

# Shoreline Master Program

# Exhibit 2

## **Attachment A to the Shoreline Master Program Draft Regulations: Repealed Code Sections .**

The following sections of the Seattle Municipal Code, Chapter 23.60, are repealed as shown below in numerical order.

Section 23.60.023 of the Seattle Municipal Code, enacted by Ordinance 122198, is repealed.

### **23.60.023 Intermittent and temporary uses for light rail construction.**

The Director may grant, deny or condition applications for intermittent or temporary uses not meeting development standards in the Shoreline District for light rail transit facility construction if the use complies with the standards of subsection 23.42.040 F and this section.

A. In addition to complying with the site restoration requirements of subSection 23.42.040 F 4 the Director may require the restoration plan to include:

1. Native vegetation in the landscape plan.
2. Mitigation of impacts to fish and wildlife as a result of stormwater runoff from the site.
3. No increase in impervious surface from the site condition prior to the intermittent or temporary use.

Section 23.60.080 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

### **23.60.080 Fee schedule.**

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

Section 23.60.092 of the Seattle Municipal Code, last amended by Ordinance 119929, is repealed.

### **23.60.092 Accessory uses.**

A. Any principal use permitted in a specific shoreline environment either outright, or as a special use, conditional use or Council conditional use shall also be permitted as an accessory use outright or as a special use, conditional use or Council conditional use, respectively.

B. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices and caretaker's quarters not exceeding eight hundred (800) square feet in living area. For purposes of this section, landfill, water-based airports, heliports and helistops shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.

C. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses which are non-water-dependent and non-water-related, even if accessory to

water-dependent or water-related uses, shall be permitted over water according to subsection A above only if either:

1. The over-water location is necessary for the operation of the water-dependent or water-related use; or

2. The lot has a depth of less than fifty (50) feet of dry land.

D. Parking shall not be permitted over water unless it is accessory to a water-dependent or water-related use located on a lot with a depth of less than fifty (50) feet of dry land and the Director determines that adequate on-site or off-site dry land parking within eight hundred (800) feet is not reasonably available.

E. Piers, floats, pilings, breakwaters, drydocks and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable shoreline environment.

F. Accessory uses shall be located on the same lot as the principal use; provided that when the accessory use is also permitted as a principal use in the shoreline environment applicable to an adjacent lot, the accessory use may be located on that adjacent lot.

Section 23.60.120 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

### **23.60.120 Applicability to existing development.**

Except as specifically stated, the regulations of this chapter shall not apply to developments legally undertaken in the Shoreline District prior to adoption of the ordinance codified in this chapter.

Section 23.60.192 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

### **23.60.192 Additional development standards.**

A. To the extent practicable, all new utility lines shall be located or constructed within existing utility corridors.

B. The installation of new electrical, telephone or other utility lines in areas where no such lines exist, or the substantial expansion of existing electrical, telephone or other utility lines in all environments except UI shall be accomplished underground, or under water, except for lines carrying one hundred fifteen (115) kilovolts or more.

C. Overhead installation of utility lines shall be permitted where there are no significant impacts on upland views. Location and design shall minimize visibility of overhead utilities and preserve views.

D. Upon completion of utility line installation or maintenance projects, the shoreline shall be restored to preproject configuration, replanted and provided maintenance care until the newly planted vegetation is reestablished.

E. Underwater pipelines except gravity sewers and storm drains, carrying materials intrinsically harmful or potentially injurious to aquatic life and/or water quality shall be provided with shutoff facilities at each end of the underwater segments.

Section 23.60.210 of the Seattle Municipal Code, last amended by Ordinance 118793, is repealed.

**23.60.210 Aquatic noxious weed control.**

The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, may be accomplished through the following practices:

A. By hand-pulling, mechanical harvesting, or placement of aquascreens if proposed to maintain existing water depth for navigation, which shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit; or

B. By derooting, rotovating or other method which disturbs the bottom sediment or benthos, which shall be considered development for which a substantial development permit is required, unless proposed to maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit; or

C. Through the use of herbicides or other treatment methods applicable to the control of aquatic noxious weeds that are recommended in a final environmental impact statement published by the State Department of Agriculture or the State Department of Ecology jointly with other state agencies under Chapter 43.21 RCW, and subject to approval from the State Department of Ecology. The approve permit from the Department of Ecology shall specify the type of chemical(s) to be used and document that chemical treatment for the control of aquatic noxious weeds shall be applied by a person or entity licensed by the Department of Agriculture.

Section 23.60.240 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.240 - Uses permitted outright in the CN Environment.**

The following uses shall be permitted outright in the Conservancy Navigation Environment as either principal or accessory uses:

A. Navigational aids including channel markers and anchor buoys.

Section 23.60.242 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.242 - Special uses in the CN Environment.**

The following uses may be authorized in the CN Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Bridges;

B. Utilities lines;

C. Underwater diving areas and reefs;

D. Aquaculture;

E. Natural beach protection to prevent erosion or to enhance public access; and

F. The disposal of dredged material at authorized dredge disposal sites established as a conditional use.

Section 23.60.244 of the Seattle Municipal Code, last amended by Ordinance 118793, is repealed.

**23.60.244 - Conditional uses in the CN Environment.**

The following uses may be authorized in the CN Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses of WAC 173-27-160 are satisfied:

- A. The establishment of an open-water dredge material disposal site pursuant to WAC 332-30-166;
- B. Floating dolphins necessary for a water-dependent or water-related use;
- C. Off-shore facilities necessary for a water-dependent or water-related use;
- D. Bulkheads necessary to prevent extraordinary erosion where natural beach protection is not feasible;
- E. Dredging necessary to:
  - 1. Maintain or improve navigational channels,
  - 2. Provide access to a water-dependent or water-related use,
  - 3. Protect or enhance the natural environment, or
  - 4. Install utility lines and bridges; and
- F. The following types of landfill:
  - 1. Landfill on submerged land which does not create dry land, if necessary to install utility lines and bridges; and
  - 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement.

Section 23.60.246 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.246 - Prohibited uses in the CN Environment.**

The following uses shall be prohibited as principal or accessory uses in the CN Environment:

- A. Residential uses;
- B. Commercial uses;
- C. Utilities, except utility lines;
- D. Manufacturing uses;
- E. High-impact uses;
- F. Institutional uses;
- G. Public facilities not authorized pursuant to Section 23.60.248;
- H. All shoreline recreation uses except underwater diving areas and reefs;
- I. Agricultural uses except aquaculture;
- J. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system; and
- K. Landfill that creates dry land, except for wildlife habitat mitigation or enhancement.

Section 23.60.248 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.248 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 through 23.60.244 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.300 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.300 - Uses permitted outright in the CP Environment.**

The following uses shall be permitted outright in the Conservancy Preservation Environment: None.

Section 23.60.302 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.302 - Special uses in the CP Environment.**

The following uses may be authorized in the CP Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

- A. Utility lines if no reasonable alternative location exists;
- B. The following shoreline recreation uses:
  - 1. Underwater diving areas and reefs,
  - 2. Bicycle and pedestrian paths,
  - 3. Viewpoints;
- C. Aquaculture; and
- D. Natural beach protection to prevent erosion or to enhance public access.

Section 23.60.304 of the Seattle Municipal Code, last amended by Ordinance 118793, is repealed.

**23.60.304 - Conditional uses in the CP Environment.**

The following uses may be authorized in the CP Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses of WAC 173-27-160 are satisfied;

- A. Bulkheads necessary to prevent extraordinary erosion where natural beach protection is not feasible;
- B. Dredging necessary to protect or enhance the natural environment, to install utility lines, or for navigational access;
- C. The following types of landfill:
  - 1. Landfill on dry land if necessary to construct permitted uses and structures,
  - 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and
  - 3. Landfill which does not create dry land if necessary for the installation of utility lines; and
- D. Streets, railroads and bridges.

