CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Seattle Shoreline Master Program; amending the Seattle Comprehensive Plan provisions in the Shoreline District; amending Sections 23.60A.020, 23.60A.066, 23.60A.090, 23.60A.152, 23.60A.154, 23.60A.156, 23.60A.157, 23.60A.164, 23.60A.167, 23.60A.172, 23.60A.182, 23.60A.187, 23.60A.190, 23.60A.193, 23.60A.200, 23.60A.202, 23.60A.204, 23.60A.206, 23.60A.214, 23.60A.215, 23.60A.217, 23.60A.224, 23.60A.240, 23.60A.252, 23.60A.282, 23.60A.294, 23.60A.310, 23.60A.382, 23.60A.384, 23.60A.386, 23.60A.390, 23.60A.392, 23.60A.394, 23.60A.402, 23.60A.410, 23.60A.442, 23.60A.446, 23.60A.450, 23.60A.460, 23.60A.482, 23.60A.486, 23.60A.490, 23.60A.496, 23.60A.502, 23.60A.504, 23.60A.506, 23.60A.508, 23.60A.510, 23.60A.512, 23.60A.540, 23.60A.575, 23.60A.578, 23.60A.902, 23.60A.906, 23.60A.908, 23.60A.910, 23.60A.912, 23.60A.914, 23.60A.916, 23.60A.918, 23.60A.924, 23.60A.926, 23.60A.928, 23.60A.930, 23.60A.934, 23.60A.936, 23.60A.938, 23.60A.942, 23.60A.944, 23.60A.958, 23.72.006, 23.91.002 of the Shoreline Master Program Regulations of the SMC, adding new Sections 23.60A.155, 23.60A.203, 23.60A.383, 23.60A.483, 23.60A.503 and repealing Sections 23.60A.092 of the Shoreline Master Program Regulations; amending Section 25.09.020 of the environmentally critical areas regulations, and adding a new Section 25.09.016 to the environmentally critical areas regulations of the Seattle Municipal Code.

WHEREAS the State of Washington has mandated that all local jurisdictions update their Shoreline Master Programs pursuant to the Shoreline Management Act; and

WHEREAS the City Council adopted Ordinance 124105 to comply with the State Mandate, subject to approval by the Washington State Department of Ecology; and

WHEREAS, on June 5, 2014, DOE identified recommended and required changes to the Shoreline Master Program as adopted in Ordinance 124105; and

WHEREAS, this ordinance includes all of the changes identified by DOE and additional changes proposed by the City; and

WHEREAS the proposed amendments further the City's interest in protecting the public health, safety and welfare; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Comprehensive Plan, last amended by Ordinance 124458, is amended as follows:

C-4 Shorelines

* * *

* * *

shoreline protection and restoration

* * *

LU255 Avoid development in areas identified as special wildlife or priority saltwater or fresh water habitat unless no feasible alternative location exist, except for a water-dependent use or water-related use that has a functional requirement for a location over water and is located in saltwater habitat that is priority habitat solely due to its use by anadromous fish for migration, provided the((~~and the new~~)) development((~~is designed to~~)) mitigates impacts to achieve no net loss of ecological function.

* * *

LU258 Consider the Lower Duwamish Watershed Habitat Restoration Plan (Weiner, K.S. and Clark, J.A. 1996); the Port of Seattle Lower Duwamish River Habitat Restoration Plan: the Final Lower Duwamish River NRDA Restoration Plan and Programmatic Environmental Impact Statement and the WRIA 8 Chinook Salmon Conservation Plan and implementation documents and WRIA 9 Salmon Habitat Plan and implementation documents when conducting planning, permitting, mitigation, and restoration activities within the Duwamish/Green River and Cedar River watersheds.

* * *

shoreline economic development

* * *

LU270 Identify and designate appropriate land for water-dependent business and industrial uses as follows:

1. Cargo Handling Facilities:

a. Reserve space in deep water areas with adequate vessel maneuvering areas to permit the Port of Seattle and other marine industries to remain competitive with other ports.

b. Work with the Port of Seattle to develop a long-range port plan in order to provide predictability for property owners and private industry in the Duwamish and in Elliott Bay.

2. Tug ((&))and Barge Facilities**:** Retain Seattle's role as the Gateway to Alaska and ensure ample area is designated for uses that serve Puget Sound and Pacific trade.

3. Shipbuilding, Boat Building, and((~~&~~)) Repairs: Maintain a critical mass of facilities in Seattle in order to meet the needs of the diverse fleets that visit or have a home port in Seattle, including fishing, transport, recreation, and military vessels.

4. Moorage: Meet the long-term and transient needs of ships and boats, including fishing, transport, recreation, and military. Support long-term moorage in sheltered areas close to services, and short-term moorage in more open areas. Support the efficient use of Fishermen's Terminal, Shilshole Bay Marina, and other public moorage facilities. Protect commercial and recreational moorage from displacement by encouraging the full use of submerged lands for recreational moorage in areas less suited for commercial moorage and less sensitive to environmental degradation. Require large recreational marinas to provide some commercial transient moorage as part of their facilities.

* * *

height in the shoreline district

LU319 The 35-foot height limit provided in the Shoreline Management Act shall be the standard for maximum height in the Seattle Shoreline District. Exceptions in the development

standards of a shoreline environment may be made consistent with the Act and with underlying zoning and special districts where:

1. a greater height will decrease the impact of the development on the ecological condition;

2. a greater height will not obstruct views from public trails and viewpoints;

3. a greater height will not obstruct shoreline views from a substantial number of residences residences within or adjoining the Shoreline District((,)) and will serve a beneficial public interest; or

4. greater height is necessary for bridges, or equipment of water-dependent or water-related uses, or manufacturing uses.

LU320 Heights lower than 35 feet:

1. shall be the standard for structures overwater; and

2. where a reduced height is warranted because of the underlying residential zone; or

3. where a reduced height is warranted because public views or the views of a substantial number of residences within or adjoining the Shoreline District could be blocked.

* * *

Section 2. Section 23.60A.020 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.020 Permits and exemptions

* * *

C. Exemptions. The following substantial developments are exempt from obtaining a shoreline substantial development permit from the Director:

* * *

2. Construction of a "normal protective bulkhead" common to single-family residences. A "normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water OHW mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. Construction of a normal protective bulkhead or repair is exempt if:

* * *

((~~17. Temporary development of four weeks or fewer if the development:~~

~~a. Does not remove any native vegetation;~~

~~b. Does not remove any trees greater than 6 inches DBH;~~

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

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

((~~18~~))17. Development on that portion of land that is brought under shoreline jurisdiction due to a lawful shoreline restoration project creating a landward shift in the OHW mark, except when substantial development is proposed that would be partly on such land and partly on other land within the Shoreline District.

* * *

Section 3. Section 23.60A.066 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.066 Procedure and criteria for ((~~Optional Plan Shoreline Permits~~))determining feasible alternative locations

A. Optional Plan Shoreline Permits

1. If a utility service use, utility line or sewage treatment plant is allowed in the Shoreline District after a determination that no ((~~reasonable~~))feasible alternative location exists, that determination shall be made as part of the permit application for the use or the applicant may

request the determination whether such alternative exists be made as part of the project-specific permit application or as an independent shoreline permit decision prior to submission of an application for a project-specific shoreline permit for the development. This latter determination is called a "Plan Shoreline Permit" decision.

* * *

D. Criteria for Decision. The decision to issue ((~~as to the reasonableness of alternatives~~))a Plan Shoreline Permit, shall be based upon the Shoreline Policies in the Seattle Comprehensive Plan and upon the Shoreline Management Act, as amended, and a full consideration of the environmental, social, and economic impacts on the community.

* * *

F. Project-specific shoreline substantial development permits relying on a Plan Shoreline Permit. An application for substantial development that is allowed in the Shoreline District after a determination that no ((~~reasonable~~))feasible alternative location ((~~alternative~~))exists and that relies upon a Plan Shoreline Permit may be approved if it complies with the provisions of this Chapter 23.60A, including mitigation sequencing, and is in substantial conformance with the Plan Shoreline Permit. Substantial conformance includes, but is not limited to, a determination that all of the following standards have been met:

* * *

Section 4. Section 23.60A.090 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

Subchapter III: General Provisions

Part 1 Use Standards

23.60A.090 Identification of principal and accessory uses

A. In all shoreline environments all uses on waterfront lots are prohibited over water as a principal or accessory use unless the use is allowed or allowed as a special use, a shoreline

conditional use or a Council conditional use in the shoreline environment where the use is proposed and the use is:

1. Boat moorage, off-loading goods from boats, dry((-))docks, swimming platforms, uses on vessels authorized under Sections 23.60A.214 and 23.60A.215, or other use components that by their nature require an over water location to operate;

2. Railroad, rail transit, streets, bridges, and tunnels that reasonably need to cross water that is regulated in this Chapter 23.60A; ((~~or~~))

3. Floating home moorages, floating homes and floating on-water residences authorized under Section 23.60A.202 and 203; or

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

* * *

Section 5. Section 23.60A.092 of the Seattle Municipal Code, was enacted by Ordinance 124105 and that currently reads as follows, is repealed:

((~~**23.60A.092 Temporary development, shoreline modifications and uses**~~

~~A. Development, shoreline modification limited to floats, and uses that will occur for four weeks or less may be exempt from obtaining a shoreline substantial development permit as provided in Section 23.60A.020; developments that are exempt shall comply with the Shoreline Management Act and the standards and provisions of this Chapter 23.60A.~~

~~B. Development or Uses for Up to Six Months~~

~~1. The Director may approve a permit for a development, shoreline modification or use for a time period of up to six months if the development, shoreline modification, or use complies with the standards and provisions of this Chapter 23.60A, except as provided in subsection 23.60A.092.B.2, and the following standards:~~

~~a. Does not include the erection of a permanent structure;~~

~~b. Does not cause or contribute to permanent adverse impacts to ecological functions and mitigates any temporary adverse impacts to ecological function;~~

~~c. Does not remove or harm native vegetation; and~~

~~d. If new impervious surface is created, this surface is removed and planted with native vegetation at the end of the temporary use.~~

~~2. If no reasonable alternative exists, in approving a temporary development or use the Director may allow:~~

~~a. Views to be blocked;~~

~~b. Public access to be blocked for a period of up to three months; and~~

~~c. Development within the shoreline setback but farther than 15 feet from the OHW mark.~~

~~C. Temporary development, floats, or uses shall not interrupt any legally established permanent use of a property.~~))

Section 6. Section 23.60A.152 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.152 General development

* * *

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

1. Keep all material on property appropriately stored and all structures, machinery, and materials on the property maintained to prevent the entry of debris and waste materials into any water body.

2. Pave((~~ing~~)) and/or berm((~~ing of~~)) drum storage areas and control fugitive dust ((~~control~~))to prevent contamination of land or water((~~;~~)).

((~~2~~))3. Minimize((~~ing~~)) the amount of impervious surface on the site and use((~~utilizeing~~)) permeable surfacing where practicable, except where other required state or federal permits prohibit such actions.

((~~3~~))4. Use((~~ing~~)) other control measures including, but are not limited to bioretention, rainwater harvesting, downspout dispersion, filters, catch basins, and planted buffers as appropriate.

* * *

Section 7. Section 23.60A.154 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.154 Standards for archaeological and historic resources

A. Developments, shoreline modifications, and uses on any sites having historic, cultural, scientific, or educational value ((~~of historic or archeological significance or sites containing items of historic or archeological significance~~)), as defined by the Washington State Department of Archaeology and Historic Preservation and local tribes, shall reasonably avoid disruption of the historic or archeological resource.

B. Applications ((~~that include excavation~~))in areas documented by the Washington State Department of Archaeology and Historic Preservation to contain archaeological resources shall include a preliminary cultural resource evaluation or site inspection and a written report prepared by a qualified professional archaeologist in compliance with Section 106 of the National Historic Preservation Act or State Executive Order 05-05, approved by the City, prior to the issuance of a permit. In addition, the archaeologist also shall provide copies of the draft report to affected tribes and the Washington State Department of Archaeology and Historic Preservation. After consultation with these tribes and agencies, the archaeologist shall provide a final report that includes any recommendations from affected tribes and the Washington State Department of Archaeology and Historic Preservation on avoidance or mitigation of the proposed project's impacts. The Director shall condition project approval based on the final report from the

archaeologist to avoid, minimize, and mitigate impacts to the site consistent with federal and state law.

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

* * *

Section 8. A new Section 23.60A.155 is added to the Seattle Municipal Code as follows:

23.60A.155 Standards for ecological restoration location and ecological mitigation location

A. Priority for the location of ecological restoration in relation to the action that is requiring the ecological restoration shall be in the following order:

1. Within the same geographic area as the action.
2. Within the same type of water i.e. fresh water or marine water.
3. Within the City of Seattle.
4. Within the same watershed.
5. Within a different watershed.

B. Priority for the location of ecological mitigation in relation to the action that requires ecological mitigation for Step E of Mitigation Sequencing pursuant to Section 23.60A.158 shall be in the following order, and the lower priority restoration location shall be allowed only if it benefits the same population of aquatic species that is negatively impacted and the higher priority location is infeasible:

1. At the project site.

2. Within the same geographic area as the action.

3. Within the same type of water i.e. fresh water or marine water as the action.

4. Within the City of Seattle.

5. Within the same watershed.

Section 9. Section 23.60A.156 of the Seattle Municipal Code, was enacted by Ordinance 124447, is amended as follows:

23.60A.156 Standards for environmentally critical areas in the Shoreline District

A. All development, shoreline modification and uses shall protect environmentally critical areas located in the Shoreline District by complying with the standards and procedures in this Section 23.60A.156, in addition to the provisions of this Chapter 23.60A.

B. Applicable regulations. Chapter 25.09, as set out in Ordinance 122050 and amended by Ordinances 122370, 122738, 124105, 124447, and by this ordinance introduced as C.B. ((~~117913~~))_____, is incorporated by reference into this Chapter 23.60A with respect to the shorelines within the Shoreline District. The designations, standards and procedures in Chapter 25.09 are modified as set out in subsections 23.60A.156.E through 23.60A.156.N for environmentally critical areas in the Shoreline District. If there are any conflicts between the standards and procedures in Chapter 25.09 incorporated into this Chapter 23.60A and other provisions of the Shoreline Master Program, the requirements most protective of ecological functions apply, except when preempted by federal or state law or where this Shoreline Master Program expressly states that these regulations do not apply.

C. Environmentally ((~~C~~))critical ((~~A~~))areas designation and location

1. Environmentally critical areas mean:((~~are designated as set out~~))

a. Priority habitat areas and shoreline setbacks described in Sections 23.60A.160 and 23.60A.167;

b. Areas designated in Section 25.09.020, as amended by Ordinances 124105, 12447 and this ordinance introduced as C.B. _____; and

c. In applying the designation of flood-prone areas in subsection 25.09.020.B, areas of special flood hazard in Section 25.06.030 shall be determined using the Flood Insurance Rate Maps that accompany the Flood Insurance Study for King County, Washington and incorporated Areas, dated May 16, 1995.

2. Environmentally critical areas are located as follows:

a. Areas designated in Section 25.09.020, as amended by this Ordinance, are located as set out in Section 25.09.030.

b. ((~~Identification of w~~))Wetlands and delineation of their boundaries pursuant to this Chapter 25.09 shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements in lieu of the "Washington State Wetlands Identification and Delineation Manual" as adopted by Ecology (Publication #96-94).

* * *

G. In applying the designation of flood-prone areas in subsection 25.09.020.B, areas of special flood hazard in Section 25.06.030 shall be determined using the Flood Insurance Rate Maps that accompany the Flood Insurance Study for King County, Washington and incorporated Areas, dated May 16, 1995.

* * *

N. Vegetation management within environmentally critical areas shall comply with Section 23.60A.190, and Section 25.09.320 and subsection 25.090.060.L do((~~es~~)) not apply in the Shoreline District. In the Shoreline District critical area standards that require compliance with Section 25.09.320 or subsection 25.090.060.L shall be construed to require compliance with Section 23.60A.190.

* * *

Section 10. Section 23.60A.157 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.157 Essential Public Facilities

A. Uses, accessory uses, temporary uses, and shoreline modifications comprising essential public facilities defined in Section 23.84A.010 may be located in the Shoreline District in compliance with this Chapter 23.60A.

B. If a proposed essential public facility includes a use or shoreline modification that is prohibited in the shoreline environment where it is proposed, that use or shoreline modification is allowed if it is infeasible to locate it outside the Shoreline District. The use or shoreline modification shall comply with all applicable use and shoreline modification standards and with the development standards in this Chapter 23.60A, including standards in Section 23.60A.158 for mitigation sequencing, and shall mitigate all adverse impacts to water-dependent and water-related uses. If shoreline modification or use is nonwater-oriented, ecological restoration equivalent to the gross floor area of the new nonwater-oriented use shall be provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)).

* * *

Section 11. Section 23.60A.164 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.164 Standards for regulated public access

* * *

H. All regulated public access points shall be provided through an easement, covenant, or similar legal agreement recorded with the King County Recorder's Office except for public access on publicly controlled land.

* * *

Section 12. Section 23.60A.167 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.167 Standards for shoreline setbacks

* * *

E. All development, shoreline modifications and uses allowed in the shoreline setback shall address the following when applying mitigation sequencing, to the greatest extent applicable and reasonable for the allowed use:

* * *

6. When native vegetation is proposed to meet the requirements of subsection 23.60A.158.B.1.e (Step E), prioritize planting this vegetation as close to OHW as possible, and secondly adjacent to existing vegetation.

* * *

Section 13. Section 23.60A.172 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 4 Standards Applicable to Shoreline Modifications

23.60A.172 Applicable standards for shoreline modifications

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

B. Any proposed shoreline modification located on state-owned aquatic lands must provide evidence of notification to DNR prior to obtaining authorization from the Director.

C. All shoreline modifications are prohibited except as allowed, allowed as a special use or allowed as a shoreline conditional use in this Section 23.60A.172 and Table A for 23.60A.172. If Table A for 23.60A.172 lists a shoreline modification in association with a specific use or other shoreline modification, that use or shoreline modification must be allowed, allowed as a special use, or allowed as a shoreline conditional use in the shoreline environment for which the shoreline modification is proposed.

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
Shoreline Modifications												
1	Aquatic noxious	P	P	P	P	P	P	P	P	P	P	P

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
	weed control											
2	Artificial reefs designed for restoration and enhancement or for recreational purposes.	P	SU	P	P	SU	SU	P	CU	P	P	CU
3	Boat launch and landing facilities											
3a	Motorized boat launches	P	P	X	CU	SU	P	P	P	P	P	P
3b	Non-motorized boat launches	P	P	X	P	SU	P	P	P	P	P	P
3c	Non-motorized boat landing	P	P	SU	P	P	P	P	P	P	P	P
4	Breakwater, jetties, groins and weirs											
4a	If necessary for the safe operation of a water-dependent use.	CU	CU	X	CU	CU	CU	CU	CU	CU	CU	CU
4b	For ecological restoration and enhancement or ecological mitigation necessary to protect ecological functions.	P	P	P	P	P	P	P	P	P	P	P
5	**Dredging**											
5a	Necessary for a water-dependent use.	CU	SU	X	X	SU	SU	CU	SU	SU	SU	X

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
5b	Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels, basins, berthing areas and dry docks is allowed if the applicant demonstrates dredging is necessary for assuring safe and efficient accommodation of existing navigational uses or safe berthing or operation of water dependent equipment such as dry docks.	CU	SU	X	X	SU	SU	CU	SU	P	P	X
5c	Maintenance dredging of established navigation channels or berthing areas is restricted to maintaining the location, depth, and width previously authorized or permitted by the Army Corps of Engineers.	SU	SU	X	X	SU	SU	SU	P	P	P	X
5d	For ecological restoration and enhancement or ecological mitigation.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
5e	Necessary to obtain fill for an ecological restoration and enhancement project that the Director has determined to be significant and the fill is placed waterward of the OHW mark or at an approved landfill outside the Shoreline District.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
5f	Necessary for clean-up and disposal of contaminated sediments as part of an interagency environmental clean-up plan.	P	P	SU	SU	SU	SU	SU	SU	SU	SU	SU
5g	Necessary to obtain fill for restoration and enhancement of ecological functions associated with a MTCA or CERCLA ecological restoration and enhancement project and the fill is placed waterward of the OHW mark or at an approved landfill outside the Shoreline District.	P	P	SU	SU	SU	SU	SU	SU	SU	SU	SU

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
5h	Necessary to install bridges.	CU	CU	X Except as allowed pursuant to Section 23.60A.209	CU	CU	SU	CU	CU	CU	CU	CU
5i	Necessary to install utility lines.	P	CU	CU	CU	SU	CU	SU	SU	SU	SU	SU
6	**Dry docks**	X	X	X	X	X	X	P	X	P	P	X
7	Fill 7a through 7j are required to demonstrate that alternatives to fill are infeasible.											
7a	Necessary for the expansion or alteration of transportation facilities of statewide significance currently located on the shoreline.	CU	X	CU	CU	CU	CU	CU	CU	CU	CU	CU
7b	Part of cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
7c	Necessary to install authorized shoreline stabilization or public access at the Central Waterfront, and if the overall impacts of the project results in a net gain of ecological functions at or near where the fill is proposed.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	CU	N/A	N/A	N/A
7d	Necessary to support a water dependent use.	CU	CU	X	CU	CU	CU	CU	CU	CU	CU	CU
7e	Necessary to support disposal of dredge material considered suitable under and conducted in accordance with the Dredge Material Management Program of the Department of Natural Resources.	X	CU	X	X	X	X	X	X	X	X	X
7f	Necessary to install bridges.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
7g	For ecological mitigation, restoration and enhancement, or beach nourishment project if the fill will not permanently and negatively impact native aquatic vegetation.	P	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU
7h	Necessary to install utility lines.	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
7i	Disposal of dredge material on shorelands within a channel migration zone.	X	CU	X	X	X	X	X	X	CU	CU	X
7j	Open-water disposal of dredged material is allowed at designated disposal sites.	X	CU	X	X	X	X	X	CU	CU	CU	X
8	**Grading, landfill and on land slope stabilization**											
8a	If accessory to a use that is allowed, allowed as a special use, or allowed as a shoreline conditional use in the shoreline environment for which it is proposed.	P	P	SU	P	P	P	P	P	P	P	P

