lifting mechanisms such as winches or jacks operating synchronously.

16 “Travel-lift” means a motorized device like a lumber carrier which drives over
water on two adjacent docks straddling the water. A boat in the water between the two docks is
17 raised out of the water by straps attached to winches. The travel lift then drives to an upland site
to set the boat down on blocks on land.

18 “Duwamish” means the area of the Duwamish River from the south city limits north to
19 South Massachusetts Street on the east side and Southwest Florida on the west side, and
including Harbor Island and the East and West Duwamish Waterways.

20 Section 23.60.910 of the Seattle Municipal Code, enacted by Ordinance 113466, is
amended as follows:

21 **23.60.910 Definitions -- "E"**

22 “Ecological functions” or “shoreline functions” means the work performed or role played
23 by the physical, chemical, and biological processes that contribute to the maintenance of the
24 aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. See WAC
173-26-200 (2)(c).

25 “Ecological restoration and enhancement”, see “restoration and enhancement”.

26 “Ecology” means the Washington State Department of Ecology.

27 “Elliott Bay” means the Shoreline District area from 24th Avenue West to SW Atlantic
Street, except the Harborfront, Harbor Island and the Duwamish Waterways.

1 “Emergency” means an unanticipated and imminent threat to public health, safety or the
2 environment which requires immediate action within a time too short to allow full compliance
3 with this chapter. Emergency construction does not include development of new permanent
4 protective structures where none previously existed. Where new protective structures are deemed
5 by the Director to be the appropriate means to address the emergency situation, upon abatement
6 of the emergency situation the new structure shall be removed or any permit which would have
7 been required, absent an emergency, pursuant to Chapter 90.58 RCW or these regulations shall
8 be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58
9 RCW and the Seattle Shoreline Master Program. As a general matter, flooding or other seasonal
10 events that can be anticipated and may occur but that are not imminent are not an emergency.

11 “Essential public facilities” means those public facilities identified as potential essential
12 public facilities in RCW 36.70A.200, without consideration of the limitations in the definition
13 in Section 23.84A.012.

14 "Extreme low tide" means the lowest line on land reached by a receding tide.

15 Section 23.60.912 of the Seattle Municipal Code, last amended by Ordinance 118793, is
16 amended as follows:

17 **23.60.912 Definitions -- "F"**

18 "Fair market value" of a development means the open market bid price for conducting the
19 work, using the equipment and facilities, and purchase of the goods, services and materials
20 necessary to accomplish the development. This would normally equate to the cost of hiring a
21 contractor to undertake the development from start to finish, including the cost of labor,
22 materials, equipment and facility usage, transportation, and contractor overhead and profit. The
23 fair market value of the development shall include the fair market value of any donated,
24 contributed or found labor, equipment or materials.

25 "Fairway" means all navigable waters within the corporate limits or within the
26 jurisdiction and control of the City, except waters over privately owned or privately controlled
27 property, including but not limited to the navigable portions of the following described waters
28 and all submerged street area and waterways therein:

- 29 A. All of Elliott Bay lying easterly of a straight line drawn from Alki Point to West Point;
- 30 B. All of the East and West Waterways;
- 31 C. All of the Duwamish River;
- 32 D. All of the Duwamish Waterway Project;
- 33 E. All of Salmon Bay;
- 34 F. All of Portage Bay;
- 35 G. All of the Lake Washington Ship Canal, including that portion which shall be under
36 the supervision and control of the United States;
- 37 H. All of Lake Union;
- 38 I. All of Lake Washington lying or being within the corporate limits of the City or within
39 the jurisdiction and control of the City;
- 40 J. All of that portion of Shilshole Bay lying easterly and southerly of a line from West
41 Point to the intersection of the northerly boundary of the City with the outer harbor line;
- 42 K. All that portion of Puget Sound lying easterly and northerly of a line from Alki Point
43 to the intersection of the southerly boundary of the City with the outer harbor line.

44 "Feasible" means that an action, such as a development project, mitigation, or
45 preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose;
3. The action does not physically preclude achieving the project's primary intended legal use; and
4. The action does not impose disproportionate cost to the nature of the project irrespective of the applicant's personal financial status.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

"Feeder bluff" means the eroding bluffs that provide the majority of sediment to Puget Sound beaches and littoral cells.

"Feedlot" means an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops, or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

"Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM or in riparian watercourses or in wetlands.

"Float" means a floating platform similar to a pier that is anchored or attached to pilings. A float attached to a pier shall be considered part of the pier. "Float" when it is used in connection with a shipyard or boat yard includes a floating platform used as a work platform to work on a vessel dock or pier. "Float" when it is used in connection with a floating home means platform, decking, and materials used to keep a floating home above the water.

"Floating home" means a structure designed as a dwelling unit constructed on a float that is moored, anchored or otherwise usually secured in waters, and is not a vessel, even though it may be capable of being towed.

"Floating home moorage" means a residential use consisting of a waterfront facility for the moorage of one or more floating homes and the land and water premises on which the facility is located.

"Floating home site" means that part of a floating home moorage located over water designated to accommodate one () floating home.

"Freshwater" means the water bodies with little or no dissolved salts and include riparian water courses, Bitter and Haller lakes, Green Lake, Lake Washington, Montlake Cut, Portage Bay, Lake Union, the Lake Washington Ship Canal, and Salmon Bay ending at the Hiram M. Chittenden Locks.

Section 23.60.914 of the Seattle Municipal Code, enacted by Ordinance 113466, is amended as follows:

23.60.914 Definitions -- "G"

"Geographic area" means one of seven defined geographic areas within Seattle as follows: Lake Washington North, Lake Washington South, Lake Union and the Ship Canal, Elliott Bay, the Duwamish River, Puget Sound North, and Puget Sound South.