Section 23.60.306 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.306 - Prohibited uses in the CP Environment.**

The following uses shall be prohibited as principal or accessory uses in the CP Environment:

- A. Residential uses;
- B. Commercial uses including accessory parking;
- C. Utility uses, except utility lines;
- D. Manufacturing uses;
- E. High-impact uses;
- F. Institutional uses except permitted shoreline recreational uses;
- G. Public facilities not authorized pursuant to Section 23.60.308;

- H. Shoreline recreation uses except underwater diving areas or reefs, bicycle and pedestrian paths and viewpoints;
- I. Agricultural uses except aquaculture;
- J. The following protective structures:
  - 1. Bulkheads on Class I beaches, and
  - 2. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system; and
- K. Landfill that creates dry land except as part of wildlife or fisheries habitat.

Section 23.60.308 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.308 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

**23.60.330 Development standards in the CP Environment.**

All developments in the Conservancy Protection Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

**23.60.360 - Uses permitted outright in the CR Environment.**

The following uses shall be permitted outright in the Conservancy Recreation Environment as either principal or accessory uses:

- A. Shoreline recreation uses except auto-trailer boat launching ramps; and
- B. Aquaculture.

Section 23.60.362 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.362 - Accessory uses permitted outright in the CR Environment.**

The following uses and structures are permitted outright in the CR Environment as accessory to permitted uses:

- A. Piers and floats accessory to residences permitted by Section 23.60.360 A or to residences on adjacent land designated UR.

Section 23.60.364 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.364 - Special uses in the CR Environment.**

The following uses may be authorized in the CR Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

- A. Streets necessary to serve shoreline lots;
- B. Railroads and bridges;
- C. Utility lines if no reasonable alternative location exists;
- D. The following protective structures:
  - 1. Natural beach protection,
  - 2. Bulkheads to support a water-dependent or water-related use and any accessory use thereto, to enclose a permitted landfill area or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;
- E. Dredging necessary for water-dependent uses, installation of utility lines or creation of wildlife or fisheries habitat as mitigation or enhancement; and
- F. The following types of landfill:
  - 1. Landfill on dry land, where necessary to construct permitted uses and structures,
  - 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

3. Landfill on submerged land which does not create dry land, where necessary for the installation of utility lines.

Section 23.60.365 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

23.60.365 - Administrative conditional uses in the CR Environment.

The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as principal or accessory use, if the criteria for administrative conditional uses in WAC 173-27-160 are satisfied:

A. Single-family dwelling units constructed partially or wholly over water and meeting the following conditions:

1. If located on a residentially zoned and privately owned lot established in the public records of the County or City prior to March 1, 1977 by deed, contract of sale, mortgage, platting, property tax segregation or building permit; and

2. If the lot has less than thirty (30) feet but at least fifteen (15) feet of dry land calculated as provided for in measurements Section 23.60.956; and

3. If the development is limited to the dry-land portion of the site, to the greatest extent possible, and particularly to the most level and stable portions of the dry-land area.

B. Development standards of the underlying zone applicable to the single-family use in a CR environment may be waived or modified by the Director to minimize the amount of development over submerged lands.

C. The following uses may be authorized in the CR Environment either as principal or accessory uses:

1. The following uses when associated with a public park:

a. Small craft center,

b. Boat launching ramp for auto-trailer boats,

c. The following non-water-dependent commercial uses:

(1) Sale and rental of small boats, boat parts and accessories,

(2) General sales and services,

(3) Major durables retail sales, and

(4) Eating and drinking establishments;

2. Community yacht, boat and beach clubs when:

a. No eating and drinking establishments are included in the use,

b. No more than one (1) pier or float is included in the use, and

c. Any accessory pier or float meets the standards of Section 23.60.204 for piers and floats accessory to residential development.

Section 23.60.368 of the Seattle Municipal Code, enacted by Ordinance 122310, is repealed.

23.60.368 - Prohibited uses in the CR Environment.

The following uses shall be prohibited as principal uses in the CR Environment:

A. Residential uses except those permitted by Section 23.60.365 A;

B. Commercial uses except those specifically permitted by Section 23.60.365 C;

C. Utility uses except utility lines;

- D. Manufacturing uses;
- E. High-impact uses;
- F. Institutional uses except community clubs meeting the criteria of Section 23.60.365 C;
- G. Public facilities not authorized pursuant to Section 23.60.370;
- H. Parks and open space uses except shoreline recreation uses permitted by Section 23.60.360 A;
- I. Agricultural uses except aquaculture;
- J. The following shoreline protective structures:
  - 1. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system, and
  - 2. Bulkheads on Class I beaches; and
- K. Landfill that creates dry land except as part of habitat mitigation or enhancement.

Section 23.60.370 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.370 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.360 through 23.60.365 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.360 through 23.60.365 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.364 through 23.60.365 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.390 of the Seattle Municipal Code, last amended by Ordinance 120927, is repealed.

### **23.60.390 Development standards in the CR Environment.**

All developments in the Conservancy Recreation Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

Section 23.60.420 of the Seattle Municipal Code, last amended by Ordinance 120927, is repealed.

### **23.60.420 - Uses permitted outright on waterfront lots in the CM Environment.**

The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

- A. Utilities:
  - 1. Utility lines, and
  - 2. Utility service uses whose operations require a shoreline location, excluding communication utilities;
- B. Existing yacht, boat and beach clubs;
- C. Shoreline recreation;
- D. Aquaculture.

Section 23.60.422 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

### **23.60.422 - Accessory uses permitted outright in the CM Environment.**

The following uses and structures are permitted outright in the CM Environment as accessory to permitted uses:

- A. Piers and floats accessory to residential uses permitted on adjacent UR land.

Section 23.60.424 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

### **23.60.424 - Special uses permitted on waterfront lots in the CM Environment.**

The following uses may be authorized by the Director on waterfront lots in the CM Environment as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

- A. The following commercial uses:
  - 1. Sale or rental of large boats,
  - 2. Marine service station, and
  - 3. Vessel repair, minor;
- B. The following transportation facility uses:
  - 1. Recreational marina,
  - 2. Dry boat storage,
  - 3. Water-dependent passenger terminals, provided that the impact of terminal operation on adjacent residential neighborhoods and streets can be mitigated, and
  - 4. Airports, water-based;
- C. Streets;
- D. Bridges;
- E. Expansion of existing sewage treatment plants, not including expansion for additional treatment capacity or the addition of a new treatment level;
- F. Public facilities, water-dependent or water-related;
- G. The following institutional uses:
  - 1. New yacht, boat and beach clubs,
  - 2. Institute for advanced study, water-dependent or water-related,
  - 3. Museum, water-dependent or water-related, and
  - 4. Shoreline recreation accessory to a school, college or university;
- H. The following shoreline protective structures:
  - 1. Natural beach protection, and
  - 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;
- I. Dredging, when the dredging is necessary for a water-dependent or water-related use;
- J. The following types of landfill:
  - 1. Landfill on submerged lands that does not create dry land, if necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,
  - 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and
  - 3. Landfill on submerged land that creates dry land:
    - a. When the dry land is necessary for a water-dependent or water-related use, and
    - b. If more than two (2) square yards of dry land per linear yard of shoreline is created, the landfill meets the following additional criteria:
      - (1) No reasonable alternative to the landfill exists,
      - (2) The development provides a clear public benefit, and
      - (3) The landfill site is not located in Lake Union or Portage Bay.

Section 23.60.426 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.426 - Conditional uses permitted in the CM Environment.**

The following uses may be authorized in the CM Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Non-water-dependent commercial uses associated with a recreational marina:

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A2:

- a. Sale and rental of small boats, boat parts and accessories, and
- b. Eating and drinking establishments;

2. a. The use is associated with a recreational marina with at least nine thousand (9,000) lineal feet of moorage,  
b. The size and location of the use will not restrict efficient use of the site for water-dependent recreation or public access, and  
c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty (50) feet and a dry land location is not feasible;

B. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

- a. Sale and rental of small boats, boat parts and accessories,
- b. General sales and services,
- c. Major durables retail sales, and
- d. Eating and drinking establishments.