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
8b	For ecological mitigation, restoration and enhancement.	P	P	SU	P	P	P	P	P	P	P	P
9	**Heat exchangers**, in-water/aquatic, allowed as a shoreline conditional use in the specified shoreline environments and if located outside Lake Washington, Lake Union and the Ship Canal.	CU	CU	X	CU	X	CU	CU	CU	CU	CU	CU
10	**Piers and floats**											
10a	If accessory to a water-dependent or water-related use, or if accessory to a single-family use in the CR, UC, UG and UR shoreline environments.	P	CU	SU	P	P	P	P	P	P	P	P

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
10b	As a parks and open space use if, when compared to existing conditions, there is: 1. No net gain in overwater coverage; 2. No increase in overwater coverage in sensitive aquatic habitat including migration corridors; and 3. Grating or similar treatment does not count toward required reduction.	P	X	X	P	SU	P	SU	P	X	X	X
11	**Shoreline stabilization**											
11a	Soft shoreline stabilization.	P	P	P	P	P	P	P	P	P	P	P
11b	Hard shoreline stabilization that meets the additional criteria in Section 23.60A.188.	SU	CU	CU	CU except prohibited on Accretion beaches	SU	SU	SU	SU	SU	SU	CU
12	**Floating dolphins** if accessory to a water-dependent.	SU	CU	X	X	CU	CU	SU	SU	SU	SU	X

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**
13	**Mooring buoys** if accessory to a water-dependent use or single or multi((-))family residential use. When a number is listed in parenthesis this number is the maximum number allowed.	SU	X	SU (1)	P (2)	SU	P	P	P	P	P	P (1)
14	**Mooring pilings** if accessory to a water-dependent use. When a number is listed in parenthesis this number is the maximum number allowed.	SU	X	SU (2)	P (2)	SU	P	P	P	P	P	P (1)
15	**Vegetation and impervious surface management**											
15a	Vegetation management is allowed for maintenance, mitigation sequencing or restoration and enhancement as provided in Section 23.60A.190.	P	P	P	P	P	P	P	P	P	P	P
15b	Impervious surface management is allowed as provided in Section 23.60A.190 in conjunction with Section 23.60A.158.	P	P	P	P	P	P	P	P	P	P	P

Table A for 23.60A.172
Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	**CN**	**CP**	**CR**	**CW**	**UC**	**UG**	**UH**	**UI**	**UM**	**UR**

Key to Table A for 23.60A.172

P = Allowed by permit

CU = Shoreline Conditional Use

SU = Special Use

X = Prohibited

Section 14. Section 23.60A.182 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.182 Standards for dredging

* * *

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

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

2. The dredged material will be disposed of at a dry land or contained submerged disposal site that has been approved by the federal Environmental Protection Agency and/or the Dredge Material Management Program (DMMP), or any successor agency or at a ((~~site~~))location meeting the standards of subsection 23.60A.184.E.

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

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

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

* * *

Section 15. Section 23.60A.187 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.187 Standards for piers and floats and overwater structures

* * *

B. Owners of piers and floats shall require moorage users at residential or non-residential moorage to use best management practices to minimize impacts on the aquatic environment. The

Director may establish appropriate best management practices to implement the requirements of this subsection 23.60A.187.B by Director's Rule. The best management practices include the following:

1. Use((~~ing on vessels~~)) natural and toxic free((~~non-toxic~~)) cleaners and other products that drain into the water;

2. Limit((~~ing~~)) the amount of gray water produced by minimizing water use;

3. Dispose((~~ing~~)) of sewage at pump-out stations or through a pump-out service;

4. Dispose((~~ing~~)) of garbage, food scraps and other compostable material, waste material, and recyclables into the appropriate on-land receptacles;

5. Store((~~ing~~)) all outside materials in a secure manner so that they do not enter the water because of wind or wave action;

6. Nonuse of((~~Not using~~)) herbicides, pesticides, or fertilizers; and

7. Use((~~ing~~)) a double containment system when using hazardous and/or toxic products ((~~on the vessel~~))to contain any spills in the second receptacle and prevent the products from entering the water.

C. Piers and floats for residential development

* * *

9. Size and number of overwater structures

* * *

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

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

1) No pier shall extend waterward from the OHW mark more than to a point where the depth of the water at the end of the pier reaches 8 feet below the elevation of

the ordinary low water level((~~OHW~~)) in freshwater or below MLLW in marine waters and no greater than 100-ft from the OHW mark in either fresh or salt water.

((~~2) If the water depth at 100 feet waterward from the OHW mark is less than 6 feet below the elevation of OHW in freshwater or below MLLW in marine water, then the maximum pier length shall be to a point where the water depth at the end of the pier is 6 feet below the elevation of OHW in freshwater or MLLW in marine water or 150 feet, whichever length is least.~~))

((~~3~~))2) No pier shall extend beyond the Outer Harbor or Pierhead Line, except in Lake Union where piers are not allowed to extend beyond the Construction Limit Line as shown upon the Official Land Use Map, Chapter 23.32, or except where authorized by this Chapter 23.60A and by DNR and the U.S. Army Corps of Engineers.

* * *

Section 16. Section 23.60A.190 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.190 Standards for vegetation and impervious surface management

* * *

D. Shoreline District landward of the OHW mark. Vegetation and impervious surface management activities are prohibited within the portion of the Shoreline District that is landward of the OHW mark, both within and outside the shoreline setback, except as follows or as otherwise provided in this Section 23.60A.190:

* * *

4. Permits authorizing development, shoreline modifications and uses may authorize disturbance areas and land clearing using mitigation sequencing set forth in Section 23.60.158 and complying with the following standards:

a. Any surface disturbed or cleared of vegetation and not to be used for development shall be planted with native vegetation, except that pre-disturbance landscaped

areas containing non-native vegetation located farther than 100 feet from the OHW((~~outside the shoreline setback~~)) may be re-landscaped using non-native, noninvasive vegetation;

* * *

H. Mitigation for vegetation alteration and increase in impervious surface. If vegetation is lawfully altered or removed other than as allowed in subsections 23.60A.190.D.1, 23.60A.190.E.1, and 23.60A.190.F.1 or if there is an increase in impervious surface that is required for work authorized pursuant to this Chapter 23.60A, adverse impacts to ecological functions shall be addressed as follows:

* * *

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

* * *

f. Maintenance is required to ensure ((~~80~~))100 percent ((~~survival of new~~)) ground cover of vegetation ((~~planted~~))at the end of five years.

I. Vegetation monitoring is required for ((~~any~~))vegetation planting within the Shoreline District that requires submittal of an application under this Section 23.60A.190 and for projects that required a shoreline substantial development permit or a building permit. If vegetation monitoring is required, a monitoring plan shall be submitted to the Department for approval, and the plan((~~The monitoring plans~~)) shall include:

1. Five years of monitoring that ensures ((~~eighty~~))100 percent ground cover ((~~survival of the~~))of vegetation ((~~planted~~))at the end of 5 years;

2. Annual inspections of the plants;

3. Replacement of failed plants;

4. Removal of exotic invasive species that may have become established; and

5. Photographic documentation of planting success.

J. Application of pesticides, herbicides and fertilizers in the Shoreline District

1. Application of pesticides((,)) and herbicides is prohibited within the Shoreline District, ((~~and fertilizers farther than 50 feet from the OHW mark is allowed without submitting an application if best management practices, are followed,~~))except as provided in subsection 23.60A.190.J.2. The Director shall adopt a rule identifying best management practices including identifying pesticides, herbicides, and fertilizers that are prohibited due to impacts on ecological functions, using appropriate scientific and technical information as described in WAC 173-26-201(2)(a).

2. Application of pesticides and herbicides((~~fertilizers~~)) is prohibited in and over wetlands, riparian watercourses, and other water bodies and within ((~~50~~))200 feet of wetlands, riparian watercourses, and other water bodies and waterward of the OHW mark of riparian watercourses and other water bodies, except as provided in subsection 23.60A.190.C.2.b.4 or as allowed by the Director for the following circumstances and if the allowed pesticide or herbicide application is done by a licensed applicator:

a. The state or local Health Department recommends or directs their use to address a threat to public health;

b. A county, state, or federal agency with jurisdiction directs their use for control of a state listed noxious weed or plant pests covered by the Washington State Department of Agriculture plant pest program, and non-chemical alternatives have been evaluated;

c. If the Director determines the applicant has demonstrated that the use of pesticides will have no adverse impact to fish and wildlife. Such a determination may be in the form of concurring that the applicant has developed best management practices or an integrated pest management plan consistent with standards developed by the Director;

d. If the Director has determined that use of a pesticide to control invasive plants would have less overall adverse environmental impact than other control strategies; or

e. If the Director determines there is a serious threat to public safety, health, or the environment.

3. Application of synthetic fertilizers is prohibited within the Shoreline District. Application of organic fertilizers shall follow best management practices for use of fertilizers within 200 feet of water bodies, including limiting the use of fertilizers, hand mixing the fertilizer with ingredients that do not dissolve quickly, and using composted, dry grass clippings, leaves, and saw dust as fertilizer.

Section 17. Section 23.60A.193 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.193 Standards for agriculture

A. In shoreline environments where agriculture is allowed or allowed as a special use or a shoreline conditional use it shall comply with the standards for agriculture in this Section 23.60A.193.

B. Agricultural uses proposed on land not currently in agricultural use shall not remove native vegetation; and

C. Agricultural uses shall be sited in areas that result in the least disturbance to ecological functions.

Section 18. Section 23.60A.200 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.200 Standards for marinas, commercial and recreational

* * *

B. General standards. When new marinas are established or when substantial development occurs at an existing marina the following development standards apply:

* * *

2. Marina owners shall require owners and operators of vessels moored in recreational marinas or commercial marinas shall use BMPs to minimize impacts on the aquatic environment. The BMPs include the following:

a. Use((ing)) natural and toxic free((~~non-toxic~~)) cleaners and other products ((~~used on vessels~~))that drain into the water;

b. Limit((~~ing~~)) the amount of gray water produced by minimizing water use;

c. Dispose((~~ing~~)) of sewage at pump-out stations or through a pump-out service;

d. Dispose((~~ing~~)) of garbage, food scraps and other compostable material, waste material and recyclables into the appropriate on-land receptacles;

e. Store((~~ing~~)) all outside materials in a secure manner so that they do not enter the water because of wind or wave action;

f. Nonuse of((~~Not using~~)) herbicides, pesticides or fertilizers; and

g. Use((~~ing~~)) a double containment system when using hazardous and/or toxic products on the vessel and floating on-water residence to contain any spills in the second receptacle and prevent the products from entering the water.

3. Marinas shall be operated and managed in a manner to preserve water quality pursuant to Title 22, subchapter VIII, Stormwater Code, and to protect the public health. The Director shall adopt a rule establishing model BMPs based on Department of Ecology's Resource Manual for Pollution Prevention in Marinas May 1998, Revised 2009 Publication #9811 as a minimum standard.

4. Non-commercial slip-side vessel and floating on-water residence maintenance is limited to:

a. Interior vessel and floating on-water residence repair and cleaning, replacement of running gear, and other cleaning and repair activities excluding hull scraping and painting, which is prohibited.

b. Twenty-five percent of the exterior of the vessel and floating on-water residence above the deck at any one time; exterior work involving paint, varnish, and other toxic substances below the deck is prohibited. The Director may establish appropriate BMPs based on Department of Ecology's Resource Manual for Pollution Prevention in Marinas May 1998, Revised 2009 Publication #9811 in a Director's Rule.

5. Marinas shall provide restrooms connected to the sewer system for use by any patron of the marina facility. At a minimum, the facilities are required to include one toilet and one washbasin. The Director shall determine the need for additional facilities to provide reasonable hygiene based on the number of slips, percentage of live-aboard slips, and the number of transient moorage slips within the marina.

6. Marinas having either more than 3,500 linear feet of moorage or slips large enough to accommodate vessels and floating on-water residences larger than 20 feet in length shall provide a sewage pump-out facility or the best available method of disposing of sewage wastes.

7. In Lake Washington and the Puget Sound overwater projections, boat lifts, and areas used for vessel and floating on-water residence moorage shall be located a minimum distance of 30 feet waterward from the OHW mark or in a minimum water depth of 8 feet, whichever is less to the extent reasonable. In Lake Union and Portage Bay overwater projections, boat lifts, and areas used for vessel and floating on-water residence moorage shall be located a minimum distance of 15 feet waterward from the OHW mark or in a minimum water depth of 8 feet, whichever is less to the extent reasonable.

* * *

D. Additional general development standards for new recreational marinas

1. Public access for new recreational marinas is required as follows:

* * *

e. Public access is required at publicly owned marinas but no ((~~E~~))easement((~~s are not~~)) is required for publicly owned marinas.

* * *

F. Commercial and recreational marinas may provide moorage for vessels used as live-aboard vessels and floating on-water residences if the marina meets the following standards, in addition to the general development standards in subsections 23.60A.200.A through 23.60A.200.D:

1. The live-aboard ((~~vessel~~))is the type of vessel or floating on-water residence allowed to be moored at the commercial or recreational marina; and

2. The marina provides shower facilities connected to a sanitary sewer that are adequate to provide good hygiene for the live-aboard residents and floating on-water residents based on((~~to serve~~)) the number of live-aboard vessels and floating on-water residences moored at the marina.

Section 19. Section 23.60A.202 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.202 Standards for Floating homes and floating home moorages

A. Floating homes allowed and prohibited

1. Floating homes are allowed if they meet the standards ((~~either~~))in subsections 23.60A.202.A.1.a and 23.60A.202.A.1.b((~~ or in subsection 23.60.202.A.1.c~~)):

a. The floating home is:

1) Legally established or has a building permit on the effective date of this ordinance; or

2) Replaces a floating home legally established on the effective date of this ordinance and in compliance with subsection 23.60A.202.D.5 and the standards of this Section 23.60A.202; and

b. Occupies a floating home moorage that is legally established on the effective date of this ordinance, except as allowed under subsection 23.60A.202.B.2; ((~~or~~

~~c. The floating home complies with the standards of subsection 23.60A.202.D and occupies a floating home moorage that was established prior to January 1, 2011, and was not fully occupied on the effective date of this ordinance.~~))

2. Floating homes that do not meet the standards of subsection 23.60A.202.A.1 are prohibited.

B. Standards for floating home moorages and sites

1. Moorage Location

a. Every floating home moorage shall be located on privately owned or privately controlled premises. Floating home moorages are prohibited from being located in any waterway or fairway or in the public waters of any street or street end, except as provided in subsections 23.60A.202.B.1.b, 23.60A.202.B.1.c, 23.60A.202.B.1.d and 23.60A.202.B.1.e.

b. Floating home moorages that were located in public waters or any street or street end on January 1, 1974, or on property later dedicated to the City for street purposes are allowed if they:

1) Have continuously existed in such locations;

2) Comply with all the provisions of this Chapter 23.60A;

3) Are authorized by a use and occupancy permit approved by the Director of Transportation; and

4) Are not moved from its existing ((~~site~~))location.

c. Floating homes may not relocate to that portion of a floating home moorage occupying waters owned or controlled by the City or occupying any street or street ends

existing on the effective date of this ordinance, or on property later dedicated to the City for street purposes.

d. Floating home moorages are allowed to be located in Portage Bay in a submerged street segment lying generally parallel to the shoreline that terminates on the north and on the south in a submerged street area if the same person owns or leases the property abutting on both sides.

e. Floating home moorages existing as of January 1, 1974, are allowed to be located partially on private property and partially in submerged portions of Fairview Avenue East lying generally parallel to the shoreline, if the occupant of the floating home owns or leases the private portion of the floating home site and has obtained a long-term permit from the City to occupy the abutting street area.

2. New floating home moorages and sites

a. A new floating home moorage or a new floating home site at an existing floating home moorage is allowed in the UR Environment if:

1) The floating home moorage or site will be used to accommodate a floating home moored in a floating home moorage lawfully existing on the effective date of this ordinance;

2) It is located in Lake Union or Portage Bay; and

3) It complies with the standards in this Section 23.60A.202.

b. A new floating home moorage or a new floating home site at an existing floating home moorage is allowed in the UC Environment if:

1) The floating home moorage or site is necessary to accommodate a floating home moored in a floating home moorage lawfully existing on the effective date of this ordinance that is unable to continue to moor in that floating home moorage for the reasons set out in subsections E, F, G, or H of Section 7.20.040;

2) It is located in Lake Union or Portage Bay;

3) The floating home moorage ((~~or site~~)) is added to a recreational marina((~~,~~)) or a commercial marina, or a new floating home site is added to a floating home moorage existing as of ((~~December 31, 1987~~))the effective date of this ordinance;

4) If the floating home moorage is to be located within a recreational marina or commercial marina, the marina has no more than ((~~two~~))five existing floating home sites at the marina;

5) No more than ((~~two such~~))five floating home moorages or sites may be added to any marina or floating home moorage in the UC Environment after April 1, 1987; and

6) ((~~It~~))The new floating home moorage or site complies with the standards in this Section 23.60A.202((~~.~~)), except that there are no parking or minimum floating home site area requirements, and modifications to the setback and float separation requirements are allowed to the minimum extent necessary and consistent with Residential and Fire Code requirements.

c. Total water coverage, including all floating home moorage walkways, in the new floating home moorage or in the expanded portion of the existing floating home moorage shall not occupy more than 45 percent of the submerged area, including the floating home.

d. Each new floating home site in a new or expanded floating home moorage shall meet the following standards:

1) The area for a floating home site is a minimum of 2,000 square feet;

2) Floating home sites shall have sufficient dimensions to accommodate a floating home meeting the standards of subsection 23.60A.202.D;

3) Floating home sites shall be configured so that a floating home cannot extend beyond the waterward end of the pier;

4) Floating home sites shall not be located within 15 feet of the OHW mark;

5) Floating home sites shall have direct access to a pier of not less than 5 feet of unobstructed width that is accessible from a street; and

6) Floating home sites shall have at least 20 feet of frontage on water continuously open to navigation.

e. A new floating home moorage or site established for a floating home that is unable to continue mooring in a floating home moorage lawfully existing as of the effective date of this ordinance for the reasons set out in subsection E, F, ((~~or~~)) G, or H of Section 7.20.040 "Safe Harbor", is not required to comply with parking or minimum floating home site area requirements, and modifications to the setback and float separation requirements are allowed, to the minimum extent necessary, and consistent with Residential and Fire Code requirements.

3. Existing floating home moorages and sites

a. Total water coverage of floating home moorages, including all piers, shall not be increased above 45 percent of the submerged area or the currently existing coverage, whichever is greater, including the floating home, except as provided in subsection 23.60A.202.B.3.e;

b. The area of an existing floating home site shall not be reduced below 2,000 square feet or the currently existing area, whichever is less, except as provided in subsection 23.60A.B.3.e;

c. Existing floating home sites shall not be expanded in a manner that will result in the blockage of the view from the waterward end of a pier; and

d. Existing floating home moorages shall not be reconfigured and existing floating homes shall not be relocated within a floating home moorage site unless the standards of this Section 23.60A.202 are met,((~~ or the Director determines that the standards cannot be met at~~

~~the site and the reconfiguration or relocation will result in improved ecological functions~~))

except as provided in subsection 23.60A.202.B.3.e.

e. If a legally established floating home is displaced for any of the reasons set out in subsection E, F, G, or H of Section 7.20.040 "Safe Harbor", an existing floating home moorage and its sites may be reconfigured to accommodate up to two displaced floating homes as follows:

1) New parking is not required;

2) The area of reconfigured floating home sites shall not be reduced below 2,000 square feet or the currently existing area, whichever is less, to the extent practicable;

3) Modifications to the limits on total water coverage are allowed, to the minimum extent necessary, to accommodate the displaced floating homes;

4) All reconfigured floating home sites shall meet the standards for new floating home sites set forth in subsections 23.60A.202.B.2.d.2 through 6,except that modifications to the setback and float separation requirements are allowed, to the minimum extent necessary, and consistent with Residential and Fire Code requirements; and

5) The reconfiguration shall not result in the blockage of the view from the waterward end of a pier.

4. Floating home moorages shall not provide moorage to floating homes that do not display a registration number issued under subsection 23.60A.202.G.

* * *

D. Standards for floating homes

* * *

5. A floating home may be rebuilt, replaced, repaired, or remodeled consistent with the following standards and subsection 23.60A.202.D.6, if applicable:

a. The float area or over water coverage of the floating home is not increased, including cantilevered portions that extend beyond the edge of the float.

b. No portion of any addition to a floating home exceeds:

1) 18 feet in height, as measured from the surface of the water, or

2) if current height as measured from the surface of the water ((~~if~~))is above 18 feet, does not exceed its current height, provided that the height cannot exceed 21 feet, except to the minimum extent necessary to satisfy the provisions of the Building Code for open railings, chimneys and mechanical vents. Open railings are limited to 36 inches in height.