1 "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation
2 conducted by a qualified expert that includes a description of the ground and surface hydrology
3 and geology, the affected land form and its susceptibility to mass wasting, erosion, and other
4 geologic hazards or processes, conclusions and recommendations regarding the effect of the
5 proposed development, shoreline modification, or use on geologic conditions, the adequacy of
6 the site to be developed, the impacts of the proposed development or use, alternative approaches
7 to the proposed development or use, and measures to mitigate potential site-specific and
8 cumulative geological and hydrological impacts of the proposed development or use, including
9 the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall
10 conform to accepted technical standards and must be prepared by qualified professional
11 engineers or geologists who have professional expertise about the regional and local shoreline
12 geology and processes.

8 "Grading" means excavation, filling, in-place ground modification, removal of roots or
9 stumps that includes ground disturbance, stockpiling of earth materials, or any combination
10 thereof, including the establishment of a grade following demolition of a structure.

10 "Graving Dock" means a structure forming a basin from which water can be pumped out
11 for the purpose of building ships or for repairing a ship below its waterline.

11 "Groin" means a wall-like structure built seaward from the ordinary high water mark or
12 mean higher high water to build or preserve an accretion beach by trapping littoral sand drift on
13 the updrift side.

13 Section 23.60.916 of the Seattle Municipal Code, last amended by Ordinance 116051, is
14 amended as follows:

14 **23.60.916 Definitions -- "H"**

15 "Habitat unit" means a metric used to measure the ecological function of a geographic
16 area. Habitat units are based on the combined quality of the existing habitat features, such as
17 shallow water habitat and shoreline vegetation, of a geographic area.

17 "Harborfront" means the area in the Shoreline District from Bay Street on the north to
18 South Jackson Street on the south.

18 "Hard engineering" See "Shoreline stabilization"

19 "Historic ship" means a structure that was designed and used as a vessel, whether
20 currently able to move under its own power or not, that has been designated by the Landmark
21 Preservation Board as historic or listed on the National Register of Historic Places.

21 House barge means a vessel, with or without means of self propulsion and steering
22 equipment or capability, that is principally designed as a place of residence.

22 "Hyporheic zones" means a region beneath and lateral to a water body, where there is
23 exchange of shallow groundwater and surface water and nutrients and fauna.

23 Section 23.60.918 of the Seattle Municipal Code, last amended by Ordinance 122310, is
24 amended as follows:

24 **23.60.918 Definitions -- "I"**

26 "Intake" means a structure that is part of a utility line that brings in water from a
27 freshwater or saltwater environment. See "Utility line".

1 “Interior boat repair” means maintenance and repair activities confined to the enclosed
2 areas of a vessel and that are not exposed to the elements.

3 “Interpretive signs” means on-premises signs describing a natural or historic feature on
4 the same site as the sign or seen from the site.

5 Section 23.60.920 of the Seattle Municipal Code, enacted by Ordinance 113466, is
6 amended as follows:

7 **23.60.920 Definitions -- "J"**

8 "Jetty" means an artificial barrier perpendicular to the shoreline that changes the natural
9 littoral drift .

10 Section 23.60.922 of the Seattle Municipal Code, enacted by Ordinance 113466, is
11 amended as follows:

12 **23.60.922 Definitions -- "K"**

13 Reserved.

14 Section 23.60.924 of the Seattle Municipal Code, last amended by Ordinance 117789, is
15 amended as follows:

16 **23.60.924 Definitions -- "L"**

17 “Lake Union area” means the area from the western portion of the Fremont Bridge to the
18 eastern portion of I-5 Bridge.

19 “Lake Union and the Ship Canal” means the geographic area that includes the Shoreline
20 District between the Montlake Bridge and the Hiram Chittenden Locks including Lake Union.

21 “Lake Washington, North” means the geographic area from the middle of the Montlake
22 Cut to the northern City limit.

23 “Lake Washington, South” means the geographic area from the middle of the Montlake
24 Cut to the southern City limit.

25 “Land disturbing activity” means any activity that results in a movement of earth, or a
26 change in the existing soil cover (both vegetative and non-vegetative) or the existing topography.
27 Land disturbing activities include, but are not limited to, clearing, grubbing, grading, filling,
28 excavation, or addition or replacement of impervious surface.

“Landfill” means sand, soil, gravel or other material deposited onto a shoreland area and
not in water; see “Fill”.

“Light transmitting feature” means a surface that allows ambient light to pass through the
surface such as grating on a deck or translucent material for roof or decking.

“Live-aboard or live-aboard use” means a use that meets the definition of live-aboard
vessel”.

“Live-aboard vessel” means a vessel that is used as a dwelling unit for more than a total
of thirty days in any forty-five day period or more than a total of ninety days in any three
hundred sixty-five-day period; or the occupant or occupants identify the vessel or the facility
where it is moored as their residence for voting, mail, tax, or similar purposes. Marinas may
define “residential use” more narrowly than the above definition, but not more broadly.

“Lot coverage” means that portion of a lot occupied by the principal building, accessory
buildings and development including impervious surface, piers, floats and dry-docks, expressed
as a percentage of the total lot area.

1 “Lot depth” means the distance between ordinary high water mark and the street right-of-
2 way.

3 "Lot, upland" means a lot wholly or partly within the Shoreline District that is separated
4 from the water by a street, arterial, highway, railroad right-of-way or government-controlled
5 property that prevents access to and use of the water.

6 "Lot, upland through" means an upland lot wholly or partly within the Shoreline District
7 that extends between a street, highway, or arterial right-of-way on the upland side and a street,
8 highway, arterial, railway right-of-way, or government-controlled property on the waterfront
9 side.

10 "Lot, waterfront" means a lot any portion of which is offshore of or abuts upon the
11 ordinary high water mark or mean high water mark and any other lot or parcel partially or
12 entirely within the Shoreline District that is not separated from the water by a street, arterial,
13 highway, railroad right-of-way, or government-owned or controlled property that prevents access
14 to and use of the water. Vacation or relocation of a legal right-of-way after March 17, 1977, shall
15 convert a lot that was an upland lot because of the existence of such right-of-way into a
16 waterfront lot.

