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General Abbreviations and Acronyms

- BMPs – Best management practices
- Ecology – Department of Ecology
- DBH – Diameter at breast height
- DNR – Washington State Department of Natural Resources
- MLLW – Mean lower low water
- MHHW – Mean higher high water
- NPDES – National Pollutant Discharge Elimination System
- OHW – Ordinary high water
- RCW – Revised Code of Washington
- SFR – Single family residence
- SMA – Shoreline Management Act
- SMC – Seattle Municipal Code
- SMP – Shoreline Master Program
- SPU – Seattle Public Utilities
- USACE – U.S. Army Corps of Engineers
- USEPA – U.S. Environmental Protection Agency
- WAC – Washington Administrative Code
- WDFW – Washington Department of Fish and Wildlife
- WRIA – Water Resource Inventory Area

Shoreline Environment Abbreviations

- CM – Conservancy Management
- CN – Conservancy Navigation
- CP – Conservancy Preservation
- CR – Conservancy Recreation
- CW – Conservancy Waterway

- UC – Urban Commercial
- UG – Urban General
- UH – Urban Harborfront
- UI – Urban Industrial
- UM – Urban Maritime
- UR – Urban Residential

ORDINANCE _____

1
2 AN ORDINANCE relating to the Seattle Shoreline Master Program;; amending the Seattle
3 Comprehensive Plan, shoreline maps (Exhibit 1) shoreline land use regulations,
4 Chapter 23.60 of the Seattle Municipal Code; amending environmentally critical
5 area regulations (Exhibit 3), in the Shoreline District, Chapter 25.09 of the Seattle
6 Municipal Code; amending essential public facilities for light rail transit in the
7 shoreline District, Section 23.80.004.C; adopting a Shoreline Restoration and
8 Enhancement Plan. Repealed sections of the regulations are in Exhibit 2.

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

11 WHEREAS the City Council finds that the changes to the locations to the shoreline
12 environments shown on Maps A and B attached as Exhibit 1 to this ordinance are
13 consistent with the criteria for shoreline environment redesignation in Section 23.60.042;
14 NOW,

15 THEREFORE,

Subchapter I: Purpose and Policies

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

23.60.001 Definition of the Seattle Shoreline Master Program

17 The Seattle Shoreline Master Program (Master Program) is comprised of the the
18 Shoreline Goals and Policies in the Seattle Comprehensive Plan, Seattle Shoreline Master
19 Program Regulations, including the maps of the Shoreline District showing the locations of
20 shoreline environments, and the Shoreline Restoration and Enhancement Plan required by WAC
21 173-26-201(2)(f).

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

23.60.002 Title and purpose((;))

24 A. ~~((Title;))~~ This chapter shall be known as the "Seattle Shoreline Master Program
25 Regulations."

26 B. ~~((Purpose;))~~ It is the purpose of this chapter to implement the policy and provisions of
27 the Shoreline Management Act and the Shoreline Goals and Policies of the Seattle
28 Comprehensive Plan, as well as the City's interest in the public health, safety and welfare, by
regulating development, uses and shoreline modifications of the shorelines of the City in order
to:

1. Protect the ~~((ecosystems))~~ ecological functions of the shoreline areas;
2. Encourage water-dependent uses;
3. Provide for maximum public access access to ~~((use))~~ enjoyment of the
shorelines of the City; and
4. Preserve, enhance, and increase views of the water.~~((and access to the water;))~~

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

3 **23.60.004 Shoreline goals and policies**

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

13 **Subchapter II: Administration**

14 **Part 1 ~~((Compliance))~~ Applicability**

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

17 **23.60.010 Shoreline District established**

18 A. There is established the Shoreline District ~~((which shall))~~ that includes all shorelines
19 of the ~~((C))~~ city, the boundaries of which are illustrated on the Official Land Use Map, Chapter
20 23.32. In the event that any of the boundaries on the Official Land Use Map conflict with the
21 criteria of WAC 173-22-040 as amended, the criteria shall control.

22 B. All property located within the Shoreline District ~~((shall be))~~ is subject ~~((to))~~ both to the
23 ~~((requirements))~~ standards of the applicable zone classification and to the requirements imposed
24 by this chapter and any other overlay district except as provided in Section 23.60. 016~~((4))~~.

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

27 **~~((23.60.016))~~ 23.60.012 **Inconsistent development prohibited****

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

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

~~((23.60.012))~~ 23.60.014 **Liberal construction**

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

1 This chapter shall not be used when construing other chapters of this title except for
2 actions in the ~~((s))~~ Shoreline District ~~((development))~~ or as stated in ~~((Sections))~~ subsections
23.60.016 ~~((4 and 23.60.022))~~ B and C.

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

4 ~~((23.60.014))~~ **23.60.016 Regulations supplemental ((-))**

5 A. The regulations of this chapter ~~((shall be))~~ are superimposed upon and modify the
6 underlying land use zones in the Shoreline District. The regulations of this chapter supplement
7 other regulations of this title ~~((in the following manner))~~ as set out in subsection 23.60.016.B and
8 C.

7 ~~((A))~~ B. Uses and shoreline modifications. To be allowed ~~((permitted))~~ in the Shoreline
8 District, a use or a shoreline modification must be ~~((permitted))~~ allowed in both the shoreline
9 environment, ~~((and))~~ the underlying zone and any other overlay district in which it is located.

9 ~~((B))~~ C. Development Standards.

10 1. A development, shoreline modification, or use in the Shoreline District shall
11 meet the development standards of ~~((the shoreline environment,))~~ Chapter 23.60, the underlying
12 zone and any other overlay district in which it is located ~~((, as well as those of the underlying~~
13 ~~zone)).~~ In the case of irreconcilable conflicts between the regulations of ~~((the shoreline~~
14 ~~environment))~~ Chapter 23.60 and the underlying zone ~~((ing,))~~ or overlay district, the shoreline
15 regulations ~~((shall))~~ apply, except as provided in this subsection ~~((B))~~ 23.60.016.C.

13 2. The height ~~((permitted))~~ limit for a structure in the Shoreline District ~~((shall~~
14 ~~be))~~ is the lower of the height ~~((s permitted by the applicable))~~ limit provided in the shoreline
15 environment, ~~((and))~~ the underlying zone, or overlay district, except in the Urban Harborfront
16 (UH) Environment where the shoreline height limit ~~((s shall))~~ controls.

16 3. The floor area ratio (FAR) of the underlying zone may not be exceeded,
17 regardless of whether ~~((or not))~~ the maximum height and lot coverage allowed ~~((permitted))~~ in
18 the applicable shoreline environment can be achieved.

17 4. ~~((Where view corridors are required in the Shoreline District, y))~~ Yards and/or
18 setbacks of the underlying zone ~~((ing))~~ may be reduced or waived ~~((by the Director))~~ for lots
19 subject to view corridor requirements, in accordance with Section 23.60.170, and to preserve
20 buffers and riparian management areas in environmentally critical areas as allowed in Section
21 23.60.156. ~~((Where view corridors are not required by the Shoreline District, yards and/or~~
22 ~~setbacks of the underlying zoning shall be required.~~

21 5. ~~Development standards for which there are regulations in the underlying zoning~~
22 ~~but not in this chapter shall apply to developments in the Shoreline District. Such standards~~
23 ~~include but shall not be limited to parking, open space, street level location, facade treatments,~~
24 ~~building depth, width and modulation, and vehicular access. In the case of irreconcilable conflict~~
25 ~~between a shoreline regulation and a requirement of the underlying zoning, the shoreline~~
26 ~~regulation shall apply, unless otherwise provided in subsections B2 and B3 above.)~~

25 Within the Shoreline District, submerged lands are not counted in calculating lot
26 area for purposes of minimum lot area.

26 6. Measurements in the Shoreline District ~~((shall be as))~~ are regulated in this ~~((e))~~
27 Chapter 23.60, Subchapter XVII, Measurements.

27 7. Lake Union construction limit line.

1 a. Established. There is established along the shores of Lake Union and
2 waters in the vicinity thereof in the City, a "Seattle Construction Limit Line." The Seattle
3 Construction Limit Line (~~(, formerly designated on Exhibit "A" of SMC Section 24.82.010~~
~~which this subsection replaces, shall be superimposed upon and modify~~) is as shown on the
4 Official Land Use Map (~~(, of The City of Seattle, as established in)~~) Chapter 23.32.

5 b. Unlawful Construction--Exceptions. It is unlawful to erect, construct or
6 maintain any building or structure outward from the shores of Lake Union beyond the (~~Lake~~
7 ~~Union~~) Seattle Construction Limit Line, (~~established in subsection 23.60.014 B7a~~) except such
8 buildings or structures as are expressly authorized by the laws of the United States or State of
9 Washington; provided, any residential structure located in whole or in part beyond (~~outside~~) the
10 Seattle (~~(e) Construction~~ (~~(f) Limit~~ (~~(g) Line~~) prior to December 18, 1968, is (~~shall be permitted~~
11 ~~as a lawful,~~) is allowed as a nonconforming structure (~~as long as the same is not extended,~~
12 ~~expanded or structurally altered~~) and is regulated pursuant to Section 23.60.124.

13 (~~C. Standards applicable to environmentally critical areas as provided in~~
14 ~~Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, shall~~
15 ~~apply in the Shoreline District. If there are any conflicts between the Seattle Shoreline Master~~
16 ~~Program and Seattle Municipal Code Chapter 25.09, the most restrictive requirements shall~~
17 ~~apply.~~)

18 D. Nothing in this Chapter 23.60 changes the legal effect of existing approved Major
19 Institution Master Plans adopted pursuant to Chapter 23.69.

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

22 **23.60.018 Non-regulated actions**(~~(-)~~)

23 Except as specifically provided otherwise, the regulations of this chapter (~~shall~~) do not
24 apply to the operation of boats, ships and other vessels designed and used for navigation, other
25 than moorage of vessels and uses on vessels unrelated to navigation; nor to the vacation and
26 closure, removal or demolition of buildings (~~found~~) determined by the Director to be unfit for
27 human habitation pursuant to the Seattle Housing Code; nor to correction of conditions found by
28 the Director to be in violation of the minimum standards of Chapters 22.200, et seq., of the
Seattle Housing Code; nor to the demolition of a structure pursuant to an ordinance declaring it
to be a public nuisance and providing for summary abatement; nor actions taken pursuant to
environmental excellence program agreements entered into under chapter 43.21K RCW. (~~None~~
~~of these actions shall constitute a development requiring a substantial development permit.~~)

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

23.60.020 ((Substantial development permits required.) Permits and exemptions

A. 1. A Shoreline Substantial Development Permit is required prior to undertaking
any (~~No~~) development (~~(, except for those listed in subsection C of this section below, shall be~~
undertaken in the Shoreline District without first obtaining a substantial development permit
from the Director Two Thousand Five Hundred Dollars (\$2,500 or any development which
materially interferes with the normal public use of the water or shorelines of the City)) unless the
Director determined the development is not substantial development or has has issued an
exemption under this Section 23.60.020.

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

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

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

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

19 5. Repair and maintenance of an existing development, shoreline modification or
20 use that was authorized by a special use, shoreline conditional use or variance does not require
21 approval of a special use permit, shoreline conditional use permit or variance if no expansion
22 occurs; if expansion would occur, the permit process is the process applicable to the type of
23 development, use or shoreline modification as if it were a new application under the Shoreline
24 Master Program in effect when the application for expansion with the repair and maintenance is
25 made.

26 B. Application and Interpretation of Exemptions.

27 1. Exemptions shall be construed narrowly. ~~((Only those))~~ Substantial
28 developments that meet the precise terms of one ~~((1))~~ or more of the listed exemptions may be
29 granted an exemption from the Shoreline ~~((s))~~ Substantial ~~((d))~~ Development ~~((p))~~ Permit
30 process.

31 2. ~~((An exemption from the substantial development permit process is not an~~
32 ~~exemption from compliance with the Shoreline Management Act or provisions of this chapter,~~
33 ~~nor from any other regulatory requirements. To be authorized, all uses and developments must be~~
34 ~~consistent with the policies and provisions of the Seattle Shoreline Master Program and the~~
35 ~~Shoreline Management Act. A development or use that is listed as a conditional use pursuant to~~
36 ~~this chapter or is an unlisted use, must obtain a conditional use permit even though the~~
37 ~~development or use does not require a substantial development permit. When a development or~~
38 ~~use is proposed that does not comply with the bulk, dimensional and performance standards of~~
39 ~~this chapter, such development or use can only be authorized by approval of a variance.~~

40 3) The applicant has the burden of proof that a development ~~((or use))~~ is not
41 substantial development and that a substantial development is exempt from the Shoreline
42 Substantial Development ~~((p))~~ Permit process ~~((is on the applicant)).~~

43 ~~((4))~~ 3. If any part of a proposed substantial development is not eligible for
44 exemption, then a Shoreline ~~((s))~~ Substantial ~~((d))~~ Development ~~((p))~~ Permit is required for the
45 entire proposed development project.

1 4. The Director may attach conditions to the approval of exempted
2 developments ~~((and/or uses))~~ as necessary to assure consistency of the project with the Shoreline
3 Management Act and this ~~((e))~~ Chapter 23.60.

4 C. Exemptions. The following substantial developments ~~((or activities))~~ ~~((shall))~~ are ~~((not~~
5 ~~be considered substantial development and are))~~ exempt from obtaining a Shoreline ~~((s))~~
6 Substantial ~~((d))~~ Development ~~((p))~~ Permit from the Director:~~((:))~~

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

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

14 b. Replacement of a structure or development ~~((may be authorized as))~~ is
15 repair ~~((where))~~ if such replacement is the common method of repair for the type of structure or
16 development and the replacement structure or development is comparable to the original
17 structure or development including but not limited to its size, shape, configuration, location and
18 external appearance, and the replacement does not cause substantial adverse effects to shoreline
19 resources or environment;

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

25 a. It is not constructed for the purpose of creating dry land;

26 b. ~~((When a))~~ A vertical wall is being constructed or reconstructed, and
27 not more than ~~((one-))~~ 1 ~~((-))~~ cubic yard of fill per ~~((one-))~~ 1 ~~((-))~~ foot of wall may be used as
28 backfill; ~~((:))~~

29 c. ~~((When a))~~ An existing bulkhead is being repaired by construction of a
30 vertical wall fronting the existing wall, and it is constructed no further waterward of the existing
31 bulkhead than is necessary for construction of new footings~~((:))~~;

32 d. ~~((When a))~~ A bulkhead has deteriorated such that an ordinary high
33 water (OHW) mark has been established by the presence and action of water landward of the
34 bulkhead, ~~((then))~~ and the replacement bulkhead ~~((must))~~ is located at or near the actual ~~((ordinary~~
35 ~~high water))~~ OHW mark ~~((:))~~ ; and

36 e. Beach nourishment, or non-structural or soft stabilization is proposed;
37 such ~~((and bioengineered erosion control))~~ projects may be considered a normal protective
38 bulkhead ~~((when any))~~ if all structural elements are consistent with the above requirements and
39 ~~((when))~~ if the project has been approved by the State Department of Fish and Wildlife;

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

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

44 b. If new protective structures are deemed by the Director to be the
45 appropriate means to address the emergency situation, upon abatement of the emergency

1 situation the new structure shall be removed or any permit that would have been required, absent
2 an emergency, pursuant to chapter 90.58 RCW or these regulations shall be obtained; and

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

5 4. Construction and practices normal or necessary for farming, irrigation, and
6 ranching activities, including agricultural service roads and utilities on shorelands, construction
7 of a barn or similar structure, and the construction and maintenance of irrigation structures,
8 including but not limited to head gates, pumping facilities, and irrigation channels; provided, that
9 a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of
10 the contour of the shorelands by leveling or filling other than that which results from normal
11 cultivation, ~~((shall))~~ are not ~~((be))~~ considered normal or necessary farming or ranching
12 activities;

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

16 6. Construction on shorelands by an owner, lessee or contract purchaser of a
17 single-family residence, ~~((including those structures and developments within a contiguous~~
18 ~~ownership which are a normal appurtenance,))~~ for his or her own use or for the use of his or her
19 family, ~~((which residence))~~ that does not exceed a height of ~~((thirty five (5))~~ 35 ~~((3))~~ feet above
20 average grade level and ~~((which))~~ meets all requirements of the City. ~~((other than requirements~~
21 ~~imposed pursuant to this chapter.))~~ Construction authorized under this exemption shall be located
22 landward of the OHW mark. For the purpose of this exemption:

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

26 b. A normal appurtenance is necessarily connected to the use and
27 enjoyment of a single-family residence and is located landward of the ~~((ordinary high water))~~
28 OHW mark and the perimeter of a wetland. Normal appurtenances include, but are not limited to,
a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading
~~((which))~~ that does not exceed ~~((two hundred fifty (50))~~ 250 ~~((3))~~ cubic yards and ~~((which))~~ that
does not involve placement of fill in any wetland, riparian watercourse or waterward of the
~~((ordinary high water))~~ OHW mark ~~((;))~~.

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

a. In saltwaters, which include Puget Sound, Elliott Bay, Shilshole Bay,
the Harborfront and the Duwamish River and all associated bays and inlets, the fair market value
of the pier accessory to residential structures does not exceed ~~((Two Thousand Five Hundred~~
~~Dollars (2,500 (2,500))),~~ or

b. In freshwater, the fair market value of the pier accessory to residential
structures does not exceed ~~((Ten Thousand Dollars (10,000 (10,000))))~~ \$10,000 ~~((;))~~, but if subsequent
construction having a fair market value exceeding ~~((Two Thousand Five Hundred Dollars (2,500 (2,500))))~~
\$2,500 ~~((;))~~ occurs within five ~~((5))~~ years of a completion of the prior construction, the

1 subsequent construction shall be considered a substantial development for the purpose of this
chapter;

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

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

6 10. Operation and maintenance of any system of dikes, ditches, drains, or other
7 facilities existing on June 4, 1975, ~~((which))~~ that were created, developed or ~~((utilized))~~ used
8 primarily as a part of an agricultural drainage or diking system;

9 11. Demolition of structures as provided in subsection 23.60.018 ~~((, except where
10 the Director determines that such demolition will have a major impact upon the character upon
11 of the shoreline))~~);

12 12. ~~((Any project with-))~~ Actions under a certification from the Governor pursuant
13 to chapter 80.50 RCW;

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

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

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

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

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

27 e. The activity is not subject to the permit requirements of RCW
28 90.58.550_((;))

14. The process of removing or controlling aquatic noxious weeds, as defined in
RCW 17.26.020, ~~and regulated in Section 23.60.210 C of this chapter~~) through the use of an
herbicide or other chemical treatment methods applicable to weed control that is recommended
by a final environmental impact statement published by the department of agriculture or Ecology
jointly with other state agencies under chapter 43.21C RCW;

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

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

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

3 b. The project has received ~~Hydraulic Project Approval~~ by
4 the State Department of Fish and Wildlife pursuant to chapter 75.20 RCW; and

5 c. The project is consistent with the City's Shoreline Master Program. This
6 determination shall be made in a timely manner and provided to the project proponent in writing.
7 ~~and~~ A fish habitat enhancement project that conforms to RCW 77.55.290 is deemed to be
8 consistent with this Chapter;

9 17. Hazardous substance remedial actions ~~(The procedural requirements of~~
10 ~~Chapter 90.58 RCW shall not apply to a project)~~ for which a consent decree, order or agreed
11 order has been issued pursuant to chapter 70.105D RCW or to ~~(the State Department of~~
12 ~~)Ecology when it conducts a remedial action under chapter 70.105D RCW.~~ ~~(The State~~
13 ~~Department of)~~ Ecology shall, in conjunction with The City of Seattle, assure that such projects
14 comply with the substantive requirements of chapter 90.58 RCW and the Seattle Shoreline
Master Program;

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

16 a. does not remove any native vegetation;

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

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

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

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

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

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

23.60.022 Application when development partly out of Shoreline District

A. The use and development standards of this chapter apply ~~(only)~~ to that part of the
development, shoreline modification, or use that occurs within the Shoreline District unless the
underlying ~~(zoning)~~ zone requires the entire development, shoreline modification, or use to
comply with all or part of this chapter.

B. If ~~(Where)~~ a substantial development is proposed that would be partly within ~~(and~~
~~partly within)~~ the Shoreline District, a Shoreline Substantial Development Permit is required
for the entire development, except that a ~~(s)~~ Shoreline ~~(s)~~ Substantial ~~(d)~~ Development
~~(p)~~ Permit is not required for those portions of a linear transportation use such as light rail
tracks, track support structure or tunnels that are outside the Shoreline District. A ~~(s)~~ Shoreline
~~(s)~~ Substantial ~~(d)~~ Development ~~(p)~~ Permit also is not required for discrete facilities, such as
stations, that are wholly outside the Shoreline District.

1 C. The use and development standards, including measurement techniques, for that
2 portion of the development outside of the Shoreline District (~~(shall be)~~)are as provided by the
underlying (~~(zoning)~~)zone or other special district standards.

3 Section 23.60.023 of the Seattle Municipal Code, enacted by Ordinance 122198, is
4 recodified and amended as subsection 23.60.209.E.

5 Section 23.60.024 of the Seattle Municipal Code, enacted by Ordinance 113466, is
6 amended as follows:

7 **23.60.024 Development of lots split into two or more shoreline environments(~~(:)~~)**

8 If a (~~(shoreline)~~) lot in the Shoreline District is split by a boundary line between two
9 different shoreline environments (~~(shoreline environment boundary line)~~), each portion of the lot
10 (~~(shall be)~~) is regulated by the shoreline environment covering that portion. (~~(Where)~~)If the lot
11 coverage requirements differ for portions of the lot governed by different environments, the lot
12 coverage restrictions must be met on each separate portion of the lot.

13 Section 23.60.026 of the Seattle Municipal Code, which was last amended by Ordinance
14 113466, is amended as follows:

15 **23.60.026 (~~(Phasing of developments.)~~) Fee schedule**

16 A. ~~Unless specifically stated otherwise in a shoreline substantial development permit, the~~
17 ~~following development components when required shall be completed no later than final~~
18 ~~inspection of the development by the Director:~~

- 19 1. ~~Regulated public access and landscaping;~~
- 20 2. ~~Piers, floats, barge facilities or over water elements of a water related~~
21 ~~development; and~~
- 22 3. ~~The water dependent components of a mixed water dependent and non water-~~
23 ~~dependent development.~~

24 B. ~~The Director may require that components of developments in addition to those listed~~
25 ~~in subsection A above be completed before final inspection of a portion of a development or at~~
26 ~~another time during construction if the timing is necessary to ensure compliance with the intent~~
27 ~~of the Shoreline Master Program as stated in the Shoreline Policies.)~~

28 Permit and other shoreline-related fees are as described in the Permit Fee Ordinance,
Title 22.

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

23.60.027 Habitat Evaluation Procedures

A. The Director by rule may establish procedures to evaluate ecological functions in the
Shoreline District using a system of “habitat units.”