2. a. The use is located on a ship designated as historic by the Landmarks Preservation Board 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 permitted outright or as special uses are not practical because of ship design or 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 one-half (1/2) mile of the proposed site;

C. Non-water-dependent commercial uses associated with a public park:

1. The following uses associated with a public park may be permitted when meeting the criteria of subsection C2:

- a. Sale and rental of small boats, boat parts and accessories,
- b. General sales and services,
- c. Major durables retail sales, and
- d. Eating and drinking establishments.

2. a. The use is associated with a public park,  
b. The use is located on a lot that does not exceed two thousand four hundred (2,400) square feet in area, and

c. All personal and household goods sold or rented are for use on the lot or immediate adjacent waters.00

Section 23.60.428 of the Seattle Municipal Code, last amended by Ordinance 118793, is repealed.

**23.60.428 - Council conditional uses in the CM Environment.**

Expansion of existing sewage treatment plants in the CM Environment to add capacity or a new treatment level may be authorized by the Council according to the procedures of Section 23.60.068 when:

A. A determination has been made, according to the process established in Section 23.60.066, Procedure for determination of feasible or reasonable alternative locations, that no feasible alternative exists to expanding the plant in the CM Environment. The determination as to feasibility shall be based upon the Shoreline Goals and Policies, the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community;

B. Public access is provided along the entire length of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant. Public access shall be most important along views of the water and any other significant shoreline element; and

C. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and manmade environment are required.

Section 23.60.430 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.430 - Prohibited principal uses on waterfront lots in the CM Environment.**

The following uses are prohibited as principal uses on waterfront lots in the CM Environment:

A. Residential uses;

B. The following commercial uses:

1. Vessel repair, major,
2. Sale and rental of small boats, boat parts and accessories except when permitted as a conditional use,
3. General sales and services except when permitted as a conditional use,
4. Medical services,
5. Animal shelters and kennels,
6. Automotive sales and services,
7. Eating and drinking establishments except when permitted as a conditional use,
8. Lodging,
9. Heavy sales and services except major durables retail sales when permitted as a conditional use,
10. Offices,
11. Entertainment uses,
12. Research and development laboratories, and
13. Food processing and craft work uses;

C. The following transportation facilities uses:

1. Commercial moorage,
2. Tugboat services,
3. Principal use parking,

4. Vehicle storage and maintenance,
  5. Non-water-dependent passenger terminals,
  6. Cargo terminals,
  7. Helistops and heliports, and
  8. Land-based airports;
- D. Railroads;
- E. The following utilities:
1. Communication utilities,
  2. Solid waste management,
  3. Power plants,
  4. New sewage treatment plants, and
  5. Recycling;
- F. Storage uses;
- G. Manufacturing uses;
- H. High-impact uses;
- I. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;
- J. Public facilities not authorized pursuant to Section 23.60.436 and those that are non-water-dependent;
- K. Parks and open space uses except shoreline recreation;
- L. Agricultural uses except aquaculture; and
- M. The following shoreline protective structures:
1. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system, and
  2. Bulkheads on Class I beaches.

Section 23.60.432 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.432 - Permitted uses on upland lots in the CM Environment.**

- A. Uses Permitted Outright.
1. All uses permitted on waterfront lots shall also be permitted on upland lots;
  2. Additional uses permitted outright:
    - a. Institutional uses, and
    - b. Open space uses.
- B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.
- C. Conditional Uses. Uses permitted as conditional uses on waterfront lots are permitted as conditional uses on upland lots.

Section 23.60.434 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.434 - Prohibited uses on upland lots in the CM Environment.**

All uses prohibited on waterfront lots are also prohibited on upland lots unless specifically permitted in Section 23.60.432.

Section 23.60.436 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.436 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to permitted and accessory uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.420 through 23.60.428 shall also be permitted outright, as an accessory use, as a special use, or conditional use, subject to the same use regulations, development standards, accessory use requirements, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, accessory use requirements, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as an accessory use, permitted as a special use, or permitted as a conditional use under Sections 23.60.420 through 23.60.428 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as an accessory use, permitted as a special use, or permitted as a conditional use under Sections 23.60.420 through 23.60.428 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology may waive or modify development standards, accessory use requirements, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.450 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

### **23.60.450 Development standards for the CM Environment.**

All developments in the Conservancy Management Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

Section 23.60.452 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

### **23.60.452 Critical habitat protection in the CM Environment.**

All developments in the CM Environment shall be located and designed to minimize disturbance of any critical habitat area. "Critical habitat areas" include salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas, and other habitats.

Section 23.60.480 of the Seattle Municipal Code, last amended by Ordinance 113764, is repealed.

### **23.60.480 General provisions.**

A. Public and nonprofit uses may be allowed as principal uses in the Conservancy Waterway Environment. All other uses shall be allowed only when either accessory to or associated with abutting uses.

B. Uses permitted in the CW Environment shall also meet the use standards of abutting waterfront shoreline environments. Uses may also require separate approval from the Washington Department of Natural Resources.

Section 23.60.482 of the Seattle Municipal Code, last amended by Ordinance 122072, is repealed.

### **23.60.482 - Uses permitted outright in the CW Environment.**

The following uses are permitted outright in the CW Environment:  
Pedestrian bridges that provide public access along or across the waterway when they connect parts of a public park.

Section 23.60.484 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

### **23.60.484 - Special uses in the CW Environment.**

The following uses may be authorized in the CW Environment by the Director if the special use criteria of Section 23.60.032 are satisfied:

- A. Community yacht, boat and beach clubs;
- B. Shoreline recreation;
- C. The following commercial uses:
  - 1. Vessel repair, minor, and
  - 2. Rental of boats;

- D. The following transportation facility uses:
  - 1. Commercial moorage,
  - 2. Tugboat services, and
  - 3. Airport, water-based;
- E. Museum, water-dependent;
- F. Public facilities, water-dependent or water-related;
- G. Shoreline protective structures;
- H. Utility lines, excluding communication utilities;
- I. Dredging necessary to maintain or improve navigation channels, to install utility lines or for a water-dependent or water-related use; and
- J. Landfill that does not create dry land.

Section 23.60.486 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.486 - Conditional uses in the CW Environment.**

The following uses may be authorized in the CW Environment by the Director with the concurrence of the Department of Ecology as principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

- A. Commercial uses:
  - 1. Vessel repair, major, of historic ships;
- B. Non-water-dependent commercial uses on historic ships:
  - 1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:
    - a. Sale and rental of small boats, boat parts and accessories,
    - b. General sales and services,
    - c. Major durables retail sales, and
    - d. Eating and drinking establishments;
  - 2.
    - a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places,
    - b. The use is compatible with the existing design and/or construction of the ship without significant alteration,
    - c. Other uses permitted outright are impractical because of ship design or such uses cannot provide adequate financial support 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 one-half (½) mile of the proposed site.

Section 23.60.488 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.488 - Prohibited uses in the CW Environment.**

The following uses shall be prohibited as principal and accessory uses in the CW Environment:

- A. The following commercial uses:
  - 1. Marine service station,
  - 2. Sale of large boats,
  - 3. Sale and rental of small boats, boat parts and accessories,
  - 4. All non-water-dependent commercial uses except those permitted on historic ships, and
  - 5. Vessel repair, major, except of historic ships;
- B. The following transportation facility uses:
  - 1. Dry boat storage, and
  - 2. Recreational marina;
- C. Residential uses;
- D. Institutional uses not permitted above;
- E. Manufacturing uses;
- F. Agricultural uses;
- G. Utility uses, except utility lines;
- H. High-impact uses; and
- I. Landfill on submerged land that creates dry land.

Section 23.60.490 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.490 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 shall also be permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural

requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.510 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

### **23.60.510 Development standards in the CW Environment.**

All developments in the Conservancy Waterway Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

Section 23.60.540 of the Seattle Municipal Code, last amended by Ordinance 118793, is repealed.