17 For purposes of determining the appropriate use and development standards applicable to
18 developments in railroad or street rights-of-way, the railroad or street right-of-way shall be
19 considered to be a waterfront lot unless separated from the water by another railroad or street
20 right-of-way.

21 Section 23.60.926 of the Seattle Municipal Code, last amended by Ordinance 122310, is
22 amended as follows:

23 **23.60.926 Definitions -- "M"**

24 "Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions as
25 of the effective date of this ordinance:

- 26 -- Light manufacturing;
- 27 -- General manufacturing;
- 28 -- Heavy manufacturing.

29 "Marina, commercial" means a use in which a system of piers, buoys, or floats is used to
30 provide moorage, primarily for commercial vessels, except barges, for sale or rent, usually on a
31 monthly or yearly basis or for commercial or recreational vessels undergoing repair by
32 commercial businesses. Minor vessel repair, haul-out, dry boat storage, tugboat dispatch offices,
33 and other services are also often accessory to or associated with the use.

34 "Marina, recreational" means a use, in which a system of piers, buoys, or floats is used to
35 provide moorage, primarily for pleasure craft, for sale or rent, usually on a monthly or yearly
36 basis. Minor vessel repair, haul-out, dry boat storage and other services are also often accessory
37 to or associated with the use.

38 "Marine service station" means a marine sales and service use in which fuel for boats is
39 sold, and in which accessory uses including but not limited to towing or minor vessel repair may
40 also be provided.

41 "Master Program." See "Shoreline Master Program."

42 "May" means the action is acceptable, provided it conforms to the provisions of this
43 chapter.

44 "Mean higher high water (MHHW)" means the tidal elevation determined by averaging
45 the higher of each day's two high tides at a particular location over recorded history.

1 "Mean lower low water (MLLW)" means the 0.0 tidal elevation. It is determined by
2 averaging the lower of each day's two low tides, at a particular location over recorded history.

3 "Mechanical harvesting and cutting" means the partial removal or control of aquatic
4 plants with the use of mechanical harvesters that cut and collect aquatic plants, and mechanical
5 cutters which only cut aquatic plants".

6 "Mitigation" means the action taken to prevent, minimize or replace the loss of
7 ecological functions resulting from new development or use, or from maintaining, repairing or
8 altering existing development or use that creates new adverse impacts to ecological functions, or
9 from substantially improving, replacing or rebuilding a nonconforming development, whether
10 the impact is new or on-going. Loss of ecological functions may be due to, but not limited to,
11 location, design, construction and management of the development or use.

12 Mitigation sequencing means the steps taken to avoid, rectify, minimize and/or
13 compensate for the loss to ecological functions so that mitigation achieves no-net-loss to
14 ecological functions.

15 "Moorage, covered" means a pier and pier structures or system of floating or fixed
16 access-ways covered with a roof, to which boats on water may be secured.

17 "Moorage, open wet" means an uncovered pier and pier structures or system of floating
18 or fixed access-ways to which boats on water may be secured.

19 "Moorage, transient" means moorage available to the public, generally for a fee, on a
20 short-term basis. Transient moorage may be available on an hourly, daily or weekly basis.

21 "Moorage walkway" means the pier, float(s) or combination of pier and float(s) designed
22 and used to give pedestrian access from the land to floating home sites at a floating home
23 moorage. Ramps that provide access to individual floating homes are not moorage walkways.

24 "Mudflat" means a coastal wetland consisting of fine-grained silt or organic matter that
25 is covered at high tide and exposed at low tide

26 Section 23.60.928 of the Seattle Municipal Code, enacted by Ordinance 113466, is
27 amended as follows:

28 **23.60.928 Definitions -- "N"**

"Native vegetation" means a species that has occurred within the city limits of Seattle in
the 18th century AD based on best available science or best professional judgment. "Natural
area" means an area that is predominately vegetated with native or wild- growing vegetation.

"Navigational aid" means a structure used to guide or position ships and boats or to warn
of navigational hazards, including but not limited to buoys, beacons, and light towers.

"No net loss of ecological functions" and "NNL" means no degradation to habitat
including the habitat forming processes after the project impacts and mitigation for the project
impacts occur.

"Non-native aquatic species" means species in which Seattle is not within their natural
range or within their natural dispersion area or species that have been brought to Seattle from
another region, state or country.

"Non-motorized boat landing area" means an area designed to allow vessels without
motors to land on dry land but is not designed to include a launching site for non-motorized
vessels.

"Non-structural stabilization" see "Shoreline stabilization".

"Nonwater-oriented uses" means those uses that are not water-dependent, water-related,
or water-enjoyment.

1 “Normal and routine pruning and maintenance” means practices that are necessary to
2 maintain existing pathways and landscaping, ensure the health of existing vegetation, or achieve
3 limited pruning to allow windowing, reduce tree mass or redirect tree growth. Removal of trees
4 and non-invasive vegetation is never considered normal and routine maintenance. Pruning
5 actions must conform to the ANSI A300 standards outlined in The American National Standard
6 for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard
7 Practices.

8 Normal appurtenance. Structures usually related to a primary structure or use, including
9 garages; decks; driveways; utilities; septic tanks, and grading which does not exceed two
10 hundred fifty cubic yards and which does not involve placement of fill in any wetland or
11 waterward of the ordinary high water mark.

12 “Noxious weed” means weeds listed by the King County Noxious Weed Control
13 Board.

14 Section 23.60.930 of the Seattle Municipal Code, enacted by Ordinance 113466, is
15 amended as follows:

16 **23.60.930 Definitions -- "O"**

17 "Ordinary high water mark", abbreviated "OHW mark", means, on all lakes, streams, and
18 tidal water, that mark that will be found by examining the bed and banks and ascertaining where
19 the presence and action of waters are so common and usual, and so long continued in all ordinary
20 years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to
21 vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter or as
22 it may change thereafter in accordance with permits issued by the Director or the Department of
23 Ecology: provided, that in any area where the ordinary high water mark cannot be found, the
24 ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the
25 ordinary high water mark adjoining freshwater shall be the line of mean high water.