B. The procedures shall:

1. Use appropriate scientific and technical information to determine, measure
and/or quantify ecological functions; and
2. Determine the costs of restoration and enhancement actions of habitat units,
using full cost accounting principles, including consideration of the following: project design,
permitting, construction, monitoring, maintenance, adaptive management, and long term
stewardship (indexed to the rate of inflation) and land value.

A new Section 23.60.028 of the Seattle Municipal Code is added as follows:

23.60.028 Payment for habitat units

A. 1. If mitigation actions under Step E, pursuant to Sections 23.60.152.A and 23.60.158.C.1.e (Step E), or under Chapter 25.05 (SEPA) are required, the Director is authorized to allow the payment of fees in lieu of some or all of the mitigation required, if the applicant requests; fees shall be paid into a fund for ecological restoration, creation, rehabilitation, and/or enhancement projects in the Shoreline District.

2. A program under subsection 23.60.028.A.1 shall be developed and operated consistent with the federal standards for in-lieu fee programs set out in 33 CFR 332 (or as amended).

B. If habitat units are required under this Chapter 23.60 for purposes other than 23.60.158.B.1.e (Step E), the Director may authorize payment for habitat units in lieu of applicant provided habitat units, if the applicant requests, to be paid into a fund for ecological restoration, creation, rehabilitation, and/or enhancement projects in the Shoreline District.

Part 2 Criteria for Application Review

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

23.60.030 Criteria for obtaining Shoreline ((s)) Substantial ((d)) Development ((p)) Permits, special use authorizations, shoreline conditional use permits and shoreline variance permits ((r))

~~A. ((A substantial development permit shall be granted only when the development proposed is consistent with:))~~ The Director may approve or approve with conditions an application for a development, shoreline modification, or use that requires a Shoreline Substantial Development Permit, shoreline conditional use permit, shoreline variance permit, or special use approval if the Director determines the applicant has demonstrated that the development, shoreline modification, or use:

1. Is consistent with ((T))the policies and procedures of ((Chapter)) RCW 90.58.020 ((RCW));

2. ((The regulations of this chapter; and))Is not prohibited in the shoreline environment(s), underlying zone(s) and any overlay district in which it would be located;

3. ((The provisions of Chapter 173-27 WAC:))Meets the standards in this Chapter 23.60 and any applicable development standards of the underlying zone or overlay district, except where a variance from a specific development standard has been granted; and

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

B. If the development, shoreline modification or use is a prohibited use or if it is not a prohibited use and cannot be conditioned to meet the applicable standards, the Director shall deny the permit. ((Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.))

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

1 **23.60.032 Criteria for special use approvals(=)**

2 Uses or shoreline modifications (~~(which)~~)that are identified as requiring special use
3 approval in a particular environment may be approved, approved with conditions, or denied by
4 the Director. The Director may approve or conditionally approve a special use (~~(only)~~) if the
5 Director finds the applicant (~~(can)~~) has demonstrated(~~(all of the following)~~):

6 A. (~~(That the proposed use will be consistent with the policies of RCW 90.58.020 and the~~
7 ~~Shoreline Policies;))~~ The proposal complies with standards in Section 23.60.030.

8 B. (~~(That the)~~) The proposed use will not interfere with (~~(the)~~) normal public use of
9 public shorelines;

10 C. (~~(That the)~~) The proposed use of the site and design of the project (~~(will be)~~)is
11 compatible with other (~~(permitted)~~)allowed uses within the area;

12 D. (~~(That the)~~) The proposed use (~~(will cause no unreasonable)~~) can achieve no net loss
13 of (~~(adverse effects to)~~) ecological functions except when the applicant obtains a variance from
14 this requirement under 23.60.036.C (~~(the shoreline environment in which it is to be located)~~); and

15 E. (~~(That the)~~) The public interest suffers no substantial detrimental effect.

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

18 **23.60.034 Criteria for shoreline conditional use permits(~~(approvals.)~~)**

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

20 1. A (~~(U)~~)use(~~(s)~~) or shoreline modification (~~(developments which are~~
21 ~~identified))~~)is listed in this chapter as requiring shoreline conditional use approval; (~~(and)~~) or

22 2. A use or shoreline modification is not identified in the shoreline environment
23 where it is proposed to be located and is allowed in the underlying zone. (~~(other uses which,~~
24 ~~although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones~~
25 ~~and are not prohibited in the Shoreline District, may be approved, approved with conditions or~~
26 ~~denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now~~
27 ~~constituted or hereafter amended, and any additional criteria given in this chapter. Upon~~
28 ~~transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be~~
~~approved, approved with conditions or denied by DOE.)~~)

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

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

34 2. Complies with standards in Section 23.60.030;

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

37 4. Can achieve no net loss of ecological functions except when the applicant
38 obtains a variance from this requirement under 23.60.036.C.

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

41 (~~(Upon transmittal of the Director's approval to the Department of Ecology (DOE), the~~
42 ~~permit may be approved, approved with conditions or denied by DOE.)~~)

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

3 **23.60.036 Criteria for shoreline variance~~((s))~~ permits~~((s))~~**

4 A. Except as provided in subsection 23.60.036.B and C, ~~((I))~~ in specific cases the Director
5 with the approval of ~~((DOE))~~ Ecology may authorize a shoreline variance~~((s))~~ from bulk,
6 dimensional, and performance standards ~~((certain requirements))~~ of this chapter if the ~~((request~~
7 complies with WAC 173-27-170, as now constituted or hereafter amended.)) Director finds that
8 the applicant has demonstrated that the request:

- 9 1. Complies with WAC 173-27-170 and the Shoreline Policies in the
10 Comprehensive Plan;
- 11 2. Complies with standards in Section 23.60.030;
- 12 3. Complies with any additional criteria set out in this chapter for granting a
13 variance; and
- 14 4. The proposed development can achieve no net loss of ecological functions
15 unless a variance from this requirement is granted.

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

- 20 2. An applicant may apply for a variance from height, bulk and scale standards.
- 21 3. An applicant may apply for a variance from other characteristics of uses or
22 shoreline modifications by complying with the applicable variance standards of this chapter and
23 also demonstrating that there is no reasonable use of the property without the variance,
24 regardless of whether the project is waterward of the OHW mark or in a wetland.

25 C. No variance is allowed from the requirements to achieve no net loss of ecological
26 functions unless the applicant demonstrates by clear and convincing evidence that the standards
27 for a shoreline variance in WAC 173-27-170 (3) are met, regardless of whether the project is
28 waterward of the OHW mark or in a wetland, in addition to complying with other sections of this
chapter. Notwithstanding such findings, the Director may deny the shoreline variance, if the
impacts are inconsistent with the public trust doctrine or the laws of nuisance, or would cause
significant injury to occupiers of the land, to other properties, or to public resources, or result in
significant adverse impacts to shoreline ecological function that are inconsistent with the policy
of the Shoreline Management Act.

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

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

23.60.038 Criteria for Council conditional use approvals

Uses ~~((which))~~ that are identified in this chapter as requiring Council conditional use
approval may be approved or approved with conditions ~~((only))~~ if the Council finds the applicant
has demonstrated that the use as conditioned ~~((meets))~~ is consistent with the Comprehensive Plan
Shoreline Policies, the Shoreline Management Act, the criteria ~~((set forth))~~ provided for each
Council conditional use in the applicable environment ~~((r))~~ and any additional criteria given in
this chapter.

A new Section 23.60.040 of the Seattle Municipal Code is added as follows:

23.60.040 Essential Public Facilities

If an Essential Public Facility is proposed within a Shoreline District, review of the proposed facility is also subject to the provisions of SMC 23.80.

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

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

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

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

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

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

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

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

B. The Director may grant the applicant relief that meets the following criteria:

1. The proposed relief is the minimum necessary to relieve the hardship;

2. After granting the proposed relief there is net environmental benefit from the restoration project; and

3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with this Chapter 23.60.

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

23.60.042 Criteria for shoreline environment redesignation

~~((B-)) A ((request for)) change to the location of a shoreline environment ((redesignation is considered)) constitutes a rezone, which requires a Council land use ((decision)) approval subject to the provisions of Chapter 23.76, and shall be evaluated ((against)) under the following criteria:~~

~~A((4)). The Shoreline Management Act. The proposed change ((re-designation shall be)) is consistent with the intent and purpose of the Shoreline Management Act (chapter 90.58 RCW) and with Ecology Guidelines (chapter ((WAC))173-26((46)) WAC);~~

~~B((2)). Shorelines of Statewide Significance. If the area is within a shoreline of statewide significance, the change ((redesignation shall be)) is consistent with the preferences for shorelines of statewide significance ((as given in)) pursuant to RCW 90.58.020;~~

~~C((3)). Comprehensive Plan Shoreline ((Area Objectives))Environment Polices. The proposed change is ((redesignation shall be)) consistent with the Comprehensive Plan Shoreline ((Area Objectives)) Environment Polices for the area where ((in which)) the change is proposed; ((redesignation is located.))~~

~~D((4)). Harbor Areas. If the area proposed for a change in the shoreline environment ((designation change))is within or adjacent to a harbor area, the impact of the change~~

1 ~~((redesignation))~~ on the purpose and intent of harbor areas as set out ~~((given))~~ in Articles XV and XVII of the State Constitution shall be considered;

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

4 ~~F((5)).~~ Consistency with Underlying Zone ~~((ing))~~. The proposed change ~~((redesignation shall be))~~ is consistent with the appropriate rezone evaluation criteria for the underlying zone ~~((ing))~~ in Chapter 23.34 of Title 23, ((the Land Use Code)) unless overriding shoreline considerations exist; ~~((:))~~ and

6 ~~((6. Rezone Evaluation. The proposed redesignation shall comply with the rezone evaluation provisions in Section 23.34.007.))~~

7 G((7)). General Rezone Criteria. The proposed change ~~((redesignation shall))~~ meets the general rezone standards in ~~((Section 23.34.008, subsections B through J))~~ subsections 23.34.008.B through 23.34.008.I.

9 A new Section 23.60.043 of the Seattle Municipal Code is added as follows:

10 **23.60.043 Criteria for determining an action to be infeasible**

11 In cases where this chapter 23.60 requires certain actions unless they are infeasible, the Director may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. The burden of proving infeasibility is on the applicant.

13 **Part 3 Procedures**

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

16 **23.60.060 Procedures for shoreline environment redesignations((:))**

17 The location of ((S)) shoreline environments ~~((designations))~~ may be amended according to the procedure provided for land use map amendments in Chapter 23.76. ~~((A-))~~ Change in the location of a shoreline environment ~~((redesignation))~~ is a Shoreline Master Program amendment ~~((which))~~ that must be approved by ~~((the State Department of))~~ Ecology ~~((DOE))~~ according to ~~((State))~~ Ecology's procedures before it becomes effective.

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

21 **23.60.062 Procedures for determining consistency with the chapter and for obtaining exemptions from Shoreline ((s)) Substantial ((d)) Development ((p)) Permit requirements ~~((and for determining consistency with the chapter.))~~**

23 A. A determination that either a development exempt from the requirement for a Shoreline ~~((s))~~ Substantial ~~((d))~~ Development ~~((p))~~ Permit, or a use, shoreline modification, or development that is not substantial development is consistent with the regulations of this chapter, as required by Section 23.60.012 ~~((016))~~, shall be made by the Director as follows:

26 ~~((A))~~ 1. If the development, shoreline modification or use requires other authorization from the Director, the determination as to consistency shall be made with the submitted application for that authorization;

1 ((B))2. If the development, shoreline modification or use requires a Section 10
2 Permit under the Federal Rivers and Harbors Act of 1899, ~~((or))~~ a Section 404 permit under the
3 Federal Water Pollution Control Act of 1972, or a Hydraulic Project Approval permit under the
4 State Hydraulic Code of 1943, or is located on state-owned aquatic lands, ~~((the determination of~~
5 ~~consistency shall be made at the time of review of the Public Notice from the Corps of~~
6 ~~Engineers, and))~~ a Letter of Exemption as specified in WAC 173-27-050 and the determination of
7 consistency shall be sent to Ecology and to DNR for projects on state-owned land ~~((issued if the~~
8 ~~development is consistent.))~~; and

9 ((C))3. If the development, shoreline modification or use does not require other
10 authorizations, information of sufficient detail for a determination of consistency shall be
11 submitted to the Department, and the determination of consistency shall be made prior to any
12 construction or use.

13 B. A Letter of Exemption or other documentation satisfactory to DPD is required for all
14 development the Director determines is exempt from the requirement for a Shoreline Substantial
15 Development Permit.

16 Section 23.60.064 of the Seattle Municipal Code, enacted by Ordinance 113466, is
17 recodified as Section 23.60.063 and amended as follows:

18 **23.60.063 Procedures for obtaining Shoreline ((s))Substantial ((d))Development**
19 **Permits, shoreline special use approvals, shoreline conditional use permits and**
20 **shoreline variance permits**~~((, shoreline conditional use permits and special use~~
21 ~~authorizations.))~~

22 A. Procedures for application, notice of application and notice of decision for a ((s))
23 Shoreline ((s))Substantial ((d))Development ((p))Permit, shoreline special use approvals,
24 shoreline conditional use permits, and shoreline variance permit,~~((or shoreline conditional use~~
25 ~~permit shall be))~~ are as required for a Master Use Permit in Chapter 23.76.

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

29 ((C. ~~In evaluating whether a development, which requires a substantial development~~
30 ~~permit, conditional use permit, variance permit, or special use authorization meets the applicable~~
31 ~~criteria, the Director shall determine that:~~

32 1. The proposed use is not prohibited in the shoreline environment(s) and
underlying zone(s) in which it would be located;

33 2. The development, ~~meets the general development standards and any applicable~~
34 ~~specific development standards set forth in Subchapter III, the development standards for the~~
35 ~~shoreline environment in which it is located, and any applicable development standards of the~~
36 ~~underlying zoning, except where a variance from a specific development standard has been~~
37 ~~applied for; and~~

38 3. ~~If the development or use requires a conditional use, variance, or special use~~
~~approval, the project meets the criteria for the same established in Sections 23.60.034, 23.60.036,~~
~~or 23.60.032, respectively.~~

1 ~~D. If the development or use is a permitted use and meets all the applicable criteria and~~
2 ~~standards, or if it can be conditioned to meet the applicable criteria and standards, the Director~~
3 ~~shall grant the permit or authorization. If the development or use is not a permitted use or cannot~~
4 ~~be conditioned to meet the applicable criteria and standards, then the Director shall deny the~~
5 ~~permit.)~~

6 ((E-)) C. In addition to other requirements provided in this chapter, the Director may
7 attach to the permit or authorization any conditions necessary to carry out the spirit and purpose
8 of and assure compliance with this chapter and RCW 90.58.020. Such conditions may include
9 changes in the location, design, and operating characteristics of the development or use.
10 Performance bonds not to exceed a term of five years may be required to ensure compliance with
11 the conditions except for public agencies.

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

14 Section 23.60.065 of the Seattle Municipal Code, enacted by Ordinance 118793, is
15 recodified as Section 23.60.064 as follows:

16 **23.60.064 Procedure for limited utility extensions and bulkheads.**

17 As required by WAC 173-27-120, an application for a substantial development permit for
18 a limited utility extension or for the construction of a bulkhead or other measures to protect a
19 single-family residence and its appurtenant structures from shoreline erosion shall be subject to
20 all of the requirements of this chapter except that the following time periods and procedures shall
21 be used:

22 A. The public comment period shall be twenty (20) days. The notice provided shall state
23 the manner in which the public may obtain a copy of the decision on the application no later than
24 two (2) days following its issuance;

25 B. The decision to grant or deny the permit shall be issued within twenty-one (21) days of
26 the last day of the comment period specified in subsection A of this section above; and

27 C. If there is an appeal of the decision to grant or deny the permit to the Hearing
28 Examiner, the appeal shall be finally determined within thirty (30) days.

Section 23.60.065 of the Seattle Municipal Code, enacted by Ordinance 118793, is
recodified as Section 23.60.064 and a new Section 23.60.065 of the Seattle Municipal Code is
added as follows:

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

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

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

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

Section 23.60.066 of the Seattle Municipal Code, last amended by Ordinance 118793, is
amended as follows:

1 **23.60.066 ((Procedure for determination of feasible or reasonable alternative locations.))**

2 **Procedure and criteria for Optional Plan Shoreline Permits**

3 A. Optional Plan Shoreline Permits.

4 1. ~~((When a use or development is identified in subsection F of this section as~~
5 ~~being permitted in the Shoreline District only after a determination that no reasonable or feasible~~
6 ~~alternative exists, the determination as to whether such alternative exists may be made as an~~
7 ~~independent shoreline permit decision prior to submission of an application for a project-specific~~
8 ~~shoreline permit for the development. This determination shall be referred to as the "Plan~~
9 ~~Shoreline Permit." The Plan Shoreline Permit shall be for the purposes of making a feasible or~~
10 ~~reasonable location decision and determining conditions appropriate to that decision.)) If a utility~~

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

17 2. ~~The ((process may be used upon a determination by the))~~ Director may accept
18 an application for a Plan Shoreline Permit if the Director finds that a proposal for a development
19 within the Shoreline District is complex, involves the phasing of programmatic and project-
20 specific decisions, or affects more than one ((4)) shoreline site.

21 3. ~~((A))~~If a Plan Shoreline Permit is approved the applicant shall ((require that))
22 obtain a subsequent shoreline permit ((be obtained)) with accompanying environmental
23 documentation prior to construction of a specific project in the Shoreline District.

24 B. Application Requirements for Plan Shoreline Permits.

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

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

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

C. Type of Decision.

1. Plan Shoreline Permits.

a. The decision on a Plan Shoreline Permit for sewage treatment plants
shall be made by the Council as a Council conditional use pursuant to Chapter 23.76 and
Sections 3.60.038 and 23.60.067.

b. The decision on a Plan Shoreline Permit for utility lines and utility
service uses shall be made by the Director as a Shoreline ((s))Substantial ((d))Development
((p))Permit, pursuant to Chapter 23.76 and Sections 23.60.030 and 23.60.063 and 23.60.064.

1 c. The Council or the Director may grant the Plan Shoreline Permit with
2 conditions, including reasonable mitigation measures and measures to avoid or minimize other
3 impacts, or may deny the permit.

4 2. Project Specific-Substantial Development Permits.

5 a. The decision on a project specific-substantial development permit for a
6 sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the
7 Council as a Council conditional use, pursuant to Chapter 23.76 and Sections 23.60.038 and
8 23.60.067

9 b. The decision on a project specific-substantial development permit for
10 utility lines and utility service uses for which a Plan Shoreline Permit has been issued shall be
11 made by the Director as a Shoreline Substantial Development Permit, pursuant to Chapter 23.76
12 and Sections 23.60.030 and 23.60.063 and 23.60.064.

13 D ((E)). Criteria for Decision. The decision as to the ((feasibility or-))reasonableness of
14 alternatives shall be based upon the Shoreline Policies in the Seattle Comprehensive Plan and
15 upon the Shoreline Management Act, as amended, and a full consideration of the environmental,
16 social and economic impacts on the community.

17 ((D)) E. Appeal of Decision on a Plan Shoreline Permit. The decision of the Council for a
18 Council conditional use((Type IV decisions,)) or of the Director for Type II decisions ((shall
19 be)) on a Plan Shoreline Permit is final and binding upon the City and the applicant. The decision
20 is subject to appeal to the State Shoreline Hearings Board pursuant to Section 23.60. 071 ((68)).
21 If no timely appeal is made, the Plan Shoreline Permit may not later be appealed in conjunction
22 with an appeal of a shoreline permit issued for a specific project at the approved location(s).

23 ((F. Developments Qualify for Process. Developments for which a Plan Shoreline Permit
24 may be required are: Utility service uses, utility lines, and sewage treatment plants.))

25 ((G-)) F. Project-specific Shoreline Substantial Development Permit relying on a Plan
26 Shoreline Permit. An((y)) application for substantial development ((which)) that is allowed
27 ((permitted)) in the Shoreline District after a determination that no ((feasible or)) reasonable
28 location alternative exists and ((which)) that relies upon a Plan Shoreline Permit ((shall)) may be
approved ((only)) if it complies with the provisions of this chapter, including mitigation for loss
of ecological function, ((provides for the reasonable mitigation of environmental impacts))and is
in substantial conformance with the Plan Shoreline Permit. Substantial conformance ((shall))
includes, but is not ((be-))limited to, a determination that all of the following standards have been
met:

- 29 1. There is no increase in the amount or change in location of ((land-))fill on
30 submerged lands;
- 31 2. There is no increase in lot coverage over water;
- 32 3. There is no net substantial increase in adverse environmental impacts in the
33 Shoreline District compared to the adverse impacts of the proposed development allowed in the
34 Plan Shoreline Permit; and
- 35 4. Conditions included as part of the Plan Shoreline Permit are met.

36 Section 23.60.068 of the Seattle Municipal Code, last amended by Ordinance 118793, is
37 recodified as Section 23.60.067 and amended as follows:

38 **23.60.067 Procedure for Council conditional use authorization**

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

1 A. Application for the Council conditional use and the ~~((s))~~Shoreline ~~((s))~~Substantial
2 ~~((d))~~Development ~~((p))~~Permit shall be made concurrently. Application for environmental review,
3 if required, shall be filed with the Council conditional use application;

4 B. Notice of application shall be consolidated;

5 C. The Council conditional use shall be processed pursuant to ~~((as required by))~~Chapter
6 23.76, Procedures ~~((F))~~for Master Use Permits and Council Land Use Decisions;~~((:))~~

7 D. Upon receipt of Council's findings, conclusions and decisions from the City Clerk, the
8 Director shall file the decision to approve, deny, or condition the ~~((s))~~Shoreline ~~((s))~~Substantial
9 ~~((d))~~Development ~~((p))~~Permit with ~~((the State Department of))~~ Ecology as required by Chapter
10 173-27 WAC. The Director ~~((shall be))~~ is bound by and shall incorporate the terms and
11 conditions of the Council's decision in the ~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permit. The
12 Council's findings, conclusions and decisions ~~((shall))~~ constitute the City report on the
13 application; and

14 E. The Director's decision to approve, condition or deny the ~~((s))~~Shoreline
15 ~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permit is the final City decision on the project and ~~((shall
16 be))~~is appealable to the Shoreline Hearings Board.

17 Section 23.60.068 of the Seattle Municipal Code, last amended by Ordinance 118793, is
18 recodified as Section 23.60.067, and a new Section 23.60.068 is added as follows:

19 **23.60.068 Procedure for phasing of developments**

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

23 1. Regulated public access and landscaping;

24 2. Piers, floats, barge facilities, or over-water elements of a development,
25 shoreline modification or use; and

26 3. The water-dependent components of a project.

27 B. The Director may require that components of projects in addition to those listed in
28 subsection 23.60.068.A be completed before final inspection of a portion of a project or at
29 another time during construction if the timing is necessary to comply with the Shoreline Master
30 Program and the Shoreline Policies of the Comprehensive Plan.