* * *

E. Owners and tenants of floating homes shall use best management practices to minimize impacts on the aquatic environment. Best management practices include, but are not limited to, the following:

1. Dispose((~~ing~~)) of garbage, food scraps and other compostable material, waste material, and recyclables into the appropriate on-land receptacles;

2. Secure((~~ing~~)) all outside furniture, barbeque grills, plant containers, and other material to ensure these items do not enter the water because of wind or wave action;

3. Use((~~ing~~)) non-toxic building material in exterior areas;

4. Use((~~ing~~)) natural and chemical free((~~non-toxic~~)) cleaning and other household products in outside areas and on exterior structures;

5. Nonuse of((~~Not using~~)) herbicides, pesticides, or fertilizers in outside areas or on the exterior of the structure; and

6. Use((~~ing~~)) a double containment system when using hazardous and/or toxic ((~~liquid~~))products on decks and other areas exposed to the outside to contain any spills in the second receptacle to prevent these products from entering the water.

* * *

H. A determination by the City that a use or structure is legally established or lawfully existing does not mean that a use or structure is or was in compliance with other state or federal requirements or that a use or structure on waters managed by the Washington State Department of Natural Resources is "legally established" or "lawfully existing" with respect to DNR.

Section 20. A new Section 23.60A.203 added to the Seattle Municipal Code as follows:

23.60A.203 Standards for floating on-water residences

A. Floating structures that contain dwelling units and vessels that contain dwelling units shall be regulated as floating homes pursuant to Section 23.60A.202, with the exception of floating on-water residences that comply with this Section 23.60A.203, house barges that comply with Section 23.60A.204, residences allowed under Section 23.60A.206, and vessels that comply with Section 23.60A.214. Locating other uses on floating on-water residences authorized pursuant to this Section 23.60A.203 is prohibited.

B. For purposes of this Chapter 23.60A, a floating on-water residence is allowed only if it:

1. Was used as a dwelling unit within the City prior to July 1, 2014.

2. Was moored pursuant to a lease or ownership interest at a marina, as defined by Section 23.60A.926, within the City prior to July 1, 2014.

C. Maintenance and repair, remodeling, relocation, expansion, rebuilding, and replacement

1. Floating on-water residences legally established pursuant to subsection 23.60A.203.D are regulated as a conforming use, and relocation, repair and maintenance, remodeling, expansion, and replacement are allowed subject to the following standards:

a. Normal maintenance and repair, as defined in subsection 23.60A.020.C.1, is allowed and replacement is not considered the common method of repair for this type of structure.

b. Remodeling is limited to the interior and to changing the siding or architectural features on the exterior of the existing structure, except that exterior open railings may be added as part of a remodel as allowed in subsection 23.60A.203.C.1.c.

c. Open railings may be added around existing exterior spaces and stairs to access these spaces, provided that if the top of the railing exceeds the height limits in subsection 23.60A.203.C.1.e, the maximum height of the railing is 36 inches.

d. Relocation is allowed, and owners should update the floating on-water residence verification within 60 days.

e. Expansion is allowed provided that:

1) The height of the structure including any addition shall not exceed 18 feet if the current height of a floating on-water residence is 18 feet or lower, measured from the main deck or three feet above the surface of the water, whichever is lower;

2) The height of the structure including any addition shall not exceed the current height if the current height of a floating on-water residence is more than 18 feet but less than 21 feet, measured from the main deck or three feet above the surface of the water, whichever is lower;

3) The height of the structure including any addition shall not exceed 21 feet if the current height of a floating on-water residence is 21 feet or more, measured from the main deck or three feet above the surface of the water, whichever is lower; and

4) No expansion of overwater coverage is allowed, except a single expansion at or below the surface of the water may occur as follows:

a) The applicant provides documentation demonstrating that the expansion is the minimum necessary to provide stability as certified by a naval architect to correct stability problems for the structural size and configuration that existed before July 1, 2014, and the area of such expansion shall not be used for any purpose other than to provide stability; and

b) If an expansion is allowed under subsection 23.60A.203.C.1.e.4.a, no other expansion is allowed below, at or above the waterline for any purpose.

5) If the total expansion over the life of the structure exceeds 120 square feet, gray-water containment or a waste-water hookup that disposes the gray water to the City's waste-water disposal system is required.

f. Replacement to the same size and configuration as established in the verification issued pursuant to subsection 23.60A.203.D as it may be updated, is allowed and a verified structure is not considered nonconforming even though it may exceed the height limits for additions in subsection 23.60A.203.C.1.e.

g. Replacement with expansion shall comply with the standards in subsection 23.60A.203.C.1.e, including the requirement that expansions greater than 120 square feet shall provide gray-water containment or a waste-water hookup that disposes the gray water to the City's waste-water disposal system.

2. When an owner of a verified floating on-water residence intends to expand, rebuild or replace the structure, prior to beginning any work:

a. The owner/applicant shall present information to the Director demonstrating that the floating on-water residence will comply with subsections 23.60A.203.C.1.e through 23.60A.203.C.1.g, as applicable;

b. The owner/applicant shall demonstrate any expansion will not create future stability problems for the floating on-water residence; and

c. The owner/applicant shall update the verification records under subsection 23.60A.203.D.

D. Verification of a floating on-water residence

1. Each floating on-water residence shall be verified by the Director and the owner shall pay a one-time fee to receive a verification number plate. The fee shall be

established by the Director to recover the reasonable costs of the program for issuing verification number plates. Owners of floating on-water residence allowed pursuant to subsection 23.60A.203.B may apply to the Director for verification or may wait until the Director asks for verification information. If a floating on-water residence is not verified, the Director may require the owner to submit verification information and pay the required fee.

2. Verification shall constitute legal establishment of a floating on-water residence pursuant to the definition of floating on-water residence in Section 23.60A.912.

3. A house barge authorized under Section 23.60A.204 may submit verification and be regulated as a floating on-water residence rather than a house barge.

4. If an owner disputes the Director's denial of verification as a floating on-water residence, the owner may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of date the Director's determination was mailed. The appeal shall be conducted de novo, and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.203 precludes the City from enforcing this code under Chapter 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing examiner upholding the City's denial of floating on-water residence verification.

5. The owner shall display the verification number plate issued by the DPD on the pier and landward side of the floating on-water residence or on the side most commonly used for access from the pier.

6. Failure to verify a floating on-water residence or to correctly display a verification number plate is a violation of this Chapter 23.60A that is subject to the enforcement process in Chapter 23.90 and does not forfeit the owner's right to maintain a floating on-water residence.

7. Verification is transferable between owners but is not transferable to another floating on-water residence, except for a replaced floating on-water residence as provided in subsections 23.60A.203.C.1.f and 23.60A.203.C.1.g.

E. Minimizing impacts on the aquatic environment

1. Owners and tenants of floating on-water residences shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following:

a. Eliminate sewage discharge by either sealing overboard discharge and conveying sewage discharge to an approved disposal facility using a pump out station, a pump out service or other appropriate method or using port-a-potty or similar device and disposing of the sewage at a facility that is connected to the City's waste-water disposal system;

b. Dispose of garbage, food scraps, waste material, and recyclables into appropriate on-land receptacles;

c. Secure all outside furniture, barbeque grills, plant containers, and other material to ensure that they do not enter the water because of wind or wave action;

d. Use natural and toxic free building material in exterior areas;

e. Use natural and toxic free cleaning and other household products in outside areas and on exterior structures;

f. Nonuse of herbicides, pesticides, or fertilizers in outside areas or on the exterior of the structure; and

g. Use a double containment system when using toxic and/or chemical liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water.

2. The Director may establish alternate or additional best management practices to implement the requirements of subsection 23.60A.203.E by Director's Rule.

Section 21. Section 23.60A.204 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.204 Floating structures and ((~~S~~))standards for house barges

A. Floating structures

1. Floating structures, including vessels that do not have a means of self-propulsion and steering equipment and that are designed or used as a place of residence, with the exception of house barges ((~~moored within The City of Seattle in June 1990 and licensed by The City of Seattle~~))authorized under subsection 23.60A.204.B and floating on-water residences authorized under Section 23.60A.203, shall be regulated as floating homes pursuant to this Chapter 23.60A.

2. Locating other ((~~nonwater-dependent~~))uses over water on house barges authorized under subsection 23.60A.204.B ((~~on floating structures, including vessels that do not have a means of self-propulsion or steering equipment,~~)) is prohibited ((~~unless specifically permitted on house barges or historic ships by other sections of this Chapter 23.60A~~)).

B. For purposes of this Chapter 23.60A, house barges are only ((~~permitted~~))allowed under the following conditions:

1. The ((~~H~~))house barge was moored at a recreational marina in the city before July 1990. ((~~permits~~))

2.((~~a.~~)) A permit for the house barge((~~, which is transferable between owners but not transferable to another house barge, has been~~)) was secured from the ((~~Department of Planning and Development~~))DPD verifying that the house barge existed and was used for residential purposes within the City before July 1990((~~in June 1990~~)) and has been continuously used since that time((~~thereafter as provided in subsection 23.60A.204.C.2~~)).

((~~b. House barges not within the City and moored at a recreational marina before July 1990 are prohibited.~~

~~2. The house barge permit applicant must demonstrate compliance with state water quality standards for discharge by toilet as a condition of initial permit issuance.~~))

3. Verification

a. Each house barge must be verified by the Director, and owners shall pay a one-time fee to receive a verification number plate. The fee shall be established by the Director to recover the reasonable costs of the program for issuing verification number plates. Owners of house barges authorized by this Section 23.60A.204 may apply to the Director for a verification number plate or may wait until the Director asks for verification information. If the Director discovers an un-verified house barge, the Director may require the owner to submit the verification information and pay the required fee.

b. If an owner disputes the Director's denial of verification as a house barge under this Section 23.60A.204, the owner may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of date the Director's determination was mailed. The appeal shall be conducted de novo, and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.204 precludes the City from enforcing this code under Chapter 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing examiner upholding the City's denial of house barge verification.

c. The owner of a house barge that complies with the requirements of subsections 23.60A.204.B.1 and 23.60A.204.B.2 may choose to have the house barge verified and regulated as a floating on-water residence under Section 23.60A.203 instead of under this subsection 23.60A.204.B.

d. The owner shall display the verification number plate issued by the Department of Planning and Development on the pier and landward side of the vessel or on the side most commonly used for access from the pier.

e. Failure to verify an authorized house barge or correctly display a verification number plate is a violation of this Chapter 23.60A that is subject to the enforcement process in Chapter 23.90 and does not forfeit the owner's right to maintain an authorized house barge.

4. A house barge verification number is transferable between owners but is not transferable to another house barge, except to a house barge that has been replaced as provided in subsection 23.60A.204.C.

((~~3. Permits~~

~~a. The initial permit is effective for three years. At the expiration of three years, the permit may be renewed at the request of the owner, provided it is demonstrated, consistent with state water quality standards, that all overboard discharges have been sealed and that satisfactory means of conveying wastewater to an approved disposal facility has been provided.~~

~~b. The Director, after consultation with Ecology (Northwest Regional Office) water quality staff, may grant an exception to the requirement in subsection 23.60A.204.3.a based upon approval of a detailed plan that considers all feasible measures to control and minimize overboard discharge of wastewater. In such cases, the Director at the time of permit renewal, shall implement the plan by attaching conditions to the permit that limit overboard discharge of wastewater or the adverse environmental consequences thereof to the maximum extent practicable. Permit conditions may require implementation of best management practices for minimizing wastewater discharges, or the use of alternative treatment and disposal methods.~~

~~c. Compliance with conditions~~

~~1) Within 120 days of the effective date of this ordinance holders of initial permits issued under subsection 23.60A.204.B.1.a shall demonstrate to the Director that~~

~~a renewal permit has been issued under either subsection 23.60A.204.B.3.a or b or shall apply to the Department for a renewal permit under those subsections.~~

~~2) The absence of a record of a permit renewal in the Department's permit archives is prima facie evidence that a renewal permit was not issued.~~

~~3) In determining the feasibility of measures to control and minimize overboard discharge of wastewater under subsection 23.60A.204.B.3.b, the Director shall consider the factors set out in conditions 1 and 2 of the definition of "feasible" in Section 23.60A.912 and in addition shall consider the value of the house barge, the cost of implementing measures to control and minimize overboard discharge of wastewater, and the value of the house barge with wastewater controls.~~

~~4) The permit establishing the house barge use shall be rescinded, and the house barge shall be prohibited from relocating in Seattle waters if:~~

~~a) The permit holder does not timely comply with subsection 23.60A.204.B.3.c.1; or~~

~~b) The Department determines that a house barge is not in compliance with subsection 23.60A.204.B.2 or the conditions of a renewal permit issued under subsection 23.60A.204.B.3.a or b and the deficiency is not cured within 30 days.~~

~~5) Permit holders shall pay a fee to the Department commensurate with the cost to the Department of reviewing the submissions to comply with this subsection 23.60A.204.B.3.c.~~

~~d. In addition to any requirements or permit conditions under subsections 23.60A.204.B.2 and 23.60A.204.B.3, owners and tenants of house barges shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following:~~

~~1) Eliminating wastewater and sewage discharge by sealing overboard discharge and conveying them to an approved disposal facility using a pump out station or a pump out service;~~

~~2) Disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;~~

~~3) Securing all outside furniture, barbeque grills, plant containers and other material to ensure that they do not enter the water because of wind or wave action;~~

~~4) Using non-toxic building material in exterior area;~~

~~5) Using non-toxic cleaning and other household products in outside areas and on exterior structures;~~

~~6) Not using herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and~~

~~7) Using a double containment system when using liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water.~~

~~e. The Director may establish appropriate best management practices to implement the requirements of subsection 23.60A.204.B by Director's Rule.~~))

((4))5. House barges must be moored at a recreational marina, as defined by Section 23.60A.926.

C. Maintenance and repair, remodeling, relocation, expansion, rebuilding and replacement

1. House barges authorized under Section 23.60A.204.B are regulated as a conforming use, and maintenance and repair, remodeling, relocation, expansion, rebuilding and replacement are allowed subject to the following standards:

a. Normal maintenance and repair, as defined in Section 23.60A.020.C.1, is allowed and replacement is not considered the common method of repair for this type of structure.

b. Remodeling is limited to the interior and to changing the siding or architectural features on the exterior of the existing house barge provided that no portion of the house barge is expanded, except that exterior open railings may be added as part of a remodel as allowed in subsection 23.60A.204.C.1.c.

c. Open railings may be added around existing exterior spaces and stairs to access these spaces, provided that if the top of the railing exceeds the height limits in subsection 23.60A.204.C.1.e, the maximum height of the railing is 36 inches.

d. Relocation is allowed, and owners should update the floating on-water residence verification within 60 days.

e. Expansion is allowed provided that:

1) The height of the structure including any addition shall not exceed 18 feet if the current height of a house barge is 18 feet or lower, measured from the main deck or three feet above the surface of the water, whichever is lower;

2) The height of the structure including any addition shall not exceed the current height if the current height of the house barge is more than 18 feet but less than 21 feet, measured from the main deck or three feet above the surface of the water, whichever is lower;

3) The height of the structure including any addition shall not exceed 21 feet if the current height of a house barge is 21 feet or more, measured from the main deck or three feet above the surface of the water, whichever is lower; and

4) No expansion of overwater coverage is allowed, except a single expansion at or below the surface of the water may occur as follows:

a) The applicant provides documentation demonstrating that the expansion is the minimum necessary to provide stability as certified by a naval architect to correct stability problems for the structural size and configuration that existed before July 1990, and the area of such expansion shall not be used for any purpose other than to provide stability; and

b) If an expansion is allowed under subsection 23.60A.204.C.1.e.4.a, no other expansion is allowed below, at or above the waterline for any purpose.

5) If the total expansion over the life of the structure exceeds 120 square feet, gray water containment or a waste-water hookup that disposes the gray water to the City's waste-water disposal system is required.

f. Replacement to the same size and configuration as established in the verification issued pursuant to subsection 23.60A.204.B, as it may be updated, is allowed and a verified house barge structure is not considered nonconforming even though it may exceed the height limits for additions in subsection 23.60A.204.C.1.e.

g. Replacement with expansion shall comply with the standards in 23.60A.204.C.1.e including the requirement that expansions greater than 120 square feet shall provide gray water containment or a waste-water hookup that disposes the gray water to the City's waste-water disposal system.

2. When an owner of a verified house barge intends to expand, rebuild or replace the house barge, prior to beginning any work:

a. The owner/applicant shall present information to the Director demonstrating that the house barge will comply with subsection 23.60A.204.C.1. e through g, as applicable;

b. The owner/applicant shall demonstrate any expansion will not create future stability problems for the house barge; and

c. The owner/applicant shall update the verification records under subsection 23.60A.204.B.

((~~C. Nonconforming uses, relocation, expansion and rescission.~~

~~1. House barges permitted under this Section 23.60A.204 shall be regulated as a nonconforming use and shall be subject to the standards of Section 23.60A.122, except that:~~

~~a. relocation of an established house barge to a different moorage within Seattle shall be permitted; and~~

~~b. House barges cannot expand or extend beyond existing external dimensions above or below water notwithstanding the provisions of Section 23.60A.122.~~

~~2. When a house barge is removed from Seattle waters for more than six months, the permit establishing its use shall be rescinded and the house barge shall be prohibited from relocating in Seattle waters.~~))

D. Minimizing impacts on the aquatic environment

1. Owners and tenants of house barges shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following:

a. Eliminate sewage discharge by either sealing overboard discharge and conveying sewage discharge to an approved disposal facility using a pump out station, a pump out service or other appropriate method or using port-a-potty or similar device and disposing the sewage at a facility that is connected to the City's waste-water disposal system;

b. Dispose of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;

c. Secure all outside furniture, barbeque grills, plant containers and other material to ensure that they do not enter the water because of wind or wave action;

d. Use natural and toxic free building material in exterior area;

e. Use natural and toxic free cleaning and other household products in outside areas and on exterior structures;

f. Nonuse of herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and

g. Use a double containment system when using toxic and/or chemical liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water.

2. The Director may establish appropriate best management practices to implement the requirements of subsection 23.60A.204.D by Director's Rule.

Section 22. Section 23.60A.206 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.206 Standards for residences other than floating homes, floating on-water residences, house barges, and vessels ((~~used as~~))containing dwelling units

A. Floating homes, floating on-water residences, house barges, and vessels ((~~used as~~))containing dwelling units that comply with the standards of Sections 23.60A.202, 23.60A.203, 23.60A.204, and 23.60A.214, respectively, are not subject to the standards of this Section 23.60A.206.

* * *

Section 23. Section 23.60A.214 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.214 Standards for ((~~using~~))vessels ((~~as~~))containing dwelling units and appeals

A. Structures ((~~designed primarily as~~))containing dwelling units shall comply with the standards in subsection 23.60A.206.B, or Sections 23.60A.202, 23.60A.203, and 23.60A.204, and otherwise are prohibited over water.

B. As of the effective date of this ordinance, in addition to the structures allowed in subsection 23.60.A.214.A, a vessel that meets the definition for vessel in Section 23.60A.942

may contain((~~be used as~~)) a dwelling unit if the vessel meets((~~according to~~)) the following standards and is otherwise prohibited, except as allowed in subsection 23.60A.214.D:

1. Design. A vessel may be custom made or manufactured, and may be mono-hulled or multiple-hulled, and shall:

a. Be designed ((~~primarily~~))as a conventional recreational vessel exclusively of the types((~~as~~)) set out in this subsection 23.60A.214.B.1.a.1 through 23.60A.214.B.1.a.7 as follows:

1) A sail boat, such as those manufactured by Catalina, Pacific Seacraft, Hunter, or Hinckley;((~~.~~))

2) A cabin cruiser, such as those manufactured by Bayliner or Chris-Craft;

3) A trawler yacht, such as those manufactured by Grand Banks, Nordic, or Choy Lee;

4) A tug, such as those manufactured by Nordic Tug or Ranger Tugs;

5) A motor yacht cruiser, such as those manufactured by Bayliner, Sea Ray, and Carver;

6) A multi-hulled power boat, such as those manufactured by World Cat; and

7) A sport fishing boat, such as those manufactured by Glacier Bay, Grady White, and Boston Whaler; ((~~and~~

~~8) Not including shanty boats and houseboats, such as those manufactured by Destiny Yachts, Harbormaster, Adventure Craft, Harbormaster, Fantasy or Gibson, Atkin and Company and East Coast Houseboats;~~))or

b. Be designed ((~~primarily~~))and used as a commercial vessel and is a United States Coast Guard certified working tugboat;((~~ or~~))

c. Be designed as a fishing vessel and have current fishing license issued by a federal or state commercial fishing regulatory agency; or

d. Be a registered military vessel used as a dwelling unit for the crew of a military vessel being repaired at the same location if the military requires the crew to remain with the vessel.

2. The vessel is safely operable and operates under self-propulsion integrated into the hull and steerage that is sufficient to reasonably move the vessel.

3. The vessel is moored at a recreational or commercial marina that complies with the standards set out in Section 23.60A.200.