26 "Outfall" means a structural part of a utility line that discharges to a freshwater or
27 saltwater environment. See "Utility line".

28 Section 23.60.930 of the Seattle Municipal Code, enacted by Ordinance 118793, is
amended as follows:

23.60.932 Definitions -- "P"

"Parking and moorage is a transportation facility use and includes the following uses:

- Boat moorage
- Marina, commercial;
- Marina , recreational; and
- Dry boat storage.

"Parks and open space general" means land and/or water area predominantly undeveloped
that is set aside to provide park and recreational opportunities, conserve natural resources or
structure urban development and form.

"Parks and open space shoreline" means land and/or water area with its surface open to
the sky or predominantly undeveloped that is set aside to provide park and recreational
opportunities, conserve natural resources or structure urban development and form and is limited
to natural athletic fields with no lighting, bath houses, bicycle and pedestrian paths, concession
stands without permanent structures, fishing piers, hand-carried boat launches, interpretive

1 displays, motorized boat launch areas, non-motorized boat landing areas, pavilions, seating and
viewpoints, swimming beaches, swimming floats, and underwater diving areas.

2 "Pier" means a structure resting on columns or piles structure extending from shore into a
body of water for use as a docking place for vessels or promenade or to protect or form a harbor.
3 If a pier is accessory to residential structures "pier" means a structure for swimming or for
landing and open wet moorage of watercraft accessory to single-family or multifamily residential
4 structures.

5 "Pier, finger or spur" means a minor extension from a primary pier.

6 "Pier, fixed" means a pier with the deck attached to the pilings in a manner that does not
permit changes in the height of the deck.

7 "Pier, floating" means a pier with the deck is attached to the pilings in a manner that
allows the deck to float at the level of the water.

8 "Practical" means an effective and tested action or a realistic approach to the particular
circumstance based on site conditions and intended use of a site

9 "Portage Bay" means the water area from the I-5 Bridge to the Montlake Bridge.

10 "Priority species" means species requiring protective measures and/or management
guidelines to ensure their persistence at genetically viable population levels. Priority species are
11 those that meet any of the criteria listed below.

12 1. Criterion 1. State-listed or state proposed species. State-listed species are those
native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened
13 (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and
wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for
14 possible listing as endangered, threatened, or sensitive according to the process and criteria
defined in WAC 232-12-297.

15 2. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those
species or groups of animals susceptible to significant population declines, within a specific area
16 or statewide, by virtue of their inclination to congregate. Examples include heron colonies,
seabird concentrations, and marine mammal congregations.

17 3. Criterion 3. Species of recreational, commercial, and/or tribal importance.
Native and nonnative fish, shellfish, and wildlife species of recreational or commercial
18 importance and recognized species used for tribal ceremonial and subsistence purposes that are
vulnerable to habitat loss or degradation.
19

20 4. Criterion 4. Species listed under the federal Endangered Species Act as either
proposed, threatened, or endangered.

21 "Provisions" means policies, regulations, standards, guideline criteria or shoreline
environment designations.

22 "Puget Sound, North" means the geographic area between the north boundary of Elliott
Bay and the northern City limit.

23 "Puget Sound South." means the geographic area between the south boundary of Elliott
Bay and the southern City limit.

24 "Public access facility" means an area that provides public access to the shoreline by a
public agency.

25 "Public Access Plan" means a plan that serves as a portion of the public access planning
26 for access to shorelines on public property if the plan meets the provisions of WAC 173-26-
27 221(4) and if developed through an open public process as provided in WAC 173-26-
201(3)(b)(i).

1 "Public access, regulated " means providing a viewpoint and/or physical approach to
2 public waters, through walkways, corridors, parks, transient moorage or other areas, by a
3 property owner, as regulated by this Chapter.

4 "Public facility" means a facility owned, operated or franchised by a unit of general or
5 special purpose government for public purposes and includes public open space.

6 "Public Improvement Plan" means a plan that provides standards for allowing public
7 facility uses that are not water-dependent or water-related. When determining the required
8 standards WAC 173-26-241(3)(d) and (f) shall be met, as appropriate for the type of public
9 facility proposed and improved open space and waterfront connections, aesthetic quality and/or
10 safety for the public shall be included . A "Public Improvement Plan" is not a "Port
11 Improvement Plan".

12 "Public open space" see "public facility".

13 "Puget Sound" means the shoreline area within the City limits except the Shilshole area,
14 Elliott Bay, the Harborfront and the Duwamish Waterways.

15 A new Section 23.60.933 of the Seattle Municipal Code is adopted as follows:

16 **23.60.933 Definitions – "Q"**

17 "Quay" means a landing place on a coast or river bank or harbor at which vessels are
18 loaded and unloaded, Most often context I have seen quay used in referred

19 "Queuing area," means an enclosed or unenclosed space provided for the temporary
20 holding of vehicles prior to loading for over-water transport.

21 Section 23.60.934 of the Seattle Municipal Code, enacted by Ordinance 122310, is
22 amended as follows:

23 **23.60.934 Definitions -- "R"**

24 "Railroad" means a public or private right-of-way on which tracks for trains are
25 constructed. Railroad yards and stations shall be classified as cargo or passenger terminals.

26 "Reasonable"

27 1. means that the action will allow a proposal to attain or approximate its
28 objectives with the least impact to ecological function in consideration of the costs and
alternatives, if the regulations of this chapter require that an action be reasonable in connection
with determining mitigation measures, environmental impacts, or alternative development,.

2. means that a location can accommodate the proposal's objectives at the lowest
level of impact to ecological function in consideration of the environmental, social and economic
impacts on the public and the cost to the applicant, if the regulations of this chapter require that
an action be reasonable in determining location.

"Research use" means a use that conducts scientific investigation through survey and/or
collection of data.