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

33 ~~((23.60.154))~~**23.60.069 Procedure for shoreline design review**

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

38 B. Procedure. The procedures and standards for this shoreline design review shall follow
39 the Seattle Design Commission's Project Review Handbook for the most similar type of project.

40 The ~~((S))~~shoreline design review may be conducted prior to an application for a Shoreline
41 ~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permit at the request of the applicant. The costs of the
42 ~~((S))~~shoreline design review shall be borne by the applicant.

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

3 **23.60.070 Decisions transmitted to State of Washington**~~(-Review.)~~

4 A. Any decision to approve or deny~~((on))~~ an application for a Shoreline Substantial
5 Development ~~((p))~~ Permit, shoreline conditional use permit, shoreline variance permit, or revision
6 under authority of this chapter~~((, whether it be an approval or denial))~~ shall, concurrently with
7 the transmittal of the ruling to the applicant, be filed by the Director with ~~((DOE))~~ Ecology and
8 the Attorney General ~~((according to the requirements contained in))~~ by return receipt requested
9 mail and pursuant to WAC 173-27-130.

10 B. For shoreline conditional use and variance decisions, the Director shall also provide
11 ~~((final))~~ notice of ~~((DOE's))~~ Ecology's final decision pursuant~~((according))~~ to WAC 173-27-
12 200(3).

13 Subsection 23.60.070.B of the Seattle Municipal Code, last amended by Ordinance
14 121477, is recodified as a new Section 23.60.071 and amended as follows:

15 **23.60.071 Appeals**

16 ~~((B))~~ A. Any person aggrieved by the Director's decision to grant~~((ing))~~ or deny~~((ing~~
17 ~~((of))~~ a Shoreline ~~((s))~~ Substantial ~~((d))~~ Development ~~((p))~~ Permit~~((on shorelines of the City))~~, a
18 shoreline conditional use permit or a shoreline variance, or by the rescission of a permit pursuant
19 to this chapter may seek review by the Shoreline Hearings Board by filing a petition for review
20 within ~~((twenty-one (21))~~ 21~~((7))~~ days ~~((of receipt))~~ from the date of filing ~~((of))~~ the ~~((permit~~
21 ~~((decision))~~ ~~((by DOE))~~ as defined in RCW 90.58.140(6). Within seven ~~((7))~~ days of the filing of
22 any petition for review with the Shoreline Hearings Board pertaining to the City's ~~((a))~~ final
23 decision~~((of a local government))~~, the petitioner shall serve copies of the petition on the Director,
24 the Director of ~~((DOE,))~~ Ecology and the Attorney General ~~((and the Director of DPD))~~ as
25 provided in RCW 90.58.180.

26 B. Review of decisions not under the authority of this chapter and review of decisions
27 under the authority of this chapter but not required to be filed with the Director of Ecology shall
28 occur pursuant to Chapter 23.76 and Section 23.88.020, as appropriate for the type of decision.

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

23.60.072 Commencement of construction

A. No construction pursuant to a Shoreline ~~((s))~~ Substantial ~~((d))~~ Development ~~((p))~~ Permit
authorized by this chapter shall begin or be authorized and no building, grading or other
construction permits shall be issued by the Director until ~~((twenty-one (21))~~ 21~~((7))~~ days from the
date ~~((of filing))~~ of the Director's final decision granting the ~~((s))~~ Shoreline ~~((s))~~ Substantial
~~((d))~~ Development ~~((p))~~ Permit was filed with the Director of ~~((the Department of))~~ Ecology and
the Attorney General; or until all review proceedings are terminated, if such proceedings were
initiated within ~~((twenty-one (21))~~ 21~~((7))~~ days of the date of filing the Director's final decision as
defined in RCW 90.58.140 (5) and (6), except as provided in subsections 23.60.072 B, C and D.

B. Exception: Construction may be commenced no sooner than ~~((thirty (30))~~ 30~~((7))~~ days
after the date of filing of a judicial appeal of a decision of the Shoreline Hearings Board
approving the Director's decision to grant the ~~((s))~~ Shoreline ~~((s))~~ Substantial ~~((d))~~ Development
~~((p))~~ Permit or approving a portion of the substantial development for which the permit was
granted, unless construction is prohibited until all Superior Court review proceedings are final

1 after a judicial hearing as provided in RCW 90.58.140. Any applicant who wishes to begin
2 construction pursuant to this ~~((s))~~Section 23.60.072 prior to termination of all review
3 proceedings does so at the applicant's own risk.

4 C. Exception: If the permit is for a substantial development meeting the requirements of
5 Section 23.60.064, construction pursuant to that permit may not begin or be authorized until 21
6 days from the date the permit decision was filed as provided in RCW 98.58.140(6). Any
7 applicant who wishes to begin construction pursuant to this Section 23.60.072 prior to
8 termination of all review proceedings does so at the applicant's own risk.

9 D. Exception: In the case of any permit or decision to issue a permit to the state of
10 Washington Department of Transportation for the replacement of the floating bridge and
11 landings of the state rout number 520 Evergreen Point bridge on or adjacent to Lake Washington,
12 construction may begin as provided in RCW 90.58.140(5). Any applicant who wishes to begin
13 construction pursuant to this Section 23.60.072 prior to termination of all review proceedings
14 does so at the applicant's own risk.

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

17 **23.60.074 Effective date of Shoreline ~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permits and
18 **time limits for permit validity**~~((:))~~**

19 ~~((Pursuant to WAC 173-27-090, t))~~The following time requirements ~~((shall))~~apply to all
20 Shoreline ~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permits and to any development authorized
21 pursuant to a shoreline variance or shoreline conditional use permit authorized under this
22 chapter:~~((:))~~

23 A. Upon finding of good cause, based on the requirements and circumstances of the
24 development, shoreline modification or use ("project") proposed and consistent with the policy
25 and provisions of Chapter 173-27 WAC and this chapter, the Director may adopt different time
26 limits from those ~~((set forth))~~in subsection 23.60.074.B ~~((of this section below))~~as part of the
27 decision on a ~~((s))~~Shoreline ~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permit. The Director may
28 also, with approval from ~~((DOE))~~ Ecology, adopt appropriate time limits as part of the decision
on a shoreline conditional use or shoreline variance. "Good cause, based on the requirements and
circumstances of the project," means that the time limits established are reasonably related to the
time actually necessary to perform the ~~((development))~~project on the ground and complete the
project that is being permitted, and/or are necessary for the protection of shoreline resources.

B. ~~((Where))~~If the Director did not adopt different time limits on a permit decision, the
following time limits shall apply:

1. Construction activities or substantial progress toward construction of a project
or, ~~((where))~~if no construction activities are involved, the project~~((use or activity))~~ for which a
permit has been granted pursuant to this ~~((e))~~Chapter 23.60 shall be commenced within two
~~((2))~~ years of the effective date of a Shoreline ~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permit or
the permit shall terminate. The Director may authorize a single extension of the two ~~((2))~~ year
period not to exceed one ~~((1))~~ year based on reasonable factors, if a request for extension has
been filed before the expiration date and notice of the proposed extension is given to parties of
record on the Shoreline ~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permit and to ~~((DOE))~~ Ecology;

2. If a project for which a permit has been granted pursuant to this ~~((e))~~Chapter
23.60 has not been completed within five ~~((5))~~years after the effective date of the Shoreline
~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permit, authorization to conduct construction activities

1 shall expire unless the Director authorizes a single extension based on reasonable factors, for a
2 period not to exceed one (~~((1))~~)year, if a request for extension has been filed before the
3 expiration date and notice of the proposed extension is given to parties of record on the Shoreline
4 Substantial Development Permit and to ((DOE))Ecology;

5 3. The effective date of a Shoreline Shoreline ((s))Substantial ((d))Development
6 ((p))Permit ((shall be))is the date of ((filing))receipt as provided in RCW 90.58.140(6). The time
7 periods in subsections 23.60.074.A and 23.60.074.B ((of this section))do not include the time
8 during which a project, use or activity was not ((actually))pursued due to the pendency of
9 administrative appeals or legal actions or due to the need to obtain other government permits and
10 approvals for the project, use or activity((that authorize it to proceed)), including all reasonably
11 related administrative or legal actions on any such permits or approval((-)); and

12 4. ((The))A Plan Shoreline Permit issued pursuant to Section 23.60.066 ((shall
13 be))is valid for a period of five ((5)) years or as otherwise ((permitted))allowed by WAC 173-
14 27-090. Project-specific shoreline permits must be applied for within that period to be considered
15 pursuant to the determination made under the Plan Shoreline Permit. Development under project-
16 specific permits shall conform to the time limits outlined in subsections 23.60.074.A and
17 23.60.074.B((of this section)).

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

20 **23.60.076 Revisions to permits**

21 A. ((When))If an applicant seeks to revise a permit, ((the Director shall request from))the
22 applicant shall submit detailed plans and text describing the proposed changes((in the permit)).

23 ((A))B. If the Director determines that the proposed changes are within the scope and
24 intent of the original permit as defined in WAC 173-27-100(2), ((as now constituted or hereafter
25 amended,))the Director shall approve the revision, with conditions to address any new impacts
26 from the proposed changes. Within eight ((8))days of the date of approval, the approved
27 revision, along with copies of the revised site plan and text, shall be ((submitted by certified
28 mail)) transmitted to ((DOE))Ecology, the Attorney General, and copies provided to parties of
record and to persons who have previously notified the Director of their desire to receive notice
of decision on the original application.

C. Revisions to permits may be authorized after original permit authorization has expired
under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of
changes which are consistent with this section 23.60.076 and which would not require a permit
for the development or change proposed under the terms of chapter 90.58 RCW, WAC 173-27
and this chapter 23.60. If the proposed change constitutes substantial development then a new
permit is required. Provided, this Section 23.60.076 shall not be used to extend the time
requirements or to authorize substantial development beyond the time limits of the original
permit.

D. If the sum of the revision and any previously approved revisions under former WAC
173-14-064 or this Section 23.60.076 are not within the scope of the permit under 23.60.076.B,
the applicant shall apply for a new permit.

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

1 F. If the revision to the original permit involves a shoreline conditional use or shoreline
2 variance, ~~((either of which was conditioned by DOE,))~~ the Director shall submit the revision to
3 ~~((DOE))~~ Ecology for ~~((DOE's))~~ Ecology's approval, approval with conditions or denial, indicating
4 that the revision is being submitted ~~pursuant to~~~~((under the requirements of))~~ WAC 173-27-
5 100(6). ~~((DOE))~~ Ecology shall render and transmit to the City and the applicant Ecology's final
6 decision within ~~((fifteen-))~~15~~(())~~ days of the date of ~~((DOE))~~ Ecology's receipt of the submittal
7 by the Director, who shall notify parties of record of ~~((DOE's))~~ Ecology's final decision.

8 G. The revised permit is effective immediately upon final action by the Director, or
9 ~~((when))~~ if appropriate under WAC 173-27-100(6), by ~~((DOE))~~ Ecology.

10 H. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the
11 Shoreline Hearings Board within ~~((twenty-one-))~~21~~(())~~ days from date of ~~((DOE's))~~ Ecology's
12 receipt of the revision approved by the Director, or if the revision is to a shoreline conditional
13 use or variance, ~~((when appropriate under WAC 173-27-100(6),-))~~ from the date of
14 ~~((DOE's))~~ Ecology's final decision is transmitted to the City and the applicant. Appeals shall be
15 based ~~((only))~~ solely upon contentions of noncompliance with the provisions of WAC 173-27-
16 100(2). Construction undertaken pursuant to that portion of a revised permit not authorized under
17 the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an
18 appeal is successful in proving that a revision is not within the scope and intent of the original
19 permit, the decision shall have no bearing on the original permit. The party seeking review
20 ~~((shall have))~~ has the burden of proving the revision was not within the scope and intent of the
21 original permit.

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

24 **23.60.078 Rescission**~~(())~~

25 A. ~~((After holding a public hearing, the))~~ The Director may rescind or suspend a Shoreline
26 ~~((s))~~ Substantial ~~((d))~~ Development ~~((p))~~ Permit if any of the following ~~((conditions are~~
27 ~~found))~~ occur:

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

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

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

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

40 **23.60.082 Enforcement**~~(())~~

41 Procedures for investigation and notice of violation, compliance, stop work orders,
42 emergency orders, and the imposition of civil penalties for the violation of any requirements of

1 this ((e))Chapter 23.60 shall be as specified in Chapter 23.90, Enforcement of the Land Use
2 Code, except as provided otherwise in this Chapter 23.60.

3 **Subchapter III: General Provisions**

4 **Part 1 Uses Standards**

5 Section 23.60.090.F and 23.60.090.G of the Seattle Municipal Code, last amended by
6 Ordinance 122198, is recodified as Section 23.60.204, Section 23.60.090.I of the Seattle
7 Municipal Code, last amended by Ordinance 122198, is recodified as Section 23.60.207; Section
8 23.60.090.J of the Seattle Municipal Code, last amended by Ordinance 122198, is recodified as
9 Section 23.60.209 and the remainder of Section 23.60.090 of the Seattle Municipal Code, last
10 amended by Ordinance 122198, is amended as follows:

11 **23.60.090 Identification of principal and accessory uses**

12 ~~((A. To be permitted in the Shoreline District, a use must be permitted in both the
13 shoreline environment and the underlying land use zone in which it is located.))~~

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

17 1. Boat moorage, off-loading goods from boats, dry-docks, swimming platforms,
18 uses on vessels authorized under Sections 23.60.214 and 23.60.215, and other use components
19 that by their nature require an over water location to operate;

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

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

25 B. ((Unless otherwise stated in this chapter all principal uses on waterfront lots shall be
26 water dependent, water related or non water dependent with public access.)) Any principal use
27 allowed, allowed as a special use, allowed as a shoreline conditional use, or allowed as a Council
28 conditional use in a specific shoreline environment may be an accessory use using the same
process as if the use were the principal use, unless the use is prohibited as an accessory use in the
shoreline environment. For the purposes of this subsection 23.60.090.B, water-based airports,
helicopters, and helistops shall not be considered to be accessory to a principal use and are
allowed pursuant to the applicable shoreline environment.

C. ((Principal uses are permitted in the respective shoreline environments in accordance
with the lists of permitted and prohibited uses in the respective environments and subject to all
applicable development standards. If a use is not identified in this chapter and is permitted in the
underlying zone, it may be authorized as a conditional use by the Director in specific cases upon
approval by the Department of Ecology when the criteria contained in Section 23.60.034 are
satisfied.)) A use that is prohibited as a principal use in a particular shoreline environment can
be allowed as an accessory use on dry land if incidental to and necessary for the operation of a
principal use that is allowed, allowed as a special use, allowed as a shoreline conditional use, or
allowed as a Council conditional use in the specific shoreline environment, using the same
process as if the use were the principal use, unless the use is prohibited as an accessory use in the
shoreline environment. For purposes of this subsection 23.60.090.C, water-based airports,

1 heliports, and helistops shall not be considered to be accessory to a principal use and are allowed
2 pursuant to the applicable shoreline environment.

3 D. ((For purposes of this chapter, standards established in the use sections of each
4 environment are not subject to variance.)) Accessory uses shall be located on the same
5 development site as the principal use; provided that if the accessory use is also allowed as a
6 principal use in the shoreline environment applicable to another development site nearby, the
7 accessory use may be located on that site.

8 ((E. Principal uses which are water dependent may be permitted over water. Principal
9 uses which are non water dependent shall not be permitted over water unless specifically stated
10 otherwise in the regulations for the applicable shoreline environment. For purposes of this
11 chapter, this regulation shall be considered a use standard not subject to variance.

12 H. For purposes of this chapter, dredging, landfill, and shoreline protective structures
13 shall be considered to be uses not subject to variance.

14 I. As determined by the Director, uses in public facilities that are most similar to uses
15 permitted outright, permitted as an accessory use, permitted as a special use, permitted
16 conditionally, or prohibited under this chapter shall also be permitted outright, permitted as an
17 accessory use, permitted as a special use, permitted conditionally or prohibited subject to the
18 same use regulations, development standards, accessory use requirements, special use
19 requirements, and conditional use criteria that govern the similar use unless otherwise specified.

20 J. Light rail transit facilities approved pursuant to subsection 23.80.004 C are permitted
21 uses in all shoreline environments, and light rail bridges and tunnels are water dependent uses
22 when they must cross a body of water regulated by Chapter 23.60. A temporary structure or use
23 that supports the construction of a light rail transit facility and that is approved pursuant to
24 Section 23.42.040 F is permitted as a temporary structure or use in all shoreline environments.))

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

27 **23.60.092 Temporary development, shoreline modifications and uses**

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

32 B. Development or Uses for Up to Six Months

33 1. The Director may approve a permit for a development, shoreline modification
34 or use for a time period of up to six months if the development , shoreline modification or use
35 complies with the standards and provisions of this Chapter 23.60, except as provided in
36 subsection 23.60.092.B.2, and the following standards:

- 37 a. Does not include the erection of a permanent structure;
38 b. Does not cause or contribute to permanent adverse impacts to ecological
39 functions and mitigates any temporary adverse impacts to ecological function;
40 c. Does not remove or harm native vegetation; and
41 d. If new impervious surface is created, this surface is removed and
42 restored with native vegetation at the end of the temporary use.

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

- 45 a. Views to be blocked;

1 b. Public access to be blocked for a period of up to three months; and
2 c. Development within the shoreline setback but farther than 15 feet from
3 the OHW mark.

4 C. Temporary development, shoreline modifications limited to floats, or uses shall not
5 interrupt any legally established permanent use of a property.

6 **Part 2 Nonconforming Uses and Structures**

7 Section 23.60.120 of the Seattle Municipal Code, enacted by Ordinance 113466, is
8 repealed, as shown in Attachment A.

9 Section 23.60.122 of the Seattle Municipal Code, last amended by Ordinance 118793, is
10 amended as follows:

11 **23.60.122 Nonconforming uses((;))**

12 A. 1. Any nonconforming use may be continued subject to the provisions of this
13 ~~((s))~~ Section 23.60.122.

14 2. Any nonconforming use ~~((which))~~ that has been discontinued for more than
15 ~~((twelve (12)))~~ 12((;)) consecutive months or for 12 months during any two-year period ~~((in the CN,~~
16 ~~CP, CR, CM, CW, UR, UH and US Environments or more than twenty four (24) consecutive~~
17 ~~months in the UM, UG or UI Environments))~~ shall not be reestablished or recommenced. A use
18 ~~((shall be))~~ is considered discontinued ~~((when))~~ if:

19 a. A permit to change the use of the structure or property ~~((was))~~ has been
20 issued and acted upon; or

21 b. The structure or property or portion of a structure ~~((;))~~ or ~~((the))~~ property
22 is vacant or not being used for the use allowed by the most recent permit ~~((; or~~

23 ~~the structure or property is vacant, or the portion of the structure or~~
24 ~~property formerly occupied by the nonconforming use is vacant)).~~

25 3. The use of the structure ~~((shall be))~~ is considered discontinued even if materials
26 from the former use remain or are stored on the property. A multifamily structure with one ~~((4~~
27 ~~))~~ or more vacant dwelling units ~~((shall))~~ is not considered unused unless the total structure is
28 unoccupied.

29 ~~((3. Any sign in the Shoreline District which does not conform to the provisions~~
30 ~~of this chapter shall be discontinued within seven (7) years from the effective date of the~~
31 ~~ordinance codified in this chapter, unless designated a landmark pursuant to Chapter 25.12, the~~
32 ~~Landmark Preservation Ordinance.))~~

33 B. 1. A conforming structure or development containing a nonconforming use or
34 uses may be maintained, repaired, ~~((renovated))~~ or structurally altered but shall not be expanded
35 or extended beyond its existing external dimensions for the purposes of the nonconforming use,
36 except as provided in subsections 23.60.122.C and E ~~((below))~~, or as otherwise required by law,
37 ~~((as))~~ if necessary to improve access for the elderly or disabled, or to provide regulated public
38 access.

39 2. A conforming structure or development containing a nonconforming use or
40 uses may not be rebuilt or substantially improved for the purposes of the nonconforming use,
41 except as provided in subsections 23.60.122.C.1 and C.2.d and E.

42 C. 1. A conforming structure containing a nonconforming use may be rebuilt or
43 substantially improved if the applicant demonstrates that the structure is reasonably capable of

1 containing a conforming use without modifying the rebuilt or improved structure, except as
2 provided in subsection 23.60.122.E. A structure that is allowed to be rebuilt or substantially
3 improved (~~((or rebuilt-))~~) shall not be expanded or extended beyond its existing external
4 dimensions for the purposes of the nonconforming use.

5 2. A conforming structure or development containing a nonconforming use
6 (~~((which))~~) that is destroyed by fire, act of nature, or other causes beyond the control of the owner,
7 excluding normal deterioration of structures constructed in or over the water (~~((or other act of~~
8 nature, including normal deterioration of structures in or over the water))), may be (~~((resumed~~
9 provided that any structure occupied by the nonconforming use may be))) rebuilt or substantially
10 improved if:

11 a. Action toward replacement is commenced within 12 months after
12 destruction; and.

13 b. The structure occupied by the nonconforming use is improved or rebuilt
14 to the same or smaller configuration, existing immediately prior to the time the structure was
15 destroyed; (~~((provided that action toward replacement must be commenced within twelve (12)~~
16 months after demolition or destruction in the CN, CP, CR, CM, CW, UR, UH and US
17 Environments or within twenty four (24) months after demolition or destruction in the UM, UG
18 or UI Environments.)))

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

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

29 e. The structure is nonconforming moorage that is reconfigured consistent
30 with subsection 23.60.122.E.

31 D. 1. The change of one (~~((+))~~) nonconforming use to another use not (~~((permitted))~~)
32 allowed in the shoreline environment may be authorized as a shoreline conditional use by the
33 Director with the concurrence of (~~((Department of))~~) Ecology if the area occupied by the
34 nonconforming use does not expand and the Director determines that:

35 a. (~~((t))~~) The existing development is unsuited for a reasonably economically
36 viable use ((permitted)) allowed in the environment((-); (~~((and if the criteria for conditional uses~~
37 in WAC 173-27-160 are satisfied. The new use shall retain its nonconforming use status for the
38 purposes of subsections A through C of this section above.)))

39 b. (~~((t))~~) The new use is no more detrimental to ecological functions or to
40 ((the)) property in the ((shoreline environment and)) vicinity than the existing use; ((and))

41 c. For structures located over water, no reasonable economic alternative
42 exists for locating the use on the dry land portion of the lot, outside the setback, to the maximum
43 extent reasonable; and

44 d. For structures located within the required shoreline setback no
45 reasonable alternative exists for locating the use outside of the setback.

1 2. If the Director determines that a nonconforming use in a structure over water
2 and/or within the required setback may be changed, the Director shall require the applicant to
3 provide either (a) an area of ecological restoration equal to the gross floor area of the use that is
4 nonconforming or (b) the equivalent number of habitat units as established by the Director.