C. Standards for conventional recreational vessels ((~~used as~~))containing dwelling units((~~:~~))

1. In considering whether a vessel meets the design standards in subsection 23.60A.214.B.1.a, the following configuration and features shall be considered:

a.((~~1.~~)) Hull shape: clearly defined bow, hull shaped to reduce resistance;

b.((~~2.~~)) Deck gear: cleats, chocks, anchors, scuppers, and bulwarks;

c.((~~3.~~)) Propulsion ((~~&~~))and steering system: inboard engine((~~&~~))and transmission with propeller ((~~&~~))and rudder or inboard/outboard drive system; and((~~.~~))

d.((~~4.~~)) Helm station: layout of control ((~~&~~))and monitoring systems, visibility for safe navigation.

2. If the Director determines a vessel containing a dwelling unit does not qualify as a conventional recreational vessel under subsection 23.60A.214.B and an owner disputes the Director's determination, the owner may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of the date the Director's determination was mailed. The appeal shall be conducted de novo, and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.214 precludes the City from enforcing this code

under Chapter 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing examiner upholding the City's determination regarding whether a vessel qualifies as a conventional recreational vessel.

D. Other vessels containing((~~used as~~)) dwelling units

1. A vessel containing a dwelling unit that does not meet the standards of subsection 23.60A.214.B is allowed if it:

a. Complies with the definition of vessel in Section 23.60A.942; and

b. Was lawfully moored in the City and used as a dwelling unit prior to the effective date of this ordinance.

((~~If a vessel was moored in the City and used as a dwelling unit prior to the effective date of this ordinance, it may continue to be used as a dwelling unit if it is moored at a lawful location and complies with subsection 23.60A.214.D.2.~~

~~2. To be a vessel it shall be designed and used for navigation and not interfere with the normal public use of the water.~~))

2((~~3~~)). A ((~~dwelling unit on a~~))vessel, including the dwelling unit portion of the vessel, that meets the standards of subsection 23.60A.214.D.1 but that does not meet the standards of subsection 23.60A.214.((~~C is a nonconforming use.~~))B may be:

a. Maintained and repaired within the vessel overwater coverage existing as the date of this ordinance.

b. Remodeled and structurally altered within the vessel's existing envelope, including height, width, depth, and overwater coverage, as of the date of this ordinance, except new open railings up to 36 inches in height around existing spaces and stairs to access these spaces are allowed, provided that the vessel as remodeled or structurally altered will comply with the definition of vessel in Section 23.60A.942.

c. Relocated to a different moorage within Seattle if the new moorage is in compliance with the marina standards in Section 23.60A.200 and the verification required

under subsection 23.60A.214.D.4 to legally establish the vessel is updated with its new marina location.

d. Replaced with a vessel that complies with subsection 23.60A.214.B.

e. Rebuilt if destroyed by fire, act of nature, or other causes beyond the control of the owner, excluding normal deterioration of structures constructed in or over the water, and if:

1) Action toward replacement is commenced within 12 months after destruction;

2) The vessel or portion of the vessel is rebuilt to the same or smaller configuration existing immediately prior to the destruction; and

3) The vessel as rebuilt will comply with the definition of vessel in Section 23.60A.942.

3. When an owner of a vessel verified according to subsection 23.60A.214.D.4 containing a dwelling unit intends to remodel, structurally alter, or rebuild the vessel, prior to beginning any work the owner shall present information to the Director demonstrating that the vessel as remodeled, structurally altered or rebuilt will comply with subsections 23.60A.214.D.2.a through 23.60A.214.D.2.e, as applicable, and the verification records for the vessel shall be updated as part of this process.

4. Verification to legally establish a vessel containing a dwelling unit

a. The owner of each vessel allowed under subsection 23.60A.214.D.1 that does not qualify for verification under Section 23.60A.203 is required to apply to the Director for a verification number legally establishing the use within six months of the effective date of this ordinance and pay the hourly rate for land use review established by subsection 22.900B.010.B for the Department of Planning and Development review time spent to establish the use.

b. If the Director denies verification as a vessel containing a dwelling unit under this subsection 23.60A.214.D and an owner disputes the Director's denial of verification, the owner may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of the date the Director's determination was mailed. The appeal shall be conducted de novo, and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.214 precludes the City from enforcing this code under Chapter 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing examiner upholding the City's denial of verification under this subsection 23.60A.214.D.

c. The owner shall display the verification number plate issued by the Department of Planning and Development on the pier and landward side of the vessel or on the side most commonly used for access from the pier.

d. Failure to apply within six months for verification legally establishing the use as a vessel containing a dwelling unit or correctly display a verification number is a violation of this Chapter 23.60A that is subject to the enforcement process in Chapter 23.90 and does not forfeit the owner's right to maintain a vessel containing a dwelling unit.

e. Verification is transferable between owners but is not transferable to another vessel, except to a rebuilt vessel as provided in subsection 23.60A.214.D.2.e.

E. Minimizing impacts on the aquatic environment

1. Owners and tenants of vessels containing dwelling units shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following:

a. Eliminate sewage discharge by either sealing overboard discharge and conveying sewage discharge to an approved disposal facility using a pump out station, a pump out service or other appropriate method or using port-a-potty or similar device and disposing the sewage at a facility that is connected to the City's waste-water disposal system;

b. Disposing of garbage, food scraps, waste material, and recyclables into the appropriate on-land receptacles;

c. Securing all outside furniture, barbeque grills, plant containers, and other material to ensure that they do not enter the water because of wind or wave action;

d. Using natural and chemical free building material in exterior area;

e. Using natural and chemical free cleaning and other household products in outside areas and on exterior structures;

f. Not using herbicides, pesticides, or fertilizers in outside areas or on the exterior of the structure; and

g. Using a double containment system when using toxic and/or chemical liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water.

2. The Director may establish appropriate best management practices to implement the requirements of subsection 23.60A.214.E by Director's Rule.

Section 24. Section 23.60A.215 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.215 Standards for uses on vessels

A. Activities and uses on a vessel, except as allowed in Section 23.60A.214, that are not customary to that type of vessel are prohibited while the vessel is moored.

B. Uses and activites customary((~~Customary activities or uses occurring~~)) while the vessel is moored are subject to the moorage standards of the applicable shoreline environment unless incidental to the customary use of the vessel or the residential use allowed under Section 23.60A.214.

* * *

Section 25. Section 23.60A.217 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.217 Standards for utility lines

* * *

B. All new utility lines shall be located or constructed in the following order to the extent feasible when determining that no feasible alternative location exists in these areas, the criteria in Section 23.60A.066 shall be used:

* * *

Section 26. Section 23.60A.224 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.224 Uses in the CM Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.224, and Table A for 23.60A.224. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.224.

2. If Table A for 23.60A.224 or the text of Section 23.60A.224 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.224 Uses in the CM Environment	
A. AGRICULTURAL and FOREST PRACTICE	((~~X~~))
A.1 Aquaculture	CU
A.2 Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Animal shelters and kennels	X

Table A for 23.60A.224 Uses in the CM Environment	
C.2. Eating and drinking establishments	See subsection 23.60A.224.B and 23.60A.224.C
C.3. Entertainment uses	X
C.4. Food processing and craft work uses	See subsection 23.60A.224.C
C.5. Laboratories, research and development	X
C.6. Lodging	X
C.7. Medical services	X
C.8. Offices	See subsection 23.60A.224.D
C.9. Sales and service uses, automotive	X
C.10. Sales and services, general	See subsection 23.60A.224.B and 23.60A.224C
C.11. Sales and service uses, heavy	X
C.12. Sales and services, marine	
C.12.a. Marine service station	SU
C.12.b. Sale or rental of large boats	See subsection 23.60A.224.E
C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsection 23.60A.224.E
C.12.d. Vessel repair, major	X
C.12.e. Vessel repair, minor	SU
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Adult care centers	See subsections 23.60A.224.F
E.2. Child care centers	See subsections 23.60A.224.F
E.3. Colleges	See subsections 23.60A.224.G
E.4. Community center or club	
E.4a. Yacht, boat and beach clubs	SU
E.4b. Other community centers or clubs	See subsection 23.60A.224.G
E.5. Family support center	See subsection 23.60A.224.F
E.6. Hospitals	See subsection 23.60A.224.F
E.7. Institute for advanced study	See subsection 23.60A.224.G
E.8. Library	See subsection 23.60A.224.F
E.10. Museum	See subsection 23.60A.224.G
E.11. Private club	
E.11a. Yacht, boat and beach clubs	SU
E.11b. Other private clubs	See subsection 23.60A.224.G
E.12. Religious facilities	See subsection 23.60A.224.F
E.13. Schools, elementary or secondary	See subsection 23.60A.224.F
E.14. Vocational or fine arts schools	See subsection 23.60A.224.G
E.15. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE	
H.1 General	See subsection 23.60A.224.F
H.2 Shoreline	P
I. PUBLIC FACILITIES	See Section 23.60A.207

Table A for 23.60A.224 Uses in the CM Environment	
J. RESEARCH USES, Aquatic, Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	See subsection 23.60A.224.D
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	See subsection 23.60A.224.H
N.2. Cargo terminals	See subsection 23.60A.224.I
N.3 Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	X
N.3.a.2. Recreational marina	P
N.3.b. Dry boat storage	P
N.4 Navigational locks	P
N.5. Parking	
N.5.a Parking, principal use	X
N.5.b Parking, accessory use	P
N.6. Passenger terminal	See subsection 23.60A.224.J
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	X
N.11. Railroads	X
N.12. Streets	SU
O. UTILITY USES	
O.1. Communication utilities, minor	X
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	X
O.5. Sewage treatment plants	See subsection 23.60A.224.K
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.224.L
P. UTILITY LINES	P
Key to Table A for 23.60A.224 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use X = Prohibited	

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~X = Prohibited~~))

B. Eating and drinking establishments and general sales and services are prohibited, except as provided in this subsection 23.60A.224.B and subsection 23.60A.224.C. Eating and drinking establishments and general retail sales and services, limited to health and fitness sales and services, and retail sales that are consistent with and complementary to allowed recreation activities or directly support the general public's use of park, park amenities, or shoreline recreation are allowed as a shoreline conditional use if located:

1. In a public park, and if the use is not water-oriented, ecological restoration equivalent to the gross floor area of any new nonwater-oriented use is provided pursuant to Section 23.60A.155; or

2. On an historic ship if:

* * *

f. Ecological restoration equivalent to the gross floor area of any new nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)); or

* * *

C. Certain commercial uses

* * *

2. The uses in subsection 23.60A.224.C.1 are allowed in existing buildings within designated historic districts if:

a. The use is water-oriented; or

b. The use is nonwater-oriented, a water-dependent use occupying a minimum of 25 percent of the gross floor area of the building in the Shoreline District is operated on the site and ecological restoration equivalent to the area occupied by any nonwater-

oriented use is provided in the Shoreline District pursuant to Section 23.60A.155((~~within the same geographic area of the site~~)).

D. Meeting rooms, offices and storage are prohibited, except these uses are allowed in existing buildings within designated historic districts if:

1. Located on the second floor; access may be provided on the ground floor; and

2. A water-dependent use occupying a minimum of 25 percent of the gross floor area of the building in the Shoreline District is operated on the site and ecological restoration equivalent to the gross floor area of any nonwater-oriented use is provided within the Shoreline District pursuant to Section 23.60A.155((~~within the same geographic areas of the site~~)).

E. Sale or rental of boats, boat parts and accessories, and dry boat storage

1. Sale or rental of small boats, boat parts and accessories, sale and rental of large boats, and dry boat storage are allowed if:

a. They are in an existing building within designated historic districts;

b. Shoreline restoration that removes impervious surface and plants native vegetation in an area equivalent to the area occupied by any outdoor storage and any increase in impervious surface is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)); and

c. Outdoor storage of boats is located to minimize interference with the public's use of the shoreline.

* * *

K. Sewage treatment plants

1. New sewage treatment plants are prohibited.

2. Existing sewage treatment plants are allowed subject to the following standards:

a. Expansion of an existing sewage treatment plant that does not add capacity or a new treatment level is allowed as a special use.

b. Expansion of an existing sewage treatment plant that adds capacity or a new treatment level is allowed as a Council conditional use if:

1) A Plan Shoreline Permit is obtained pursuant to Section 23.60A.066 and a determination has been made that an alternative design is infeasible and that if no feasible alternative location for expanding the sewage treatment plant outside the shoreline exist as determined under Section 23.60A.066((~~an alternative location for expanding the sewage treatment plant is infeasible~~));

* * *

Section 27. Section 23.60A.240 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.240 Uses in the CN Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.240, and Table A for 23.60A.240. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.240.

2. If Table A for 23.60A.240 or the text of Section 23.60A.240 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.240 Uses in the CN Environment	
A. AGRICULTURAL AND FOREST PRACTICE	X
B. CEMETERIES	X
C. COMMERCIAL USES	X

Table A for 23.60A.240 Uses in the CN Environment	
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60A.240 B
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	See subsection 23.60A.240.C
N.2. Cargo terminals	X
N.3. Moorage	X
N.4 Navigational locks	X
N.5. Parking	X
N.6. Passenger terminal	X
N.7. Rail transit facilities	P
N.8 Navigational aids including channel markers and anchor buoys	P
N.9. Transportation facilities, air	X
N.10. Vehicle storage and maintenance	X
N.11. Tugboat services	X
N.12. Railroads	See subsection 23.60A.240.C
N.13. Streets	See subsection 23.60A.240.C
O. UTILITY USES	X
P. UTILITY LINES	SU
Key to Table A for 23.60A.240 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use X - Prohibited	

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~X = Prohibited~~))

B. Underwater diving areas are allowed as a special use. Bicycle, pedestrian paths and ((~~view points~~))viewpoints are allowed as a special use, if on dry land. All other parks and open space uses are prohibited.

C. Bridges, tunnels, railroads, and streets

1. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under subsection 23.80.004.C are allowed;

2. Bridges and tunnels containing other rail transit facilities are allowed as a special use; and

3. Railroads or streets are allowed as a special use.

Section 28. Section 23.60A.252 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.252 Uses in the CP Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.252, and Table A for 23.60A.252. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.252.

2. If Table A for 23.60A.252 or the text of Section 23.60A.252 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.252 Uses in the CP Environment	
A. AGRICULTURAL AND FOREST PRACTICE	X

Table A for 23.60A.252 Uses in the CP Environment	
B. CEMETERIES	X
C. COMMERCIAL USES	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	See subsection 23.60A.252.B
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60A.252.B
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	-
N.1. Bridges and tunnels	See subsection 23.60A.252.C and 23.60A.252.D
N.2. Cargo terminals	X
N.3. Moorage	X
N.4 Navigational locks	X
N.5. Parking	X
N.6. Passenger terminal	X
N.7. Rail transit facilities	See subsection 23.60A.252.D
N.8. Transportation facilities, air	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	X
N.11. Railroads	X
N.12. Streets	See subsections 23.60A.252.E
O. UTILITY USES	X
P. UTILITY LINES	See subsections 23.60A.252.F
Key to Table A for 23.60A.252 CU = Shoreline Conditional Use P = Allowed by permit X = Prohibited	

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~X = Prohibited~~))

* * *

F. Utility lines are allowed on dry land as a special use and are allowed in water as a shoreline conditional use if no ((~~reasonable~~))feasible alternative location exists as determined under Section 23.60A.066.

Section 29. Section 23.60A.282 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.282 Uses in the CR Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.282, and Table A for 23.60A.282. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.282.

2. If Table A for 23.60A.282 or the text of Section 23.60A.282 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.282 Uses in the CR Environment	
A. AGRICULTURAL AND FOREST PRACTICE	((~~X~~))
A.1 Aquaculture	CU
A.2 Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Animal shelters and kennels	X
C.2. Eating and drinking establishments	See subsection 23.60A.282.B
C.3. Entertainment uses	X
C.4. Food processing and craft work uses	X
C.5. Laboratories, research and development	X
C.6. Lodging	X

Table A for 23.60A.282 Uses in the CR Environment	
C.7. Medical services	X
C.8. Offices	X
C.9. Sales and service uses, automotive	X
C.10. Sales and services, general	See subsection 23.60A.282.B
C.11. Sales and service uses, heavy	X
C.12. Sales and services, marine	
C.12.a. Marine service station	X
C.12.b. Sale or rental of large boats,	See subsection 23.60A.282.B
C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsection 23.60A.282.B
C.12.d. Vessel repair, major	X
C.12.e. Vessel repair, minor	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Adult care centers	X
E.2. Child care centers	X
E.3. Colleges	X
E.4. Community center or club	
E.4a. Yacht, boat and beach clubs	See subsection 23.60A.282.C
E.4b. Other community centers or clubs	See subsection 23.60A.282.B
E.5. Family support center	X
E.6. Hospitals	X
E.7. Institute for advanced study	X
E.8. Library	X
E.10. Museum	X
E.11. Private club	X
E.12. Religious facilities	X
E.13. Schools, elementary or secondary	X
E.14. Vocational or fine arts schools	X
E.15. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE USES	See subsection 23.60A.282.D
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	
K.1. Accessory dwelling unit	X
K.2. Adult family homes	X
K.3. Artist studio/dwelling	X
K.4. Assisted living facilities	X
K.5. Congregate residences	X
K.6. Detached accessory dwelling unit	X
K.7 Domestic ((~~V~~))violence ((~~S~~))shelter	X
K.8. Floating homes and moorage	X

Table A for 23.60A.282 Uses in the CR Environment	
K.9. Mobile park home	X
K.10. Multifamily residences	X
K.11 Nursing homes	X
K.12 Single-family dwelling units	See subsection 23.60A.282.E
K.13 Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	X
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	See subsection 23.60A.282.F
N.2. Cargo terminals	X
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	X
N.3.a.2. Recreational marina	See subsection 23.60A.282.G
N.3.b. Dry boat storage	SU
N.4 Navigational locks	X
N.5. Parking	
N.5.a. Parking, principal use	X
N.5.b Parking, accessory use	P
N.6. Passenger terminal	SU
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	CU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	SU
N.11. Railroads	SU
N.12. Streets	See subsection 23.60A.282.H
O. UTILITY USES	
O.1. Communication utilities, minor	X
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	X
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.282.I
P. UTILITY LINES	See subsections 23.60A.282.H
Key to Table A for 23.60A.282 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use X - Prohibited	

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~X = Prohibited~~))

B. Certain commercial uses

* * *

3. If the use in subsection 23.60A.282.B.1 is nonwater-oriented, it is allowed as a shoreline conditional use if a water-dependent use((~~s must occupy~~))occupies an area equal to 50 percent of the surface area of the site, and ecological restoration equivalent to the gross floor area of the nonwater-oriented use((~~s~~)) is provided within the Shoreline District pursuant to Section 23.60A.155((~~within the same geographic area as the site~~)).

* * *

Section 30. Section 23.60A.294 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.294 Regulated public access in the CR Environment

A. Private property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments:

1. Existing multifamily residential development containing more than four units with more than 75((~~100~~)) feet of shoreline((~~, except if located on saltwater shorelines where public access from a street is available within 600 feet of the lot line of the proposed development~~)); and

2. Development and uses that are:

a. Not residential and not water-dependent; or

b. Not water-related as defined in Section 23.60A.944, "Water-related use" #1.

* * *

Section 31. Section 23.60A.310 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.310 Uses in the CW Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.310, and Table A for 23.60A.310. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.310.

2. If Table A for 23.60A.310 or the text of Section 23.60A.310 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. In addition to the use standards for the CW Environment, uses shall also meet the use standards of abutting shoreline environments.

C. On dry land, uses are allowed if accessory to conforming uses on abutting lots.

D. Uses may also need separate approval from DNR and/or Seattle Department of Transportation.

Table A for 23.60A.310 Uses in the CW Environment	
A. AGRICULTURAL AND FOREST PRACTICE	((~~X~~))
A.1 Aquaculture	CU
A.2 Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Animal shelters and kennels	X
C.2. Eating and drinking establishments	See subsection 23.60A.310.E
C.3. Entertainment uses	X

Table A for 23.60A.310 Uses in the CW Environment	
C.4. Food processing and craft work uses	X
C.5. Laboratories, research and development	X
C.6. Lodging	X
C.7. Medical services	X
C.8. Offices	X
C.9. Sales and services, automotive	X
C.10. Sales and services, general	See subsection 23.60A.310.E
C.11. Sales and services, heavy	X
C.12. Sales and services, marine	
C.12.a. Marine service station	X
C.12.b. Sale or rental of large boats	See subsections 23.60A.310.G
C.12.c. Sale or rental of small boats, boat parts, or accessories	See subsections 23.60A.310.E ((~~and~~))or 23.60A.310.F
C.12.d. Vessel repair, major	CU
C.12.e. Vessel repair, minor	SU
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Adult care centers	X
E.2. Child care centers	X
E.3. Colleges	X
E.4. Community center or club	
E.4a. Yacht, boat and beach clubs	SU
E.4b. Other community centers or clubs	X
E.5. Family support center	X
E.6. Hospitals	X
E.7. Institute for advanced study	X
E.8. Library	X
E.9. Museum, WD	SU
E.10. Private club	X
E.11. Religious facilities	X
E.12. Schools, elementary or secondary	X
E.13. Vocational or fine arts schools	X
E.14. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	X
H. PARKS AND OPEN SPACE	
H.1 General	X
H.2 Shoreline	SU
I. PUBLIC FACILITIES	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	X

Table A for 23.60A.310 Uses in the CW Environment	
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	See subsection 23.60A.310.H
N.2. Cargo terminals	X
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1 Commercial moorage	SU
N.3.a.2 Recreational marina	See subsection 23.60A.310.I
N.3.b. Dry boat storage	X
N.4 Navigational locks	X
N.5. Parking, principal use	X
N.6. Passenger terminal	X
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	SU
N.11. Railroads	X
N.12. Streets	X
O. UTILITY USES	X
P. UTILITY LINES	SU
Key to Table A for 23.60A.310 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise X - Prohibited	

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~WD = Allowed for water-dependent uses; prohibited otherwise~~

~~X = Prohibited~~))

E. Eating and drinking establishments, sale and service, and boat rentals

* * *

2. The uses set out in subsection 23.60A.310.E.1 are allowed as shoreline conditional uses on an historic ship if:

* * *

f. Ecological restoration equivalent to the gross floor area of any new nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).