### **23.60.540 - Uses permitted outright on waterfront lots in the UR Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Residential Environment as either principal or accessory uses:

A. The following residential uses:

1. Floating home moorage in Lake Union or Portage Bay,
2. Single-family and multifamily residences, and
3. Congregate residences and nursing homes;

B. Streets;

C. Bridges;

D. Railroads;

E. The following utilities:

1. Utility lines, and
2. Utility service uses whose operations require a shoreline location; and

F. Shoreline recreation uses.

Section 23.60.542 of the Seattle Municipal Code, last amended by Ordinance 113764, is repealed.

### **23.60.542 - Special uses permitted on waterfront lots in the UR Environment.**

The following uses may be authorized on waterfront lots in the UR Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

- A. The following institutional uses:
  - 1. Community center that provides shoreline recreation, and
  - 2. Community yacht, boat, and beach clubs;
- B. The following shoreline protective structures:
  - 1. Natural beach protection, and
  - 2. Bulkheads to support a water-dependent or water-related use, to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;
- C. Dredging when necessary for water-dependent or water-related uses;
- D. The following types of landfill:
  - 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
  - 2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,
  - 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and
  - 4. Landfill on submerged land which creates dry land where necessary for a water-dependent or water-related use, provided that if more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
    - a. No reasonable alternative to the landfill exists,
    - b. The landfill provides a clear public benefit, and
    - c. The landfill site is not located in Lake Union or Portage Bay.

Section 23.60.544 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.544 - Prohibited uses on waterfront lots in the UR Environment.**

The following uses shall be prohibited as principal uses on waterfront lots in the UR Environment:

- A. Commercial uses;
- B. Transportation facility uses;
- C. Storage uses;
- D. The following utilities:
  - 1. Major and minor communication utilities,
  - 2. Solid waste management,
  - 3. Power plants,
  - 4. Sewage treatment plants, and
  - 5. Recycling;
- E. Manufacturing uses;
- F. High-impact uses;
- G. The following institutional uses:
  - 1. Institutions, non-water-dependent,
  - 2. Private yacht, boat and beach clubs;

- H. Public facilities not authorized pursuant to Section 23.60.550;
- I. Agricultural uses;
- J. Parks and open space uses except shoreline recreation;
- K. The following shoreline protective structures:
  - 1. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system, and
  - 2. Bulkheads on Class I beaches.

Section 23.60.546 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.546 - Permitted uses on upland lots in the UR Environment.**

- A. Uses permitted outright in the UR Environment:
  - 1. Uses permitted outright on waterfront lots are permitted outright on upland lots;
  - 2. Additional uses permitted outright:
    - a. Institutional uses, and
    - b. Open space uses.
- B. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.

Section 23.60.548 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.548 - Prohibited uses on upland lots in the UR Environment.**

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.546.

Section 23.60.550 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.550 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 shall also be permitted outright or as a special use, subject to the same use regulations, development standards, and special use requirements that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards or special use requirements for those uses in public facilities that are similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 may be permitted by the City Council. City

Council, with the concurrence of the Department of Ecology, may waive or modify development standards or special use requirements 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.570 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.570 Development standards for the UR Environment.**

All development in the Urban Residential Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

Section 23.60.600 of the Seattle Municipal Code, last amended by Ordinance 122771, is repealed.

**23.60.600 - Uses permitted outright on waterfront lots in the US Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

A. The following residential uses:

1. Residences on dry land when the underlying zoning is Residential Commercial (RC) and when the residential use is located above the ground floor of a structure containing nonresidential uses on the ground floor,

2. Existing residences on dry land provided there is no increase in the number of units,

3. Existing over-water single-family residences provided there is no additional water coverage, and

4. Floating home moorages or the expansion of floating home moorages, when:

a. Located in Lake Union or Portage Bay,

b. Occupied solely by no more than two (2) existing floating homes as defined in subsection A4 of Section 23.60.196, under any of the following conditions:

(1) The floating homes have been evicted from other moorage pursuant to the provisions of subsections E, G or H of Section 7.20.040, Seattle Municipal Code, or

(2) The floating homes have been relocated from other moorage pursuant to a settlement agreement entered into prior to April 1, 1987 between a moorage owner and a tenant floating-home owner arising out of a legal action for eviction,

c. No more than one (1) such moorage or moorage expansion is permitted per lot established as of April 1, 1987, and

d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of December 31, 1987;

B. The following commercial uses:

1. Marine sales and services,
2. Food processing, water-related, and
3. Wholesale showroom, water-related;

C. Storage uses, water-related;

D. The following transportation facility uses:

1. Passenger terminals, water-dependent,
2. Boat moorage,
3. Dry boat storage, and
4. Tugboat services;

E. 1. The following non-water-dependent commercial uses on dry land when the requirements of subsection E2 are met:

- a. General sales and services,
- b. Major durables retail sales,
- c. Eating and drinking establishments,
- d. Offices outside the Lake Union area,
- e. Offices in the Lake Union area above the ground floor of a structure when permitted uses other than office or residential uses occupy the ground-floor level, and parking on the ground-floor level is limited to required parking,
- f. Entertainment uses, and
- g. Custom and craft work,

2. The uses listed in subsection E1 shall be permitted when a water- dependent use occupies forty (40) percent of the dry-land portion of the lot or the development provides one (1) or more of the following facilities or amenities in addition to regulated public access:

- a. Facilities for the moorage, restoration, or reconstruction of one (1) or more historic vessels,
- b. Terminal facilities for one (1) or more cruise ships, harbor tour boats, or foot passenger ferries,
- c. More than five hundred (500) lineal feet of moorage for commercial fishing vessels at rates equivalent to that charged at public moorage facilities,
- d. Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization existing at time of application,
- e. More than one thousand five hundred (1,500) lineal feet of saltwater moorage for recreational vessels,
- f. A major public open space, occupying at least one-third (1/3) of the dry-land lot area, that includes a public walkway with benches and picnic tables along the entire

water frontage, and connecting public walkways to adjacent sites and any nearby public parks or other public facilities. The Director shall require adequate signed parking for the open space, or  
g. Other facilities or amenities similar to those listed above that provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director;

F. Streets, railroads and bridges;

G. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

H. Light and general manufacturing uses, water-dependent or water-related;

I. Water-dependent or water-related institutions or facilities of institutions, except non-water-dependent facilities of yacht, boat and beach clubs;

J. Yacht, boat or beach clubs which have non-water-dependent facilities, provided that such facilities may be located over water only when:

1. The dry-land portion of the lot is less than fifty (50) feet in depth,

2. Location of such facilities on the dry-land portion of the lot is not feasible, and

3. The facilities or amenities required by Section 23.60.600 C are provided;

K. Public facilities, water-dependent or water-related;

L. Open space uses; and

M. Aquaculture.

Section 23.60.602 of the Seattle Municipal Code, last amended by Ordinance 113764, is repealed.

### **23.60.602 - Special uses on waterfront lots in the US Environment.**

The following uses may be authorized on waterfront lots in the US Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Airport, water-based;

B. The following shoreline protective structures:

1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

C. Dredging, when the dredging is:

1. Necessary for a water-dependent or water-related use,

2. Necessary for the installation of a utility line;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and

4. Landfill which creates dry land:

- a. i. When the dry land is necessary for the operation of a water-dependent or water-related use, and
- ii. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
  - (1) No reasonable alternative to the landfill exists,
  - (2) The landfill provides a clear public benefit, and
  - (3) The landfill site is not located in Lake Union or Portage Bay.