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

7 E. Reconfiguration of a ~~(non-existing)~~ nonconforming moorage.

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

11 a. The goals of this chapter, including ((enhancing upland and street
12 views,)) limiting location of structures over water, ((and providing public access,)) would be
13 better served ((. Such reconfiguration may be authorized only if view corridors and public access
14 are improved. The square footage of the covered moorage and the height of the covered
15 moorage shall not be increased. Covered moorage with open walls shall be preferred.));

16 b. View corridors and public access are improved;

17 c. Total over water coverage, including coverage by vessels or structures
18 moored, is not increased; and

19 d. If the moorage includes covered moorage:

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

21 2) Walls are prohibited ((Open walls are required)), if not in
22 conflict with the Seattle Fire Code.

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

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

23.60.124 Development nonconforming to development standards

~~((A. A nonconforming structure may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in any manner which increases the extent of nonconformity, or creates additional nonconformity, except as otherwise required by law, as necessary to improve access for the elderly and disabled or to provide regulated public access. When the development is nonconforming as to lot coverage, existing lot coverage may not be transferred from the dry land portion of the site to the water.))~~

A. Development that was lawful when constructed but does not conform to general development standards in this chapter 23.60 is regulated as development nonconforming to development standards. Development that did not comply with the development standards in effect when the development was constructed is unlawful and not regulated as development nonconforming to development standards.

~~B. ((A nonconforming structure or development which is destroyed by fire or other act of nature, including normal deterioration of structures constructed in or over the water, may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed; provided that action toward replacement must be commenced within twelve (12)~~

1 months after demolition or destruction of a structure in the CN, CP, CR, CM, CW, UR, UH and
2 US Environments or within twenty four (24) months after demolition or destruction of a
3 structure in the UM, UG, or UI Environments. A rebuilt nonconforming structure housing a
4 nonconforming eating and drinking establishment use in an Urban Stable environment may
5 consolidate other existing nonconforming structures on the property, provided that no increase in
6 height or cumulative expansion of the area of nonconforming structures and no increase in
7 overwater coverage occurs, and provided that the Director finds that the reconfiguration will
8 allow removal of other nonconforming structures, resulting in improved view corridors or
9 regulated public access.)) Maintenance, repair, structural alteration, substantial improvement and
10 replacement, of development nonconforming to development standards shall conform to the
11 general development standards in Subchapter III, including Sections 23.60.152 and 23.60.158,
12 and the standards for the shoreline environment in which the structure or development is located,
13 in addition to the standards of this section.

14 C. ~~((The Director may require compliance with the standards of Section 23.60.152,
15 General development, for part or all of a lot as a condition for new development of part of a lot if
16 it is found that continued nonconformity will cause adverse impacts to air quality, water quality,
17 sediment quality, aquatic life, or human health.))~~ On dry land and outside the shoreline setback
18 and shoreline residential setback a development nonconforming to development standards may
19 be maintained, repaired, structurally altered, substantially improved or replaced but is prohibited
20 from expanding or extending in any manner that increases the extent of nonconformity or creates
21 additional nonconformity, except as allowed in subsection 23.60.124.I or except as otherwise
22 required by law if necessary to improve access for the elderly or disabled or to provide regulated
23 public access.

24 D. ~~((The Director may require compliance with Section 23.60.160, Standards for
25 regulated public access, as a condition of a substantial development permit for expansion or
26 alteration of a development nonconforming as to public access requirements.))~~ A development
27 nonconforming to development standards because of its location over water, within the required
28 shoreline setback, or within the residential shoreline setback may be maintained, repaired and
structurally altered consistent with subsection 23.60.124.F and I but is prohibited from being:

1. Substantially improved except as provided in 23.60.124.H;
2. Replaced, except as provided in subsection 23.60.124.H; or
3. Expanded in any manner that increases the extent of nonconformity or creates
additional nonconformity, except as provided in subsections 23.60.124.H and 23.60.124.F, and
as otherwise required by law if necessary to improve access for the elderly or disabled or to
provide regulated public access.

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

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

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

H. Development not conforming to development standards that is destroyed by fire, act of
nature, or other causes beyond the control of the owner, excluding normal deterioration of

1 structures constructed in or over the water, may be rebuilt if the standards in subsection
2 23.60.124.H.1-3 are met:

3 1. a. The development is rebuilt to the same or smaller configuration existing
4 immediately prior to the time the structure was destroyed;

5 b. The development is reconfigured and results in reduced impacts on
6 ecological functions as compared to the configuration immediately prior to the time the structure
7 was destroyed;

8 c. The rebuilt development contains a nonconforming eating and drinking
9 establishment use in the UC Environment and consolidates with other existing nonconforming
10 development on the lot and:

11 1) No increase in height or cumulative expansion of the area of
12 nonconforming development and no increase in over water coverage occurs; and

13 2) The Director finds that the reconfiguration will allow removal of
14 other nonconforming development that results in improved ecological functions, view corridors
15 or regulated public access; or

16 d. The development is nonconforming moorage that is reconfigured
17 consistent with subsection 23.60.122.E.

18 2. If the development is over water, within the required setback, or within the
19 residential shoreline setback, it may be rebuilt in the following locations:

20 a. If the dry land portion of the lot from the OHW mark to the street is at
21 least 65 feet, the replacement development shall be landward of the shoreline setback;

22 b. If the dry land portion of the lot from the OHW mark to the street is less
23 than 65 feet but more than 35 feet, the replacement development shall be no further waterward
24 from the street than 35 feet and shall be located outside of the shoreline setback to the extent
25 reasonable; and

26 c. If the dry land portion of the lot from the OHW mark to the street is 35
27 feet or less, the replacement development may be rebuilt within the shoreline setback to the
28 existing footprint of the structure or overwater to the existing footprint of the structure.

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

I. Reconfiguration. Portions of existing principal structures on dry land may be
reconfigured as part of allowed work on development nonconforming to development standards
if the Director determines that:

1. The reconfiguration results in equal or greater protection of ecological
functions;

2. Views from neighboring waterfront residences are not affected;

3. Required view corridors and street views are not further blocked; and

4. The reconfiguration results in equal or improved public access, if
required.

J. If development nonconforming to development standards is substantially improved,
replaced or rebuilt, and the Director finds that permanently removing the nonconformity would
have reversed existing adverse ecological impacts to air quality, water quality, sediment quality,
ecological functions, or human health, the applicant shall provide a like benefit commensurate to
removing the nonconformity, unless the applicant demonstrates that doing so will preclude
construction based on economic hardship. If the applicant makes such a showing, the Director
shall reduce the requirement to the extent necessary to provide relief.

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

3 **23.60.126 Structures in trespass**

4 ~~((The above provisions for nonconforming uses and structures,))~~ Sections 23.60.122
5 through 23.60.124, provisions for nonconforming uses and structures, ((shall))do not apply to
6 any structure, improvement, dock, fill or development placed on tidelands, shorelands, or beds of
7 waters ~~((which))~~ that are in trespass or in violation of state statutes.

8 **Part 3 Development Standards**

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

11 **23.60.150 Applicable standards**

12 All development, shoreline modifications and uses~~((and developments))~~ in the Shoreline
13 District shall be subject to the ~~((general development))~~ standards ~~((applicable to all
14 environments, to the development standards for the specific environment in which the use or
15 development is located, and to any development standards associated with the particular use or
16 development.))~~ set out in Subchapter III of this Chapter 23.60 and to the standards for the specific
17 environment in which the development, shoreline modification or use is located.

18 Subsection 23.60.152.Q of the Seattle Municipal Code, last amended by Ordinance
19 116325, is recodified as Section 23.60.166 and the remaining Section 23.60.152 of the Seattle
20 Municipal Code, last amended by Ordinance 116325 is amended as follows:

21 **23.60.152 General development**

22 All ~~((uses and))~~ developments, shoreline modifications, including land disturbing
23 activity, and uses are subject to the following general development standards, whether they are
24 located on dry land, overwater or in setbacks:

25 A. ~~((The location, design, construction and management of all))~~ All shoreline
26 developments, shoreline modifications and uses shall ~~((protect the quality and quantity of surface
27 and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards
28 and regulations of applicable water quality management programs and regulatory agencies. Best
management practices such as paving and berming of drum storage areas, fugitive dust controls
and other good housekeeping measures to prevent contamination of land or water shall be
required.))~~ be located, designed, constructed and managed to achieve no net loss of ecological
functions. No net loss of ecological functions shall be achieved by applying the standards set out
in this Chapter, including applying mitigation sequencing, pursuant to Section 23.60.158.

B. ~~((Solid and liquid wastes and untreated effluents shall not enter any bodies of water or
be discharged onto the land.))~~ All shoreline development, shoreline modifications and uses shall
be located, designed, constructed and managed to avoid adverse impacts or interference with
beneficial natural shoreline processes such as water circulation, littoral drift, sand movement,
erosion and accretion to the extent reasonable.

C. ~~Facilities, equipment and established procedures for the containment, recovery and
mitigation of spilled petroleum products shall be provided at recreational marinas, commercial
moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels~~

1 with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.) All
2 shoreline developments, shoreline modifications and uses shall be located, designed, constructed
3 and managed to prevent the need for shoreline defense and stabilization measures and flood
4 protection works such as bulkheads, other bank stabilization, fills, levees, dikes, groins, jetties,
5 dredging or substantial site regrades to the extent feasible except as allowed in Section
6 23.60.188.

7 D. ~~((The release of oil, chemicals or other hazardous materials onto or into the water shall~~
8 ~~be prohibited. Equipment for the transportation, storage, handling or application of such~~
9 ~~materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage,~~
10 ~~the further use of such equipment shall be suspended until the deficiency has been satisfactorily~~
11 ~~corrected.)) All new shoreline development and uses shall be sited and designed to avoid or, if
12 that is infeasible, to minimize to the maximum extent feasible the need for new and maintenance
13 dredging.~~

14 ~~((E. All shoreline developments and uses shall minimize any increases in surface runoff,~~
15 ~~and control, treat and release surface water runoff so that receiving water quality and shore~~
16 ~~properties and features are not adversely affected. Control measures may include, but are not~~
17 ~~limited to, dikes, catchbasins or settling ponds, intercepter drains and planted buffers.))~~

18 E. All shoreline developments, shoreline modifications and uses shall be located,
19 designed, constructed and managed in a manner that minimizes adverse impacts to surrounding
20 land and water uses in the Shoreline District and is compatible with the affected area in the
21 Shoreline District.

22 ~~((F. All shoreline developments and uses shall utilize permeable surfacing where~~
23 ~~practicable to minimize surface water accumulation and runoff.))~~

24 F. All shoreline developments, shoreline modifications and uses shall be located,
25 constructed, operated and managed to protect public health and safety.

26 G. Disturbance areas and land clearing shall be limited to the minimum necessary for
27 development. Any surface disturbed or cleared of vegetation and not to be used for development
28 shall be planted with native vegetation, except that pre-disturbance landscaped areas located
outside the shoreline setback containing non-native vegetation may be re-landscaped using non-
native, noninvasive vegetation pursuant to Section 23.60.190.

~~((H. All shoreline developments and uses shall be located, designed, constructed and~~
~~managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat~~
~~conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas,~~
~~commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes.~~
~~Where avoidance of adverse impacts is not practicable, project mitigation measures relating the~~
~~type, quantity and extent of mitigation to the protection of species and habitat functions may be~~
~~approved by the Director in consultation with state resource management agencies and federally~~
~~recognized tribes.))~~

29 ~~((G))~~H. All shoreline developments, shoreline modifications and uses shall use best
30 management practices pursuant to DR 16-2009, Construction Stormwater Control Technical
31 Requirements, to control impacts during ((erosion during project-))construction((and
32 operation)).

33 I. All shoreline developments, shoreline modifications and uses shall be located,
34 designed, constructed, operated and managed to: ~~((avoid disturbance, minimize adverse impacts~~
35 ~~and protect fish and wildlife habitat conservation areas including, but not limited to, spawning,~~
36 ~~nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass~~
37 ~~conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass~~
38 ~~conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass~~

1 beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project
2 mitigation measures relating the type, quantity and extent of mitigation to the protection of
3 species and habitat functions may be approved by the Director in consultation with state resource
4 management agencies and federally recognized tribes.) protect the quality and quantity of
5 surface and ground water on and adjacent to the development lot by using of best management
6 practices as follows:

7 1. Paving and berming of drum storage areas and fugitive dust control to prevent
8 contamination of land or water;

9 2. Minimizing the amount of impervious surface on the site and utilizing
10 permeable surfacing where practicable, except where other required state or federal permits
11 prohibit such standards, are required;

12 3. Using other control measures including, but are not limited to, bioretention,
13 rainwater harvesting, downspout dispersion, filters, catchbasins and planted buffers as
14 appropriate.

15 ((J. All shoreline developments and uses shall be located, designed, constructed and
16 managed in a manner that minimizes adverse impacts to surrounding land and water uses and is
17 compatible with the affected area.))

18 ((I)J. All ((shoreline developments and uses))in- and over-water structures shall be
19 ((located and)) designed, located and managed to ((minimize interference with or adverse
20 impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand
21 movement, erosion and accretion)) avoid adverse impacts, such as increased salmonid predator
22 habitat and adverse impacts due to shading, to the extent feasible.

23 ((K. Land clearing, grading, filling and alteration of natural drainage features and
24 landforms shall be limited to the minimum necessary for development. Surfaces cleared of
25 vegetation and not to be developed shall be replanted. Surface drainage systems or substantial
26 earth modifications shall be professionally designed to prevent maintenance problems or adverse
27 impacts on shoreline features.))

28 K. Durable, non-toxic components are the first priority for in-water and over-water
29 structures and shall be used unless it is unreasonable. Treated wood and other material shall be
30 the least toxic according to industry standards. Wooden components that will be in contact with
31 standing water or floodwaters shall not contain polycyclic aromatic hydrocarbons,
32 pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic substances.
33 Treated wood used shall be applied and used in accordance with the American Wood Preserver
34 Association (AWPA) standards for aquatic use.

35 ((L. All shoreline development shall be located, constructed and operated so as not to be
36 a hazard to public health and safety.))

37 L. Creosote piles.

38 1. Creosote treated piles may be repaired if;

39 a. the piling is under a structure that is not being replaced; or

40 b. fewer than 50% of the existing piles are in need of repair under a
41 structure that is being replaced.

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

44 3. Creosote treated piles in need of repair must be replaced if under a structure that
45 is being replaced and 50% or more of the number of piles are proposed to be repaired, if
46 reasonable.

1 ~~((M. All development activities shall be located and designed to minimize or prevent the~~
2 ~~need for shoreline defense and stabilization measures and flood protection works such as~~
3 ~~bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site~~
4 ~~regrades.))~~

5 M. Replaced covered moorage and new and replaced boat sheds shall be designed to
6 provide the maximum ambient light to reach the water. Designs shall:

7 1. Minimize sides of the structures; and

8 2. Provide light transmitting roofing and side material to the maximum extent
9 feasible.

10 ~~((N. All debris, overburden and other waste materials from construction shall be disposed~~
11 ~~of in such a way as to prevent their entry by erosion from drainage, high water or other means~~
12 ~~into any water body.))~~

13 N. Light transmitting features are required to be installed for all new and replaced piers
14 and floats, over-water boat repair facilities and similar structures to the maximum extent feasible.
15 When determining feasibility of light transmitting features for nonresidential pier and floats see
16 subsection 23.60.187.D.6.

17 ~~((O. Navigation channels shall be kept free of hazardous or obstructing development or~~
18 ~~uses.))~~

19 O. Tires are prohibited as part of above or below water structures or where tires could
20 potentially come in contact with the water (e.g., floatation, fenders, hinges). During maintenance
21 of structures using tires, existing tires shall be removed or replaced with nontoxic material.

22 ~~((P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union~~
23 ~~where piers shall not extend beyond the Construction Limit Line as shown in the Official Land~~
24 ~~Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department~~
25 ~~of Natural Resources and the U.S. Army Corps of Engineers.))~~

26 P. All foam material, whether used for floatation or for any other purpose, shall be
27 encapsulated within a shell that prevents breakup or loss of the foam material into the water and
28 that is not readily subject to damage by ultraviolet radiation or abrasion. During maintenance of
29 structures using foam, existing un-encapsulated foam material shall be removed or replaced with
30 material meeting the standards of this subsection 23.60.152.P.

31 Q. Artificial night lighting shall first avoid and then minimize night light impacts on the
32 aquatic environment by focusing the light on the pier surface, using shades that minimize
33 illumination of the surrounding environment and using lights that minimize penetration into the
34 water to the maximum extent feasible when considering the activities that occur at the site at
35 night.

36 ~~((R. Within all Shoreline Districts, submerged lands shall not be counted in calculating~~
37 ~~lot area for purposes of minimum lot area requirements of Single family zones or density~~
38 ~~standards of other zones.))~~

39 R. The release of oil, chemicals, solid waste, untreated effluents, or other hazardous
40 materials onto or into the water is prohibited. Best management practices shall be employed for
41 the safe handling of these materials to prevent them from entering the water. Equipment for the
42 transportation, storage, handling or application of such materials shall be maintained in a safe
43 and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall
44 be suspended until the cause has been completely corrected. Best management practices shall be
45 employed for prompt and effective clean-up of any spills that occur. A spill prevention and
46 response plan to meet the above requirements may be required by the Director prior to issuance

1 of a permit unless the Director has determined that it is reasonable to provide the plan prior to
2 commencement of construction.

3 S. Facilities, equipment and established procedures for the containment, recovery and
4 mitigation of spilled petroleum products shall be provided at recreational marinas, commercial
5 marina, vessel repair facilities, marine service stations and any use regularly servicing vessels
6 with petroleum product capacities of 10,500 gallons or more. A third party may provide the
7 containment and clean-up of spills if a containment boom is available on site and personnel are
8 trained to deploy the boom to contain a spill from the largest vessel moored at the site.

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

17 U. Construction staging areas shall be as far from the OHW mark as reasonable. For
18 projects involving concrete, a concrete truck chute cleanout area shall be established to contain
19 wet concrete. All inlets and catch basins shall be protected from fresh concrete, paving, paint
20 stripping and other high-risk pollution generating activities during construction.

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

24 W. Navigation channels shall be kept free of hazardous or obstructing development or
25 uses.

26 X. On waterfront lots uses that are not water-dependent shall be designed and located on
27 the shoreline to encourage efficient use of the shoreline and to allow for water-dependent uses.
28 Design considerations may include additional setbacks from all or a portion of the water's edge,
joint use of piers and wharves with water-related or water-dependent uses, development of the
lot with a mixture of water-related and water-dependent uses, or other means of ensuring
continued efficient use of the shoreline by water-dependent uses.

Y. All open areas used for boat storage are required to be screened with natural existing
vegetated buffers or planted landscaped areas except for lots with less than 35-ft of dry land and
areas within the UG, UI and UM shoreline environments. Screening shall include a 5 foot wide
landscaping strip with native evergreen plantings at least 3 feet tall. The screening shall be
located outside any required sight triangle. The requirement for screening may be waived or
modified by the Director to address traffic safety.

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

23.60.154 Standards for archaeological and historic resources

A. Developments, shoreline modifications and uses on sites 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, shall reasonably avoid
disruption of the historic or archeological resource.

1 B. Applications that include excavation in areas documented by the Washington State
2 Department of Archaeology and Historic Preservation to contain archaeological resources shall
3 include a site inspection and a written report prepared by a qualified professional archaeologist,
4 approved by the City, prior to the issuance of a permit. In addition, the archaeologist shall
5 provide copies of the draft report to affected tribes and the Washington State Department of
6 Archaeology and Historic Preservation. After consultation with these tribes and agencies, the
7 archaeologist shall provide a final report that includes any recommendations from affected tribes
8 and the Washington State Department of Archaeology and Historic Preservation on avoidance or
9 mitigation of the proposed project's impacts. The Director shall condition project approval((-))
10 based on the final report from the archaeologist((-)) to avoid, minimize and mitigate impacts to
11 the site consistent with federal and state law.

12 C. If any archaeological resources are uncovered during excavation, work shall be
13 stopped immediately, and the applicant shall notify the City, affected tribes, and the State
14 Department of Archeology and Historic Preservation. The applicant shall submit a site inspection
15 and evaluation report by a qualified professional archaeologist, approved by the City, that
16 identifies all possible valuable archaeological data and makes recommendations on how to
17 handle the data properly. When the report is prepared, the applicant shall notify affected tribes
18 and the State Department of Archaeology and Historic Preservation and provide them with
19 copies of the report.((-Failure to comply with this requirement is a violation of this Chapter
20 23.60.))

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

24 E. In the event that unforeseen factors constituting an emergency as defined in RCW
25 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data, the project may be
26 exempted from the requirement to obtain a Shoreline Substantial Development Permit. The City
27 shall notify Ecology, the State Attorney General's Office, affected tribes and the State
28 Department of Archaeology and Historic Preservation of the exemption in a timely manner.

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

23.60.156 Standards for environmentally critical areas in the Shoreline District

29 A. All development, shoreline modification and uses shall protect environmentally
30 critical areas located in the Shoreline District by complying with the standards and procedures in
31 this Section 23.60.156, in addition to the provisions of this Chapter 23.60.

32 B. Applicable regulations. Chapter 25.09, as set out in Ordinance 122050, and amended
33 by Ordinances 122370, 122738, the 2012 ordinance XX and this ordinance is incorporated by
34 reference into this Chapter 23.60. The designations, standards and procedures in Chapter 25.09
35 are modified as set out in subsections 23.60.156.E through N for environmentally critical areas in
36 the Shoreline District. If there are any conflicts between the standards and procedures in Chapter
37 25.09 incorporated into this Chapter and other provisions of the Shoreline Master Program, the
38 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. Critical areas are designated as set out in Section 25.09.020, as amended by this
Ordinance Section XX, and are located as set out in Section 25.09.030.

1 D. Mitigation Sequencing. Mitigation sequencing is required if a provision of Chapter
2 25.09 as incorporated by reference and modified in this Section 23.60.156 specifically requires
3 mitigation or if additional mitigation is required to meet no net loss of ecological function
4 pursuant to Section 23.60.152.A.

5 E. Exemptions.

6 1. An application that is exempt from the requirement of applying for a Shoreline
7 Substantial Development Permit under Section 23.60.020 is not exempt from the standards and
8 requirements set out in Chapter 25.09 as incorporated into this Chapter 23.60, unless the
9 application is also exempt from Chapter 25.09 to the extent allowed under Section 25.09.045.
10 An application that is exempt from the standards and requirements in Chapter 25.09 under
11 Section 25.09.045 is not exempt from the requirement for a Shoreline Substantial Development
12 Permit, unless the application is also exempt from applying for that permit under the standards of
13 Section 23.60.020.

14 2. Any development, shoreline modification or use that is exempt under Section
15 25.09.045 from other standards and requirements set out in Chapter 25.09 shall mitigate adverse
16 impacts pursuant to subsection 23.60.152A and Section 23.60.158, in addition to complying with
17 the standards of Section 25.09.045.