"Residential use" means the following uses:

- Accessory dwelling unit;
- Adult family homes;
- Artist's studio/dwelling;
- Assisted living facility;
- Caretaker's quarters;
- Congregate residences;
- Detached accessory dwelling unit;

- Floating home;
- Mobile (())park home;
- Multifamily residences;
- Nursing homes;
- Single-family dwelling unit.

“Restoration and enhancement” or “ecological restoration and enhancement” means revegetation, removing intrusive shoreline structures, removing or treating toxic materials, or similar actions to restore impaired shoreline ecological processes or functions by reestablishing them or upgrading them. Restoration and enhancement does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement.

“Restoration and Enhancement Plan” means the plan that is adopted by Resolution (add resolution #) on the same day as the ordinance approving this chapter is adopted.

“Riprap” means a foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.

“Rotovator” see “Aquatic rotovator”.

Section 23.60.936 of the Seattle Municipal Code, last amended by Ordinance 122310, is amended as follows:

23.60.936 Definitions -- "S"

"Sale and/or rental of large boats" means a marine retail sales and service use in which boats 16 feet or more in length are rented or sold.

"Sale and rental of small boats, boat parts and accessories" means a marine sales and service use in which boats 16 feet or less in length are rented or sold, or goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Includes “boat livery” uses where boats and accessories are rented or sold to the general public for use in adjacent waters. Boat liveries are a water-related use. Examples of goods rented or sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines.

“Sales and service, marine” means a commercial use and means one of the following uses:

- Sale or rental of large boats;
- Marine service station;
- Major or minor vessel repair;
- Sale and rental of small boats, boat parts and accessories.

“Saltwater” means the waterbodies of Puget Sound, Elliot Bay, Duwamish River, and Shilshole Bay ending at the Hiram M. Chittenden Locks.

"Shall" means a mandate; the action must be done.

“Shilshole Bay” means the area from NW 80th Street on the north to the Chittenden Locks.

“Ship canal” means the area of the Lake Washington Ship Canal from the Chittenden Locks to the Fremont Bridge.

“Shipyard” means a facility with an NPDES permit in which vessels are built, dry docked painted and/or repaired. A shipyard primarily handles vessels 65 feet or longer.

"Shorelands" or "shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark or mean higher high water; floodways and contiguous floodplain areas landward 200 feet from such

1 floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters
2 that are subject to the provisions of this title; the same to be designated as to location by the
3 Department of Ecology. "Floodplain" is synonymous with the one hundred-year floodplain and
4 means that land area susceptible to inundation with a one percent chance of being equaled or
5 exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation
6 maps or a reasonable method that meets the objectives of the Shoreline Management Act.

7 "Shoreline conditional use" means uses identified as such in this chapter which may be
8 authorized by the Director and approved by the Department of Ecology in specific cases where
9 certain stated facts and conditions are found to exist. See Section 23.60.034.

10 "Shoreline area" means all "shorelines of the state" and "shorelands" as defined in RCW
11 90.58.030.

12 "Shoreline District" means the area established in Section 23.60.010.

13 "Shoreline environment" means an area within the Shoreline District that has policies,
14 use provisions and development standards that regulate development, shoreline modifications
15 and uses for the areas that are designated as such shoreline environments.

16 "Shoreline Master Program" means the comprehensive use plan for the shorelines of the
17 city which consists of the Shoreline Goals and Policies of the Seattle Comprehensive Plan, the
18 specific regulations of this chapter and the shoreline restoration plan.

19 "Shoreline modifications" means those actions that modify the physical configuration or
20 qualities of the shoreline area, usually through the construction of a physical element such as a
21 dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. Shoreline
22 modifications can be other actions, such as clearing, grading, adding impervious surface,
23 altering vegetation, or applying chemicals.

24 "Shoreline residential setback" means the distance landward from the ordinary high water
25 mark that residential structures are required to be located to not block views from abutting
26 residents. See, Section 23.60.206.

27 "Shoreline setback" means the distance landward from the ordinary high water mark that
28 development, shoreline modifications and uses are required to be located as established in each
29 shoreline environment.

30 "Shoreline stabilization" means techniques to protect against erosion and consist of
31 nonstructural, hard engineering or soft engineering techniques, as follows:

32 Hard engineering. Protection against erosion using primarily structural elements
33 such as rock, concrete, and metal. Examples include riprap, concrete groins, concrete bulkheads,
34 and sheetpile.

35 Non-structural. Protection against erosion through practices that require minimal
36 disturbance at the shoreline. Examples include setbacks, preservation and management of
37 existing vegetation, upland drainage control, or nourishment of an existing beach.

38 Soft engineering. Protection against erosion using primarily plant material,
39 gravel, and grading. Examples include live stakes, biotechnical slope stabilization, gravel
40 placement for beach creation, and anchor trees.

41 "Shoreline special use" means uses identified as such in this chapter which may be
42 authorized by the Director in specific cases where the facts and conditions stated in Section
43 23.60.032 are found to exist.

44 "Shoreline variance" means a modification of the regulations of this chapter if authorized
45 by the Director and approved by the Department of Ecology after a finding that the literal
46 interpretation and strict application of the provisions of this chapter would cause a degree of
47

1 hardship set out in the standards for shoreline variances in view of specific facts and conditions
2 applying to a lot in the Shoreline District. See Section 23.60.036.

3 "Shorelines" means all the water areas of the City and their associated shorelands,
4 together with the lands underlying them, except:

- 5 1. Shorelines of statewide significance;
- 6 2. Shorelines on segments of streams upstream of a point where the mean annual
7 flow is 20 cubic feet per second or less and the wetlands associated with such upstream
8 segments; and
- 9 3. Shorelines on lakes less than 20 acres in size and wetlands associated with
10 such small lakes.