Section 23.60.604 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.604 - Conditional uses on waterfront lots in the US Environment.**

The following uses may be authorized on waterfront lots in the US Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Residential uses:

- 1. New single-family and multifamily dwelling units and artist studio dwellings on the dry land portion of the lot when:
  - a. Not located near uses which are normally incompatible with residential use because of factors such as noise, air and water pollutants, or aesthetic values protected by this chapter,
  - b. Located above the ground floor of a structure containing nonresidential uses on the ground floor, except that single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street may be located on the ground floor,
  - c. Located near other residences on waterfront lots,
  - d. Not located on a lot or in an area which would make the lot suitable for use by water-dependent or water-related use by having any of 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, or
    - (3) Adequate water depth and land slope,
- 2. Reserved.
- 3. Floating home moorages in Lake Union or Portage Bay when:
  - a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use,
  - b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses,
  - c. The structural bulk of the floating home development will not adversely affect surrounding development, and
  - d. When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent nonresidential uses and vacant lots;

B. The following non-water-dependent uses located over water on lots with a depth of less than fifty (50) feet of dry land:

- 1. Eating and drinking establishments meeting the criteria of subsection E2 of Section 23.60.600,

2. Marine sales and services,
3. General sales and service uses,
4. Entertainment uses, and
5. Custom and craft work;

C. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:

- a. Sale and rental of small boats, boat parts and accessories,
- b. General sales and services,
- c. Major durables retail sales, and
- d. Eating and drinking establishments.

2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places,

b. The use is compatible with the existing design and/or construction of the ship without significant alteration,

c. Uses permitted outright are impractical 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,

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 one-half (½) mile of the proposed site.

Section 23.60.606 of the Seattle Municipal Code, last amended by Ordinance 122771, is repealed.

**23.60.606 - Prohibited uses on waterfront lots in the US Environment.**

The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

A. New residences over water and residential uses at or below the ground floor, except as permitted as conditional uses pursuant to Section 23.60.604;

B. The following commercial uses:

1. Medical services,
2. Animal shelters and kennels,
3. Pet grooming,
4. Automotive sales and services,
5. Lodging,
6. Food processing, non-water-dependent,
7. Heavy sales and services except water-related wholesale showrooms,
8. Ground-level offices in the Lake Union area,
9. Research and development laboratories, and
10. Off-premises signs;

C. The following transportation facility uses:

1. Parking, principal use,
2. Personal transportation services,
3. Passenger terminals, non-water-dependent,

- 4. Cargo terminals,
- 5. Transit vehicle bases,
- 6. Helistops and heliports, and
- 7. Airports, land-based;
- D. The following manufacturing uses:
  - 1. Light and general manufacturing, non-water-dependent, and
  - 2. Heavy manufacturing uses;
- E. High-impact uses;
- F. The following utilities:
  - 1. Major communication utilities,
  - 2. Solid waste management,
  - 3. Power plants,
  - 4. Recycling uses,
  - 5. Sewage treatment plants, and
  - 6. Freestanding transmission towers for minor communication utilities;
- G. Storage uses;
- H. Public facilities not authorized pursuant to Section 23.60.612 and those that are non-water-dependent;
- I. Institutional uses, non-water-dependent;
- J. Agricultural uses except aquaculture; and
- K. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system.

Section 23.60.608 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.608 - Permitted uses on upland lots in the US Environment.**

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirements of Section 23.60.600 E to provide special public benefits.

2. Additional uses permitted outright on upland lots:

- a. The following residential uses:
  - (1) Single-family and multifamily residences, and
  - (2) Congregate residences and nursing homes;
- b. The following commercial uses:
  - (1) Medical services,
  - (2) Animal shelters and kennels,
  - (3) Pet grooming,
  - (4) Automotive sales and service,
  - (5) Lodging,
  - (6) Heavy sales and service,
  - (7) Research and development laboratories, and
  - (8) Ground-level offices in the Lake Union area;
- c. Parking, principal use;
- d. Storage uses;

- e. Light and general manufacturing uses;
- f. Institutional uses; and
- g. Public facilities.

B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.

Section 23.60.610 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.610 - Prohibited uses on upland lots in the US Environment.**

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.608.

Section 23.60.612 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.612 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.630 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

### **23.60.630 Development standards for the US Environment.**

All developments in the Urban Stable Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.  
(Ord. 113466)

Section 23.60.633 of the Seattle Municipal Code, last amended by Ordinance 117571, is repealed.

### **23.60.633 Maximum size limits in the US Environment.**

Non-water-dependent offices allowed above the ground floor on waterfront lots in the Lake Union area shall be limited in gross floor area to a ratio of one (1) square foot of floor area per one (1) square foot of dry-land lot area (i.e., FAR of one (1, but shall not exceed a maximum of ten thousand (10,000) square feet.

Section 23.60.660 of the Seattle Municipal Code, last amended by Ordinance 122771, is repealed.

### **23.60.660 - Uses permitted outright on waterfront lots in the UH Environment.**

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

- A. The following commercial uses:
1. General sales and services,
  2. Marine sales and services,
  3. Eating and drinking establishments,
  4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,
  5. Offices when located above wharf level,
  6. Entertainment uses,
  7. Research and development laboratories, water-dependent, and
  8. Food processing and craft work uses;

- B. The following transportation facilities:
  - 1. Parking over water when accessory to a water-dependent or water-related use,
  - 2. Parking on dry land when accessory to a permitted use,
  - 3. Passenger terminals, water-dependent,
  - 4. Breakbulk cargo terminals,
  - 5. Boat moorage,
  - 6. Dry boat storage, and
  - 7. Tugboat services;
- C. Light manufacturing uses, water-dependent or water-related;
- D. Streets, railroads and bridges;
- E. The following institutions:
  - 1. Institutes for advanced study, water-dependent or water-related,
  - 2. Maritime museums,
  - 3. Colleges that have water-dependent or water-related facilities,
  - 4. Community centers,
  - 5. Vocational schools, water-dependent or water-related,
  - 6. Community yacht, boat, and beach clubs, and
  - 7. Child care centers when located above wharf level;
- F. The following public facilities:
  - 1. Public facilities, water-dependent or water-related, and
  - 2. Public facilities that are part of an approved public improvement plan for the Harborfront adopted by the Council;
- G. Shoreline Recreation;
- H. Aquaculture; and
- I. Minor communication utilities, except freestanding transmission towers.

Section 23.60.662 of the Seattle Municipal Code, last amended by Ordinance 120927, is repealed.

**23.60.662 - Special uses permitted on waterfront lots in the UH Environment.**

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

- A. The following utilities:
  - 1. Utility service uses that require a shoreline location, and
  - 2. Utility lines;
- B. The following shoreline protective structures:
  - 1. Natural beach protection, and
  - 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;
- C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;
- D. The following types of landfill:
  - 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land, where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line.

Section 23.60.664 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.664 - Administrative conditional uses permitted on waterfront lots in the UH Environment.**

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

- A. The following commercial uses:
  - 1. Wholesale showrooms, and
  - 2. Research and development laboratories, non-water-dependent;
- B. The following storage uses:
  - 1. Outdoor storage, water-related or water-dependent, and
  - 2. Warehouses, water-related or water-dependent;
- C. Non-water-dependent commercial uses on historic ships:
  - 1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:
    - a. Sale and rental of small boats, boat parts and accessories,
    - b. General sales and services,
    - c. Major durables retail sales, and
    - d. Eating and drinking establishments,
  - 2.
    - a. The ship is designated as historic by the Landmarks Preservation Board 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. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,
    - d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and
    - e. No other historic ship containing restaurant or retail uses is located within one-half (1/2) mile of the proposed site, unless the proposed site is within the Historic Character Area;
- D. Light manufacturing uses, non-water-dependent, that:
  - 1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,
  - 2. Contribute to the maritime or tourist character of the area, and
  - 3. Are located to accommodate water-dependent or water-related uses on site;
- E. The following non-water-dependent institutions:
  - 1. Institutes for advanced study,
  - 2. Museums,
  - 3. Colleges, and

4. Vocational schools.

Section 23.60.668 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.668 - Prohibited uses on waterfront lots in the UH Environment.**

The following uses are prohibited as principal uses on waterfront lots in the UH Environment:

- A. Residential uses;
- B. The following commercial uses:
  - 1. Medical services,
  - 2. Animal shelters and kennels,
  - 3. Pet grooming,
  - 4. Automotive sales and service,
  - 5. Lodging, except existing hotels,
  - 6. Offices at wharf/street level,
  - 7. Adult motion picture theaters and panorams, and
  - 8. Heavy sales and services except wholesale showrooms and major durables retail sales;
- C. The following transportation facilities:
  - 1. Parking, principal use,
  - 2. Personal transportation services,
  - 3. Cargo terminals, except breakbulk,
  - 4. Bus bases,
  - 5. Heliports,
  - 6. Airports, land-based, and
  - 7. Airports, water-based;
- D. Mini-warehouses,
- E. The following utilities:
  - 1. Solid waste management,
  - 2. Power plants,
  - 3. Sewage treatment plants,
  - 4. Recycling,
  - 5. Major communication utilities, and
  - 6. Freestanding transmission towers for minor communication utilities;
- F. General and heavy manufacturing;
- G. The following institutional uses:
  - 1. Schools, elementary or secondary,
  - 2. Hospitals,
  - 3. Religious facilities, and
  - 4. Private yacht, boat and beach clubs;
- H. Public facilities or projects that are non-water-dependent except those that are part of a public improvement plan for the harborfront adopted by the Council;
- I. High-impact uses;
- J. Agriculture uses except aquaculture;

- K. Groins and similar structures that block the flow of sand to adjacent beaches, except drift sills or other structures that are part of a natural beach protection system; and
- L. Landfill that creates dry land.

Section 23.60.670 of the Seattle Municipal Code, enacted by Ordinance 122310, is repealed.

**23.60.670 - Permitted uses on upland lots in the UH Environment.**

A. Uses Permitted Outright. The following uses shall be permitted outright on upland lots as principal or accessory uses in the UH Environment:

1. Uses permitted outright on waterfront lots in the UH environment;
2. Additional uses permitted outright on upland lots:
  - a. Residential uses,
  - b. The following commercial uses:
    - (1) Heavy sales and services,
    - (2) Medical services,
    - (3) Lodging,
    - (4) Offices at street level,
  - c. The following transportation facilities,
    - (1) Parking garages, principal use,
    - (2) Surface parking areas, principal use,
    - (3) Personal transportation services,
  - d. Warehouses,
  - e. Institutions, and
  - f. Public facilities.

Section 23.60.672 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.672 - Prohibited uses on upland lots in the UH Environment.**

Uses prohibited on waterfront lots in the UH environment are also prohibited on upland lots unless specifically permitted in Section 23.60.670.

Section 23.60.690 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.690 Development standards for the UH Environment.**

All developments in the Urban Harborfront Environment shall meet the requirements of Part 2, except when the Water-dependent Incentive Development Standards of Section 23.60.666 apply, as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

Section 23.60.720 of the Seattle Municipal Code, last amended by Ordinance 122771, is repealed.

**23.60.720 - Uses permitted outright on waterfront lots in the UM Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Maritime Environment as either principal or accessory uses:

- A. The following commercial uses:
  - 1. Marine sales and services, except sale and rental of small boats, boat parts and accessories,
  - 2. Wholesale showrooms, water- dependent or water-related, and
  - 3. Food processing, water-dependent or water-related;
- B. The following transportation facilities:
  - 1. Tugboat services,
  - 2. Passenger terminals, water-dependent,
  - 3. Cargo terminals, water-dependent or water-related,
  - 4. Commercial moorage, except covered wet commercial moorage on Lake Union and Portage Bay, and
  - 5. Dry boat storage;
- C. The following storage uses:
  - 1. Warehouses, water-dependent or water-related, and
  - 2. Outdoor storage, water-dependent or water-related;
- D. Streets, railroads and bridges;
- E. The following utilities:
  - 1. Utility lines,
  - 2. Utility service uses whose operations require a shoreline location, and
  - 3. Minor communication utilities, except freestanding transmission towers;
- F. The following institutional uses:
  - 1. Water-dependent or water-related research and education facilities of colleges and universities,
  - 2. Shoreline recreation facilities of schools, colleges and universities, and
  - 3. Water-dependent or water-related colleges, institutes for advanced study and vocational schools;
- G. Light and general manufacturing uses, water-dependent or water-related;
- H. Public facilities, water-dependent or water-related;
- I. Shoreline recreation uses; and
- J. Aquaculture.

Section 23.60.722 of the Seattle Municipal Code, last amended by Ordinance 113764, is repealed.

**23.60.722 - Special uses on waterfront lots in the UM Environment.**

The following uses may be authorized on waterfront lots in the UM Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

- A. Water-based aircraft facilities;
- B. Heavy manufacturing uses, water-dependent or water-related;
- C. The following shoreline protective structures:
  - 1. Natural beach protection,

2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;

D.

Dredging when necessary for water-dependent and water-related uses;

E.

The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,

2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,

3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement,

4. Landfill which creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

b. If more than two (2) square yards of dry land per lineal yard of shoreline is placed, the landfill meets the following additional criteria:

(1) No reasonable alternative to the landfill exists, and

(2) The landfill provides a clear public benefit, and

(3) The landfill site is not located in Lake Union or Portage Bay.

Section 23.60.724 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

### **23.60.724 - Conditional uses on waterfront lots in the UM Environment.**

The following uses may be authorized on waterfront lots in the UM Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

A. Yacht, boat or beach clubs that do not have eating and drinking establishments and recreational marinas when:

1. a. The yacht, boat or beach club or marina is not located where frequent interference with the turning basins or navigational areas for large vessels or other conflict with shipping is likely to occur, and

b. The yacht, boat or beach club or marina is not located where likely to conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors, and

2. The yacht, boat or beach club or marina is located on a lot that is not suited for a water-dependent or water-related manufacturing use, or for a permitted water-dependent commercial use other than a yacht, boat or beach club or a marina because of:

a. Shallow water depth, or

b. An inadequate amount of dry land; provided, yacht, boat or beach clubs may have non-water-dependent facilities located over water only when:

1. The dry-land portion of the lot is less than fifty (50) feet in depth, and

2. Location of such facilities on the dry-land portion of the lot is not feasible;

B. Non-water-dependent commercial and manufacturing uses:

1. The following non-water-dependent commercial, storage and manufacturing uses may be permitted as principal uses on dry land or over water when meeting the criteria of subsection B2 or B3:

- a. Sale and rental of small boats, boat parts and accessories,
- b. General sales and services,
- c. Eating and drinking establishments,
- d. Heavy sales and services except commercial laundries,
- e. Offices,
- f. Warehouse, mini-warehouse, outdoor storage,
- g. Food processing and craft work, and
- h. Light, general and heavy manufacturing,

2. The above uses are permitted on dry land when:

- a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,
- b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and
- c. The uses are located on site to accommodate water-dependent or water-related uses on site,

3. The uses listed in subsection B1 are permitted on dry land or over water when:

- a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,
- b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,
- c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and
- d. The non-water-dependent uses are located to accommodate the water-dependent or water-related uses on site,

4. The uses permitted in subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met;

C. Multifamily residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;
2. All Urban Stable Development Standards are met;
3. The facilities or amenities required by Section 23.60.600 E are provided;
4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and
5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial;

D. Non-water-dependent uses on historic vessels:

1. The following uses may be permitted on a historic vessel when meeting the criteria in subsection D2 below:

- a. Sale of boat parts and accessories, and
- b. Entertainment uses, such as banquet facilities;

2. In determining whether to permit non-water-dependent uses on a historic vessel the following criteria shall be considered:

- a. Uses permitted outright are impractical because of the vessel design, or the permitted uses cannot provide the financial support necessary to sustain the vessel in a reasonably good physical condition,
- b. The moorage is not well-suited for commercial maritime use due to water depth, shoreline configuration or other physical or environmental constraints,
- c. The use is compatible with the existing design or construction of the vessel, without the necessity of significant alteration of the vessel,
- d. The vessel is designated as a landmark by the Seattle Landmarks Preservation Board with a designating ordinance by City Council,
- e. No other historic vessel containing entertainment uses is located within one (1) mile of the applicant vessel, and
- f. The playing of music is prohibited except in enclosed spaces.