18 F. Small project waivers.

19 1. The small project waiver provisions in Section 25.09.055 do not apply in the
20 shoreline setback area.

21 2. Small project waivers for areas outside the shoreline setback area shall mitigate
22 adverse impacts pursuant to subsection 23.60.152A and Section 23.60.158, in addition to
23 complying with the standards of Section 25.09.055.

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

26 H. Development standards in wetlands.

27 1. Research uses are allowed in all wetlands and their buffers pursuant to
28 23.60.210.

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

3. If the Director grants a Shoreline Variance to standards for wetlands in
Section 25.09.160, other than a Shoreline Variance for a Category IV buffer reduction, the
avoidance and mitigation standards set out in subsection 25.09.160.E apply in lieu of the
mitigation sequencing set out in Section 23.60.158.

I. Development Standards for steep slope areas.

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

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

3. Applications for steep slope area variances under subsection 25.09.180.E for
developments in the Shoreline District not on waterfront lots with a feeder bluff shall use the

1 Shoreline Variance standards and process in addition to complying with the standards in
2 subsection 25.09.180.E. If the Director authorizes a variance under these standards, relief shall
3 be in the sequence set out in subsection 25.09.180.E.2.

4 J. Development standards for riparian corridors. If access is allowed within the Shoreline
5 District over a watercourse in a riparian corridor under subsection 25.09.200.A.2.a, the Director
6 shall require mitigation of impacts to ecological function, including the associated hyporheic
7 zone, pursuant to Section 23.60.158.

8 K. Subdivisions and short subdivisions

9 1. The standards for short subdivisions and subdivisions in Section 25.09.240
10 incorporated by reference into this Chapter 23.60 apply to short subdivisions and subdivisions in
11 the Shoreline District, except as provided in subsections 23.60.156.K.2 and 3.

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

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

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

24 3. Subsection 25.09.240.E does not apply. In computing the number of lots a
25 parcel in a single family zone may contain, the Director shall exclude easements and/or fee
26 simple property used for shared vehicular access to proposed lots that are required under Section
27 23.53.005.

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

M. Environmentally critical area exceptions.

1. In lieu of the environmentally critical area exception process in Section
25.09.300, the applicant shall apply for a Shoreline Variance. In addition to the standards for a
Shoreline Variance the applicant shall comply with the requirements and standards in
subsections 25.09.300.A, B, and C.

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

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

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

O. Enforcement. The enforcement procedures provided in Chapter 23.90 shall be
applied, rather than the provisions of Sections 25.09.420 through 25.09.450 and Sections
25.09.470 through 25.09.480, to enforce the regulations in this section and Chapter 25.09 as

1 incorporated by reference for environmentally critical areas in the Shoreline District. The
2 amount of the civil penalty is as set out in Section 25.09.460.

3 P. Definitions. The definitions in Section 25.09.520 shall be used in applying the
4 regulations incorporated by reference into this Section 23.60.156.

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

6 **23.60.157 Essential Public Facilities.**

7 Essential public facilities defined in Section 23.84.A.010 and located in the Shoreline District
8 shall comply with development standards in this chapter for each development, shoreline
9 modification, use, accessory use and temporary use comprising an essential public facility
10 consistent with the provisions of Chapter 23.80.

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

13 **Section 23.60.158 Standards for mitigation sequencing**

14 A. Regulations set out in this Chapter 23.60 are minimum requirements that shall be
15 supplemented by mitigation sequencing in this Section 23.60.158 when needed to achieve no net
16 loss of ecological functions. Mitigation under this Section is not intended to duplicate mitigation
17 for the same ecological function that is required under other City regulations or under state and
18 federal permits: coordination among local, state and federal regulatory agencies, as applicable,
19 shall occur when determining required mitigation for Shoreline Substantial Development
20 Permits.

21 B. 1. The mitigation sequence below shall be undertaken in the following priority:

22 a. Step A. Avoiding the impact altogether by not taking a certain action or parts of
23 an action;

24 b. Step B. Minimizing impacts by limiting the degree or magnitude of the action
25 and its implementation by using appropriate technology or by taking affirmative
26 steps to avoid or reduce impacts;

27 c. Step C. Rectifying the impact by repairing, rehabilitating, or restoring the
28 affected environment;

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

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

f. Step F. Monitoring the impact and the compensation projects and taking
appropriate corrective measures.

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

C. Each development, shoreline modification or use comprising the mitigation proposed
to meet the requirements of subsections 23.60.158.B.1.b through f (Steps B through F), shall
comply with the standards for the shoreline environment where the mitigation action will occur
and with all regulations applicable.

D. Mitigation and Monitoring Plan

1. As part of any application for approval of development, shoreline
modification or use that requires mitigation under subsections 23.60.158.B.1.b through f (Steps
B through F), the applicant shall submit a mitigation and monitoring plan that meets the

standards set out in this subsection 23.60.158.D unless the applicant demonstrates based on competent scientific evidence that NNL of ecological function will occur as the result of the development, shoreline modification or use, its construction, or its management.

2. The required level of detail in the mitigation and monitoring plans and the length of time required for monitoring shall be determined by the Director after considering the location, size and type of the proposed shoreline development, modification and/or use and the type of mitigation proposed.

3. The mitigation and monitoring plan shall include the following information:

a. An inventory of the existing ecological functions where the impact will occur;

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

c. Management recommendations received from federal, state, or local agencies that have been developed for the protection of ecological function including protection of avian, terrestrial, wetlands or aquatic species and habitat on the site and their applicability to the proposal;

d. Proposed management practices that will protect ecological function both during construction and during the management of the site;

e. Measures to avoid and minimize impacts to preserve ecological functions and existing habitats;

f. Proposed measures that will compensate for the impacts of the project remaining after applying avoidance and minimization measures, to ensure no net loss of shoreline ecological functions;

g. Vegetation species, planting and soil specifications and a minimum of 5 years of monitoring for plans that include vegetation planting;

h. Identify success criteria and the evaluation of mitigation effectiveness to ensure no net loss of ecological functions;

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

j. Performance bonds not to exceed a term of five years may be required to ensure compliance with the conditions except for public agencies; and

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

4. If off-site mitigation is proposed by the applicant, the applicant shall provide proof of the off-site owner's consent and any restrictions, conditions, or easements that are tied to the parcel through off-site mitigation shall be set out in both the permit and in a covenant and recorded..

5. Where practicable, replacement mitigation shall be required to be completed prior to impact and, at a minimum, prior to occupancy.

E. Bonds. Except for projects undertaken by public entities, the applicant shall provide performance and maintenance bonds, as applicable or other security to City to assure that work is completed, monitored, and maintained.

F. The monitoring plan approved by the Director shall be part of the permit or approval issued by the City.

1 G. If SEPA or mitigation requirements of this Chapter 23.60 requires providing habitat
2 units the provisions of Section 23.60.027 and 23.60.028 apply.

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

5 **23.60.160 Standards for priority habitat protection**

6 A. Priority freshwater habitat.

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

8 a. Sockeye salmon spawning habitat.

9 b. Creek mouths and areas below OHW within 100 feet of creek mouths in

10 Lake Washington.

11 c. Hyporheic zones as determined by the Director.

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

14 a. Location and boundaries of all freshwater habitat on the lot and on
15 adjacent lands within 35 feet of the lot lines, noting both total square footage and percentage of
16 lot;

17 b. Location and boundaries of all existing development on the lot, on
18 adjacent lands within 35 feet of the lot lines, and on the full width of abutting public and private
19 rights-of-way and easements. This shall include the amount of developmental coverage;

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

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

27 3. No new structures, including but not limited to new piers, piles, bulkheads,
28 bridges, fill, floats, jetties, and utility crossings shall be located within priority freshwater
habitat, unless the structure is allowed in the applicable shoreline environment, all development
standards are met, and the applicant demonstrates that no reasonable alternative alignment or
location exists.

20 B. Priority saltwater habitat.

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

22 a. Kelp beds;

23 b. Eelgrass beds;

24 c. Spawning and holding areas for forage fish, such as herring, smelt and
25 sandlance;

26 d. Subsistence, commercial and recreational shellfish beds;

27 e. Mudflats;

28 f. Intertidal habitats with vascular plants;

g. Areas with which WDFW priority species have a primary association;
and

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

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

1 a. Location and boundaries of all saltwater habitat on the lot and on
2 adjacent lands within 35 feet of the lot lines, noting both total square footage and percentage of
3 the lot;

4 b. Location and boundaries of all existing development on the lot, on
5 adjacent lands within 35 feet of the lot lines, and on the full width of abutting public and private
6 rights-of-way and easements. This shall include the amounts of developmental coverage;

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

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

14 3. No structure, including but not limited to bulkheads, bridges, fill, floats, jetties,
15 piles, utility crossings, and piers, except for piers that are regulated under subsection
16 23.60.160.B.4, shall intrude into or over priority saltwater habitats unless the structure is allowed
17 in the applicable shoreline environment, all development standards are met, and the applicant
18 demonstrates that all of the conditions below are met:

19 a. The public's need for such an action or structure is clearly demonstrated
20 and the proposal is consistent with protection of the public trust, as embodied in RCW
21 90.58.020;

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

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

27 4. Private, noncommercial piers for single family residential or community use
28 may be authorized if the structure is allowed in the shoreline environment, all development
29 standards are met, and the applicant demonstrates that it is not feasible to avoid adverse impacts
30 to priority saltwater habitats by an alternative alignment or location.

31 5. Exceptions for priority salt water habitat. If the shoreline habitat is classified as
32 priority salt water habitat because the habitat is used by anadromous fish for migration:

33 a. The provisions of this Section 23.60.160 are waived for water-
34 dependent development, shoreline modifications and use; and

35 b. The proposed project shall comply with all other provisions of this
36 Chapter 23.60, including the requirement for no net loss of ecological function.

37 Section 23.60.162 the Seattle Municipal Code, enacted by Ordinance 113466, is
38 recodified as Section 23.60.170, and Section 23.60.156 of the Seattle Municipal Code, last
39 amended by Ordinance 118793, is recodified as Section 23.60.162 and amended as follows:
40 **((23.60.156))23.60.162 Standards for parking and loading zone requirements ((View**
41 **corridors.))**

42 **A. Required parking spaces and loading berths shall be provided for uses in the**
43 **Shoreline District as specified in Chapter 23.54, except that the requirements may be waived or**
44 **modified at the discretion of the Director((4)) if:**

1 1. ((a))Alternative means of transportation will meet the parking demand of the
2 proposed project((development)) in lieu of such off-street parking and loading requirements;((;))
or

3 ((f))2.((f-p))Parking to serve the proposed uses is available within 800 feet of
4 the proposed project((development)) and ((if))pedestrian facilities are provided. ((Waivers shall
5 not be granted if they encourage the use of scarce, on-street parking in the neighborhood
6 surrounding the development.))

7 B. New off-street parking and parking((areas or)) structures((of more than five (5)
8 spaces)) shall be located out of the shoreline setback and at least ((fifty-)50((;)) feet from the
9 ((water's edge))OHW mark. ((The Director may modify this requirement for lots with
10 insufficient space between the ordinary high water mark and the lot line furthest upland from the
11 water's edge)) On lots that have a lot depth of less than 75 feet of dry-land, parking required
12 pursuant to Section 23.54. ((In such cases the parking))shall be outside shoreline setbacks and
13 shall be located as far upland from the ((water's edge as feasible))OHW mark as reasonable.

14 C. ((If the number of parking spaces for a proposed substantial development which is
15 required by Chapter 23.54 or which is proposed by the applicant will adversely affect the quality
16 of the shoreline environment, the Director shall direct that the plans for the development be
17 modified to eliminate or ameliorate the adverse effect.))

18 1. New over water parking is prohibited.

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

21 3. Existing over water parking areas may be relocated over water if:

22 a. The relocation results in a 20% reduction in parking area;

23 b. Located in the Urban Industrial or Urban Maritime shoreline
24 environment and there is no dry land; or

25 c. The relocation results in greater protection of ecological functions.

26 4. Loading zones may be located over water on existing structures and within the
27 shoreline setback if the applicant demonstrates that:

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

30 b. No reasonable alternative location exists; and

31 c. There is no increase in overwater coverage.

32 D. Accessory parking is prohibited over water and on dry land unless it is accessory to a
33 use allowed, allowed as a special use or allowed as a shoreline conditional use in the shoreline
34 environment in which the parking is located and complies with subsection 23.60.090.D.

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

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

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

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

7 ~~((23.60.160))~~ **23.60.164 Standards for regulated public access**~~((~~τ~~))~~

8 A. Private property

9 1. Regulated public access meeting the following criteria shall be provided and
10 maintained on privately owned waterfront properties as set forth in each shoreline environment
11 and also, if the use of the property is a marina, as set forth in Section 23.60.200. If there is a
12 conflict the standards in Section 23.60.200 control.

13 2. Existing development meeting the public access standards of this Chapter
14 23.60 at the time of original permitting are not required to provide additional public access
15 unless the development changes to a development with different public access standards.

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

19 C. Minimum Standards

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

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

32 3. Maintenance of the regulated public access ~~((shall be))~~is the responsibility of
33 the owner or developer.

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

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

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

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

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

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

3 3. Regulated ~~((P))~~public access shall be located to avoid interference with the use
4 of the site by water-dependent ~~((businesses))~~uses located on the site and minimize interference
5 with the water-dependent uses on adjacent sites.

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

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

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

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

14 ~~((E))~~E. Regulated public access may be limited as to ~~((hours of availability and))~~types of
15 activities ~~((permitted))~~allowed. ~~((However, twenty four (24) hour availability is preferable~~
16 ~~))~~Twenty four hour availability shall be provided, unless the Director determines that limited
17 hours of access availability are necessary based on location and projected use of the site, and the
18 access ~~((must be))~~is available to the public on a regularly scheduled basis.

19 ~~((D))~~F. Regulated public access shall be open to the public no later than the time of the
20 Director's final inspection of the proposed development ~~((which))~~that requires public access.

21 ~~((E))~~G. Regulated public access and any related parking shall be indicated by permanent
22 signs provided by the applicant that are of standard design and materials prescribed by the
23 Director. The signs shall be located for maximum public visibility and be clearly visible and
24 legible from the right-of-way.

25 ~~((F))~~H. All regulated public access points shall be provided through an easement,
26 covenant or similar legal agreement recorded with the King County Department of Records and
27 Elections.

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

1. A shoreline development that requires more than ~~((+))~~Shoreline
~~((s))~~Substantial ~~((d))~~Development ~~((p))~~Permit need not provide separate regulated public access
for each permit, but regulated public access shall be provided in the context of the entire
development.

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

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

4. A minimum of one ~~((+))~~regulated public access site shall be provided for
each ~~((three thousand five hundred ()))~~3,500~~(())~~linear~~((f))~~ feet of shoreline unless public access

standards are met elsewhere as part of an approved public access plan (~~approved by the Council~~) or public access is not required for the development.

~~(H)~~ J. General Exceptions.

1. The requirement for one (~~(1)~~) regulated public access site for each (~~major~~) terminal or facility (~~shall~~) may be waived if the terminal or facility is included in an approved public access plan and the applicant complies with the plan.

2. In lieu of development of required public access on the lot, an applicant may choose to meet the requirement for regulated public access through payment-in-lieu or by development of public property equivalent to the regulated public access otherwise required (~~when~~) if the applicant's lot is located in an area included in an approved regulated public access plan (~~approved by the Council~~). To be (~~permitted~~) allowed, payment in lieu or development off-site must be (~~permitted~~) allowed by the approved public access plan.

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

~~(b)~~ a. The site (~~is not located in an area covered by a public access plan approved by the Council,~~) does not qualify for payment-in-lieu or public access development off-site under subsection 23.60.164.J and one (~~(1)~~) of the following conditions exists:

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

~~(a)~~ b. The cost of providing regulated public access is unreasonably disproportionate to the total cost of the proposed development, considering the scope of the proposed development and general public's interest in the opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, in which case the Director may adjust the required public access so that the cost is reasonably proportionate.

~~(The exceptions in subsection b above apply if the Director has reviewed all reasonable alternatives for public access. The alternatives shall include the provision of access which is physically separated from the potential hazard or interference through barriers such as fencing and landscaping and provision of access at a site geographically separated from the development site but under the control of the applicant).~~

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

K. Public Access Plan

1. The Director may approve a public access plan if it:

- a. Meets the requirements of WAC 173-26-221(4); and
- b. Is developed through an open public process as provided in WAC 173-26-201(3)(b)(i).

1 2. The Director shall use the interpretation process in subsection 23.88.020.A for
2 plans prepared by other public entities through a process that complies with subsection
3 23.60.164.K.1.b. For all other plans the Director shall use the process and procedures
4 prescribed for Type II land use decisions in Chapter 23.76.

5 Subsection 23.60.152.Q of the Seattle Municipal Code, last amended by Ordinance
6 116325, is recodified as a new Section 23.60.166 and amended as follows:

7 **23.60.166 Standards for developments in public rights-of-way**

8 ~~((Q))~~A. Development, shoreline modifications and uses on submerged~~((Submerged))~~
9 public rights-of-way ~~((shall be subject to the following standards))~~are subject to the standards in
10 subsection 23.60.166.B, except for floating homes, which are required to comply with Section
11 23.60.202:

12 B. 1. All in and over water structures shall be floating or buried except as
13 allowed~~((permitted))~~ in subsection 23.60.166.B.2~~((Q2 below))~~;

14 2. Floating structures may be secured by piling and dolphins ~~((Piling and dolphins~~
15 may be permitted to secure floating structures only--)) if the structures cannot be secured safely
16 with anchors or with pilings or dolphins located outside of the right-of-way;

17 3. The maximum height of structures ~~((shall be fifteen--))~~is 15 feet~~((15'))~~;

18 4. Structures shall not occupy more than ~~((thirty five--))~~35~~((35))~~ percent of the
19 right-of-way and shall not occupy more than ~~((forty--))~~40~~((40))~~ percent of the width of the right-
20 of-way;

21 5. A view corridor or corridors of not less than ~~((fifty--))~~50~~((50))~~ percent of the
22 width of the right-of-way shall be provided and maintained; and

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

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

27 A new Section 23.60.167 of the Seattle Municipal Code is added as follows:

28 **23.60.167 Standards for shoreline setbacks**

A. The shoreline setback for each shoreline environment is the setback established in the
standards for that environment.

B. In the CP Environment no development, use, or shoreline modification is allowed
within the shoreline setback except as allowed in Section 23.60.258.

C. In all shoreline environments except the CP Environment, no development, use, or
shoreline modification is allowed within the shoreline setback except as follows:

1. The development, shoreline modifications and uses allowed in the shoreline
setback standards for each environment.

2. The minimum necessary for constructing and operating the following
development, uses, and shoreline modifications if allowed, allowed as a special use or allowed as
a conditional use in the applicable shoreline environment and the minimum necessary access to
them:

a. Uses allowed, allowed as a special use or allowed as a conditional use
overwater in the applicable shoreline environment;

b. Shoreline modifications;

1 c. Water-dependent uses to the extent they functionally need to be in the
2 setback;

3 d. Over-water components of a water-dependent or water-related use;

4 e. Bridges and tunnels;

5 f. Streets;

6 g. Utility lines necessary to serve development and uses allowed in the
7 setback or over water;

8 h. Research, aquatic, scientific, historic, cultural and educational uses
9 pursuant to Section 23.60.210;

10 i. Features that better accommodate nearshore habitat improvements, such
11 as increasing daylighting; and

12 j. Nonconforming uses approved by the Director pursuant to subsection
13 23.60.124.

14 3. Constructing and operating the following shoreline parks and open space
15 development, uses, and shoreline modifications if allowed, allowed as a special use or allowed as
16 a conditional use in the applicable shoreline environment:

17 a. Swimming beaches and the minimum necessary access to them;

18 b. The minimum necessary for fishing piers, hand carried boat launches,
19 motorized boat launch areas and the minimum necessary access to them;

20 c. The minimum necessary access underwater diving areas; and

21 d. The minimum necessary for non-motorized boat landing areas.

22 4. More than 15 feet landward of the OHW mark, the minimum necessary for:

23 a. Viewpoints accessory to a parks and open space use allowed, allowed as
24 a special use or allowed as a shoreline conditional use in the applicable shoreline environment
25 and spur trails to access the viewpoints;

26 b. Viewpoints for required public access in all Urban shoreline
27 environments and in the CW Environment and spur trails to access viewpoints.

28 5. More than 20 feet landward of the OHW mark, the minimum necessary for the
29 following shoreline parks and open space uses in all Urban shoreline environments and in the
30 CM Environment: natural athletic fields with no lighting, bath houses, concession stands,
31 pavilions, seating, bicycle and pedestrian paths and the minimum necessary access to these uses.

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

35 1. Minimize the reduction of vegetation height, volume, density or coverage;

36 2. Minimize adverse impacts to habitat;

37 3. Minimize disturbance to natural topography;

38 4. Minimize addition of impervious surface;

39 5. Prevent the need for shoreline stabilization by increasing the setback of
40 proposed development; and

41 6. When native vegetation is proposed to meet the requirements of
42 23.60.158.B.1.e (Step E), prioritize planting this vegetation as close to OHW as possible.

43 E. Vegetation management and restoration and enhancement projects within shoreline
44 setbacks are regulated pursuant to Section 23.60.190 and the applicable shoreline environment.

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

1 **23.60.168 Standards for lot boundary adjustments, short subdivisions and subdivisions**

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

5 B. Lots shall be divided and lot boundaries shall be adjusted so that each lot contains an
6 area for a principal structure, necessary accessory structures, and necessary walkways and for
7 access to that area that is

8 1. Outside the required shoreline setback for the applicable shoreline
9 environment; and

10 2. Outside priority habitat as provided in 23.60.160 and for subdivisions and
11 short plats complies with subsection 23.60.156.K.

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

17 D. Lots shall be configured to protect ecological functions, including priority habitat as
18 provided in 23.60.160 and environmentally critical areas as provided in Section 23.60.156, by:

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

21 2. Establishing non-disturbance areas on individual lots as follows:

22 a. Non-disturbance areas shall be recorded on the plat for short
23 subdivisions and subdivisions and for lot boundary adjustments shall be legibly shown and
24 described on the site plan; and

25 b. A covenant (~~(shall be required)~~) as (~~(set out)~~) described in Section
26 25.09.335 is required.

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

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

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

36 ~~((23.60.162))~~ **23.60.170 Standards for (V) view corridors(=)**

37 A. View corridors shall be provided and maintained on properties pursuant to the
38 standards in each shoreline environment and this section. If a standard in the ((a-)shoreline
39 environment is inconsistent with a standard in this Section 23.60.170, the standard in the
40 shoreline environment applies. (~~(shall be provided for uses and developments in the Shoreline~~
41 District as required in the development standards of the environment in which the use or
42 development is located.))