11 "Shorelines of Statewide Significance." The following shorelines of the City are
12 identified in RCW 90.58.030(2)(e) as shorelines of statewide significance:

- 13 1. Those areas of Puget Sound and adjacent saltwaters lying seaward from the line
14 of extreme low tide;
- 15 2. Lake Washington;
- 16 3. The Duwamish River;
- 17 4. Those shorelands associated with subsections 23.60.936.B and C .

18 "Shorelines of the City" means the total of all "shorelines" and "shorelines of statewide
19 significance" within the City.

20 "Sign, interpretive" means an on-premises sign describing a natural or historic feature on
21 the same site as the sign or intended to be viewed from the site.

22 "Sleeving" means a method of pile repair that uses a non-toxic material frame to
23 encapsulate a pile and cement placed into the frame to provide stability to a worn pile.

24 "Soft engineering" See "Shoreline stabilization".

25 "Special use" means uses identified as such in this chapter that may be authorized by the
26 Director in specific cases in which the facts and conditions stated in Section 23.60.032 are found
27 to exist.

28 "Structure" means a permanent or temporary edifice or building, or any piece of work
artificially built or composed of parts artificially joined together in some definite manner,
whether installed on, above, or below the surface of the ground or water, including fences, walls,
signs, piers, floats and drydocks, but not including poles, flower-bed frames and other minor
incidental improvements, or vessels.

"Substantial development" means any development of which the total cost or fair market
value exceeds the amount established in WAC 173-27-040, except as otherwise provided in
subsection 23.60.020.C, or any development which materially interferes with the normal public
use of the water or shorelines of the City.

"Substantial improvement" and "substantially improved" means maintenance,
renovations, repairs or alterations the cost of which in any five year period starting from the date
of this ordinance equals or exceeds 60% of the market value of the non-conforming portion of
the development prior to undertaking the work.

"Submerged land" means all lands waterward of the ordinary high water mark or mean
higher high water, whichever is higher.

Section 23.60.938 of the Seattle Municipal Code, last amended by Ordinance 122310, is
amended as follows:

23.60.938 Definitions -- "T"

"Transportation facilities" means the following uses:

- Bridges and tunnels
- Cargo terminal;
- Moorage;
- Parking;
- Passenger terminal;
- Rail transit facilities;
- Railroads;
- Streets;
- Transportation facilities, air;
- Tugboat services;
- Vehicle storage and maintenance.

"Tree" means a self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, that is recognized as a tree in the nursery and arboricultural industries.

"Tugboat services" means a transportation facility use that consists of moorage for more than one tugboat and dispatch offices, except that facilities that include barge moorage and loading and unloading facilities for barges as well as tugboat moorage are not tugboat services and are classified as cargo terminals.

Section 23.60.940 of the Seattle Municipal Code, last amended by Ordinance 122310, is amended as follows:

23.60.940 Definitions -- "U"

"UC" means the Urban Commercial shoreline environment.

"UG" means the Urban General shoreline environment.

"UH" means the Urban Harborfront shoreline environment.

"UI" means the Urban Industrial shoreline environment.

"UM" means the Urban Maritime shoreline environment.

"UR" means the Urban Residential shoreline environment.

"Use" means a purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. For purposes of this chapter, uses include shoreline modifications and utility lines.

"Use, accessory" means a use which is incidental and intrinsic to the function of a principal use and is not a separate business establishment unless a home occupation.

"Use, principal" means any use, whether a separate business establishment or not, that has a separate and distinct purpose and function from other uses on the lot.

"Use, Water-dependent." See "Water-dependent use."

"Utilities" means the following uses:

- Communication utility major or minor;
- Utility service uses;
- Solid waste management;
- Recycling;
- Sewage treatment plant;
- Power plant; and

"Utility lines" means pipes, cables or other linear conveyance systems used to transport power, water, gas, oil, wastewater or similar items. Utility lines include outfalls and intakes.

1 Section 23.60.942 of the Seattle Municipal Code, enacted by Ordinance 113466, is
2 amended as follows:

3 **23.60.942 Definitions -- "V"**

4 "Vegetation cover" means the total area covered by vegetation multiplied by the fraction
5 of the real cover that exists as based on vertical observation, or estimation.

6 "Vegetation management" means any action that involves plant materials including
7 removing and replacing plant material with other plants or other ground surface coverage that is
8 pervious or impervious or planting plant materials where no plants existed.

9 "Vessel" means ships, boats, barges, or any other floating craft that are designed and used
10 for navigation and do not interfere with the normal public use of the water, including historic
11 ships that do not have means of self-propulsion and steering equipment.

12 "Vessel repair" means a marine retail sales and service use that is either major or minor,
13 see "vessel repair, major" and vessel repair, minor," and does not include routine maintenance of
14 a vessel that can lawfully occur while a boat is moored at a permanent location.

15 "Vessel repair, major" means a ship yard and is a marine retail sales and service use.

16 "Vessel repair, minor" means a boat yard and is a marine retail sales and service use.

17 "View corridor" means an area of a lot that provides a view through the lot from the
18 abutting public right-of-way to the water unobstructed by structures except as allowed by this
19 chapter or by vegetation.

20 Section 23.60.910 of the Seattle Municipal Code, last amended by Ordinance 118793, is
21 amended as follows:

22 **23.60.944 Definitions -- "W"**

23 "WAC" means the Washington Administrative Code, which are regulations of executive
24 branch agencies issued by authority of Washington State statutes that interpret the statutes.

25 "Water-dependent use" means a use which cannot exist in other than a waterfront location
26 and is dependent on the water by reason of the intrinsic nature of its operations. The following
27 uses are included:

28 Ferry and passenger terminals, marine construction and repair, aquaculture, cargo
terminal for marine commerce or industry, boat launch facilities, marinas, tour boats, cruise
ships, tug and barge operations, recreation that provides physical access to the water, moorage,
yacht clubs, limnological or oceanographic research facilities that include boat moorage or
require the use of the water for its operation. Water dependent use includes businesses that
receive or transport 50% or more product used in the business via the water adjacent to such
business.