* * *

Section 32. Section 23.60A.382 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.382 Uses in the UC Environment

A. Use regulations on waterfront lots and overwater in the UC Environment

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited on waterfront lots and overwater pursuant to Section 23.60A.090, this Section 23.60A.382 and Table A for 23.60A.382, and Section 23.60A.384. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.382.

2. Waterfront lots, uses overwater,((~~Table A~~)) and water-dependent and water-related uses

a. Table A for 23.60A.382 and subsections 23.60A.382.C through 23.60A.382.H apply to waterfront lots.

b. Uses overwater are regulated in Section 23.60A.384.

c. If Table A for 23.60A.382 or the text of Section 23.60A.382 or Section 23.60A.384 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. Uses on upland lots are regulated in Section 23.60A.383.

((~~1. All uses allowed, allowed as a special use, or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.~~

~~2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:~~

~~a. Transportation uses that are prohibited on waterfront lots;~~

~~b. Utility uses that are prohibited on waterfront lots;~~

~~c. Heavy manufacturing uses; and~~

~~d. High impact uses.~~))

Table A for 23.60A.382
Uses on waterfront lots in the UC Environment

Uses	Waterfront Lots
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Community ((~~G~~))garden	P
A.3. Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Commercial uses WO	P
C.2. Eating and drinking establishments	See subsection 23.60A.382.C ((~~and~~))or 23.60A.382.E
C.3. Entertainment uses	See subsection 23.60A.382.C ((~~and~~))or 23.60A.382.E
C.4. Food processing and craft work uses	See subsection 23.60A.382.C ((~~and~~))or 23.60A.382.E
C.5. Sales and services, general	See subsection 23.60A.382.C ((~~and~~))or 23.60A.382.E
C.6. Offices	See subsection 23.60A.382.C ((~~and~~))or 23.60A.382.E
C.7. Commercial uses not WO	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Yacht, boat and beach clubs	P
E.2. Colleges	WD/WR
E.3. Institutes for advance study	WD/WR
E.4. Museums	WD/WR
E.5. Vocational schools	WD/WR
E.6. Other institutional uses	X
F. LIVE-WORK UNITS	X

Table A for 23.60A.382 Uses on waterfront lots in the UC Environment	
Uses	**Waterfront Lots**
G. MANUFACTURING USES	
G.1. Light manufacturing	WD/WR
G.2. General manufacturing	WD/WR
G.3. Heavy manufacturing	X
H. PARKS AND OPEN SPACE USES	P
I. PUBLIC FACILITIES	See ((~~subs~~))Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	
K.1. Artist studio/dwelling	See subsections 23.60A.382.D ((~~and~~))or 23.60A.382.E
K.2. Floating homes and moorage	See subsection 23.60A.382.F
K.3. Multifamily residences	See subsections 23.60A.382.D ((~~and~~))or 23.60A.382.E
K.4. Single-family dwelling units	See subsections 23.60A.382.D ((~~and~~))or 23.60A.382.E
K.5. Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	WD/WR
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	X
N.3. Moorage	
N.3.a. Boat moorage	P
N.3.b. Dry boat storage	P
N.4 Navigational locks	X
N.5. Parking	
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	WD/WR
N.7. Rail ((~~T~~))transit ((~~F~~))facilities	P
N.8. Transportation ((~~F~~))f acilities, ((~~A~~))air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.382.G
O.2. Communication utilities, major	X
O.3. Power plants	X

Table A for 23.60A.382 Uses on waterfront lots in the UC Environment	
Uses	**Waterfront Lots**
O.4. Recycling	X
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.382.H
P. UTILITY LINES	P
Key to Table A for 23.60A.382 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise WO = Allowed for water-oriented uses; X = Prohibited	

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

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~~WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise~~

~~WO = Allowed for water-oriented uses;~~

~~X = Prohibited~~))

C. Limited commercial uses

* * *

4. Development that includes any of the uses listed in subsection 23.60A.382.C.1 that ((~~is~~))are not water-oriented shall be ((~~in~~))part of a development or on a site that includes a water-dependent use that occupies ((~~an area equal to~~))a minimum of 50 percent of the dry land area of the((~~surface of the~~)) site and complies with one of the following conditions or a combination of conditions if the Director determines the combination would achieve a similar offset for siting a use that is not water-oriented:

* * *

b. Ecological restoration equivalent to the gross floor area of the new nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed nonwater-oriented use~~)); or

* * *

6. Permits issued pursuant to ((~~this~~))subsection 23.60A.382.C.1 shall identify the specific uses and gross floor areas of each use that is authorized by the permit under ((~~this~~))that subsection 23.60A.382.C.1 and the water-dependent uses that satisfy the requirement for a water-dependent use on a minimum of 50 percent of the dry land((~~lot~~)) area of the development site((~~requirement~~)).

* * *

Section 33. A new Section 23.60A.383 added to the Seattle Municipal Code as follows:

23.60A.383 Uses allowed on upland lots in the UC Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited on upland lots pursuant to Section 23.60A.090, this Section 23.60A.383 and Table A for 23.60A.383. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.383.

2. If Table A for 23.60A.383 or the text of Section 23.60A.383 states that a use is required to be water-oriented, a use that is not water-oriented is prohibited.

Table A for 23.60A.383
Uses on upland lots in the UC Environment

Uses	Upland Lots
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Community garden	P
A.3. Other agricultural and forest practice uses	X
B. CEMETERIES	X

Table A for 23.60A.383 Uses on upland lots in the UC Environment	
Uses	Upland Lots
C. COMMERCIAL USES	
C.1. Commercial uses WO	P
C.2. Animal shelters and kennels	P
C.3. Eating and drinking establishments	P
C.4. Entertainment uses	P
C.5. Food processing and craft work uses	P
C.6. Laboratories, research and development	P
C.7. Lodging	P
C.8. Medical services	P
C.9. Offices	P
C.10. Sales and services, automotive	P
C.11. Sales and services, general	P
C.12. Sales and services, heavy	P
C.13. Commercial uses not WO	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	P
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	
G.1. Light manufacturing	P
G.2. General manufacturing	P
G.3. Heavy manufacturing	X
H. PARKS AND OPEN SPACE USES	P
I. PUBLIC FACILITIES	See subsection 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	
K.1. Artist studio/dwelling	P
K.2. Congregate residences	P
K.3. Floating homes and moorage	See subsection 23.60A.383.B
K.4. Multifamily residences	P
K.5. Nursing homes	P
K.6. Single-family dwelling units	P
K.7. Other residential uses	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	P
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	X
N.3. Moorage	
N.3.a. Boat moorage	P
N.3.b. Dry boat storage	P
N.4 Navigational locks	X
N.5. Parking	

Table A for 23.60A.383 Uses on upland lots in the UC Environment	
Uses	Upland Lots
N.5.a. Parking, principal use	P
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	WO
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.383.C
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	X
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.383.D
P. UTILITY LINES	P
KEY to Table A for 23.60A.383 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise WO = Allowed for water-oriented uses; X = Prohibited	

B. Uses accessory to floating homes, including storage, are allowed if located 35 feet or more waterward from the OHW mark.

C. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

D. Utility service uses are allowed if they reasonably require a shoreline location to operate.

Section 34. Section 23.60A.384 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.384 Uses allowed overwater in the UC Environment

* * *

A. In addition to the uses allowed overwater in Section 23.60A.090, the following uses are allowed over water if the standards of subsection 23.60A.384.B are met:

1. Commercial uses;

2. Entertainment uses;

3. Light and general manufacturing;

4. Colleges, vocational schools and institutes for advanced studies;

5. Passenger terminals;

6. Office uses, if accessory to a water-dependent or water-related use located on the same lot; and

7. Storage uses, if accessory to a water-dependent use and located on the same development site as such water-dependent use.

B. Standards required for the uses listed in subsection 23.60A.384.A are as follows:

1. The depth of dry land on all the waterfront lot area((~~depth~~)) is less than 35 feet;

2. The location of the use on dry land is not reasonable;

3. The use is on or in an existing structure;

((~~3~~))4. There is no increase in overwater coverage; and

((~~4~~))5. The uses allowed under subsection 23.60A.384.A.1through 23.60A.384.A.4 shall be:

a. Water-dependent;

b. Water-related and accessory to a water-dependent use on or in the structure; or

c. Water-related that meet the definition of "Water-related use" #1 in Section 23.60A.944.

* * *

D. Standards for uses over water

1. The uses in 23.60A.384.C are allowed as follows:

a. Over water on or in existing structures in the UC Environment if the depth of dry land on all the waterfront lot area((~~depth~~)) is less than 35 feet, there is no increase in overwater coverage and floor area, and if the requirements of subsections 23.60A.384.D.2 and 23.60A.384.D.3((~~ of this Section 23.60A.384~~)) are met; or

b. As a shoreline conditional use over water on or in existing structures in the UC Environment if the depth of dry land on all the waterfront lot area((~~depth~~)) is less than 35 feet, there is no increase in overwater coverage and floor area, and if the requirements of subsection 23.60A.384.D.3 are met((~~;~~)).

2. A water-dependent or water-related use occupies the lowest floor level of the existing building or structure.

3. Ecological restoration equivalent to the gross floor area of any new nonwater-dependent use is required pursuant to Section 23.60A.155((~~within the same Geographic Area as the project~~)).

Section 35. Section 23.60A.386 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 2 Development Standards

23.60A.386 Height in the UC Environment

A. Maximum height. The maximum heights in the UC Environment are as follows, as modified in subsections 23.60A.386.B through 23.60A.386.E:

* * *

3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way, which is 665 feet south of the southern

edge of Fairmont Avenue Southwest(OR) and is an unimproved right-of-way, see quarter section map or DPD GIS for location, is 65 feet.

* * *

Section 36. Section 23.60A.390 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.390 Shoreline setbacks in the UC Environment

* * *

D. Existing structures and uses that would be considered nonconforming because they are located in the required shoreline setback in the UC Environment are not regulated as ((~~a~~)) nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback is provided pursuant to Section 23.60A.155((~~within the Shoreline District within the same geographic area as the site is provided~~)).

Section 37. Section 23.60A.392 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.392 Regulated public access in the UC Environment

A. Private property((~~.~~))

1. Public access shall be provided and maintained on privately owned waterfront lots for the following developments:

a. Residential developments containing more than four units with more than 75((~~100~~)) feet of shoreline((~~, except if located on saltwater shorelines where public access from a street is available within 600 feet of the lot line of the proposed development~~));

* * *

Section 38. Section 23.60A.394 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.394 View corridors in the UC Environment

* * *

D. The required view corridor width shall be reduced to 25 percent of the width of the lot if water-dependent or water-related uses that meet the definition of "Water-related use" #1 in Section 23.60A.944 occupy ((~~more than~~))a minimum of 40 percent of the dry land area of the development site((~~lot~~)).

Section 39. Section 23.60A.402 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.402 Uses in the UG Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.402, and Table A for 23.60A.402. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.402.

2. ((~~Table A and~~))Waterfront and upland lots and water-dependent,((~~ and~~)) water-related uses, and water-oriented uses

a. Table A for 23.60A.402 and subsections 23.60A.402.((~~C~~))B through ((~~F~~))23.60.A.402.G apply to waterfront lots and to upland lots as indicated in the table.

b. If Table A for 23.60A.402 or the text of Section 23.60A.402 ((~~or 23.60A.404~~)) states that a use is required to be water-dependent, ((~~or~~))water-related, or water-oriented, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

4. A commercial, institutional, or manufacturing use, other than a use required to be water-dependent or water-related, shall be water-oriented unless:

a. Either

1) The applicant demonstrates the development site is unsuited for water-oriented uses because it has limited or no water access; or

2) The use is ((~~in~~))part of a development or on a site that includes a water-dependent use occupying a minimum of 50 percent of the site; and

b. Ecological restoration occurs within the Shoreline District equivalent to the gross floor area of the proposed nonwater-oriented uses pursuant to Section 23.60A.155((~~within the same geographic area as the proposed use~~)).

((~~B. Uses on upland lots~~

~~1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.~~

~~2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:~~

~~a. Transportation uses that are prohibited on waterfront lots~~

~~b. Utility uses that are prohibited on waterfront lots;~~

~~c. Residential uses that are prohibited on waterfront lots;~~

~~d. Lodging;~~

~~e. Live-work units; and~~

~~f. High-impact uses that are not water-dependent or water-related.~~))

Table A for 23.60A.402 Uses in the UG Environment		
Uses	**Waterfront Lots**	**Upland Lots**
A. AGRICULTURAL AND FOREST PRACTICE		
A.1. Aquaculture	CU	CU

Table A for 23.60A.402 Uses in the UG Environment		
Uses	**Waterfront Lots**	**Upland Lots**
A.2. Other agricultural and forest practice uses	X	X
B. CEMETERIES	X	X
C. COMMERCIAL USES		
C.1. Animal shelters and kennels	P	P
C.2. Eating and drinking establishments	P	P
C.3. Entertainment uses	P	P
C.4. Food processing and craft work uses	P	P
C.5. Laboratories, research and development	P	P
C.6. Lodging	X	X
C.7. Medical services	P	P
C.8. Offices	P	P
C.9. Sales and services, automotive	X	P
C.10. Sales and services, general	P	P
C.11. Sales and services, heavy	P	P
C.12. Sales and services, marine	P	P
D. HIGH-IMPACT USES	See subsection 23.60A.402.((~~C~~))B	See subsection 23.60A.402.B
E. INSTITUTIONAL USES	P	P
F. LIVE-WORK UNITS	X	X
G. MANUFACTURING USES	P	P
H. PARKS AND OPEN SPACE USES	P	P
I. PUBLIC FACILITIES	See Section 23.60A.207	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210	See Section 23.60A.210
K. RESIDENTIAL USES		
K.1. Accessory dwelling unit	X	X
K.2. Adult family homes	X	X
K.3. Artist studio/dwelling	See subsection 23.60A.402.((~~D~~))C	SU
K.4. Assisted living facilities	X	X
K.5. Congregate residences	X	X
K.6. Detached accessory dwelling unit	X	X
K.7 Domestic ((~~V~~))violence ((~~S~~))shelter	X	X
K.8. Floating homes and moorage	X	X
K.9. Mobile park home	X	X
K.10. Multifamily residences	X	X
K.11. Nursing homes	X	X
K.12. Single-family dwelling units	See subsection 23.60A.402.((~~D~~))C	See subsection 23.60A.402.C
K.13 Other residential uses	X	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211	See Section 23.60A.211
M. STORAGE USES	P	P

Table A for 23.60A.402 Uses in the UG Environment		
Uses	**Waterfront Lots**	**Upland Lots**
N. TRANSPORTATION FACILITY USES		
N.1. Bridges and tunnels	P	P
N.2. Cargo terminals	WD/WR	WD/WR
N.3. Moorage		
N.3.a. Boat moorage	P	P
N.3.b. Dry boat storage	P	P
N.4 Navigational locks	X	X
N.5. Parking	X	X
N.5.a Parking, principal use	X	X
N.5.b Parking, accessory use	P	P
N.6. Passenger terminal	WD/WR	WD/WR
N.7. Rail transit facilities	P	P
N.8. Transportation facilities, air		
N.8.a. Airports, land-based	X	X
N.8.b. Airports, water-based	SU	SU
N.8.c. Heliports	X	X
N.8.d. Helistops	X	X
N.9. Vehicle storage and maintenance	X	X
N.10. Tugboat services	P	P
N.11. Railroads	P	P
N.12. Streets	P	P
O. UTILITY USES		
O.1. Communication utilities, minor	See subsection 23.60A.402.((~~E~~))D	See subsection 23.60A.402.D
O.2. Communication utilities, major	X	X
O.3. Power plants	X	X
O.4. Recycling	WD/WR	WD/WR
O.5. Sewage treatment plants	X	X
O.6. Solid waste management	WD/WR	WD/WR
O.7. Utility service uses	See subsection 23.60A.402.((~~F~~))E	See subsection 23.60A.402.E
P. UTILITY LINES	P	P
Key to Table A for 23.60A.402 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise WR = Allowed for water-related uses; prohibited otherwise X = Prohibited		

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~WD = Allowed for water-dependent uses; prohibited otherwise~~

~~WR = Allowed for water-related uses; prohibited otherwise~~

~~X = Prohibited~~))

((~~C~~))B. High impact uses are allowed as a special use if they are water-dependent or water-related.

((~~D~~))C. Existing single-family dwelling units and artist studio/dwellings are allowed.

((~~E~~))D. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

((~~F~~))E. Utility service uses are allowed if they reasonably require a shoreline location to operate.

Section 40. Section 23.60A.410 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.410 Shoreline setbacks in the UG Environment

A. A shoreline setback of ((~~15~~))30 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as allowed in Section 23.60A.167.

B. Existing structures and uses that would be considered nonconforming because they are located in the required shoreline setback in the UG Environment are not regulated as ((~~a~~)) nonconforming structures based on setback standards. Such structures may not expand in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the area of the footprint of the structure located in the shoreline setback is provided((~~required~~)) within the Shoreline District pursuant to Section 23.60A.155((~~within the same geographic area as the site is provided~~)).

Section 41. Section 23.60A.442 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.442 Uses in the UH Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.442, and Table A for 23.60A.442. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.442.

2. If Table A for 23.60A.442 or the text of Section 23.60A.442 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.442
Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
A. AGRICULTURAL AND FOREST PRACTICE		
A.1. Aquaculture	CU	CU
A.2. Community ((~~G~~))garden	X	P
A.3. Other agricultural and forest practice uses	X	X
B. CEMETERIES	X	X
C. COMMERCIAL USES		
C.1. Animal shelters and kennels	X	P
C.2. Eating and drinking establishments	See subsection 23.60A.442.B ((~~and~~))or 23.60A.442.C	P
C.3. Entertainment uses	See subsection 23.60A.442.B	P
C.4. Food processing and craft work		
C.4.a Food processing uses	See subsection 23.60A.442.D	P
C.4.b Custom and craft work uses	See subsection 23.60A.442.B	P
C.5. Laboratories, research and development, WD	P	P

Table A for 23.60A.442
Uses in the UH Environment

Uses	Waterfront Lots	Upland Lots
C.6. Lodging	See subsection 23.60A.442.E	P
C.7. Medical services	X	P
C.8. Offices	See subsection((~~s~~)) 23.60A.442.F	P
C.9. Sales and service uses, automotive	X	X
C.10. Sales and services, general	See subsection 23.60A.442.B ((~~and~~))or 23.60A.442.C	
C.11. Sales and service uses, heavy		
C.11.a Commercial sales heavy	X	P
C.11.b. Commercial services, heavy	X	P
C.11.c. Retail sales, major durables	X	P
C.11.d. Retail sales and services, non-household	X	P
C.11.e. Wholesale showroom	See subsection 23.60A.442.D	P
C.12. Sales and services, marine		
C.12.a Marine service station	X	X
C.12.b. Sale or rental of large boats	CU	CU
C.12.c. Sale or rental of small boats, boat parts, or accessories	P or CU see subsection 23.60A.442.C	P
C.12.d. Vessel repair, major	X	X
C.12.e. Vessel repair, minor	See subsection 23.60A.442.G	X
D. HIGH-IMPACT USES	X	X
E. INSTITUTIONAL USES		
E.1. Adult care centers	X	P
E.2. Child care centers	See subsection((~~s~~)) 23.60A.442.F	P
E.3. Colleges	See subsection 23.60A.442.H	P
E.4. Community center or club		
E.4.a Yacht, boat and beach clubs	P	P
E.4.b Other community centers or clubs	See subsection 23.60A.442.D	P
E.5. Family support center	X	P
E.6. Hospitals	X	P
E.7. Institute for advanced study	See subsection 23.60A.442.H	P
E.8. Library	X	P
E.10. Museum	See subsection((~~s~~)) 23.60A.442.B	P
E.11. Private club	X	P
E.12. Religious facilities	X	P

Table A for 23.60A.442 Uses in the UH Environment		
Uses	**Waterfront Lots**	**Upland Lots**
E.13. Schools, elementary or secondary	X	P
E.14. Vocational or fine arts schools	See subsection 23.60A.442.H	P
E.15. Other institutional uses	X	X
F. LIVE-WORK UNITS	X	P
G. MANUFACTURING USES		
G.1. Light manufacturing	See subsection 23.60A.442.I	See subsection 23.60A.442.I
G.2. General manufacturing	X	X
G.3. Heavy manufacturing	X	X
H. h AND OPEN SPACE USES	See subsection 23.60A.442.B ((~~and~~))or 23.60A.442.J	P
I. PUBLIC FACILITIES	See subsection 23.60A.442.K	P
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210	See Section 23.60A.210
K. RESIDENTIAL USES	X	P
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211	See Section 23.60A.211
M. STORAGE USES		
M.1. Mini-warehouses	X	X
M.2. Storage, outdoor	See subsection 23.60A.442.L	See subsection 23.60A.442.L
M.3. Warehouses	See subsection 23.60A.442.L	See subsection 23.60A.442.L
N. TRANSPORTATION FACILITY USES		
N.1. Bridges and tunnels	P	P
N.2. Cargo terminals	See subsection 23.60A.442.M	See subsection 23.60A.442.M
N.3. Moorage		
N.3.a. Boat moorage	P	P
N.3.b. Dry boat storage	See subsection 23.60A.442.N	See subsection 23.60A.442.N
N.4 Navigational locks	X	X
N.5. Parking		
N.5.a Parking, principal use	X	See subsection 23.60A.442.O
N.5.b. Parking, accessory	See subsection 23.60A.442.P	P
N.6 Passenger terminal	See subsection 23.60A.442.Q	WR
N.7. Rail transit facilities	P	P
N.8. Transportation facilities, air	X	X
N.9. Vehicle storage and maintenance	X	X
N.10. Tugboat services	P	P

Table A for 23.60A.442 Uses in the UH Environment		
Uses	**Waterfront Lots**	**Upland Lots**
N.11. Railroads	P	P
N.12. Streets	P	P
O. UTILITY USES		
O.1. Communication utilities, minor	See subsection 23.60A.442.R	See subsection 23.60A.442.R
O.2. Communication utilities, major	X	X
O.3. Power plants	X	X
O.4. Recycling	X	X
O.5. Sewage treatment plants	X	X
O.6. Solid waste management	X	X
O.7. Utility service uses	See subsection 23.60A.442.S	See subsection 23.60A.442.S
P. UTILITY LINES	SU	P
Key to Table A for 23.60A.442 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise WR = Allowed for water-related uses; prohibited otherwise X = Prohibited		

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~WD = Allowed for water-dependent uses; prohibited otherwise~~

~~WR= Allowed for water-related uses; prohibited otherwise~~

~~X = Prohibited~~))

B. Water-oriented and nonwater-oriented uses

1. Water-oriented uses

* * *

b. The uses in subsection 23.60A.442.B.1.a that are nonwater-oriented are allowed on the dry land portion of waterfront lots if the use is part of a mixed use project that includes:

1) A water-dependent use occupying a minimum of 25 percent of the gross floor area of the existing structures on the((~~project or on the~~)) development site and located on the level that is closest to the water; and

2) Ecological restoration equivalent to the gross floor area of the new nonwater-oriented use and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)).