43 B. Minimum standards for view corridors are as follows, unless otherwise provided in the
44 shoreline environment where the view corridor is located: (~~(When a view corridor is required the~~
45 following provisions shall apply:))

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

3 ~~((4))~~2. A view corridor or corridors meeting the minimum size requirement of
4 ~~((not less than the percentage of the width of the lot indicated in the development pursuant to the~~
5 ~~standards for))~~the applicable shoreline environment shall be provided and maintained.
6 Applicants may meet their total percentage by providing multiple view corridors on a lot if each
7 view corridor has a minimum width of 10 feet, except in the UH environment where the
8 maximum number of view corridors is two, and each view corridor has a minimum width of 20
9 feet.

10 ~~((2))~~3. Structures, including but not limited to buildings, fences, and covered
11 walkways, ~~((may)) shall not be located in view corridors ~~((if))unless the slope of the lot permits~~~~
12 a full, unobstructed view of the water over the structures or unless allowed to be in the view
13 corridor under the view corridor standards for the shoreline environment where it is proposed.
14 Eaves and open railings may be located in view corridors.

15 ~~((3))~~4. ~~((Unless provided otherwise in this chapter, p))~~Parking for motor vehicles
16 is not allowed~~((shall not be located))~~ in view corridors, except ~~((when))if allowed to be in the~~
17 view corridor under the view corridor standards for the applicable shoreline environment, or if
18 the applicant demonstrates that:

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

21 b. The area of the lot where the parking would be located is ~~((four (4)))~~ 4
22 ~~((+))~~ or more feet below street level.

23 5. If the use is allowed, allowed as a special use or allowed as a shoreline
24 conditional use in the applicable shoreline environment, the following may be located in a
25 required view corridor:

26 a. Open wet moorage;
27 b. Storage of boats undergoing repair; and
28 c. Outdoor storage of items accessory to water-dependent or water-related
uses.

~~((4))~~6. Removal of existing landscaping ~~((shall))is not ~~((be))required. New~~
landscaping complying with the standards of Section 23.60.190 is allowed in a view corridor.~~

C. Waiver or Modifications.

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

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

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

c. ~~((The shape of the lot or topography is unusual or irregular.))~~The
view corridor requirement would prohibit use of the lot for water-dependent shoreline uses or
physical public access.

~~((D))~~ 2. In ~~((making the determination))~~ determining whether to waive or modify
the requirement, the Director shall consider the following factors:

a. The direction of predominant views of the water;

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

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

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

3 ((5))e. Extreme irregularity in the shape of the lot or the shoreline
topography ((which))that precludes effective application of the requirements; and

4 ((6))f. The purpose of the shoreline environment in which the
5 development is located, to determine whether the primary objective of the environment is water-
dependent uses or public access views.

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

7 When more than one lot comprises a development site the Director may allow the view corridor
8 requirements to be consolidated on one or more lots.

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

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

11 **23.60.172 Applicable standards for shoreline modifications**

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

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

14 C. All shoreline modifications are prohibited except as allowed, allowed as a special use
or allowed as a shoreline conditional use in this Section 23.60.172 and Table A for Section
15 23.60.172. If Table A 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
16 use or allowed as a shoreline conditional use in the shoreline environment for which the
shoreline modification is proposed.

Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
1	Aquatic noxious weed control	P	P	P	P	P	P	P	P	P	P	P
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
5b	Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels and basins is allowed if the applicant demonstrates dredging is necessary for assuring safe and efficient accommodation of existing navigational uses;	CU	SU	X	X	SU	SU	CU	SU	SU	SU	X
5c	Maintenance dredging of established navigation channels 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

Table A for Section 23.60.172 Applicable standards for shoreline modifications

Shoreline Environments												
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
5d	For ecological restoration and enhancement or ecological mitigation;	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
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
5h	Necessary to install bridges or	CU	CU	X Except as allowed pursuant to Section 23.60.209	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.											

Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
7a	necessary for the expansion or alteration of transportation facilities of statewide significance currently located on the shoreline; or	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; or	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
7c	necessary to install authorized shoreline stabilization or public access at the Central Waterfront, and if the overall impacts of the project results in a net gain of ecological functions at or near where the fill is proposed; or	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; or	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; or	X	CU	X	X	X	X	X	X	X	X	X
7f	necessary to install bridges; or	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
7g	For ecological mitigation, restoration and enhancement, or beach nourishment project if the fill will not permanently and negatively impact native aquatic vegetation; or	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

Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
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
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 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 in the CR, UC, UG and UR shoreline environments.	P	CU	SU	P	P	P	P	P	P	P	P
10b	as a parks and open space use if there is no net gain in overwater coverage compared to existing conditions. Grating does not count for the 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

Table A for Section 23.60.172 Applicable standards for shoreline modifications

		Shoreline Environments										
		CM	CN	CP	CR	CW	UC	UG	UH	UI	UM	UR
Shoreline Modifications												
11b	Hard shoreline stabilization that meets the additional criteria in Section 23.60.188	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
13	Mooring buoys if accessory to a water-dependent use. When a number is listed in parenthesis this number is the maximum number allowed.	SU	X	SU (1)	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 23.60.190	P	P	P	P	P	P	P	P	P	P	P
15b	Impervious surface management is allowed as provided in Section 23.60.190 in conjunction with Section 23.60.158.	P	P	P	P	P	P	P	P	P	P	P

P = Allowed by permit
 CU = Shoreline Conditional Use
 SU = Special Use
 X = Prohibited

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

23.60.174 Standards for artificial reefs

A. In shoreline environments where artificial reefs are allowed, allowed as special uses, or allowed as shoreline conditional uses they shall comply with the standards in Section 23.60.172 and in this Section 23.60.174.

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

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

D. Artificial reefs shall not contain toxic materials.

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

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

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

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

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

23.60.175 Standards for boat launch and landing facilities

A. In shoreline environments where boat launch and landing facilities are allowed, allowed as special uses, or allowed as shoreline conditional uses they shall comply with the standards in Section 23.60.172 and in this Section 23.60.175.

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

1. Elevated within the nearshore area to:

a. Minimize the obstruction of currents;

b. Minimize alteration of sediment transport;

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

d. Span substrate suitable for forage fish spawning; or

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

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

~~((23.60.190))~~ **23.60.176 Standards for breakwaters ((and)), jetties, groins and weirs((-))**

1 ~~((A. Breakwaters and jetties may be authorized only for protection of water-dependent~~
2 ~~uses.~~

3 ~~B. Where practical, floating breakwaters shall be used rather than solid landfill~~
4 ~~breakwaters or jetties in order to maintain sand movement and fish habitat.~~

5 ~~C. Solid breakwaters and jetties shall be constructed only where design modifications can~~
6 ~~eliminate potentially detrimental effects on the movement of sand and circulation of water.))~~

7 A. In shoreline environments where breakwaters, jetties, groins and weirs are allowed,
8 allowed as special uses, or allowed as shoreline conditional uses they shall comply with the
9 standards in Section 23.60.172 and in this Section 23.60.176.

10 B. The applicant is required to demonstrate that:

11 1. Any jetty is designed to protect inlet entrances from clogging by excess
12 sediment or to protect a harbor area from storm waves; and

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

17 C. Mitigation Sequencing.

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

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

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

a. Use of floating structures;

b. Use of structures on piles;

c. Use of solid fill structures.

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

23.60.182 ((Dredging Standards.))Standards for dredging

~~((A. Dredging and dredged material disposal shall be designed to include reasonable
mitigating measures to protect aquatic habitats and to minimize adverse impacts such as
turbidity, release of nutrients, heavy metals, sulfides, organic materials or toxic substances,
dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and
disturbance of fish runs and important biological communities.~~

~~B. Dredging shall be timed so that it does not interfere with migrating aquatic life, as
prescribed by state and federal requirements.~~

~~C. Open water disposal of dredged material shall be permitted only at designated disposal
sites.~~

~~D. Stockpiling of dredged material in or under water is prohibited.~~

1 E. Dredging of material that does not meet the Environmental Protection Agency and
2 Department of Ecology criteria for open-water disposal shall be permitted only if:

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

5 2. A dry land or contained submerged disposal site has been approved by the
6 Environmental Protection Agency (EPA) and the Director of the Seattle/King County
7 Department of Public Health, or any successor agency.

8 F. Dredging for the purpose of obtaining fill or construction material, or otherwise
9 mining submerged land is prohibited except where the applicant can show that:

10 1. The existing benthos is sterile or largely degraded and shows no sign of
11 regeneration; and

12 2. The dredging will have only mitigable impact on water quality and aquatic life.

13 G. Incidental dredged material resulting from the installation of a utility line or intake or
14 outfall may remain under water if:

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

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

19 A. In shoreline environments where dredging is allowed, allowed as a special use or
20 allowed as a shoreline conditional use it shall comply with the standards in Section 23.60.172
21 and in this Section 23.60.182. Disposal of dredged material is regulated in Section 23.60.184
22 Standards for fill.

23 B. Dredging for the primary purpose of obtaining fill material is prohibited except if it
24 complies with Section 23.60.172:

25 C. New development shall be sited and designed to avoid or, if that is not feasible, to
26 minimize to the maximum extent feasible the need for new and maintenance dredging.

27 D. Dredging shall be timed to be consistent with the state and federal regulatory agencies
28 standards for state aquatic priority species and aquatic species protected under the Endangered
Species Act.

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

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

G. Dredging shall prevent internal deeper pockets that create unflushed holding basins.

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

I. 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
2. quality, aquatic life or human health in adjacent areas; and

3. The dredged material will be disposed of at a dry-land or contained submerged
4. disposal site that has been approved by the federal Environmental Protection Agency and the
5. Dredge Material Management Program (DMMP), or any successor agency or at a site meeting
6. the standards of subsection 23.60.184.E.

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

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

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

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

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

15 **23.60.184 Standards for ~~((landfill and creation of dry land))~~ fill~~((s))~~**

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

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

21 ~~((A))~~C. Solid waste, refuse, and debris shall not be placed in the ~~((shoreline))~~ water or on
22 shorelands.

23 ~~((B))~~D. ~~((Shoreline f))~~ Fills ~~((or cuts))~~ shall be designed, located, constructed, and
24 managed to ensure stability of slopes created including the provision of vegetation, retaining
25 walls, or other mechanisms for erosion prevention.

26 ~~((and located so that:~~

27 1. ~~No significant damage to ecological values or natural resources shall occur;~~
28 ~~and~~

2. ~~No alteration of local currents nor littoral drift creating a hazard to adjacent~~
~~life, property or natural resources systems shall occur.)~~

~~((C. All perimeters of fills shall be provided with vegetation, retaining walls, or other~~
~~mechanism for erosion prevention.~~

~~D. Fill materials shall be of a quality that will not cause problems of water quality.~~

~~E. Shoreline fills shall not be considered for sanitary landfills or the disposal of solid~~
~~waste except for the disposal of dredged material permitted in subsection I below.~~

~~F. In evaluating fill projects and in designating areas appropriate for fill, such factors as~~
~~total water surface reduction, navigation restriction, impediment to water flow and circulation,~~
~~reduction of water quality and destruction of habitat shall be considered.~~

~~G. Deposit of fill material including dredged material shall not be permitted on lands~~
~~which contain unique, fragile or ecologically valuable resources.~~

~~H. The final location and slope of fill material on submerged lands shall meet the criteria~~
~~of the State Fisheries and Game Hydraulic Code.~~

1 ~~((F))~~ E. Dredged material not meeting the federal Environmental Protection Agency and
2 ~~((state Department of))~~ Ecology criteria for open-water disposal may be used for ~~((land))~~ fill in the
3 ~~((shoreline))~~ water or shorelands if the applicant demonstrates that:

4 ~~((1. The landfill is designed to be used for future water dependent or water related
5 development;))~~

6 ~~((2))~~1. The ~~((land))~~ fill meets the criteria for ~~((land))~~ fill in Section 23.60.172 and
7 this Section 23.60.184.;

8 ~~((3))~~2. Either the area in which the fill material is placed has ~~((similar))~~ the same
9 level~~((s))~~ of the same contaminant or the material is placed in a manner that it will not be a
10 source of contaminants in an area cleaner than the proposed fill material;

11 ~~((4))~~3. The ~~((land))~~ fill can be placed in the water or on the land without long-term
12 adverse impacts to water quality, sediment quality, aquatic life, or human health, provided that if
13 the fill is dredged material, placement of the material also complies with Section 23.60.182; and

14 ~~((5))~~4. If classified by the state or federal government as problem or hazardous
15 waste, any required ~~((EPA))~~ federal Environmental Protection Agency and ~~((state Department~~
16 ~~of))~~ Ecology approval is obtained.

17 ~~((J))~~ E. ~~((Incidental landfill which does not create dry land and is necessary for the
18 installation of a utility line intake or outfall may be placed on submerged land if it will not have
19 long term adverse impacts to water quality, sediment quality, aquatic life or human health.))~~ Fill
20 shall not result in the creation of dry land except where necessary for transportation projects of
21 statewide significance, as part of ecological restoration and enhancement, beach nourishment,
22 mitigation or where necessary to repair pocket erosion as allowed in Section 23.60.184.G.

23 ~~((K))~~ G. ~~((Landfill))~~ Fill ~~((which))~~ that creates dry land ~~((which))~~ that is necessary to repair
24 pocket erosion between adjacent revetments ~~((shall meet the))~~ is required to meet the
25 ~~((following))~~ standards ~~((in addition to those in subsections A through J above:))~~ of this Section
26 23.60.184 and the following standards:

27 1. The repair of the erosion pocket ~~((does not exceed one hundred feet (100') in
28 width as measured between adjacent revetments))~~ is necessary to protect water-dependent or
29 water-related uses;

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

32 ~~((2))~~3. The erosion pocket is in an area characterized by continuous revetments
33 abutting and extending in both directions along the shoreline away from the erosion pocket;

34 ~~((3))~~4. The fill will not appreciably increase interference with a system of beach
35 accretion and erosion; and

36 ~~((4))~~5. The fill does not extend beyond a line subtended between the adjacent
37 revetments.

38 H. Fill incidental to the repair or replacement of existing shoreline stabilization measures
39 pursuant to subsections 23.60.020 and 23.60.188.F including, but not limited to, the replacement
40 of riprap, or the replacement of a bulkhead directly in front on an existing bulkhead, as allowed
41 in Section 23.60.020, does not require approval as fill under this section, provided that the fill is
42 the minimum necessary to accommodate the repair or replacement, the repair or replacement has
43 been approved and pursuant to Section 23.60.158.

44 I. In applying mitigation sequencing pursuant to Section 23.60.158, potential adverse
45 impacts to be addressed include, but are not limited to, total water surface reduction; navigation
46 restriction; impediment to water flow and circulation; reduction of water quality; disturbance of

1 fish runs and other biological communities; and loss or modification of upland or shallow water
2 vegetation functions and habitat and the adverse impacts of riprap migrating off-site and the
3 impacts of the riprap at the off-site locations that are not retrieved as allowed pursuant to
4 23.60.184.H.

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

7 **((23.60.186))23.60.185 Standards for ((natural beach protection))grading, landfill and**
8 **slope stabilization((;))**

9 ~~((A. The design and use of naturally regenerating systems for prevention and control of~~
10 ~~beach erosion is encouraged and preferred over bulkheads and other structures when the length~~
11 ~~and configuration of the beach will accommodate it, and the protection is a reasonable solution to~~
12 ~~the needs of the specific site where it is proposed. Design alternatives shall include the best~~
13 ~~available technology such as, but not limited to:~~

- 14 1. Gravel berms, drift sills, beach nourishment, and beach enhancement when
15 appropriate.
16 2. Planting with short-term mechanical assistance, when appropriate. All plantings
17 provided shall be maintained.

18 **B. Natural beach protection shall not:**

- 19 1. Detrimentially interrupt littoral drift, or redirect waves, current or sediments to
20 other shorelines;
21 2. Result in any exposed groin-like structures;
22 3. Extend waterward more than the minimum amount necessary to achieve the
23 desired stabilization;
24 4. Result in contours sufficiently steep to impede easy pedestrian passage, or trap
25 drifting sediments; or
26 5. Create additional dry land mass.

27 **C. Maintenance of natural beach protection systems shall be the responsibility of the**
28 **owner.))**

A. In shoreline environments where grading, landfill or on land slope stabilization are
allowed, allowed as special uses or allowed as shoreline conditional uses they shall comply with
the standards in Section 23.60.172 and in this Section 23.60.185.

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

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

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

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

F. Slope stabilization on a waterfront lot with the intent to stabilize the shoreline is
shoreline stabilization and is regulated pursuant to Section 23.60.188 and not this Section
23.60.185.

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

3 **23.60.186 Standards for mooring buoys, mooring piles and floating dolphins**

4 A. In shoreline environments where mooring buoys, mooring piles and floating dolphins
5 are allowed, allowed as a special use or allowed as a shoreline conditional use, they shall comply
6 with the standards in Section 23.60.172 and in this Section 23.60.186.

7 B. The design and location of all mooring buoys, mooring piles and floating dolphins
8 shall not interfere with navigational uses;

9 C. All mooring buoys, mooring piles and floating dolphins shall be the minimum
10 necessary for the principal water-dependent use to which it is an accessory use, or the number
11 allowed in Table A of Section 23.60.172.

12 D. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or
13 comparably toxic compounds is prohibited material for mooring buoys, mooring piles and
14 floating dolphins. Non-toxic material shall be used unless unreasonable.

15 Section 23.60.204 of the Seattle Municipal Code, enacted by Ordinance 113466, is
16 recodified as a new Section 23.60.187((;)) and amended as follows:

17 ~~((23.60.204))~~ **23.60.187 Standards for piers and floats ((piers and floats accessory to**
18 **residential development.))and overwater structures**

19 ~~((A. Preference shall be given to shared piers or moorage facilities for residential~~
20 ~~development. Shared facilities may be located adjacent to or on both sides of a property line~~
21 ~~upon agreement of two (2) or more adjacent shoreline property owners. Easements or covenants~~
22 ~~assuring joint use shall be furnished with a joint application.~~

23 ~~B. Size and Location:~~

24 ~~1. Piers may be fixed or floating. Piers shall be located generally parallel to side~~
25 ~~lot lines and perpendicular to the shoreline. If the shoreline or the lot lines are irregular, the~~
26 ~~Director shall decide the orientation of the pier. No pier shall be located within fifteen (15) feet~~
27 ~~of a side lot line unless the pier is shared with the owner of the adjacent lot or unless a pier is~~
28 ~~already in existence on the adjacent lot and located less than five (5) feet from the common side~~
29 ~~lot line, in which case the minimum distance between a pier and the side lot line may be reduced~~
30 ~~to not less than five (5) feet.~~

31 ~~2. An existing pier not meeting the location provisions of this section may be~~
32 ~~extended to the maximum length permitted in subsection B5 below.~~

33 ~~3. Piers shall be permitted only when the lot width is not less than forty five (45)~~
34 ~~feet, except where the pier is shared with the owner of an adjacent lot, in which case the width of~~
35 ~~the combined lots shall be not less than sixty (60) feet. No single family lot shall have more than~~
36 ~~one (1) pier or float structure.~~

37 ~~4. No pier shall exceed six (6) feet in width.~~

38 ~~5. Maximum extension of a pier from the water's edge shall be the greater of the~~
39 ~~following, limited by subsection B6:~~

40 ~~a. A line subtended by the ends of adjacent existing piers, if within two~~
41 ~~hundred (200) yards of the proposed pier; or~~

42 ~~b. A line subtended by the ends of an adjacent existing pier on one (1) side~~
43 ~~within two hundred (200) yards of the proposed new pier, and the first pier beyond an adjacent~~

existing pier on the opposite side and within one hundred (100) yards of the proposed new pier;
or

c. To a point where the depth of the water at the end of the pier reaches eight (8) feet below ordinary high water in fresh water or mean lower low water in tidal waters.

6. No pier shall extend more than one hundred (100) feet and no pier shall extend beyond the Outer Harbor or Pierhead Line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown upon the Official Land Use Map of The City of Seattle or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

7. No pier shall exceed five (5) feet in height above ordinary high water.

C. Piers accessory to single family, duplex or triplex developments may include one overwater projection in the form of a finger or spur pier, angled extension, float or platform per dwelling unit, not to exceed one hundred (100) square feet in area and not to be located closer than five (5) feet from a side lot line. Residential piers serving multifamily residences of four (4) or more units shall be limited to one (1) over water projection of no more than one hundred (100) square feet per each two (2) dwelling units.

D. A shared pier may include one (1) extension, finger pier or float for each single family dwelling unit not to exceed one hundred fifty (150) square feet in area for each residence.

E. No fees or other compensation may be charged for use by nonresidents of piers accessory to residences in the UR Environment.

F. Uncovered boat lifts and diving boards shall be permitted if in scale with the pier.

G. Swimming floats not meeting the standards of subsections A through F above shall be permitted in lieu of moorage piers when anchored off shore and limited to one hundred (100) square feet per dwelling unit for single family, two (2) family, and three (3) family residential units and fifty (50) square feet per dwelling unit for four (4) or more family residential units.)

A. In shoreline environments where piers, floats and associated overwater structures are allowed or allowed as a special use or a shoreline conditional use, they shall comply with the standards in Section 23.60.172 and in this Section 23.60.187.

B. Piers and floats for residential development.

1. New Piers and floats are prohibited in salt water, and prohibited to be greater than 100-ft in length in freshwater unless the applicant demonstrates that:

a. First a mooring buoy is not practicable; and

b. Second that a shared pier is not practicable.

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

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

4. Shared piers shall meet the following standards:

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

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

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

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

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

3 6. No single-family lot, and no multifamily lot containing 4 or fewer units, shall
4 have more than one pier or float, whether shared or unshared. Multifamily lots containing more
5 than four units may have more than one pier as provided in subsection 23.60.187.B.8, provided
6 overwater coverage is the minimum necessary.

7 7. New single family or multi-family development of two or more dwellings are
8 required to share piers or provide a community dock facility unless infeasible.

9 8. Size and number of overwater structures

10 a. Piers

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

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

16 3) Multifamily resident piers are allowed one walkway per 15
17 dwelling units and one over water projection and open-bottom boat or jet ski lift per two
18 dwelling units, which shall be designed to minimize total over water coverage.

19 b. Walkways

20 1) Walkways are required to be located generally parallel to side
21 lot lines and perpendicular to the shoreline.

22 2) If the shoreline or the lot lines are irregular or the side lot lines
23 are not perpendicular to the shoreline, the Director shall decide the orientation of the walkway to
24 minimize conflicts.

25 3) No walkway is allowed to exceed 4 feet in width for piers that
26 are not shared, or 6 feet in width for shared piers or piers serving multifamily lots.

27 4) In Lake Washington, Lake Union, and the Ship Canal,
28 walkways are required to be fixed within 30 feet of the OHW mark. In Puget Sound, the
Duwamish River, and Green Lake, walkways may be fixed or floating.