Section 23.60.728 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.728 - Prohibited uses on waterfront lots in the UM Environment.**

The following principal uses are prohibited on waterfront lots:

A. Residential uses, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

B. The following commercial uses:

1. Medical services,
2. Animal shelters and kennels,
3. Pet grooming,
4. Automotive sales and service,
5. Lodging,
6. Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,
7. Commercial laundries, and
8. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. The following transportation facility uses:

1. Parking, principal use,
2. Personal transportation services,
3. Passenger terminals, non-water-dependent,
4. Cargo terminals, non-water-dependent,
5. Bus bases,
6. Helistops,
7. Heliports,
8. Airports, land-based, and
9. Covered wet moorage on Lake Union and Portage Bay;

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,
  2. Solid waste management,
  3. Recycling,
  4. Power plants,
  5. Sewage treatment plants, and
  6. Freestanding transmission towers for minor communication utilities;
- F. Institutions, non-water-dependent;
- G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;
- H. Public facilities not authorized pursuant to Section 23.60.734 and those that are non-water-dependent;
- I. Agricultural uses except aquaculture;
- J. Open space uses except shoreline recreation;
- K. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills or other structures that are part of a natural beach protection system.

Section 23.60.730 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

(23.60.730 - Permitted uses on upland lots in the UM Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

- (1) Sale and rental of small boats, boat parts and accessories,
- (2) General sales and service uses,
- (3) Medical services,
- (4) Animal shelters and kennels,
- (5) Automotive sales and service,
- (6) Eating and drinking establishments,
- (7) Heavy sales and services,
- (8) Food processing and craft work,
- (9) Offices except in the Lake Union area, and
- (10) Research and development laboratories;

b. Storage uses;

c. The following transportation facilities:

- (1) Cargo terminals, non-water-dependent,
- (2) Personal transportation services,
- (3) Passenger terminals, non-water-dependent,
- (4) Transit vehicle base;

d. Recycling;

e. Light and general manufacturing uses, non-water-dependent;

f. Public facilities; and

g. Minor communication utilities, except freestanding transmission towers.

B. Uses Permitted as Special Uses.

1. Uses permitted as special uses on waterfront lots in the UM environment are permitted as special uses on upland lots.

2. Additional uses permitted as special uses on upland lots:

a. Heavy manufacturing uses, non-water-dependent.

C. Uses Permitted as Conditional Uses. The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

1. Offices within the Lake Union area;

2. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is not located over water, the following uses:

a. Non-water-dependent institutional uses,

b. Residential uses;

3. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is located over water, the following uses:

a. Uses otherwise permitted outright on upland lots in the UM environment as specified in subsection A of Section 23.60.730,

b. Offices within the Lake Union area,

c. Non-water-dependent institutional uses,

d. Residential uses,

e. Parking accessory to uses located within the landmark structure.

D. Uses Permitted as Council Conditional Uses. The following uses may be authorized by the City Council, with the concurrence of the Department of Ecology, as either principal or accessory uses, if the criteria for conditional uses in WAC 173-27-160 are satisfied:

1. Helistops and heliports when the following additional criteria are met:

a. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering, or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of an approved transportation plan and is a public facility; or is part of an approved transportation plan and is located at least two thousand (2,000) feet from a residential zone;

b. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held;

c. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from the other uses in the surrounding area;

d. Open areas and landing pads shall be hardsurfaced; and

e. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

Section 23.60.732 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.732 - Prohibited uses on upland lots in the UM Environment.**

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.730.

Section 23.60.734 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.734 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.750 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.750 Development standards for the UM Environment.**

All developments in the Urban Maritime Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

Section 23.60.780 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.780 - Uses permitted outright on waterfront lots in the UG Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban General Environment as either principal or accessory uses:

- A. Existing dwelling units;
- B. The following commercial uses:
  - 1. General sales and services,
  - 2. Medical services,
  - 3. Animal shelters and kennels,
  - 4. Marine sales and services,
  - 5. Eating and drinking establishments,
  - 6. Heavy sales and service uses,
  - 7. Office uses,
  - 8. Entertainment uses,
  - 9. Research and development laboratories,
  - 10. Food processing and craft work uses;
- C. Storage uses;
- D. The following transportation facilities:
  - 1. Passenger terminals, water-dependent or water-related,
  - 2. Cargo terminals, water-dependent or water-related;
- E. Streets;
- F. Bridges;
- G. Railroads;
- H. The following utilities:
  - 1. Utility lines,
  - 2. Utility service uses whose operations require a shoreline location,
  - 3. Solid waste transfer stations that are water-related, and
  - 4. Minor communication utilities, except freestanding transmission towers;
- I. Manufacturing uses;
- J. Institutional uses;
- K. Public Facilities;
- L. Parks and open space uses; and
- M. Aquaculture.

Section 23.60.782 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.782 - Special uses permitted on waterfront lots in the UG Environment.**

The following uses may be authorized on waterfront lots in the UG Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

- A. Airports, water-based;
- B. High-impact uses that are water-dependent or water-related;
- C. Shoreline protective structures:
  - 1. Natural beach protection,
  - 2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- C. Dredging when necessary for water-dependent and water-related uses;
- D. The following types of landfill:
  - 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
  - 2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,
  - 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and
  - 4. Landfill which creates dry land:
    - a. When the dry land is necessary for the operation of a water-dependent or water-related use, and
    - b. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
      - (1) No reasonable alternative to the landfill exists,
      - (2) The landfill provides a clear public benefit, and
      - (3) The landfill site is not located in Lake Union or Portage Bay.

Section 23.60.784 of the Seattle Municipal Code, last amended by Ordinance 118793, is repealed.

**23.60.784 - Conditional uses permitted on waterfront lots in the UG Environment.**

The following uses may be authorized on waterfront lots in the UG Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

- A. Artist studio/dwellings.

Section 23.60.786 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.786 - Prohibited principal uses on waterfront lots in the UG Environment.**

The following uses are prohibited as principal uses on waterfront lots in the UG Environment:

- A. Residential uses except artist studio/dwellings;
- B. The following commercial uses:
  - 1. Automotive sales and service uses,
  - 2. Lodging uses, and

- 3. Mortuary services;
- C. The following transportation facilities:
  - 1. Parking, principal use,
  - 2. Personal transportation services,
  - 3. Passenger terminals, non-water-dependent,
  - 4. Cargo terminals, non-water-dependent,
  - 5. Bus bases,
  - 6. Helistops,
  - 7. Heliports, and
  - 8. Airports, land-based;
- D. The following utilities:
  - 1. Major communication utility,
  - 2. Solid waste management, non-water-dependent,
  - 3. Recycling uses,
  - 4. Power plants,
  - 5. Sewage treatment plants, and
  - 6. Freestanding transmission towers for minor communication utilities;
- E. Agricultural uses except aquaculture; and
- F. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills or other structures that are part of a natural beach protection system.

Section 23.60.788 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.788 - Permitted uses on upland lots in the UG Environment.**

The following uses are permitted on upland lots in the UG Environment:

- A. Uses Permitted Outright.
  - 1. Uses permitted outright on waterfront lots are permitted outright on upland lots.
  - 2. Additional uses permitted outright:
    - a. Automotive sales and services; and
    - b. Parking, principal use.
- B. Uses Permitted as Special Uses.
  - 1. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.
  - 2. Additional uses permitted as special uses:
    - a. Artist studio/dwelling.

Section 23.60.790 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.790 - Prohibited uses on upland lots in the UG Environment.**

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.788.