"Water-enjoyment use" means a recreational use or other use that facilitates public access
to the shoreline as a primary characteristic of the use; or a use that provides for recreational use
or aesthetic enjoyment of the shoreline for a substantial number of people as a general
characteristic of the use and which through location, design, and operation ensures the public's
ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a
water-enjoyment use, the use must be open to the general public and the shoreline-oriented space
within the project must be devoted to the specific aspects of the use that fosters shoreline
enjoyment. The following uses are often considered water-enjoyment uses: eating and drinking
establishments and recreation that provides visual access to the water.

"Water-oriented use" means a use that is a water-dependent, water-related, or water-
enjoyment use, or a combination of such uses.

1 "Water quality" means the physical characteristics of water within the Shoreline District,
2 including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and
3 biological characteristics. Where used in this chapter, the term "water quantity" refers to
4 development and uses regulated under this chapter and affecting water quantity, such as
5 impermeable surfaces and storm water handling practices. Water quantity, for purposes of this
6 chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to
7 RCW 90.03.250 through 90.03.340.

8 "Water-related use" means a use or portion of a use not intrinsically dependent on a
9 waterfront location but whose economic viability is dependent upon a location in the shoreline
10 district because:

11 1. The use has a functional requirement for a waterfront location, such as the
12 arrival or shipment materials by water (less than 50% of their product arrives by vessel), or the
13 need for large quantities of water; or

14 2. The storage of material that is transported by a vessel and is either loaded or
15 off-loaded in the Shoreline District: or

16 3. The use provides a necessary service supportive of water-dependent uses and
17 the proximity of the use to its customers makes its services less expensive and/or more
18 convenient.

19 The following uses, and similar uses, are often considered water-related: Seafood and fish
20 processing, lumber and plywood mills, sand and gravel companies and concrete mix and cement
21 plants if operating materials for any of the foregoing uses arrive by boat, water pollution control
22 services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses, and boat
23 rigging operations, storage of items that have come off of a vessel and will be returned to a
24 vessel or transported to another location; these items include equipment, cargo containers and
25 products and maritime museums. The following uses and similar uses are not water-related:
26 offices, eating and drinking establishments, catering services, non-marine sales and service,
27 lodging, adult care centers, child care centers, religious facilities, hospitals, and residential uses.

28 "Watershed restoration plan" means a plan developed or sponsored by the State
Department of Fish and Wildlife, the State Department of Ecology, the State Department of
Natural Resources, the State Department of Transportation, a federally recognized Indian tribe
acting within and pursuant to its authority, a city, a county, or a conservation district that
provides a general program and implementation measures or actions for the preservation,
restoration, re-creation, or enhancement of the natural resources, character and ecology of a
stream, stream segment, drainage area, or watershed for which agency and public review has
been conducted pursuant to Chapter 43.21 RCW, the State Environmental Policy Act.

"Watershed restoration project" means a public or private project authorized by the
sponsor of a watershed restoration plan that implements the plan or part of the plan and consists
of one or more of the following activities:

A. A project that involves less than 10 miles of stream reach, in which less than 25 cubic
yards of sand, gravel or soil is removed, imported, disturbed, or discharged, and in which no
existing vegetation is removed except as minimally necessary to facilitate additional plantings;

B. A project for the restoration of an eroded or unstable stream bank that employs the
principles of bioengineering, including limited use of rock as stabilization only at the toe of the
bank, and with primary emphasis on using native vegetation to control the erosive forces of
flowing water; or

1 C. A project primarily designed to improve fish and wildlife habitat, remove or reduce
2 impediments to migration of fish, or enhance the fishery resource available for use by all of the
3 citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat
4 enhancement structure associated with the project, is less than 200 square feet in floor area and is
5 located above the ordinary high water mark of the stream.

6 "Waterway" means a public highway for watercraft providing access from land to water
7 and from water to land platted by the Washington State Harbor Line Commission for the
8 convenience of commerce and navigation.

9 "Weed rolling" means the use of a mechanical roller designed to control aquatic weeds.

10 "Weir" means a structure in a stream or river for measuring or regulating stream flow.

11 "Wetlands" means those areas that are inundated or saturated by surface water or ground water at
12 a frequency and duration sufficient to support, and that under normal circumstances do support, a
13 prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands
14 generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those
15 artificial wetlands intentionally created from nonwetland sites, including, but not limited to,
16 irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater
17 treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1,
18 1990, that were unintentionally created as a result of the construction of a road, street, or
19 highway. Wetlands may include those artificial wetlands intentionally created from nonwetland
20 areas to mitigate the conversion of wetlands. (The method for delineating wetlands shall follow
21 the most current version of the "Washington State Wetlands Identification and Delineation
22 Manual" as adopted by the State Department of Ecology.)

23 "Wharf" means a structure on a shore or river bank built on the shore or projecting out
24 into a harbor, lake, river or stream for the purpose of mooring to load and unload.

25 "Wildlife" means living things that are neither human nor domesticated, including but not
26 limited to mammals, birds and fishes.

27 Section 23.60.946 of the Seattle Municipal Code, enacted by Ordinance 113466, is
28 amended as follows:

23.60.946 Definitions -- "Y"

"Yacht, boat and beach clubs" means institutional uses that consist of structures and
related grounds and/or moorage used for social and recreational purposes related to pleasure
boating and/or swimming, the use of which is generally restricted to members and their guests.
Yacht, boat and beach clubs may be either community clubs or private clubs.

Section 23.60.950 of the Seattle Municipal Code, enacted by Ordinance 118793, is
amended as follows:

23.60.950 Measurements in the Shoreline District

Measurements of height, view corridors, lot coverage, and other shoreline requirements
in the Shoreline District shall be as described in this subchapter. These measurement regulations
supplement other regulations of this title as described in Section 23.60.014. When a development
is partly within and partly without the Shoreline District, measurement techniques for that
portion of the development outside of the Shoreline District shall be as required in the underlying
zoning.