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

d. Over water projections, boat lifts, and areas used for boat moorage shall
be located no closer than 30 feet from the OHW mark unless located in an area where the water
depth is at least 8 feet deep at the 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 further from the OHW mark
than to a point where the depth of the water at the end of the pier reaches 8 feet below the
elevation of OHW in freshwater or below mean lower low water in tidal waters.

2) If the water depth at 100-ft is less than 6 ft at the elevation of
OHW in freshwater or at 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 ft, whichever length is least.

3) No pier shall extend beyond the Outer Harbor or Pierhead Line,
except in Lake Union where piers are not allowed to extend beyond the Construction Limit Line

1 as shown upon the Official Land Use Map, Chapter 23.32, or except where authorized by this
2 chapter and by the State Department of Natural Resources and the U.S. Army Corps of
3 Engineers.

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

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

13 11. Swimming floats are allowed in lieu of moorage piers if anchored off-shore a
14 minimum of 30 feet from the OHW mark and limited to 100 square feet per dwelling unit for
15 single-family, two-family, and three-family residential units and to 50 square feet per dwelling
16 unit for four or more family residential units; such swimming floats are not required to meet the
17 standards of subsections 23.60.187.B.3 and 23.60.187.8.

18 12. No pier shall be located within 15 feet of a side lot line unless the pier is
19 shared with the owner of that adjacent waterfront lot. An existing pier not meeting this provision
20 may be extended to the maximum length permitted in subsection 23.60.187.C.7.e.

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

23 14. Wood treated with pentachlorophenol, creosote, chromate copper arsenate
24 (CCA), or comparably toxic compounds is prohibited for decking or piling. Non-toxic material
25 shall be used to the maximum extent reasonable.

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

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

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

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

C. Piers and floats for single family residential development of greater than 4
residences and for multi-family development shall establish and operate the use as a recreational
marina and shall comply with the standards of subsections 23.60.187.B, E and F and subsections
23.60.200. B, C, D and E.

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

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

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

b. If part of a parks and open space shoreline use; or

1 c. Piers and floats solely for the purpose of public access if the applicant
2 demonstrates a pier is necessary to accommodate a view that would otherwise be substantially
3 blocked by adjacent overwater buildings.

4 2. The size of piers and floats allowed in 23.60.187.D.1. a through c is the
5 minimum necessary for the intended use.

6 3. Covered moorage is prohibited.

7 4. Over water work sheds are allowed if they are:

8 a. Located in the UC, UI and UM environments and limited to 20 percent
9 overwater coverage of the submerged portion of the development site;

10 b. Accessory to a legitimate vessel repair use; and

11 c. Maintain the maximum light permeability feasible.

12 5. Wood treated with pentachlorophenol, creosote, chromate copper arsenate
13 (CCA) or comparably toxic compounds is prohibited for decking or piling. Non-toxic material
14 shall be used unless reasonable.

15 6. Light transmitting features are required to be installed for all new and replaced
16 piers and floats to the maximum extent feasible taking into account the structural and use
17 requirements of the pier and the potential for discharges that might pollute the water. If the site is
18 used for the following, it is considered infeasible to include light transmitting features:

19 a. The pier is used for average loads greater than 30 lbs per square foot.

20 b. The pier functions as spill prevention or secondary containment for the
21 following:

22 1) Toxic substances or material such as oil or fuel is transported
23 across the deck. This does not apply to the substances used to operate the equipment used on the
24 deck; or

25 2) Fueling of vessels; or

26 3) Storm water is collected and recycled or treated prior to
27 discharge.

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

32 E. Non-commercial slip-side vessel maintenance on piers and floats is limited to:

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

35 2. Twenty five percent of the exterior of the boat. The Director may establish
36 appropriate best management practices based on Department of Ecology's Resource Manual For
37 Pollution Prevention in Marinas May 1998, Revised 2009 Publication #9811 in a Director's
38 Rule.

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

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

3 **23.60.188 Standards for ((bulkheads)) shoreline stabilization((-))**

4 ((A. Bulkheads accessory to nonresidential uses may be authorized when:

5 1. The bulkhead would not detrimentally redirect littoral drift, waves, currents or
6 sediments to other shorelines;

7 2. If dry land is created, the landfill complies with all standards for landfill; and

8 3. The bulkheads are:

9 a. Adjacent to a navigable channel,

10 b. Necessary for a water dependent or water related use, or

11 c. Necessary to prevent extraordinary erosion, but only when natural beach
12 protection is not a practical alternative.

13 B. Bulkheads accessory to residential uses may be authorized when:

14 1. Necessary to maintain existing land and to protect from extraordinary erosion,
15 and when natural beach protection is not a practical alternative;

16 2. Additional dry land mass is not created, except as otherwise provided in the
17 standards of the applicable environment;

18 3. The bulkhead does not extend waterward of ordinary high water unless
19 necessary to protect the toe of a cliff from wave action;

20 4. The bulkhead does not extend into the water beyond adjacent bulkheads;

21 5. The bulkhead would not detrimentally redirect littoral drift, waves, currents or
22 sediments to other shores; and

23 6. The existing contour of the natural shoreline is generally followed.

24 C. Bulkheads accessory to single family residences and meeting the conditions of
25 subsection B above are normal protective bulkheads common to single family residences and are
26 exempt from the substantial development permit requirement.

27 D. Riprap bulkheads shall be preferred over vertical wall or slab bulkheads except in the
28 UM, UG, and UI Environments. Sheetpiling and precast concrete slabs with vertical waterward
faces shall include adequate tiebacks and toe protection.

E. Riprap faces shall be constructed to a stable slope and shall be of a material of sufficient size
to be stable.))

A. In shoreline environments where shoreline stabilization is allowed, allowed as a
special use, or allowed as a shoreline conditional use it shall comply with the standards in
Section 23.60.172 and in this Section 23.60.188.

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

C. Geologically hazardous areas. In addition to meeting the standards of this Section
23.60.188, shoreline stabilization in geologically hazardous areas is required to demonstrate that
no alternatives, including relocation or reconstruction of existing structures, are found to be
feasible and less expensive than the proposed stabilization measure, stabilization structures or
measures to protect existing primary residential structures.

D. Soft shoreline stabilization shall comply with subsections 23.60.188.A, C, G and H
and the following standards:

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

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

1 E. New hard stabilization shall comply with subsections 23.60.188.A, C, G and H and the
2 following standards:

3 1. New hard stabilization is prohibited unless a geotechnical report conclusively
4 demonstrates that all of the following conditions exist, except as provided in subsection
5 23.60.188.E.2 and 3:

6 a. 1) An existing principal structure or access to an existing principal
7 structure is in imminent danger of erosion damage caused by tidal action, currents or waves.
8 Imminent danger is demonstrated by the likelihood of either undermining or loss of lateral
9 support for foundations within three years at a constant rate of erosion or vulnerability to a large
10 one-time event; or

11 2) Where waiting until an existing principal structure or access to
12 an existing principal structure is in imminent danger as described in subsection 23.60.188.E.1.a.1
13 would foreclose the opportunity to use measures that avoid impacts on ecological functions; or

14 3) An existing water-dependent or water-related use or access to an
15 existing water-dependent or water-related use is in need of protection from erosion and this need
16 is demonstrated through a geotechnical report; and

17 b. Erosion is not caused by upland conditions, such as vegetation loss or
18 drainage problems;

19 c. It is infeasible, or sufficient protection is not provided by:

20 1) First, using nonstructural measures, planting vegetation, or
21 installing on-site drainage improvements; and

22 2) Second, including or using soft stabilization methods;

23 d. The proposed hard stabilization would prevent or reduce structural
24 damage; and

25 e. Installation and maintenance of hard stabilization will-not result in
26 adverse impacts to adjacent properties.

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

3. Placing hard stabilization in front of the existing hard stabilization structure is
allowed if the site is used for at least one of the following:

1) The bulkhead or piers on the site are used to moor vessels that
are off-loaded or loaded as part of the operation of the use of the site;

2). The bulkhead is needed to provide load-carrying land
immediately adjacent to shoreline that allow heavy trucks access to vessels or heavy equipment
for the operation of the use of the site;

3) The bulkhead and adjacent land is used to provide access to
vessels undergoing repair;

4) The area adjacent to the bulkhead is used for fuel transfer to
vessels;

5) The area adjacent to the bulkhead is used for equipment for the
operation of the water dependent or water related use of the site; or

6) The bulkhead is required to provide sufficient depth at the
shoreline to allow large, deep draft vessels to moor at the docks allowed within the pier head
line.

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

1 F. Replacement of hard stabilization shall comply with subsections 23.60.188.A, C, G
2 and H and the following standards:

3 1. Replacement of existing hard stabilization structures is allowed for:

4 a. water-dependent or water-related uses if it is infeasible to use
5 nonstructural measures, soft stabilization, or if the site is used for the following:

6 1) The bulkhead or piers on the site are used to moor vessels that
7 are off-loaded or loaded as part of the operation of the use of the site;

8 2). The bulkhead is needed to provide load-carrying land
9 immediately adjacent to shoreline that allow heavy trucks access to vessels or heavy equipment
10 for the operation of the use of the site;

11 3) The bulkhead and adjacent land is used to provide access to
12 vessels undergoing repair;

13 4) The area adjacent to the bulkhead is used for fuel transfer to
14 vessels;

15 5) The area adjacent to the bulkhead is used for equipment for the
16 operation of the water dependent or water related use of the site;

17 6) The bulkhead is required to provide sufficient depth at the
18 shoreline to allow large, deep draft vessels to moor at the docks allowed within the pier head
19 line.

20 7) The bulkhead provides containment of pollution sources to the
21 adjacent water body and is a requirement of an agency mandated cleanup action.

22 b. Ecological restoration and enhancement;

23 c. Remediation of hazardous substances; or

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

28 2. Replacement of existing hard stabilization is otherwise prohibited unless the
29 applicant demonstrates the need for replacement by providing a geotechnical report establishing
30 that:

31 a. An existing principal structure or substantial appurtenant structure is in
32 imminent danger of erosion damage caused by tidal action, currents, or waves. Imminent danger
33 is demonstrated as likely damage within three years at a constant rate of erosion or as
34 vulnerability to a likely large one-time event; and

35 b. Non-structural and soft stabilization will not provide adequate
36 protection, and that the proposed hard stabilization will prevent or reduce structural damage.

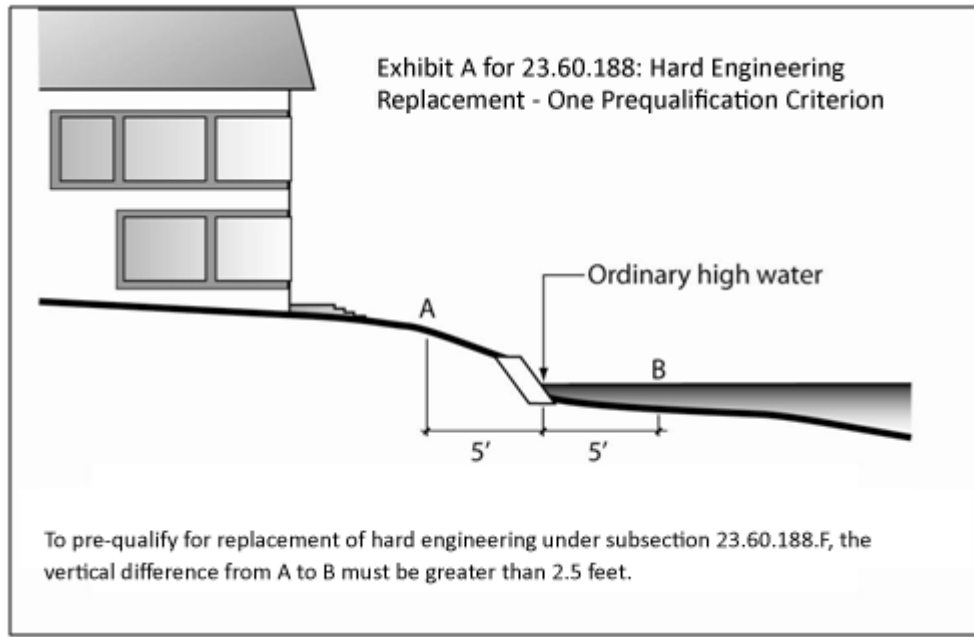
37 3. a. Replacement of hard stabilization shall not encroach waterward of the
38 ordinary high-water mark or existing structure unless it is to protect a residence that has been
39 continuously occupied since December 31, 1991, and there are overriding safety or
40 environmental concerns. In such cases,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

42 b. Replacement of hard stabilization waterward of existing hard
43 stabilization is regulated as new hard stabilization under subsection 23.60.188.E.

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

1 5. Additions to or increases in size of existing hard stabilization shoreline
2 stabilization structures are considered new structures and regulated under subsection
3 23.60.188.D.

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



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

23 H. Mitigation sequencing

24 1. In applying mitigation sequencing pursuant to Section 23.60.158, adverse
25 impacts on ecological functions from shoreline stabilization include, but are not limited to:

26 a. the impacts on size of substrate and the effects of beach slope on waves;
27 and

28 b. for new or replaced hard stabilization, disturbance of underwater
29 substrate, turbidity, loss or disturbance of food, shelter, spawning, and migration habitat, and loss
30 or disturbance of fish runs, biological communities and biodiversity, particularly benthic
31 productivity, and change in water depth including ongoing scouring. Ongoing scouring means
32 the continuation of substrate movement that causes deeper water.

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

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

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

- 6 1) Riprap;
- 7 2) Terraced and stepped bulkheads with an average slope of 30
8 percent or less;
- 9 3) Sloped bulkhead, with a slope of 30 percent or less;
- 10 4) Terraced and stepped bulkheads with an average slope that is
11 greater than 30 percent;
- 12 5) Sloped bulkhead, with a slope greater than 30 percent; and
- 13 6) Vertical bulkhead

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

16 **23.60.190 Standards for vegetation and impervious surface management**

17 A. Planting, disturbing or removing vegetation and adding, altering or removing
18 impervious surface shall comply with the provisions of this chapter, including Section 23.60.172
19 and Section 23.60.158, unless provided otherwise in this Section 23.60.190.

20 B. Application and plans

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

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

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

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

29 5. Plans shall identify:

30 a. The location and area of all disturbance areas;

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

32 c. The size, species, and location of existing trees;

33 d. The type and area of final proposed ground surface coverage; and

34 e. The species and location of proposed trees.

35 6. Plans shall display the vegetation areas and improvements that are provided as
36 mitigation for project impacts.

37 C. Shoreline District waterward of the OHW mark.

38 1. Removing or disturbing aquatic vegetation, except for aquatic noxious weeds,
39 is prohibited except as necessary for development, uses or shoreline modifications approved
40 under this Chapter 23.60 and authorized by the Director.

41 2. Aquatic noxious weed removal

42 a. Removing or controlling aquatic noxious weeds is allowed, allowed as a
43 special use, allowed as a shoreline conditional use, or prohibited as provided in Section
44 23.60.172 and this Section 23.60.190.

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

5 1) Hand-pulling or mechanical harvesting and cutting;
6 2) Placement of bottom barriers. Bottom barriers are required to
7 be made of biodegradable material and shall not cover an area greater than 1,000 square feet;
8 3). Rotovating, weed rolling, or other methods that disturbs bottom
9 sediments or the benthos;

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

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

18 D. Shoreline District landward of the OHW mark. Vegetation and impervious surface
19 management activities are prohibited within the portion of the Shoreline District that is landward
20 of the OHW mark, both within and outside the shoreline setback, except as follows or in this
21 Section 23.60.190:

22 1. Normal and routine pruning and maintenance that promotes the health and
23 vigor of trees and shrubs is allowed without submitting an application and without complying
24 with Section 23.60.158 unless a violation occurs:

25 a. Up to 750 square feet of trees and vegetative cover lawfully maintained
26 prior to May 9, 2006;

27 b. Lawns paths and landscaping lawfully maintained prior to May 9, 2006,
28 that were not in an environmentally critical area or buffer prior to May 9, 2006, but are in an
29 environmentally critical area or buffer as a result of the passage of Ordinance 122050 enacting
30 regulations for environmentally critical areas;

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

34 d. Trees and vegetation specifically approved by permit prior to May 9,
35 2006, if the conditions of that permit are complied with;

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

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

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

43 3. Removing trees is allowed if the Director determines the tree is a threat to
44 health or safety based on a report prepared by a qualified professional with a Tree Risk Assessor
45 certification as established by the Pacific Northwest Chapter of the International Society of
46 Arboriculture (ISA) or equivalent experience and training and the removal is performed by or
47
48

1 under the direction of a qualified professional. If a tree is removed from designated shorelines
2 of statewide significance a conditional use permit is required.

3 4. Permits authorizing development, shoreline modifications and uses may
4 authorize disturbance areas and land clearing using mitigation sequencing set forth in Section
5 2360.158 and complying with the following standards:

6 a. Any surface disturbed or cleared of vegetation and not to be used for
7 development shall be planted with native vegetation, except that pre-disturbance landscaped
8 areas containing non-native vegetation located outside the shoreline setback may be re-
9 landscaped using non-native, noninvasive vegetation; .

10 b. Mitigation required for 23.60.158.B.1.e (Step E) shall include a plan
11 with the vegetation areas and improvements required for project impacts; and

12 c. Mitigation required for 23.60.158.B.1.e (Step E) for the removal of trees
13 shall include compensation for any loss of the contribution of woody debris into the adjacent
14 aquatic environment.

15 E. Shoreline Setback. Within the shoreline setback established for each environment, any
16 land disturbing activity, and any action detrimental to aquatic or wildlife habitat, vegetation or
17 trees is prohibited, except as provided under subsection 23.60.190.D, or as necessary to carry out
18 work authorized by the Director in the shoreline setback regulations or use tables for the
19 applicable environment or in Section 23.60.124, or as follows:

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

23 a. No new impervious surface is created;

24 b. Land disturbance is minimized and kept within the planting area;

25 c. No native trees are removed; and

26 d. No nonnative trees over 6" DBH are removed.

27 2. Restoring or improving vegetation and trees using native vegetation in areas of
28 any size is allowed if the work is performed by or under the direction of a qualified professional
with training and professional experience related to the type of ecological environment where the
work will occur; and

a. No new impervious surface is created;

b. Land disturbance is minimized and kept within the planting area;

c. No native trees are removed;

d. No nonnative trees over 6" DBH are removed; and

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

F. Outside the shoreline setback. Within the Shoreline District but outside of the
shoreline setback area, removing or altering vegetation is prohibited, except as provided in
subsection 23.60.190.D or as follows:

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

a. No new impervious surface is created;

b. Land disturbance is minimized and kept within the planting area;

c. No native trees are removed; and

d. No non-native trees over 6" DBH are removed.

1 2. Restoring or improving vegetation and trees in areas of any size is allowed if
2 the work is performed by or under the direction of a qualified professional with training and
3 professional experience related to the type of ecological environment and only if:
4 a. No new impervious surface is created;
5 b. Land disturbance is minimized and kept within the planting area;
6 c. No native trees are removed;
7 d. No non-native trees over 6" DBH are removed; and.
8 e. The project promotes maintenance or creation of a naturally functioning
9 condition using native vegetation that prevents erosion, protects water quality, and provides
10 diverse habitat.

11 G. Vegetation alteration and increase in impervious surface. If vegetation is lawfully
12 altered or removed other than as allowed in subsection 23.60.190.D.1, E.1 and F.1 or if there is
13 an increase in impervious surface that is required for work authorized pursuant to this Chapter
14 23.60, adverse impacts to ecological functions shall be addressed as follows:

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

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

- 20 a. loss of shading to nearshore aquatic habitat;
- 21 b. loss of organic inputs critical for aquatic life;
- 22 c. loss of habitat for insects and other terrestrial species;
- 23 d. loss of woody debris inputs to the aquatic system;
- 24 e. loss of soil stabilization functions; and
- 25 f. loss of stormwater filtering, detention, and infiltration.

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

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

b. Replacement of vegetation. If vegetation and impervious surface
management results in a reduction of trees, shrubs, or groundcovers, or a change from mature
vegetation to new vegetation, the plantings that provide mitigation shall at the time they are
installed replicate the pre-disturbance level of ecological function provided by the vegetation that
is replaced.

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

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

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

1 f. Maintenance is required to ensure 80% survival of new vegetation
2 planted at the end of 5 years.

3 H. Vegetation Monitoring is required for any vegetation planting within the Shoreline
4 District that requires submittal of an application set forth in this Section 23.60.190 and for
5 projects that required a Shoreline Substantial Development Permit or a building permit. The
6 monitoring plans shall include:

- 7 1. Five years of monitoring that ensures eighty percent survival of the
8 vegetation planted;
- 9 2. Annual inspections of the plants;
- 10 3. Replacement of failed plants;
- 11 4. Removal of exotic invasive species that may have become established; and
- 12 5. Photographic documentation of planting success.

13 I. Application of pesticides and fertilizers in the Shoreline District

14 1. Application of pesticides and fertilizers farther than 50 feet from the OHW
15 mark is allowed without submitting an application if best management practices as promulgated
16 by the Director are followed, except as provided in subsection 23.60.190.I. 2.

17 2. Application of pesticides and fertilizers is prohibited in wetlands, riparian
18 watercourses and other water bodies and within 50-ft of wetlands, riparian watercourses and
19 other water bodies and waterward of the OHW mark of riparian watercourses and other water
20 bodies except, as provided in subsection 23.60.190.C.2.b.4 or as allowed by the Director for the
21 following circumstances and if the allowed pesticide application is done by a licensed applicator:

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

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

27 c. If the Director determines the applicant has demonstrated that the use of
28 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.

Part 5 Standards Applicable to Specific Uses

Section 23.60.192 of the Seattle Municipal Code, last amended by Ordinance 113466, is repealed, as shown in Attachment A, and Section 23.60.179 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.192 and amended as follows:

~~((23.60.179))~~ 23.60.192 Applicable standards for specific uses

~~((The following uses shall meet the additional development standards provided below as well as the General Development Standards of Part 3 of this subchapter and any applicable development standards for the environment in which the use is located.))~~

1 All uses and developments in the Shoreline District, including shoreline modifications,
2 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
3 for the applicable environment in which the use or development is located.

4 A new Section 23.60.193 of the Seattle Municipal Code is added as follows

5 **23.60.193 Standards for agriculture**

6 A. In shoreline environments where agriculture is allowed or allowed as a special use or a
7 shoreline conditional use it shall comply with the standards for agriculture in this Section
8 23.60.193.

9 B. Agricultural uses shall not remove native vegetation; and

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

12 Section 23.60.194 of the Seattle Municipal Code, enacted by Ordinance 113466, is
13 recodified as Section 23.60.199, and a new Section 23.60.194 is added as follows:

14 **23.60.194 Standards for aquaculture**

15 A. In shoreline environments where aquaculture is allowed or allowed as a special use or
16 a shoreline conditional use it shall comply with the standards for aquaculture in this Section
17 23.60.194.

18 B. Aquaculture facilities are required to be located, designed, constructed and managed
19 so as not to spread disease to native aquatic life, adversely impact eelgrass and macroalgae, or
20 significantly conflict with navigation.