2. The uses in subsection 23.60A.442.B.1.a are permitted overwater, if they comply with the standards in subsections 23.60A.442.B.2.a and either subsection 23.60A.442.B.2.b or 23.60A.442.B.2.c; otherwise, they are prohibited over water, except as provided in subsection 23.60A.442.C.

a. If the use is nonwater-oriented, it is allowed if it is part of a mixed use project that includes:

1) A water-dependent use occupying a minimum of 25 percent of the gross floor area of the existing structures on the development site ((~~building~~))and located on the level that is closest to the water; and

2) Ecological restoration equivalent to the gross floor area of any new nonwater-oriented use and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)).

* * *

c. The uses are allowed as a shoreline conditional use if the following requirements are met:

1) The use is on existing or lawfully replaced structures;

2) The depth of dry land of all the waterfront lot area((~~depth~~)) is less than 35 feet measured from the OHW mark to the landward waterfront lot line;

3) An unenclosed water-enjoyment use is provided in the area between the building and 15 feet from the seaward end of the pier;

* * *

C. Commercial uses on historic ships

* * *

2. Development on historic ships that includes uses listed in subsection 23.60A.442.C.1 must comply with the following standards in addition to the criteria for shoreline conditional uses in Section 23.60A.034:

* * *

f. If the new use is not water-oriented, ecological restoration equivalent to the gross floor area of the new nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).

D. Food processing uses, nonwater-oriented community centers, and wholesale showrooms are allowed or allowed as a shoreline conditional use as follows:

1. Food processing uses are allowed if water-oriented. Food processing uses that are nonwater-oriented are allowed if the standards in subsection 23.60A.442.D.4 are met;

2. Nonwater-oriented community centers are allowed if the standards in subsection 23.60A.440.D.4 are met; ((~~and~~))

3. Wholesale showrooms are allowed as a conditional use if the standards in subsection 23.60A.440.D.4 are met((~~.~~)); and

4. Uses identified in subsections 23.60A.442.D.1, 23.60A.442.D.2, and 23.60.A.442.D.3 ((~~of Section 23.60.442~~))are required to:

a. Be located on a development site where a new or existing water-dependent use occupies a minimum of 25 percent of the developed portion of the development site and located on the level that is closest to the water; and

b. Provide ecological restoration in an amount equivalent to the gross floor area of the use that is nonwater-oriented and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)).

E. Existing lodging uses are allowed. Expansion of public access associated with existing lodging uses is allowed if no new overwater coverage is created. New lodging and all other expansion of existing lodging uses and associated public access is prohibited.

F. Offices and child care facilities on waterfront lots are allowed if they comply with the following standards:

1. The use is part of a development that includes:

a. New or existing water-dependent uses that occupy a minimum of 25 percent of the developed portion of the ((~~lot~~))development site; and

b. Ecological restoration in an amount equivalent in square footage to the gross floor area of the office or childcare facility and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)); and

2. If the use is over water, in addition to subsection 23.60A.442.F.1:

a. It is located on a an existing or lawfully replaced wharf; and

b. Any offices are at least one story above wharf level.

G. Minor vessel repair is allowed if repair work is limited to non-motorized vessels, there is no painting involved with the repair work, and no boatsheds are a part of the development and is otherwise prohibited.

H. Colleges, institutes for advanced studies, and vocational or fine art schools are:

1. Allowed if they are water-dependent or water-related;

2. Allowed as a shoreline conditional use if they are not water-dependent or water-related and the use is part of a development that includes:

a. New or existing water-dependent uses that occupy a minimum of 25 percent of the developed portion of the development site((~~lot~~)); and

b. Ecological restoration in an amount equivalent to the gross floor area of any use that is nonwater-oriented and that is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~)).

I. Light manufacturing

1. Light manufacturing is allowed if it is water-dependent or water-related.

2. Light manufacturing that is not water-dependent or water-related is allowed as a shoreline conditional use if:

a. Light manufacturing uses occupy no more than 25 percent of the developed portion of the development site((~~lot~~));

b. The use is part of a development that includes:

1) New or existing water-dependent uses that occupy 25 percent of the developed portion of the lot; and

2) Ecological restoration in an amount equivalent to the gross floor area of any nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the project~~));

c. The use contributes to the maritime or tourist character of the area; and

d. The use on the development site((~~lot~~)) does not block the access to the water or interfere with the ((~~use of the site by~~))water-dependent or water-related uses on-site or on adjacent properties.

* * *

Section 42. Section 23.60A.446 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 2 Development Standards

23.60A.446 Height in the UH Environment

A. Maximum height. The maximum heights in the UH Environment are as follows, as modified in subsections 23.60A.446.B through 23.60A.446.((~~D~~))F:

* * *

E. Bridges. Bridges may exceed maximum height limits.

F. Maximum height for rooftop features on upland lots between Bay St. and Yesler Way that require view corridor setbacks pursuant to Section 23.49.024 are determined by the underlying zone or special district, provided that height does not obstruct the view of the shoreline from a substantial number of residences within or adjoining the Shoreline District, in which case the Director may reduce the height allowed.

Section 43. Section 23.60A.450 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.450 Shoreline and side setbacks in the UH Environment

* * *

C. Existing structures and uses that would be considered nonconforming because they are located in the required shoreline setback in the UH Environment are not regulated as ((~~a~~)) nonconforming structures based on setback standards. Such structures may not expand in any manner in the setback but may be replaced if an area of ecological restoration, equivalent to the footprint of the structure located in the shoreline setback, is provided pursuant to Section 23.60A.155((~~within the Shoreline District within the same geographic area as the site is provided~~)).

Section 44. Section 23.60A.460 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.460 Incentive for public open space and viewing areas at Colman Dock

* * *

B. Allowed departures

1. View corridor requirements. To create a unique viewing environment for observing harbor activity, Elliott Bay, and the City and surrounding natural features, departures from the standards of Section 23.60A.170, View corridors, and Section 23.60A.452, View corridors in the UH Environment, may be permitted to consolidate required view corridors into a large public view observation area meeting the following conditions:

a. The view observation area is a public open space that, at a minimum, is open along its perimeter to views beyond pier development to the open water of Elliott Bay and the Olympic Mountains; and

b. The view observation area substituting for required view corridors may be located above street level, if the area meets the conditions for regulated public access above street level in subsection 23.((4))60A.460.B.2.b.

* * *

Section 45. Section 23.60A.482 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.482 Uses in the UI Environment

A. Use regulations

1. All uses on waterfront lots and overwater are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.482 and Table A for 23.60A.482, and Section 23.60A.484. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.482.

2. ((~~Table A~~))Waterfront lots, uses over water and water-dependent,((~~and~~)) water-related, and water-oriented uses

a. Table A for 23.60A.482 and subsections 23.60A.482.C through 23.60A.482.J apply to waterfront lots.

b. Uses overwater are regulated in Section 23.60A.484.

c. If Table A for 23.60A.482 or the text of Section 23.60A.482 or Section 23.60A.484 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. Uses on upland lots ((~~and water-dependent or water-related uses~~)) are regulated in Section 23.60A.483.

((~~1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.~~

~~2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:~~

~~a. Transportation uses that are prohibited on waterfront lots; except for cargo terminals and passenger terminals;~~

~~b. Utility uses that are prohibited on waterfront lots except for:~~

~~1) Solid waste management that are not water-dependent or water-related excluding solid waste transfer stations; and~~

~~2) Recycling uses that are not water-dependent or water-related.~~

~~c. High Impact uses that are water-related; and~~

~~d. Heavy manufacturing uses, including the extraction and mining of raw materials.~~))

Table A for 23.60A.482 Uses on waterfront lots in the UI Environment	
Use	**Waterfront Lots**
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Commercial uses WD/WR	P
C.2. Eating and drinking establishments	See subsection 23.60A.482.C
C.3. Entertainment uses	See subsection 23.60A.482.E
C.4. Food processing and craft work uses	See subsection 23.60A.482.C ((~~&~~))or

Table A for 23.60A.482 Uses on waterfront lots in the UI Environment	
Use	**Waterfront Lots**
	23.60A.482.D
C.5. Laboratories, research and development	See subsection 23.60A.482.D
C.6. Offices	See subsection 23.60A.482.D
C.7. Sales and services, general	See subsection 23.60A.482.C
C.8. Sales and services, heavy	See subsection 23.60A.482.C ((~~&~~))or 23.60A.482.D
C.9. Other commercial uses not WD/WR	X
D. HIGH-IMPACT USES	WD/WR
E. INSTITUTIONAL USES	
E.1. Colleges	WD/WR
E.2. Institute for advanced study	WD/WR
E.3. Vocational or fine arts schools	WD/WR
E.4. Yacht, boat and beach clubs	See subsection 23.60A.482.F
E.5. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	See subsection 23.60A.482.C ((~~&~~))or 23.60A.482.D
H. PARKS AND OPEN SPACE USES	
H.1 Shoreline park and open space	P
H.2 General park and open space	X
I. PUBLIC FACILITIES	see Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
((~~M. STORAGE USES~~))	
M. STORAGE USES	
M.1. Mini-warehouses	See subsection 23.60A.482.D
M.2. Storage, outdoor	See subsection 23.60A.482.D
M.3. Warehouses	See subsection 23.60A.482.C, 23.60A.482.D, ((~~and~~))or 23.60A.482.G
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	WD/WR
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	P
N.3.a.2. Recreational marina	See subsection 23.60A.482.F
N.3.b. Dry boat storage	P
N.4 Navigational locks	X
N.5. Parking	
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	WD/WR

Table A for 23.60A.482 Uses on waterfront lots in the UI Environment	
Use	**Waterfront Lots**
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.482.H
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	WD/WR
O.5. Sewage treatment plants	See subsection 23.60A.482.I
O.6. Solid waste management	WD/WR
O.7. Utility service uses	See subsection 23.60A.482.J
P. UTILITY LINES	P
Key to Table A for 23.60A.482 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise WR = Allowed for water-related uses; prohibited otherwise X = Prohibited	

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~WD = Allowed for water-dependent uses; prohibited otherwise~~

~~WR = Allowed for water-dependent uses; prohibited otherwise~~

~~X = Prohibited~~))

C. Limited commercial, storage and manufacturing uses

1. The following uses are allowed if they are water-dependent or water-related or if they are nonwater-oriented and meet the standards of subsections 23.60A.482.C.2, 23.60A.482.D, or 23.60A.482.G((~~,~~)) and are prohibited otherwise:

a. Eating and drinking establishments, limited to an area equal to no more than 2,500 ((~~sq ft~~))square feet and not located within the Duwamish Manufacturing/Industrial Center((~~.~~));

b. Food processing and craft work, limited to material suppliers and repair services;

c. Sales and services, general, limited to grocery suppliers and hardware stores;

d. Sales and services, heavy, limited to material suppliers, repair services, fuel suppliers, and crane operators;

e. Storage uses, limited to cold storage; and

f. Manufacturing limited to material suppliers and repair services.

2. To be allowed as a nonwater-oriented use the uses listed in subsection 23.60A.482.C.1 shall:

a. Provide a service used by a water-dependent or water-related use located in the same sub-geographic area; and

b. The uses that are not water-dependent or water-related allowed in this subsection 23.60A.482.C and subsections 23.60A.482.D and 23.60A.482.E.1 occupy ((~~are limited to an area equal to~~))no more than 20 percent of the dry land area of the development site((~~lot~~)).

3. Permits issued pursuant to ((~~this~~)) subsection 23.60A.482.C.2.b shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.482.C and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).

D. General commercial, storage and manufacturing uses

1. The following uses are allowed if they are water-dependent or water-related or if the use is water-oriented and meet the standards of subsections 23.60A.482.C or 23.60A.482.G, or the standards of subsections 23.60A.482.D.2 through 23.60A.482.D.8; otherwise, these uses are prohibited:

a. Food processing and craft work;

b. Laboratories, research and development;

c. Offices, limited to office((~~s~~)) uses that facilitate water-dependent and water-related uses, such as yacht brokers, finance and insurance, and government agencies;

d. Sales and service, heavy, limited to heavy commercial sales, construction services, and building maintenance services. Commercial laundry is prohibited;

e. Storage uses, except that mini-warehouse uses shall not be located in the Duwamish Manufacturing/Industrial Center; and

f. Light, general and heavy manufacturing, except the heavy manufacturing use extraction and mining of raw material, which is prohibited.

2. The ((~~total of the allowed~~))uses that are not water-dependent or water-related as allowed in subsection 23.60A.482.C, this subsection 23.60A.482.D, and subsection 23.60A.482.E.1 occupy ((~~an~~))a total area equal to no more than 20 percent of the dry land area of the ((~~lot~~))site.

3. The uses are located on the site to prevent conflicts with water-dependent or water-related uses on-site and on adjacent ((~~sites~~))properties.

4. Eating and drinking establishment and mini-warehouse uses shall not be located in the Duwamish Manufacturing/Industrial Center.

5. If the site contains a structure meeting the standards of subsection 23.60A.486.B.2, the use is located in the structure that contains accessory uses for the water-dependent and water-related use.

6. The use is part of a development or on a site that includes a water-dependent use; ((~~and~~))

7. Ecological restoration in an amount equivalent to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project.~~)); and

8. Permits issued pursuant to this subsection 23.60A.482.D shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.482.D and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).

E. Entertainment uses

1. The entertainment use of indoor sports and recreation is allowed as a special use if:

a. Located outside the Duwamish Manufacturing/Industrial Center;

b. Located in an existing building;

c. The use does not conflict with the operation of any water-dependent or water-related use on-((~~the~~))site or on adjacent properties, or ((~~create a~~))jeopardize the safety ((~~issue~~))for users of the indoor sports and recreation use;

d. Parking is available to accommodate the use;

e. The ((~~total of the allowed~~))uses that are not water-dependent or water-related as allowed in subsections 23.60A.482.C, 23.60A.482.D, and this subsection 23.60A.482.E.1 occupy ((~~an~~))a total area equal to no more than 20 percent of the dry land area of the development site((~~lot~~)).

f. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155;((~~within the same geographic area as the proposed project~~)) and((~~.~~))

g. Permits issued pursuant to this subsection 23.60A.482.E shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.482.E and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).

2. Entertainment uses are allowed in existing buildings at passenger terminals for cruise ships if all of the following standards are met:

a. The use does not increase conflicts with water-dependent and water-related uses on the site beyond that created by the passenger terminal use;

b. Ecological restoration is provided as a onetime condition as follows, except as set out in subsection 23.60A.482.E.2.b.4:

1) In an amount equivalent in square footage to the gross floor area of the entertainment use pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project.~~));

2) If the entertainment use occurs fewer than 365 days per year, the amount of ecological restoration shall be prorated by the number of days per year the entertainment use occurs((~~.~~));

3) The area used to calculate the ecological restoration shall be the maximum area used for any one event; and

4) If the number of days used for the entertainment use increases from the original permit, the ((–))additional number of days shall be subject to an additional permit, and ecological restoration shall be provided based on the additional days the site is used per year; and

c. The entertainment use does not include adult cabaret, adult motion picture theaters, and adult panorams.

* * *

I. Sewage treatment plants are allowed as a Council conditional use if:

1. Located in the Duwamish area;

2. A Plan Shoreline Permit is obtained pursuant to Section 23.60A.066 and a determination has been made for expansion of an existing sewage treatment plant that an alternative design and locating the expanded portion of the sewage treatment plant is infeasible and for a new sewage treatment plant that no feasible alternative location for the sewage treatment plant outside the shoreline exist as determined under Section 23.60A.066((~~an alternative location for expanding the sewage treatment plant is infeasible~~));

* * *

Section 46. A new Section 23.60A.483 added to the Seattle Municipal Code as follows:

23.60A.483 Uses allowed on upland lots in the UI Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited on upland lots pursuant to Section 23.60A.090, this Section 23.60A.483 and Table A for 23.60A.483. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.483.

2. If Table A for 23.60A.483 or the text of Section 23.60A.483 states that a use is required to be water-dependent or water related, a use that does not have the required attribute is prohibited.

Table A for 23.60A.483
Uses on upland lots in the UI Environment

Use	Upland Lots
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Other agricultural and forest practice uses	P
B. CEMETERIES	X
C. COMMERCIAL USES	P
D. HIGH-IMPACT USES	WD/WR
E. INSTITUTIONAL USES	
E.1. Colleges	WD/WR

Table A for 23.60A.483 Uses on upland lots in the UI Environment	
Use	**Upland Lots**
E.2. Institute for advanced study	WD/WR
E.3. Major institutions – uses approved through a master plan	P
E.4. Vocational or fine arts schools	P
E.5. Yacht boat and beach clubs	See subsection 23.60A.483.B
E.6. Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	
G.1. Light manufacturing	P
G.1. General manufacturing	P
G.1. Heavy manufacturing	SU
H. PARKS AND OPEN SPACE USES	P
I. PUBLIC FACILITIES	see Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	P
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	WD/WR
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	P
N.3.a.2. Recreational marina	See subsection 23.60A.483.B
N.3.b. Dry boat storage	P
N.4 Navigational locks	X
N.5. Parking	
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	WD/WR
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.483.C
O.2. Communication utilities, major	X

Table A for 23.60A.483 Uses on upland lots in the UI Environment	
Use	**Upland Lots**
O.3. Power plants	X
O.4. Recycling	P
O.5. Sewage treatment plants	See subsection 23.60A.483.D
O.6. Solid waste management excluding solid waste transfer stations, which are prohibited	P
O.7. Utility service uses	See subsection 23.60A.483.E
P. UTILITY LINES	P
Key to Table A for 23.60A.483 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise WR = Allowed for water-related uses; prohibited otherwise X = Prohibited	

B. In the Duwamish area, yacht, boat and beach clubs and recreational marinas are allowed as a shoreline conditional use and in Lake Union and the Ship Canal yacht boat and beach clubs and recreational marinas are allowed if:

1. The use does not include an eating and drinking establishment;

2. The use is located to not conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and

3. The use is located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent commercial uses because of an inadequate amount of dry land.

C. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

D. Sewage treatment plants are allowed as a Council conditional use if:

1. Located in the Duwamish area;

2. A Plan Shoreline Permit is obtained pursuant to Section 23.60A.066 and a determination has been made for expansion of an existing sewage treatment plant that an alternative design and locating the expanded portion of the sewage treatment plant is infeasible

and for a new sewage treatment plant that no feasible alternative location for the sewage treatment plant outside the shoreline exist as determined under Section 23.60A.066;

3. The plant is set back 60 feet from the line of the OHW mark;

4. Public access is provided along the entire length of the shoreline that is part of the sewage treatment facility, except for any portion occupied by barge loading and unloading facilities to serve the sewage treatment plant; and

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

E. Utility service uses are allowed if they reasonably require a shoreline location to operate.

Section 47. Section 23.60A.486 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

Part 2 Development Standards

23.60A.486 Height in the UI Environment

A. Maximum height. The maximum height is 35 feet, except as provided in subsections 23.60A.486.B through 23.60A.486.D.

B. Height exceptions

1. Cranes, mobile conveyers, light standards, and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit;

2. The Director may authorize up to 55 feet in the Ballard/Interbay Northend Manufacturing and Industrial Center and up to 80 feet for buildings and other structures in the Duwamish Manufacturing/Industrial Center for the following structures:

a. Structures for water dependent and water-related uses, for uses accessory to a water-dependent or water-related uses, and for manufacturing if:

((~~i~~))1) The structure requires additional height because of its intended use; and

((~~ii~~))2) The views from a substantial number of upland residences would not be substantially blocked by the increased height;

b. An accessory structure to a water-dependent or water-related use if:

((~~i~~))1) Allowing the additional height would result in a significant amount of additional usable area for the principal water-dependent or water–related use and/or additional area for ecological restoration and enhancement; and

((~~ii~~))2) No more than 20 percent of the ((~~lot~~))site area is covered by portions of the structure that exceed the maximum height established in ((~~subs~~))Section 23.60A.486; and

((~~iii~~))3) Eighty percent of the ((~~lot~~))site is preserved through a covenant for water-dependent and water-related uses if uses that are not water-dependent or water-related occupy the structure; and((~~iv~~))4) The views from a substantial number of upland residences would not be substantially blocked by the increased height; and

5) Permits issued pursuant to this subsection 23.60A.486.B shall identify the specific uses and gross floor areas of each use on the site.