1 Section 23.60.952 of the Seattle Municipal Code, enacted by Ordinance 118793, is
2 amended as follows:

3 **23.60.952 Height**

4 Height of structures shall be determined by measuring from the average grade of the lot
5 immediately prior to the proposed development to the highest point of the structure not otherwise
6 excepted from the height limits. Calculation of the average grade level shall be made by
7 averaging the elevations at the center of all exterior walls of the proposed building or structure.
8 In the case of structures to be built over water, average grade level shall be the elevation of
9 ordinary high water.

10 Section 23.60.954 of the Seattle Municipal Code, enacted by Ordinance 113466, is
11 amended as follows:

12 **23.60.954 View corridors**

13 When a view corridor is required, it shall be provided according to the development
14 standards set forth in Section 23.60.162 using the following measurement techniques:

15 A. The width of the view corridor or corridors shall be determined by calculating the
16 required percent of the width of the lot at the street or upland lot line;

17 B. The view corridor or corridors shall be in the direction of the predominant view of the
18 water and, when topographically possible, generally parallel to existing view corridors;

19 C. When a lot is bounded by more than one street, the Director shall determine which
20 street front shall be used for the view corridor calculation; the determination shall be based on
21 consideration of the relative amounts of traffic on each of the streets, the direction of the
22 predominant view of the water and the availability of actual views of the water.

23 Section 23.60.956 of the Seattle Municipal Code, enacted by Ordinance 116325, is
24 amended as follows:

25 **23.60.956 Calculation of lot depth**

26 In certain environments, regulation of development differs according to the depth of the
27 dry-land portion of the lot. To qualify for some special regulations, a lot must have a specified
28 depth of dry-land. To qualify for locating single-family residences cantilevered over water, a lot
must have less than 30 feet but at least 15 feet of dry land.

A. The Director shall determine the lot depth as described below:

1. If the lot abuts a street or railroad right-of-way which is generally parallel to the
2 shoreline, the lot depth is the distance measured in a straight line, parallel to (and the street or
3 railroad right-of-way and extending to the OHW mark or MHHW between two lot lines, for
4 more than 50 percent of the lot; or

5 3. If the lot lines and/or street or railroad right-of-way are irregular, the Director
6 may determine the lot depth, based upon the intent of the Shoreline Master Program.

B. A lot shall be determined by the Director to have a depth of less than 30 feet but at
7 least 15 feet of dry land if:

8 1. The lot abuts a street or railroad right-of-way which is generally parallel to the
9 shoreline; and

10 2. A straight line, parallel to and 15 feet waterward of the street or railroad right-
11 of-way and extending between two lot lines, crosses dry land for more than 50 percent of its
12 distance; and

1 3. A straight line, parallel to and 30 feet waterward of the street or railroad right-
2 of-way and extending between two lot lines, crosses submerged land for more than 50 percent
3 of its distance; or

4 4. If the lot lines and/or street or railroad right-of-way are irregular, the Director
5 may determine whether the lot has a depth of less than 30 feet but at least feet of dry land,
6 based on the intent of the Shoreline Master Program.

7 Section 23.60.958 of the Seattle Municipal Code, enacted by Ordinance 116791, is
8 amended as follows:

9 **23.60.958 Calculation of percent of a lot occupied by a specific use**

10 The following measurement techniques shall be used to calculate the percentage of a lot
11 occupied by a use for developments other than water-dependent incentive developments in the
12 Urban Harborfront.

13 A. For purpose of this section, the "lot" includes all the lot area within the Shoreline
14 District including vacant lands, submerged and dry lands, and lands available for lease from the
15 State Department of Natural Resources and developed or proposed to be developed, but
16 excluding any area required for public access. Submerged lands shall not be counted in
17 calculating lot area for purposes of minimum lot area requirements of single-family zones or
18 density standards of other zones.

19 B. All lot area occupied by a specific use shall include:

20 1. The footprint, including balconies, decks and eaves, of any structure occupied
21 by the use or its accessory uses; provided, that if a structure is occupied by more than one use,
22 the amount of the structure's footprint allocated to any one use shall be calculated
23 proportionately to its share of the structure's total floor area as follows: the square footage of the
24 structure's footprint allocated to any one use (A) is equal to the total square footage of the
25 structure's footprint (B) multiplied by the total square footage of the use and its accessory uses
26 located within the structure (C) divided by the total square footage within the structure (D),
27 expressed as the following equation:

$$A = B \times C/D$$

28 2. The area outside of any structure, occupied by the use or its accessory uses,
including the following:

a. The area of any parking provided for the use in excess of required
accessory parking spaces including aisles and turning areas;

b. The area of any moorage occupied by the use including piers, floats,
dockage areas, channels and turning basins;

c. The area occupied by any storage accessory to the use.

C. The percent of lot occupied by a specific use shall be calculated by dividing the use
area calculated in subsection B above by the lot area given in subsection A above times 100.

D. To calculate the percent of dry land or percent of submerged lands occupied by a
specific use or category of use, the dry lands and submerged lands shall each be calculated
separately.

E. To calculate the percent of area occupied by a category of use such as non-water-
dependent commercial, the area occupied by all such uses as calculated above shall be summed
and divided by the lot area.

1 Section 23.60.960 of the Seattle Municipal Code, enacted by Ordinance 113466, is
deleted.

2 Section 23.60.962 of the Seattle Municipal Code, enacted by Ordinance 113466, is
3 amended as follows:

4 **23.60.962 Calculation of lot width for piers accessory to residential development.**

5 The following measurement technique shall be used to calculate whether or not lot width
at the line of ordinary high water is sufficient to comply with the requirement of subsection of
6 Section 23.60.204.B.3:

7 A. Lot width shall be the distance measured in a straight line between the points where
the lot lines intersect the ordinary high water mark.

8 B. If the lot lines, ordinary high water mark or other conditions are irregular, the Director
may determine if the lot meets the lot width criterion, based on the intent of the Shoreline Master
9 Program.

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