Section 23.60.795 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.795 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 shall also be permitted outright, permitted as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.8105 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

23.60.810 Development standards for the UG Environment.

All developments in the Urban General Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.

Section 23.60.840 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.840 - Uses permitted outright on waterfront lots in the UI Environment.**

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

- A. Existing dwelling units;
- B. The following commercial uses:
  - 1. Marine sales and services except sale and rental of small boats, boat parts and accessories,
  - 2. Research and development laboratories,
  - 3. Wholesale showrooms, and
  - 4. Food processing and craft work, water-dependent or water-related;
- C. The following storage uses:
  - 1. Warehouses, and
  - 2. Outdoor storage uses;
- D. The following transportation facilities:
  - 1. Tugboat services,
  - 2. Commercial moorage,
  - 3. Dry boat storage,
  - 4. Passenger terminals, water-dependent or water-related, and
  - 5. Cargo terminals, water-dependent or water-related;
- E. Streets, railroads and bridges;
- F. The following utilities:
  - 1. Utility lines,
  - 2. Solid waste management uses, water-dependent or water-related,
  - 3. Recycling uses, water-dependent or water-related,
  - 4. Utility service uses whose operations require a shoreline location, and
  - 5. Minor communication utilities, except freestanding transmission towers;
- G. Manufacturing uses;
- H. The following institutional uses:
  - 1. Water-dependent or water-related research and education facilities of colleges and universities,
  - 2. Shoreline recreation facilities of colleges and universities, and
  - 3. Water-dependent or water-related colleges, institutes for advanced study, and vocational schools;
- I. High-impact uses, water-dependent or water-related;
- J. Public facilities, water-dependent or water-related;
- K. Shoreline recreation uses; and
- L. Aquaculture.

Section 23.60.842 of the Seattle Municipal Code, last amended by Ordinance 113764, is repealed.

**23.60.842 - Special uses permitted on waterfront lots in the UI Environment.**

The following uses may be authorized on waterfront lots in the UI Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are met:

- A. Airports, water-based;
- B. The following shoreline protective structures:
  - 1. Natural beach protection,
  - 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;
- D. The following types of landfill:
  - 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
  - 2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line, and
  - 3. Landfill which creates dry land:
    - a. When the dry land is necessary for a water-dependent or water-related use, and
    - b. If more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
      - (1) No reasonable alternative to the landfill exists,
      - (2) The landfill provides a clear public benefit, and
      - (3) The landfill site is not located in Lake Union or Portage Bay.

Section 23.60.844 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.844 - Conditional uses on waterfront lots in the UI Environment.**

The following uses may be authorized on waterfront lots in the UI Environment by the Director, with the concurrence of DOE, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

- A. Yacht, boat or beach clubs which do not have eating and drinking establishments and recreational marinas when:
  - 1. a. Not located where frequent interference with the turning basins or navigational areas of large vessels or other conflict with shipping is likely to occur, and
  - b. Not located where likely to conflict with manufacturing uses because of dust, noise or other environmental factors, or parking and loading access requirements or other safety factors; and
  - 2. If located outside the Duwamish area, the yacht, boat or beach club or marina is located on a lot not suitable for a water-dependent or water-related manufacturing use, or for permitted water-dependent commercial uses because of:

a. Shallow water depth, or  
b. An inadequate amount of dry land; provided that yacht, boat or beach clubs may have non-water-dependent facilities over water only when:  
(1) The dry-land portion of the lot is less than fifty (50) feet in depth, and  
(2) The location of such facilities on the dry-land portion of the lot is not feasible.

B. Non-water-dependent Commercial Uses.

1. The following non-water-dependent commercial uses when meeting the criteria of subsection B2:

a. Sale and rental of small boats, boat parts and accessories;  
b. General sales and services;  
c. Eating and drinking establishments in the Ballard Interbay Northend Manufacturing/Industrial Center;  
d. Heavy sales and services except commercial laundries and wholesale showrooms;

e. Offices;  
f. Mini-warehouse in the Ballard Interbay Northend Manufacturing/Industrial Center; and

g. Food processing and craft work.

2. The uses listed in subsection B1 are permitted when:

a. The total of non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land portion of the lot; and

b. The non-water-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.

3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of subsection B2 are met.

Section 23.60.846 of the Seattle Municipal Code, last amended by Ordinance 118793 is repealed.

**23.60.846 - Council conditional uses on waterfront lots in the UI Environment.**

A. Sewage treatment plants may be authorized by the Council according to the procedures of Section 23.60.068 when:

1. Located in the Duwamish area;

2. A determination has been made, according to the process established in Section 23.60.066, Process for determination of feasible or reasonable alternative locations, that no feasible alternative exists to locating a plant in the Seattle Shoreline District. The determination as to feasibility shall be based upon the Shoreline Goals and Policies of the Seattle Comprehensive Plan, the Shoreline Management Act, as amended, and a full consideration of the environmental, social and economic impacts on the community;

3. The plant is set back sixty (60) feet from the line of ordinary high water;

4. A public access walkway is provided along the entire width of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant, public access being most important along views of the water and any other significant shoreline element; and

5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and built environment shall be provided.

Section 23.60.848 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.848 - Principal uses prohibited on waterfront lots in the UI Environment.**

The following principal uses are prohibited on waterfront lots in the UI Environment:

- A. Residential uses;
- B. The following commercial uses:
  - 1. Medical services,
  - 2. Animal shelters and kennels,
  - 3. Pet grooming,
  - 4. Automotive sales and service,
  - 5. Lodging,
  - 6. Heavy commercial services,
  - 7. Entertainment uses, and
  - 8. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;
- C. The following transportation facility uses:
  - 1. Parking, principal use,
  - 2. Personal transportation services,
  - 3. Passenger terminal, non-water-dependent,
  - 4. Cargo terminal, non-water-dependent,
  - 5. Transit vehicle bases,
  - 6. Helistops, and
  - 7. Heliports;
- D. Mini-warehouses in the Duwamish Manufacturing/Industrial Center;
- E. The following utilities:
  - 1. Major communication utilities,
  - 2. Solid waste management, non-water-dependent,
  - 3. Recycling uses, non-water-dependent,
  - 4. Power plants,
  - 5. Sewage treatment plants, located outside of the Duwamish area, and
  - 6. Freestanding transmission towers for minor communication utilities;
- F. High-impact uses, non-water-dependent;
- G. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;
- H. Public facilities not authorized pursuant to Section 23.60.854 and those that are neither water-dependent nor water-related;
- I. Agricultural uses except aquaculture;
- J. All open space uses except shoreline recreation; and
- K. Groins and similar structures that block the flow of sand to adjacent beaches, except for drift sills or other structures that are part of a natural beach protection system.

Section 23.60.850 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed.

**23.60.850 - Permitted uses on upland lots in the UI Environment.**

A. Uses Permitted Outright.

1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.

2. Additional uses permitted outright:

- a. All commercial uses;
- b. Solid waste management uses that are non-water-dependent, except for solid waste transfer stations;
- c. Recycling uses, non-water-dependent;
- d. Parks and open space uses;
- e. The following institutions:
  - (1) Vocational and fine arts schools,
  - (2) Uses connected to a major institution and permitted by an approved master plan;
- f. All agricultural uses.

B. Uses permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special use on upland lots.

Section 23.60.852 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.852 - Prohibited uses on upland lots in the UI Environment.**

Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.850.

Section 23.60.854 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed.

**23.60.854 - Public facilities.**

A. Except as provided in subsection B1 or B2 below, uses in public facilities that are most similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 shall also be permitted outright, as a special use or conditional use, subject to the same use regulations, development standards, special use requirements, and conditional use criteria that govern the similar uses.

B. Public Facilities not Meeting Development Standards Requiring City Council Approval.

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 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.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria 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.

C. Expansion of Uses in Public Facilities.

1. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections A and B above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 23.60.870 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed.

**23.60.870 Development standards for the UI Environment.**

All developments in the Urban Industrial Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.