* * *

Section 48. Section 23.60A.490 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.490 Shoreline setbacks in the UI Environment

A. A shoreline setback of ((~~35~~))60 feet from the OHW mark is required for uses that are not water-dependent or water-related. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 and subsection 23.60A.490.C.

B. A shoreline setback of 15 feet from the OHW mark is required for water-dependent or water-related uses. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 and subsection 23.60A.490.C.

C. Structures for uses accessory to a water-dependent use on site are allowed if the applicant demonstrates the conditions in subsection 23.60A.490.C.1 or 23.60A.490.C.2 exist and the applicant complies with subsection 23.60A.490.C.3:

1. The structure is used for a facility that is 75((~~%~~)) percent a water-dependent use and larger than ((~~5~~))five acres and:

a. The applicant demonstrates that the placement of the proposed structure outside the setback would interfere with the overall functionality of the water-dependent function of the facility; and

b. An existing building on the site of equal to overall size within the setback is removed.

2. The new structure is located on a portion of the site where water access is not possible for the water-dependent use.

3. The applicant provides ecological restoration in an amount equivalent in square footage to the gross floor area of the structure pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).

D. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UI Environment are not regulated as ((~~a~~))nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District is provided pursuant to Section 23.60A.155((~~within the same geographic area as the site is provided~~)) or if the applicant can demonstrate that the replacement structure would meet the alternative sustainable development requirements, established by Director's Rule.

Section 49. Section 23.60A.502 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.502 Uses in the UM Environment

A. Use regulations on waterfront lots

1. All uses on waterfront lots are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.502 and Table A for 23.60A.502, and Section 23.60A.504. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.502.

2. ((~~Table A~~))Waterfront lots, uses overwater, and water-dependent and water-related uses

a. Table A for 23.60A.502 and subsections 23.60A.502.C through 23.60A.502.H apply to waterfront lots.

b. If Table A for 23.60A.502 or the text of Section 23.60A.502 or Section 23.60A.504 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. U((~~ses on u~~))pland lots are regulated in Section 23.60A.503.

((~~1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots, are allowed on upland lots.~~

~~2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zone and are allowed, allowed as a conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:~~

~~a. Transportation uses that are prohibited on waterfront lots except for:~~

~~1) Vehicle storage and maintenance; and~~

~~2) Heliports and helistops, which may be allowed as a Council conditional use if:~~

~~a) The use is for takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function, is part of an approved transportation plan and is:~~

~~i. A public facility; or~~

~~ii. Located at least 2,000 feet from a residential zone;~~

~~b) The use is located to minimize adverse environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;~~

~~c) The lot is of sufficient size that operations of the use and flight paths of helicopters can be buffered from the surrounding area;~~

~~d) Open areas and landing pads shall be hard-surfaced; and~~

~~e) The use meets all federal requirements, including those for safety, glide angles and approach lanes.~~

~~b. Utility uses that are prohibited on waterfront lots, except for recycling uses that are not water-dependent or water-related;~~

~~c. High-impact uses; and~~

~~d. Heavy manufacturing, including the extraction and mining of raw materials.~~))

Table A for 23.60A.502 Uses in the UM Environment	
Uses	**Waterfront Lots**
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Other agricultural and forest practice uses	X

Table A for 23.60A.502 Uses in the UM Environment	
Uses	**Waterfront Lots**
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Commercial uses WD/WR	P
C.2. Eating and drinking establishments	See subsection 23.60A.502.C
C.3. Entertainment uses	See subsection 23.60A.502.E
C.4. Food processing and craft work uses	See subsection 23.60A.502.C ((~~and~~))or 23.60A.502.D
C.5. Offices	See subsection 23.60A.502.D
C.6. Laboratories, research and development	See subsection 23.60A.502.D
C.7. Sales and services, general	See subsection 23.60A.502.C ((~~and~~))or 23.60A.502.D
C.8. Sales and services, heavy	See subsection 23.60A.502.C ((~~and~~))or 23.60A.502.D
C.9. Other commercial uses not WD/WR	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Colleges	WD/WR
E.2. Institute for advanced study	WD/WR
E.3. Vocational or fine arts schools	WD/WR
E.4. Yacht, ((~~B~~))boat and beach clubs	See subsection 23.60A.502.F
E.5 Other institutional uses	X
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	See subsection 23.60A.502.C ((~~and~~))or 23.60A.502.D
H. PARKS AND OPEN SPACE USES	
H.1 Shoreline parks and open space	P
H.2 General parks and open space	X
I. PUBLIC FACILITIES	See ((~~s~~))Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	See subsection 23.60A.502.C ((~~and~~))or 23.60A.502.D
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	WD/WR
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	P
N.3.a.2. Recreational marina	See subsection 23.60A.502.F
N.3.b. Dry boat storage	P
N.4 Navigational lock	X
N.5. Parking	((~~X~~))

Table A for 23.60A.502 Uses in the UM Environment	
Uses	**Waterfront Lots**
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	WD
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	X
N.8.d. Helistops	X
N.9. Vehicle storage and maintenance	X
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.502.G
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	WD/WR
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.502.H
P. UTILITY LINES	P
Key to Table A for 23.60A.502 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise WR = Allowed for water-related uses; prohibited otherwise X = Prohibited	

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~WD/WR = Allowed for water-dependent or water-related uses otherwise prohibited~~

~~X = Prohibited~~))

C. Limited commercial, storage and manufacturing uses

1. The following uses are allowed if they are water-dependent or water-related or if they are nonwater-oriented and meet the standards of subsection 23.60A.502((~~482~~)).C.2 or subsection 23.60.A.502((~~482~~)).D, and are otherwise prohibited:

a. Eating and drinking establishments, limited to 2,500 square feet in size;

b. Food processing and craft work, limited to material suppliers and repair services;

c. Sales and services, general; limited to grocery suppliers and hardware stores;

d. Sales and services, heavy; limited to material suppliers, repair services, fuel suppliers, and crane operators;

e. Storage uses, limited to cold storage; and

f. Manufacturing, limited to material suppliers and repair services.

2. To be allowed as a nonwater-oriented use the uses listed in subsection 23.60A.502.C.1 shall:

a. Provide a service used by a water-dependent or water-related use located in the same sub-geographic area; and

b. The uses that are not water-dependent or water-related allowed in this subsection 23.60A.502.C and subsections 23.60A.502.D and 23.60A.502.E ((~~are limited to an~~))occupy a total area equal to no more than 20 percent of the dry land area of the ((~~lot~~))site, except as provided in subsection 23.60A.502.D.7.

3. Permits issued pursuant to this subsection 23.60A.502.C shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.502.C and the other uses that ((~~satisfy~~))occupy the 80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).

D. General commercial, storage and manufacturing uses

1. The following uses are allowed if water-dependent or water-related, or if the standards of subsections 23.60A.502.C((~~.~~)) are met, or if the standards of subsections 23.60A.502.D.2 through 23.60A.502.D.8((~~7~~)) are met; these uses are otherwise prohibited:

a. Food processing and craft work;

b. Laboratories, research and development;

c. Offices, limited to office((~~s~~)) uses that facilitate water-dependent and water-related uses, such as yacht brokers, finance and insurance, and government agencies;

d. Sales and service, heavy, limited to heavy commercial sales, construction services, and building maintenance services; commercial laundry is prohibited;

e. Storage uses; and

f. Manufacturing, except that heavy manufacturing use, extraction and mining of raw materials, is prohibited.

2. The ((~~total of the allowed~~))uses that are not water-dependent or water-related as allowed in subsection 23.60A.502.C and this subsection 23.60A.502.D occupy ((~~an~~))a total area equal to no more than 20 percent of the dry land area of the ((~~lot~~))site except as provided in subsection 23.60A.502.D.7.

3. The uses are located on the site to prevent conflicts with water-dependent or water-related uses on-site or on adjacent sites.

4. The use is located in the structure that contains accessory uses for the water-dependent and water-related use if the site contains a structure meeting the standards of subsection 23.60A.506.B.2.

5. The use is part of a development or on a site that includes a water-dependent use;

6. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)); and

((~~7. Permits issued pursuant to this subsection 23.60A.502.D shall identify the specific uses and gross floor area of each use that is authorized by the permit under this subsection and the other uses that satisfy the 80 percent dry lot area requirement.~~))

((~~8~~))7. ((~~In addition to the offices allowed in subsection 23.60A.502.D.1.c,~~)) ((~~n~~))Nonwater-oriented office uses are allowed in a building existing on January 1, 2013, if:

a. An office use, whether principal or accessory, is established as of January 1, 2013, for an area of the building equal to the area of the proposed office use;

b. The office use is limited to an area equal to 35((~~%~~)) percent of the dry land area of the site;

c. The office use is part of a development that includes a water-dependent use that occupies 75((~~%~~)) percent of the site and is located on the same legal lot as the water-dependent use; and

d. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).

8. Permits issued pursuant to subsections 23.60A.502.D.2 and 23.60A.D.7 shall identify the specific uses and gross floor area of each use that is authorized by the permit under this subsection 23.60A.502.D and the other uses that occupy the 80 percent dry land area on the site, including the 75 percent water-dependent use requirement, if applicable.

E. Entertainment uses. The entertainment use of indoor sports and recreation is allowed as a special use if:

1. Located outside the Duwamish Manufacturing/Industrial Center;

2. Located in an existing building;

3. The use does not conflict with the operation of any water-dependent or water-related use on the site or create a safety issue for users of the indoor sports and recreation use;

4. Parking is available to accommodate the use;

5. The ((~~total of the allowed~~))uses that are not water-dependent or water-related as allowed in subsections 23.60A.502.C, 2360A.502.D, and this subsection 23.60A.502.E occupy ((~~an~~))a total area equal to no more than 20 percent of the dry land area of the ((~~lot~~))site, except as provided in subsection 23.60A.502.D.7;

6. Ecological restoration in an amount equivalent to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)); and

7. Permits issued pursuant to this subsection 23.60A.502.E shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.502.E and the other uses that ((~~satisfy~~))occupy the ((~~2~~))80 percent dry ((~~lot~~))land area on the site((~~requirement~~)).

F. Recreational marinas are allowed and yacht, boat and beach clubs are allowed as a shoreline conditional use, if:

1. The use does not include an eating and drinking establishment, except as allowed pursuant to subsection 23.60A.482.C;

* * *

Section 50. A new Section 23.60A.503 added to the Seattle Municipal Code as follows:

23.60A.503 Uses allowed on upland lots in the UM Environment

A. Use regulations

1. All uses on upland lots are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited on upland lots pursuant to Section 23.60A.090, this Section 23.60A.503 and Table A for 23.60A.503. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.503.

2. If Table A for 23.60A.503 or the text of Section 23.60A.503 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

Table A for 23.60A.503 Uses on upland lots in the UM Environment	
Uses	**Upland Lots**
A. AGRICULTURAL AND FOREST PRACTICE	
A.1. Aquaculture	CU
A.2. Other agricultural and forest practice uses	X
B. CEMETERIES	X
C. COMMERCIAL USES	
C.1. Commercial uses WD/WR	P
C.2. Animal shelters and kennels	P
C.3. Eating and drinking establishments	P
C.4. Entertainment uses	X
C.5. Food processing and craft work uses	P
C.6. Laboratories, research and development	P
C.7. Medical services	P
C.8. Offices	See subsection 23.60A.503.B
C.9. Sales and services, automotive	P
C.10. Sales and services, general	P
C.11. Sales and services, heavy, excluding heavy commercial services, which are prohibited	P
C.12. Other commercial uses not WD/WR	X
D. HIGH-IMPACT USES	X
E. INSTITUTIONAL USES	
E.1. Colleges	WD/WR
E.2. Institute for advanced study	WD/WR
E.3. Vocational or fine arts schools	WD/WR
E.4. Yacht, boat and beach clubs	See subsection 23.60A.503.C
E.5 Other institutional uses	See subsection 23.60A.503.B
F. LIVE-WORK UNITS	X
G. MANUFACTURING USES	
G.1 Light manufacturing	P
G.2 General manufacturing	P
G.3 Heavy manufacturing excluding extraction of minerals, which are prohibited	SU
H. PARKS AND OPEN SPACE USES	P
I. PUBLIC FACILITIES	See section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210
K. RESIDENTIAL USES	See subsection 23.60A.503.B

Table A for 23.60A.503
Uses on upland lots in the UM Environment

Uses	Upland Lots
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211
M. STORAGE USES	P
N. TRANSPORTATION FACILITY USES	
N.1. Bridges and tunnels	P
N.2. Cargo terminals	P
N.3. Moorage	
N.3.a. Boat moorage	
N.3.a.1. Commercial marina	P
N.3.a.2. Recreational marina	See subsection 23.60A.503.C
N.3.b. Dry boat storage	P
N.4 Navigational lock	X
N.5. Parking	
N.5.a. Parking, principal use	X
N.5.b. Parking, accessory use	P
N.6. Passenger terminal	P
N.7. Rail transit facilities	P
N.8. Transportation facilities, air	
N.8.a. Airports, land-based	X
N.8.b. Airports, water-based	SU
N.8.c. Heliports	See subsection 23.60A.503.D
N.8.d. Helistops	See subsection 23.60A.503.D
N.9. Vehicle storage and maintenance	P
N.10. Tugboat services	P
N.11. Railroads	P
N.12. Streets	P
O. UTILITY USES	
O.1. Communication utilities, minor	See subsection 23.60A.503.E
O.2. Communication utilities, major	X
O.3. Power plants	X
O.4. Recycling	P
O.5. Sewage treatment plants	X
O.6. Solid waste management	X
O.7. Utility service uses	See subsection 23.60A.502.F
P. UTILITY LINES	P

Key to Table A for 23.60A.503
CU = Shoreline Conditional Use
P = Allowed by permit
SU = Special Use
WD = Allowed for water-dependent uses; prohibited otherwise
WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise
WR = Allowed for water-related uses; prohibited otherwise
X = Prohibited

B. Office uses within the Lake Union area are allowed, and residential uses and nonwater-dependent institutional uses are allowed as a shoreline conditional use, if located in structures designated as Landmarks, pursuant to Chapter 25.12, Landmark Preservation, when the structure is not located over water.

C. Recreational marinas are allowed and yacht, boat and beach clubs are allowed as a shoreline conditional use, if:

1. Located so as to not conflict with manufacturing uses due to dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and

2. Located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent or water-related commercial uses because of an inadequate amount of dry land.

D. Heliports and helistops, which may be allowed as a Council conditional use if:

1. The use is for takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function, is part of an approved transportation plan and is:

a. A public facility; or

b. Located at least 2,000 feet from a residential zone;

1) The use is located to minimize adverse environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;

2) The lot is of sufficient size that operations of the use and flight paths of helicopters can be buffered from the surrounding area;

3) Open areas and landing pads shall be hard-surfaced; and

4) The use meets all federal requirements, including those for safety, glide angles and approach lanes.

E. Minor communication utilities are allowed, except freestanding transmission towers, which are prohibited.

F. Utility service uses are allowed if they reasonably require a shoreline location to operate.

Section 51. Section 23.60A.504 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.504 Uses allowed overwater in the UM Environment

* * *

B. Standards required for uses listed in subsection 23.60A.504.A are as follows:

1. The depth of ((~~the~~))dry land of all the waterfront lot area ((~~of the lot~~))is less than 50 feet measured from the OHW mark to the landward waterfront lot line;

* * *

D. Standards required for uses listed in subsection 23.60A.504.C are as follows:

1. The depth of dry land of all the waterfront lot area((~~depth~~)) is less than 50 feet measured from the OHW mark to the landward waterfront lot line;

2. The location of the use on dry land is not reasonable;

3. The use is on or in an existing structure;

4. There is no increase in overwater coverage;

5. The total of all ((~~non water-dependent~~))nonwater-dependant uses does not exceed 10 percent of the lot including submerged land; and

6. Ecological restoration in an amount equivalent in square footage to the gross floor area of any use that is not water-dependent or water-related is required pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).

Section 52. Section 23.60A.506 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

Part 2 Development Standards

23.60A.506 Height in the UM Environment

* * *

B. Height exceptions for water-dependent uses. The following height exceptions apply to water-dependent uses in the UM Environment:

1. Cranes, mobile conveyers, light standards, and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit; and

2. Other structures required for uses that are accessory to a water-dependent or water-related use, including but not limited to accessory office, accessory warehouse, and accessory manufacturing facilities may be authorized up to 55 feet in the Ballard/Interbay Northend Manufacturing and Industrial Center by the Director if:

a. The accessory structure requires additional height because of its intended use; or

b. Granting additional height for the accessory structure would result in a significant amount of additional usable area for the principal water-dependent use, water-related use, and/or additional area for ecological restoration and enhancement; and

c. No more than 20 percent of the lot area is covered by portions of the structure that exceed the maximum height limit established in subsection 23.60A.506.B;

d. Eighty percent of the lot is preserved by covenant for water-dependent and water-related uses if uses that are not water-dependent or water-related occupy the structure; ((~~and~~))

e. The views of the shorelines from a substantial number of residences on areas within and adjoining the Shoreline District would not be obstructed by the increased height; and

f. Permits issued pursuant to this subsection 23.60A.506.B shall identify the specific uses and gross floor areas of each use on the site.

* * *

Section 53. Section 23.60A.508 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.508 Lot coverage in the UM Environment

* * *

C. Lot coverage exceptions

1. Structures, including floats and piers, may occupy up to 65 percent of the submerged portion of a waterfront lot where the depth of the dry land of all the waterfront lot area is ((~~that has a depth of~~))less than 50 feet measured from the OHW mark to the landward waterfront lot line((~~of dry land~~)).

2. Dry docks may cover up to an additional 25 percent of submerged land for a maximum lot coverage of 75 percent of all uses combined.

Section 54. Section 23.60A.510 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.510 Shoreline setbacks in the UM Environment

A. A shoreline setback of 35 feet from the OHW mark is required for uses that are not water-dependent or water-related. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 and subsection 23.60A.510.C.

B. A shoreline setback of 15 feet from the OHW mark is required for water-dependent or water-related uses. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 and subsection 23.60A.510.C.

* * *

C. Structures for uses accessory to a water-dependent use on site are allowed if the applicant demonstrates the conditions in subsection 23.60A.510.C.1 or 23.60A.510.C.2 exist and the applicant complies with subsection 23.60A.510.C.3:

1. The structure is used for a facility that is 75((~~%~~)) percent a water-dependent use and larger than ((~~5~~))five acres and:

a. The applicant demonstrates that the placement of the proposed structure outside the setback would interfere with the overall functionality of the water-dependent function of the facility; and

b. An existing building on the development site of equal to overall size within the setback is removed.

2. The new structure is located on a portion of the development site where water access is not possible for the water-dependent use.

3. The applicant provides ecological restoration in an amount equivalent in square footage to the gross floor area of the structure pursuant to Section 23.60A.155((~~within the same geographic area as the proposed project~~)).

D. Existing structures that would be considered nonconforming because they are located in the required shoreline setback in the UM Environment are not regulated as((~~a~~)) nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District is provided pursuant to Section 23.60A.155((~~within the same geographic area as the site is provided~~)) or if the applicant can demonstrate that the replacement structure would meet sustainable development requirements, established by Director's Rule.

Section 55. Section 23.60A.512 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.512 View corridors in the UM Environment

A. A view corridor or corridors of not less than 35 percent of the width of the lot shall be provided and maintained on all waterfront lots.

B. The required view corridor width shall be reduced to 15 percent of the width of the lot if water-dependent uses occupy more than 40 percent of the dry land area of the development site((~~lot~~)).

* * *

Section 56. Section 23.60A.540 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

Part 1 Uses

23.60A.540 Uses in the UR Environment

A. Use regulations

1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.540, and Table A for 23.60A.540. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.540.

2. If Table A for 23.60A.540 or the text of Section 23.60A.540 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.

3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

Table A for 23.60A.540
Uses in the UR Environment

Uses	Waterfront Lots	Upland Lots
A. AGRICULTURAL AND FOREST PRACTICE	((~~X~~))	((~~X~~))
A.1 Community ((~~G~~))garden	P	P
A.2. Other agricultural and forest practice uses	X	X
A.3 Aquaculture	CU	CU
B. CEMETERIES	X	X
C. COMMERCIAL USES	X	X
D. HIGH-IMPACT USES	X	X
E. INSTITUTIONAL USES	See subsection	P

Table A for 23.60A.540 Uses in the UR Environment		
Uses	**Waterfront Lots**	**Upland Lots**
	23.60A.540.B	
F. LIVE-WORK UNITS	X	X
G. MANUFACTURING USES	X	X
H. PARKS AND OPEN SPACE USES		
H.1 Shoreline	P	P
H.2 General	X	P
I. PUBLIC FACILITIES	See Section 23.60A.207	See Section 23.60A.207
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural, and Educational	See Section 23.60A.210	See Section 23.60A.210
K. RESIDENTIAL USES		
K.1. Accessory dwelling unit	X	P
K.2. Adult family homes	X	P
K.3. Artist studio/dwelling	X	P
K.4. Assisted living facilities	X	P
K.5. Congregate residences	X	P
K.6. Detached accessory dwelling unit	X	X
K.7 Domestic ((~~V~~))violence ((~~S~~))shelter	X	X
K.8. Floating homes and moorages	See subsection 23.60A.540.C	See subsection 23.60A.540.C
K.9. Mobile park home	X	X
K.10. Multifamily residences	P	P
K.11. Nursing homes	X	P
K.12. Single-family dwelling units	P	P
K.13 Other residential uses	X	X
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211	See Section 23.60A.211
M. STORAGE USES	X	X
N. TRANSPORTATION FACILITY USES		
N.1. Bridges and tunnels	See subsection 23.60A.540.D	P
N.2. Cargo terminals	X	X
N.3. Moorage		
N.3.a. Boat moorage		
N.3.a.1. Commercial marina	X	X
N.3.a.2. Recreational marina	X	X
N.3.b. Dry boat storage	X	X
N.4 Navigational locks	X	X
N.5. Parking		
N.5.a. Parking, principal use	X	X
N.6. Passenger terminal	X	X
N.7. Rail transit facilities	P	P
N.8. Transportation facilities, air	X	X
N.9. Vehicle storage and maintenance	X	X

Table A for 23.60A.540 Uses in the UR Environment		
Uses	**Waterfront Lots**	**Upland Lots**
N.10. Tugboat services	X	X
N.11. Railroads	SU	P
N.12. Streets	P	P
O. UTILITY USES		
O.1. Communication utilities, minor	X	X
O.2. Communication utilities, major	X	X
O.3. Power plants	X	X
O.4. Recycling	X	X
O.5. Sewage treatment plants	X	X
O.6. Solid waste management	X	X
O.7. Utility service uses	See subsection 23.60A.540.E	See subsection 23.60A.540.E
P. UTILITY LINES	P	P
Key to Table A for 23.60A.540 CU = Shoreline Conditional Use P = Allowed by permit SU = Special Use WD = Allowed for water-dependent uses; prohibited otherwise WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise WR = Allowed for water-related uses; prohibited otherwise X = Prohibited		

((~~KEY~~

~~CU = Shoreline Conditional Use~~

~~P = Allowed by permit~~

~~SU = Special Use~~

~~WD = Allowed for water-dependent uses; prohibited otherwise~~

~~WR = Allowed for water-related uses; prohibited otherwise~~

~~X = Prohibited~~))

* * *

Section 57. Section 23.60A.575 of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.575 Shoreline setbacks in the UR Environment

A. A shoreline setback of 35 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 and as follows:

1. The minimum necessary for:

a. Single-family dwelling units allowed pursuant to subsection 23.60A.282.E; and

b. One pedestrian pathway per single-family dwelling or for each 10 multifamily dwelling units, limited to 3 feet wide and constructed of pervious surface.

2. More than 15 feet landward of the OHW mark for one on-grade patio per single-family dwelling unit or for each 10 dwelling units, limited to 45 square feet.

3. On smaller lots as follows:

a. If the dry land portion of the lot from OHW to the street is less than 70 feet but more than 35 feet, an existing single family residence may be replaced if the replacement structure:

1) Is no closer to the OHW than the existing single family residence;

2) Does not increase in size (height and footprint) within the shoreline setback; and

3) Is located as far as possible from the OHW mark to accommodate the size of the existing single family residence footprint; or

b. If the dry land portion of the lot from OHW to the street is 35 feet or less, the replacement structure can be rebuilt within the shoreline setback if the replacement is no larger in size (height and footprint) of the existing single family; and

c. Under subsection 23.60A.575.A.3.a or b if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District is provided pursuant to Section 23.60A.155.

B. ((~~Existing structures and uses that would be considered nonconforming because they are located in the required shoreline setback in the UR Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be~~

~~expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District within the same geographic area as the site is provided~~))In addition to shoreline setback required in subsection 23.60.575.A, residences on waterfront lots shall not be located further waterward than adjacent residences as measured in subsection 23.60.206.B.2.

Section 58. Section 23.60A.578 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.578 Regulated public access in the UR Environment

A. Private property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments, except as modified by this subsection((~~ this~~)) 23.60A.578.A:

1. Residential developments containing more than four units with more than 75 feet of shoreline((~~, except if located on saltwater shorelines where public access from a street is available within 600 feet of the proposed development~~));

* * *

Section 59. Section 23.60A.902 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.902 Definitions -- "A"

* * *

"Average grade level" means the calculation determined by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of ordinary high water in freshwater and mean higher high water in marine waters.((~~.~~))

Section 60. Section 23.60A.906 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.906 Definitions -- "C"

* * *

"Custom craft work" means, in addition to the definitions in subsection 23.60A.84.A.012 Food Processing and craft work, ((~~A custom craftwork in the Shoreline District includes~~))wooden boat building ((~~and~~))wooden boat building is a water-related use.

* * *

Section 61. Section 23.60A.908 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.908 Definitions -- "D"

* * *

"Development site((~~, waterfront~~))" means a ((~~waterfront~~))lot or lots on which a proposed development will occur.

* * *

((~~"Dry land" means land at an elevation above the line of ordinary high water in freshwater or mean higher high water in marine water.~~))

"Dry boat storage" means a "parking and moorage" use, in which space on a lot on dry land, either open or inside a structure, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats.

"Dry dock" means any method or mechanism by which a vessel can be removed from the water for the purpose of viewing, working on or painting the underwater portions of the vessel. Dry docks include:

"Floating dry dock" means a strong decked barge that is submerged by filling it with water. A vessel is floated over the submerged barge which is then pumped out to lift the barge deck clear of the water with the vessel sitting high and dry. The wing walls provide enough flotation to prevent sinking all the way to the bottom.

"Marine railway dry dock" means a place where a vessel is tied to a carriage which is then pulled out of the water on an inclined railway usually with winches. The rails are spaced far enough apart to provide stability of the carriage with a vessel on it.

((~~"Floating dry dock" means a strong decked barge that is submerged by filling it with water. A vessel is floated over the submerged barge which is then pumped out to lift the barge deck clear of the water with the vessel sitting high and dry. The wing walls provide enough flotation to prevent sinking all the way to the bottom.~~))

" Synchrony-lift dry dock" means a stiffened deck or barge like structure that is lifted out of water by lifting mechanisms such as winches or jacks operating synchronously.

"Travel-lift" means a motorized device like a lumber carrier which drives over water on two adjacent docks straddling the water. A boat in the water between the two docks is raised out of the water by straps attached to winches. The travel-lift then drives to an area on land((~~upland site~~)) to set the boat ((~~down~~))on blocks((~~ on land~~)).

"Dry land" means land at an elevation above the line of ordinary high water in freshwater or mean higher high water in marine water.

"Duwamish" means the area of the Duwamish River from the south city limits north to South Massachusetts Street on the east side and Southwest Florida Street on the west side, and including Harbor Island and the East and West Duwamish Waterways.

"Dwelling unit" means a room or rooms, located within a structure or vessel, designed, arranged, occupied or intended to be occupied living accommodations from any other household. The existence of a food preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

Section 62. Section 23.60A.910 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.910 Definitions -- "E"

* * *

"Essential public facilities" means those public facilities identified as potential essential public facilities in Section 23.84A.012.

* * *

Section 63. Section 23.60A.912 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.912 Definitions -- "F"

* * *

"Feasible" except when used in the phrase "no feasible alternative location exists," means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

2. The action provides a reasonable likelihood of achieving its intended purpose; and

3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this Chapter 23.60A requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

"Feasible" when used in the phrase "no feasible alternative location exists" for a utility service use, utility line or sewage treatment plant means feasible as determined under 23.60A.066 and pursuant to the analysis described in *Defense Fund v. Metro Seattle*, 89 Wn. App 613,(1990).

* * *

"Float" means a floating platform similar to a pier that is anchored or attached to pilings. A float attached to a pier shall be considered part of the pier. "Float" when it is used in connection with a vessel repair use includes a floating platform used as a work platform to work on a vessel dock or pier. "Float" when it is used in connection with a floating home means those elements that provide the buoyancy necessary to keep the floating home above the water.

"Floating dry dock." See "Dry dock."

* * *

"Floating home site" means that part of a floating home moorage located over water designated to accommodate one floating home.

"Floating on-water residence" means any floating structure, other than a floating home, that was legally established prior to July 1, 2014 and is designed or used primarily as a residence, has detachable utilities, and is the subject of a lease or sublease at a marina, or whose owner has an ownership interest in a marina, as of July 1, 2014. See, RCW 90.58.270. For the purpose of this Chapter 23.60A, a structure will be considered designed or used primarily as a residence if it contains a dwelling unit.

((~~"Freeboard" means the height of the main deck above the water line. Where the threshold of the main entrance to the structure is above the main deck, the freeboard is measured to the threshold of the main entrance.~~))

* * *

Section 64. Section 23.60A.914 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.914 Definitions -- "G"

"Geographic area" means one of seven defined geographic areas within Seattle as follows: Lake Washington North, Lake Washington South, Lake Union and the Ship Canal, Elliott Bay, the Duwamish River, Puget Sound North, and Puget Sound South. Sub-geographic

area means an area that is a maximum distance of 3 miles from a point within one of the above geographic areas.

* * *

Section 65. Section 23.60A.916 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.916 Definitions -- "H"

* * *

"House barge" means a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability.

((~~"House height" means the distance from the main deck to the top of the roof.~~))

* * *

Section 66. Section 23.60A.918 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.918 Definitions -- "I"

* * *

"Interpretive signs." See "Sign, interpretive."((~~means on-premise signs describing a natural or historic feature on the same site as the sign or seen from the site.~~))

Section 67. Section 23.60A.924 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.924 Definitions -- "L"

* * *

"Landfill" means sand, soil, gravel or other material deposited landward of the OHW mark and not in riparian corridors or in wetlands; see "Fill".

* * *

"Live-aboard vessel" means a vessel that is used as a single-family dwelling unit for more than a total of 30 days in any 45 day period or more than a total of 90 days in any 365 day

period; or the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes. Marinas may define “live-aboard((-)) use” more narrowly than the above definition, but not more broadly.

"Lot coverage" means that portion of a lot occupied by the principal building, accessory buildings and development including impervious surface, piers, floats, and dry((-))docks, expressed as a percentage of the total lot area.

* * *

Section 68. Section 23.60A.926 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.926 Definitions -- "M”

* * *

"Mean higher high water (MHHW)" means a tidal datum. The average of the higher of the high water heights, each tidal day, observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent or accepted values of the National Tidal Datum Epoch. The elevation of this datum on the shore is the MHHW line. ((~~the tidal elevation determined by averaging the higher of each day's two high tides at a particular location over recorded history.~~))

"Mean lower low water (MLLW)" means a tidal datum. The average of the lower of the low water heights, each tidal day, observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent or accepted values of the National Tidal Datum Epoch. The elevation of this datum on the shore is the MLLW line. ((~~the 0.0 tidal elevation determined by averaging the lower of each day's two low tides at a particular location over recorded history.~~))

“Mechanical harvesting and cutting” means the partial removal or control of aquatic plants with the use of mechanical harvesters that cut and collect aquatic plants, and mechanical cutters that only cut aquatic plants.

* * *

Section 69. Section 23.60A.928 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.928 Definitions -- "N"

* * *

"No net loss of ecological functions" means no degradation to habitat, including the habitat forming processes, after project impacts and mitigation for the project impacts occur.

((~~"Non-native aquatic species" means species for which Seattle is not within their natural range or within their natural dispersion area or species that have been brought to Seattle from another region, state or country.~~))

"Non-motorized boat landing area" means an area designed to allow vessels without motors to land on dry land and is not designed to include a launching area((~~site~~)) for non-motorized vessels.

"Non-native aquatic species" means species for which Seattle is not within their natural range or within their natural dispersion area or species that have been brought to Seattle from another region, state or country.

* * *

Section 70. Section 23.60A.930 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.930 Definitions -- "O"

"OHW." See "Ordinary high water mark."

"Ordinary high water mark", abbreviated "OHW mark," means, on all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, with respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter, or

as it may change thereafter in accordance with permits issued by the Director ((~~or~~))of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high water((~~tide~~)) and the ordinary high water mark adjoining freshwater shall be the line of mean high water.

"Ordinary low water" means, in fresh water, the elevation of water at ordinary stages of low water unaffected by drought and the low water level of Lake Washington, Lake Union and the Ship Canal as controlled by the Army Corps of Engineers.

((~~"Overall length" is the length of the hull structure. It does not include elements such as bow sprits or figureheads.~~))

* * *

Section 71. Section 23.60A.934 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.934 Definitions -- "R"

* * *

"Reasonable use of property" means the use of property to which its owner is entitled under the Constitution of the United States of America and the Washington State Constitution, as interpreted by the highest courts of those jurisdictions.

"Remodel" means to rebuild the interior of existing structures without expanding any portion of the structure and/or to change the siding material or architectural features on the exterior of structures without expanding any portion of the structure.

"Remodel" for nonconforming structures and uses means renovations or alterations the cost of which from the date of this ordinance does not equal or exceed 60 percent of the market value of the development or of the portion of the development that is structurally nonconforming or contains the nonconforming use prior to undertaking the work.

"Research use" means a use that conducts scientific investigation through survey, collection of data, and/or experimental planting in wetlands.

"Residential use,"((~~,~~)) except for vessels with dwelling units ((~~"live-aboard use"~~)) as defined in Section 23.60A.908,((~~924~~)) means the following uses:

-- Accessory dwelling unit;

-- Adult family homes;

-- Artist's studio/dwelling;

-- Assisted living facility;

-- Caretaker's quarters;

-- Congregate residences;

-- Detached accessory dwelling unit;

-- Floating home;

-- Mobile park home;

-- Multifamily residences;

-- Nursing homes; and

-- Single-family dwelling units.

* * *

Section 72. Section 23.60A.936 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.936 Definitions -- "S"

* * *

"Saltwater" means the waterbodies of Puget Sound, Elliot Bay, Duwamish River, and Shilshole Bay ending at the Hiram M. Chittenden Locks.

((~~"Sea state" means the general condition of the free surface on a large body of water, with respect to wind waves and swell, at a certain location and moment. A sea state is characterized by statistics, including the wave height, period, and power spectrum. Sea state varies with time as wind and/or swell conditions change. The sea state can either be assessed by~~

~~an experienced observer, like a trained mariner, or through instruments like weather buoys, wave radar or remote sensing satellites.~~))

"Shall" means a mandate; the action must be done.

* * *

"Sign, raceboat sponsor" means an on-premises sign, located on a vessel that is in a race sanctioned by an established and incorporated boat racing association or group that identifies the persons sponsoring the vessel in the race, or noncommercial messages replacing this information.

"Site" means development site, except when applying use standards that require additional water-dependent and/or water-related uses to be part of the development or on a site, such as in subsection 23.60A.382.C, it means contiguous parcels operated by the same business/in the same ownership (under the same ownership), or except when there is an adjective describing the meaning of site, such as "floating home site."

* * *

"Substantial improvement" and "substantially improved" means maintenance, renovations, repairs, or alterations the cost of which in any five year period starting from the date of this ordinance equals or exceeds 60 percent of the market value of the development, or for alteration of nonconforming uses or development of the portion of the development that is structurally ((~~non-conforming~~))nonconforming or contains the nonconforming use prior to undertaking the work.

"Submerged land" means all lands waterward of the ordinary high water mark or mean higher high water, whichever is higher.

"Synchrony-lift dry dock." See "Dry dock."

Section 73. Section 23.60A.938 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.938 Definitions -- "T"

"Transportation facilities" means the following uses:

-- Bridges and tunnels;

-- Cargo terminal;

-- Moorage;

-- Parking;

-- Passenger terminal;

-- Rail transit facilities;

-- Railroads;

-- Streets;

-- Transportation facilities, air;

-- Tugboat services; and

-- Vehicle storage and maintenance.

"Travel-lift." See "Dry dock."

"Tree" means a self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, that is recognized as a tree in the nursery and arboricultural industries.

* * *

Section 74. Section 23.60A.942 of the Seattle Municipal Code, was enacted by Ordinance 124105, is amended as follows:

23.60A.942 Definitions -- "V"

* * *

"Vehicle storage" vehicle storage does not include movable equipment used on-site that is not routinely driven on a public right-of-way.

"Vessel" means for the purpose of complying with 23.60A.214.D.1.a ships, boats, barges, or any other floating craft that are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships that do not have means of self-propulsion and steering equipment; and for all other purposes, ships, boats, barges, or any other

floating craft that are designed and used for navigation as determined by a naval architect licensed as a professional engineer in the state of Washington and do not interfere with the normal public use of the water, including historic ships that do not have means of self-propulsion and steering equipment.

* * *

Section 75. Section 23.60A.944 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.60A.944 Definitions -- "W"

"WAC" means the Washington Administrative Code, which are regulations of executive branch agencies issued by authority of Washington State statutes that interpret the statutes.

"Water-dependent use" means a use that cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, moorage, sale or rental of large boats, tour boats, cruise ships, tug and barge operations, recreation that provides physical access to the water, limnological or oceanographic research facilities that require the use of the adjacent water for its operation. Water-dependent use includes businesses that receive or transport 50 percent or more product or material used in the business via the water adjacent to such business. The following uses and similar uses are not water-dependent: offices, eating and drinking establishments, catering services, non-marine sales and service, lodging, adult care centers, child care centers, religious facilities, hospitals, and residential uses.

* * *

Section 76. Section 23.60A.958 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.60A.958 Calculation of percent of a development site((~~lot~~)) occupied by a specific use

The following measurement techniques shall be used to calculate the percentage of a development site((~~lot~~)) occupied by a use for developments.

A. For purpose of this Section 23.60A.958, the development site((~~"lot"~~)) includes all the((~~lot~~)) area within the Shoreline District including vacant lands, submerged and dry lands, and lands ((~~available for~~))currently and proposed to be leased from DNR for the development((~~and developed or proposed to be developed~~)), but excluding any area required for public access. Submerged lands shall not be counted in calculating lot area for purposes of minimum lot area requirements of single-family zones or density standards of other zones.

B. All lot area occupied by a specific use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses; provided, that if a structure is occupied by more than one use, the amount of the structure's footprint allocated to any one use shall be calculated proportionately to its share of the structure's total floor area as follows: the square footage of the structure's footprint allocated to any one use (A) is equal to the total square footage of the structure's footprint (B) multiplied by the total square footage of the use and its accessory uses located within the structure (C) divided by the total square footage within the structure (D), expressed as the following equation:

$$A = B \times C/D$$

2. The area outside of any structure, occupied by the use or its accessory uses, including the following:

a. Areas devoted to parking or access shall be as counted water-dependent and water-related uses to the extent that the parking or access is required by code for the water-dependent or water-related use on the development site((~~The area of any parking provided for the use in excess of required accessory parking spaces including aisles and turning areas~~));

b. The area of any moorage occupied by the use including piers, floats, dockage areas, channels, and turning basins;

c. The area occupied by any storage accessory to the use.

C. The percent of the development site((~~lot~~)) occupied by a specific use shall be calculated by dividing the use area calculated in subsection 23.60A.958.B by the development site((~~lot~~)) area given in subsection 23.60A.958.A ((~~times~~))multiplied by 100.

D. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.

E. To calculate the percent of area occupied by a category of use such as nonwater-oriented((~~dependent~~)) commercial, the area occupied by all such uses as calculated above shall be summed and divided by the development site((~~lot~~)) area.

Section 77. Section 23.72.006 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

((~~SMC~~))23.72.006 Application of regulations

* * *

Section 78. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.91.002 Scope of Chapter 23.91

A. Violations of the following provisions of Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

* * *

6. The following violations of the Shoreline district((-)), Chapter 23.60A:

a. Discharging, leaking, or releasing solid or liquid waste and untreated effluent, oil, chemicals, hazardous materials into the water (subsection 23.60A.152.R);

b. Releasing debris and other waste materials from construction, maintenance, repair, or in operation, or management of a property, into any water body (subsections 23.60A.152.H, 23.60A.152.I, 23.60A.152.T, and 23.60A 152.U).

* * *

Section 79. A new Section 25.09.016 of the Seattle Municipal Code is added as follows:

25.09.016 Environmentally critical areas in the Shoreline Environment

Environmentally critical areas, as defined by Section 23.60A.156. C, located within the Shoreline District, as defined by Chapter 23.60A, are regulated pursuant to Section 23.60A.156.

Section 80. Section 25.09.020 of the Seattle Municipal Code, last amended by Ordinance 124447, is amended as follows:

25.09.020 ((-)) Environmentally critical areas definitions

The following are environmentally critical areas designated by this Chapter 25.09: geologic hazard areas, steep slope areas, flood-prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.

* * *

D. Fish and ((~~W~~))wildlife ((~~H~~))habitat ((~~C~~))conservation ((~~A~~))areas. The following are fish and wildlife habitat conservation areas:

* * *

6. Priority habitat areas and setbacks as regulated in 23.60A.160 and 23.60A.167.

***

Section 81. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by Ecology; or thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2014, and signed by me in open session in authentication of its passage this _____ day of _____, 2014.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2014.

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

_____

Monica Martinez Simmons, City Clerk

(Seal)