21 C. Aquaculture facilities are required to use best management practices to mitigate
22 impacts from the construction and management of the facilities.

23 D. Aquaculture facilities shall not cultivate nonnative species.

24 E. In addition to the regulations requirements in this Chapter 23.60 geoduck aquaculture
25 shall meet the standards of WAC 173-26-241(3)(b).

26 Section 23.60.196 of the Seattle Municipal Code, last amended by Ordinance 121477, is
27 recodified as Section 23.60.202, and a new Section 23.60.196 is added as follows:

28 **23.60.196 Standards for bridges overwater and tunnels**

A. In shoreline environments where bridges over water and tunnels are allowed or
allowed as a special use or a shoreline conditional use, they shall comply with the standards in
the applicable shoreline environment and this Section 23.60.196.

B. Bridges overwater required for subdivisions shall span any floodway or channel
migration zone.

C. In mitigating impacts from bridges overwater, including approaches to bridges,
impacts shall be addressed in the following sequence:

1. Access points that do not require crossing water bodies are required to be used
when available;

2. Shared crossings with existing crossings shall be used if feasible;

3. The route of the bridge and appurtenant structures shall be sited in the locations
that has the least possible adverse effect on unique or fragile shoreline features;

4. Mitigating impacts on ecological functions including, but are not limited to,
shading of aquatic and wetland habitat; modification or obstruction of water circulation and
flow; loss or disturbance of intertidal, sub-tidal, or shallow water habitat; loss or disturbance of

1 food, refuge, spawning, and migration habitat; and loss or disturbance of fish runs, biological
2 communities and biodiversity; and

3 5. Mitigating impacts to view corridors shall be minimized.

4 D. In mitigating impacts from tunnels, including entry ways to and exit ways from
5 tunnels and accessory structures, impacts shall be addressed in the following sequence:

6 1. The route of the tunnel and accessory structures shall be sited in locations that
7 have the least possible adverse effect on unique or fragile shoreline features; and

8 2. Adverse impacts to views of the water from waterfront parcels shall be
9 minimized.

10 Section 23.60.198 of the Seattle Municipal Code, last amended by Ordinance 118419, is
11 recodified as Section 23.60.206, and Section 23.60.158 of the Seattle Municipal Code, enacted
12 by Ordinance 113466, is recodified as Section 23.60.198 and amended as follows:

13 ~~((23.60.158))~~ **23.60.198 Standards for drive-in((Drive-in)) businesses((,))**

14 ~~((Uses may not have drive in windows))~~ Drive-in businesses are not allowed on
15 waterfront lots in the Shoreline District. ~~((Uses may have drive in windows))~~ Drive-in businesses
16 may be allowed on upland lots in the Shoreline District ((if permitted by)) subject to the
17 provisions of the underlying zone((ing)) and other special districts.

18 Section 23.60.194 of the Seattle Municipal Code, enacted by Ordinance 113466, is
19 recodified as a new Section 23.60.199 and is amended as follows:

20 ~~((23.60.194))~~ **23.60.199 Standards for intakes and outfalls((,))**

21 ~~((A. All intakes and outfalls shall be located so they will not be visible at mean lower low~~
22 ~~water.~~

23 ~~B))A. ((All i))~~ Intakes and outfalls shall be designed and constructed to prevent the entry
24 of fish.

25 B. Intakes and outfalls shall be located, designed, constructed, and managed to prevent
26 erosion and threats to slope stability, including the use of appropriate energy dissipation at the
27 discharge end.

28 C. In mitigating impacts from intakes and outfalls impacts shall be addressed as follows:

1 1. The location of the intakes and outfalls and appurtenant structures shall be sited
2 in the locations that has the least possible adverse effect on unique or fragile shoreline features;
3 and

4 2. Mitigating impacts on ecological functions includes, but is not limited to,
5 modification or obstruction of water circulation and flow and disturbance of intertidal, sub-tidal,
6 or shallow water habitat.

7 Section 23.60.200 of the Seattle Municipal Code, enacted by Ordinance 113466, is
8 amended as follows:

9 **23.60.200 Standards for marinas, commercial and recreational((marinas))**

10 ~~((General requirements for recreational marinas:~~

11 ~~A. Lavatory facilities connected to a sanitary sewer and adequate to serve the marina~~
12 ~~shall be provided.~~

13 ~~B. Self service sewage pumpout facilities or the best available method of disposing of~~
14 ~~sewage wastes and appropriate disposal facilities for bilge wastes shall be provided at marinas~~
15 ~~having in excess of three thousand five hundred (3,500) lineal feet of moorage or slips large~~

1 enough to accommodate boats larger than twenty (20) feet in length, and shall be located so as to
2 be conveniently available to all boats. An appropriate disposal facility for removal of bilge
wastes shall be either a vacuum apparatus, or oil absorbent materials and waste receptacles.

3 C. ~~Untreated sewage shall not be discharged into the water at any time. Treated sewage
shall not be discharged while boats are moored.~~

4 D. ~~Long term parking areas shall be located away from the water. Short term loading
areas, however, may be located near berthing areas.~~

5 E. Public access shall be provided as follows:

6 1. The minimum public access for a marina providing less than nine thousand
7 (9,000) feet of moorage space shall consist of an improved walkway at least five (5) feet wide on
8 an easement at least ten (10) feet wide leading to an area located at the water's edge, which area
shall be at least ten (10) feet wide and shall provide at least ten (10) feet of water frontage for
every one hundred (100) feet of the marina's water frontage.

9 2. The minimum public access for a marina providing nine thousand (9,000) or
10 more feet of moorage space shall consist of an improved walkway at least five (5) feet wide on
an easement at least ten (10) feet wide leading to a public walkway at least five (5) feet wide on
11 an easement at least ten (10) feet wide located along the entire length of the marina's water
frontage.

12 3. Marinas which provide less than two thousand (2,000) lineal feet of moorage
space and which contain only water dependent or water related principal uses are exempt from
13 this public access requirement.

14 F. Transient Moorage.

15 1. Transient moorage shall be provided at the rate of forty (40) lineal feet of
transient moorage space for each one thousand (1,000) lineal feet of moorage space in the marina
if one (1) or more of the following conditions apply:

16 a. The marina provides nine thousand (9,000) or more lineal feet of
moorage;

17 b. The marina is part of a development which includes restaurants or other
nonwater dependent or nonwater related uses which operate during evening and weekend hours;
18 or

19 c. The marina is owned, operated, or franchised by a governmental agency
for use by the general public.

20 2. The Director may waive the requirement for transient moorage if it is found
that there is adequate transient moorage already existing in the vicinity.

21 3. Transient moorage for commercial vessels may be required as part of a
recreational marina providing more than nine thousand (9,000) lineal feet of moorage if the site
22 is in an area near commercial facilities generating commercial transient moorage demand.

23 G. Facilities, equipment and established procedures for the containment, recovery and mitigation
of spilled petroleum products shall be provided.))

24 A. In shoreline environments where commercial marinas and recreational marinas are
25 allowed or allowed as a special use or a shoreline conditional use, they shall comply with the
standards in the applicable shoreline environment and in this Section 23.60.200.

26 B. General standards.

27 1. Marina operators shall develop a best management practices (BMPs) document
28 for marina tenants. This document shall, at a minimum, address the requirements of this
subsections 23.60.200.B.2, 23.60.200.B.3 and 23.60.200.B.4. Moorage agreements shall include

1 the BMPs document and a section that states that by signing the moorage agreement the tenant
2 has read and agrees to comply with the BMPs.

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

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

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

11 b. Twenty five percent of the exterior house of the vessel above the deck
12 at any one time. The Director may establish appropriate best management practices based on
13 Department of Ecology's Resource Manual For Pollution Prevention in Marinas May 1998,
14 Revised 2009 Publication #9811 in a Director's rule.

15 4. Marinas shall provide restrooms on dry land for use by any patron of the
16 marina facility. At a minimum, the facilities are required to include one toilet and one washbasin.
17 The Director shall determine the need for additional facilities to provide reasonable hygiene
18 based on the number of slips, percentage of live-aboard slips, and the number of transient
19 moorage slips within the marina.

20 C. When new marinas are established or existing marinas are repaired, renovated or
21 expanded the following general development standards apply:

22 1. Marinas having either more than 3,500 linear feet of moorage or slips large
23 enough to accommodate vessels larger than 20 feet in length shall provide a sewage pump-out
24 facility or the best available method of disposing of sewage wastes;

25 3. In Lake Washington and the Puget Sound overwater projections, boat lifts, and
26 areas used for vessel moorage shall be located a minimum distance of 30 feet waterward from
27 the OHW mark or in a minimum water depth of 8 feet, whichever is less if reasonable. In Lake
28 Union and Portage Bay overwater projections, boat lifts, and areas used for vessel moorage shall
be located a minimum distance of 15 feet waterward from the OHW mark or in a minimum
water depth of 8 feet, whichever is less, if reasonable.

4. Be designed to prevent water stagnation and the need for dredging by creating
two openings at the opposite ends so that water and sediment moves through the marina if
reasonable.

5. Orient docks with currents or prevailing winds to prevent trapping surface
debris and oily residue if reasonable.

6. Standards for piers and floats are provided in Section 23.60.187.

D. Additional general development standard for new marinas. New marinas shall be
located in areas that have a flushing rate of at least 30 percent per 24 hours if reasonable.

E. Additional general development standards for new recreational marinas.

1. Public access is required as follows:

a. Marinas with a lot depth that is 35 linear feet or less are exempt from
the requirement to provide public access under this subsection;

b. Marinas providing less than 2,000 linear feet of moorage space and
containing only water-dependent or water-related principal uses are exempt from the requirement
to provide public access under this subsection.

1 c. The minimum public access for a marina providing less than 9,000
2 linear feet of moorage space is an improved walkway 5 feet wide on an easement 10 feet wide
3 leading to an area located at the marina's water frontage, which shall be 10 feet wide and shall
4 provide 10 feet of water frontage for every 100 feet of the marina's water.

5 d. The minimum public access for a marina providing 9,000 or more linear
6 feet of moorage space is an improved walkway 5 feet wide on an easement 10 feet wide leading
7 to a public walkway 5 feet wide on an easement 10 feet wide located along the entire length of
8 the marina's water frontage.

9 e. Easements are not required for publicly owned marinas.

10 2. Transient Moorage.

11 a. Transient moorage for recreational vessels is required at the rate of 40
12 linear feet of transient moorage space for each 1,000 linear feet of moorage space in the marina if
13 either:

14 1) a) The marina provides 9,000 or more linear feet of moorage;
15 and

16 b) The marina is part of a development that includes a restaurant or
17 other use that is not water-dependent or water-related and that operates during evening and
18 weekend hours; or

19 2) The marina is owned, operated, or franchised by a governmental
20 agency for use by the general public.

21 b. The Director may waive the requirement for transient recreational
22 moorage if the Director finds adequate transient moorage already exists within ¼ mile of the
23 marina.

24 c. Transient moorage for commercial vessels may be required as part of a
25 recreational marina providing more than 9,000 linear feet of moorage if the site is ¼ mile of
26 commercial facilities generating unmet commercial transient moorage demand. Transient
27 moorage for commercial vessels shall be provided at the rate of 100 linear feet of transient
28 moorage space for each 2,000 linear feet of moorage space.

F. Additional general development standards for commercial marinas. Commercial
marinas providing more than 9,000 linear feet of moorage shall provide transient moorage for
commercial vessels at the rate of 50 linear feet of transient moorage space for each 1,000 linear
feet of moorage space if the site is within ¼ mile of commercial facilities generating unmet
commercial transient moorage demand.

G. Commercial and recreational marinas may provide moorage for vessels used as live
aboard vessels if the marina meets the following standards, in addition to the general
development standards in subsections 23.60.200.A through F:

1. The live-aboard vessel is the type of vessel 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 serve number of live-aboard vessels moored at the marina.

Section 23.60.202 of the Seattle Municipal Code, last amended by Ordinance 110381, is
recodified as Section 23.60.219, and Section 23.60.196 is recodified as Section 23.60.202 and
amended as follows:

~~((23.60.196))~~ **23.60.202 Standards for floating homes and floating home moorages**((+))((

A. General Standards.

1. Floating home moorages shall comply with the Seattle Building Code adopted by Chapter 22.100 of the Seattle Municipal Code, and the requirements of this chapter.

2. Moorage Location:

a. Except as provided below, every floating home moorage shall be located on privately owned or privately controlled premises. No floating home shall be located in any waterway or fairway or in the public waters of any street or street end.

b. Floating homes and floating home moorages which were located in the public waters or any street or street end on January 1, 1974, or on property later dedicated to the City for street purposes, and which have continuously remained in such locations, comply with all other provisions of this chapter and are authorized by a use and occupancy permit approved by the Director of Seattle Department of Transportation shall be permitted; provided that when any such floating home so located and permitted to use such public waters is moved from its existing site the public waters shall not be reoccupied.

c. Floating homes and floating home moorages 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 when the same person owns or leases the property abutting on both sides thereof shall be permitted.

d. Floating homes are permitted when located at an existing floating home moorage and located partially on private property and partially in submerged portions of Fairview Avenue East lying generally parallel to the shoreline, when the occupant of the floating home owns or leases the private portion of the moorage site and has obtained a long term permit from City Council to occupy the abutting street area.

3. Views. Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of a dock or walkway. In the location and the design of remodeled floating homes, views of the water for moorage tenants and the public shall be preserved.

4. Existing Floating Homes. An existing floating home, for the purposes of this section, shall be one assigned a King County Assessor's (KCA) number and established by that number as existing at an established moorage in Lake Union or Portage Bay as of the effective date of the ordinance codified in this chapter. (Note 1)

5. Relocation. Two (2) floating homes may exchange moorage sites, either within a moorage or between moorages, if:

a. Both floating homes are the same height or the relocation will not result in a floating home, which is over eighteen (18) feet in height and higher than the floating home being replaced, being located seaward of floating homes which are eighteen (18) feet or less in height, provided that no floating home greater than eighteen (18) feet in height shall be relocated to a nonconforming floating home moorage except to replace a floating home of equal or greater height;

b. The minimum distance between adjacent floating home walls and between any floating home wall and any floating home site line will meet the requirements of the applicable moorage standards in subsection B or C of this section below unless reduced for existing floating homes by the Director; and

c. The requirements of Chapter 7.20 of the Seattle Municipal Code, Floating Home Moorages, have been met.

6. Moorage Plan. Any proposal to replace, remodel, rebuild, or relocate a floating home, or expand a floating home moorage, shall be accompanied by an accurate, fully

1 dimensioned moorage site plan, at a scale of not less than one (1) inch equals twenty (20) feet,
2 unless such plan is already on file with the Department. When the proposal is to expand a
moorage, the plan shall designate individual moorage sites for the entire moorage.

3 **B. Conforming Floating Home Moorages.**

4 1. New moorages or expanded portions of conforming floating home moorages
shall meet the following standards:

5 a. Floating homes shall not exceed twenty one (21) feet at the highest
6 point measured from the surface of the water, except that the following specific structures, and
only these structures, may exceed this height limit to the minimum extent necessary in order to
7 satisfy the provisions of the Building Code: open railings, chimneys and mechanical vents. Open
railings shall be limited to thirty six (36) inches in height.

8 b. New floating homes shall not cover in excess of one thousand two
9 hundred (1,200) square feet of water area, and existing floating homes shall not be expanded
beyond one thousand two hundred (1,200) square feet, inclusive of float, decks, roof overhang
and accessory floats.

10 c. Minimum site area for an individual floating home shall be two
11 thousand (2,000) square feet, except as provided in subsection D of this section

12 d. Total water coverage of all floating homes and all fixed or floating
moorage walkways shall not exceed forty five (45) percent of the submerged portion of the
moorage lot area.

13 e. Setbacks

14 (1) The minimum distance between adjacent floating home floats
or walls shall be ten (10) feet of open water.

15 (2) The minimum distance between floating homes on opposite
sides of a moorage walkway shall be ten (10) feet, wall to wall.

16 (3) The minimum distance between any floating home float or wall
17 and any floating home moorage lot line shall be five (5) feet except that there shall be no
18 minimum distance required between a floating home float or wall and a moorage lot line when
the lot line is adjacent to a public street right of way, a waterway or the fairway. A moorage
walkway may abut upon the lot line.

19 f. Each floating home shall have direct access to a moorage walkway of
20 not less than five (5) feet of unobstructed width leading to a street.

21 g. Each floating home in a floating home moorage shall abut upon open
water at least twenty (20) feet wide and open continuously to navigable waters.

22 h. The view corridor requirements of the applicable shoreline environment
shall be met.

23 2. Floating home moorages meeting the above standards shall be considered to be
conforming.

24 3. Remodeling, rebuilding or relocation of a floating home shall be permitted at a
conforming moorage if the provisions of subsections A and B1 of this section are met.

25 **C. Nonconforming Floating Home Moorages.**

26 1. The remodeling, replacement, or rebuilding of a floating home at a moorage
27 existing as of March 1, 1977, whether or not legally established at that time, when the moorage
does not satisfy the lot coverage, open water, site area, setback, view corridor or location

1 provisions for conforming floating home moorages shall be permitted subject to the following
2 provisions:

3 a. The total float area of the floating home float shall not be increased;

4 b. The height of the remodeled floating home or of the remodeled portion
5 of the floating home shall not be increased beyond eighteen (18) feet from the water surface or
6 the height shall not exceed eighteen (18) feet from the water if the floating home is being
7 replaced or rebuilt, except that the following specific structures, and only these structures, may
8 exceed this height limit to the minimum extent necessary in order to satisfy the provisions of the
9 Building Code: open railings, chimneys and mechanical vents. Open railings shall be limited to
10 thirty six (36) inches in height;

11 c. The minimum distance between adjacent floating home walls shall not
12 be decreased to less than six (6) feet if the floating home is being remodeled or shall not be less
13 than six (6) feet if the floating home is being rebuilt or replaced, except as provided in subsection
14 D of this section;

15 d. The minimum distance between any floating home wall and any
16 floating home site line shall not be decreased to less than three (3) feet if the floating home is
17 being remodeled or shall not be less than three (3) feet if the floating home is being rebuilt or
18 replaced;

19 e. No part of the floating home shall be further extended over water
20 beyond the edge of the float if the floating home is being remodeled or shall not be extended
21 over water beyond the edge of the float if the floating home is being rebuilt or replaced;

22 f. Any accessory float which was attached to a floating home as of March
23 1, 1977, may be maintained or replaced provided that the area of the accessory float shall not be
24 increased. An accessory float may not be transferred from one (1) floating home to another. New
25 accessory floats are prohibited; and

26 g. The extent of nonconformity of the floating home moorage with respect
27 to view corridors shall not be increased.

28 2. The expansion of a noneconforming moorage shall be permitted if the expanded
portion of the moorage meets the following provisions:

a. No floating home in the expanded portion of the moorage is over
eighteen (18) feet in height or the height of the floating home located immediately landward in
the existing moorage, whichever is greater;

b. New floating homes shall not cover an excess of one thousand two
hundred (1,200) square feet of water area, and existing floating homes shall not be expanded
beyond one thousand two hundred (1,200) square feet, inclusive of float, decks, roof overlay and
accessory floats;

c. Minimum site area for an individual floating home shall be two
thousand (2,000) square feet except as provided in subsection D of this section;

d. Total water coverage of all floating homes and all fixed or floating
moorage walkways in the expanded portion of the moorage shall not exceed forty five (45)
percent of the expanded submerged portion of the moorage lot area;

e. Setbacks:

(1) The minimum distance between adjacent floating home floats
or walls shall be ten (10) feet of open water;

(2) The minimum distance between floating homes on opposite
sides of a moorage walkway shall be ten (10) feet, wall to wall,

4) Are not moved from its existing site.

c. Floating homes may not relocate to that portion of a floating home moorage occupying public waters.

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

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 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 Urban Residential 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 23.60.202.

b. A new floating home moorage or a new floating home site at an existing floating home moorage is allowed in the Urban Commercial 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 7.20.040.E, F, or G, Seattle Municipal Code;

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

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

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

5) No more than one such floating home moorage or site may be added to any marina or floating home moorage after April 1, 1987; and

6) It complies with the standards in this Section 23.60.202. except that there are no parking or minimum site area requirements.

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

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

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

2) Floating home sites shall have sufficient dimensions to accommodate a floating home meeting the standards of subsection 23.60.202.D.

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

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

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

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

8 e. A new floating home moorage or site established for a floating home
9 that is unable to continue mooring in a floating home moorage lawfully existing as of the
10 effective date of this ordinance for the reasons set out in subsection 7.20.040.E, F, or G, Seattle
11 Municipal Code “Safe Harbor”, is not required to comply with parking or minimum floating
12 home site area requirements.

13 3. Existing floating home moorages and sites

14 a. Total water coverage of floating home moorages, including all piers,
15 shall not be increased above 45% of the submerged area or the currently existing coverage,
16 whichever is greater, including the floating home;

17 b. The area of an existing floating home site shall not be reduced below
18 2,000 square feet or the currently existing area, whichever is less,

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

21 d. Existing floating home moorages shall not be reconfigured and existing
22 floating homes shall not be relocated within a floating home moorage site unless the standards of
23 this Section 23.60.202 are met or the Director determines that the standards cannot be met at the
24 site and the reconfiguration or relocation will result in improved ecological functions.

25 4. Floating home moorages shall not provide moorage to floating homes that do
26 not display a registration number issued under subsection 23.60.202.G.

27 C. Standards for exchange of floating home between existing floating home sites. Two
28 floating homes may exchange floating home sites, either within a moorage or between moorages,
if:

1. Height

a. Both floating homes are the same height; or

b. The relocation will not result in a floating home that is over 18 feet in
height and higher than the replaced floating home being located waterward of floating homes
that are 18 feet or less in height; or

c. No floating home greater than 18 feet in height shall be relocated except
to replace a floating home of equal or greater height.

2. The minimum distance between adjacent floating home walls and between any
floating home wall and any floating home site line will meet the requirements of the applicable
moorage standards in subsection B or D of this Section 23.60.202; and

3. The requirements of Chapter 7.20 of the Seattle Municipal Code, Floating
Home Moorages, have been met.

D. Standards for floating homes

1. Floating homes shall be moored at sites established as floating home moorages.

2. Floating homes may relocate to any established floating home moorage,
consistent with the standards of this Section 23.60.202.

1 3. Floating homes shall be lawfully connected to sewer service for all wastewater
2 including black and grey water discharge.

3 4. Float area shall be no larger than 1,200 square feet or the area of the existing
4 float.

5 5. A floating home may be rebuilt, replaced, repaired, or remodeled consistent
6 with the following standards and subsection 23.60.202.D.6, if applicable:

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

9 b. No portion of any addition to a floating home exceeds 18 feet in height
10 or current height if above 18 feet, except to the minimum extent necessary to satisfy the
11 provisions of the Building Code for open railings, chimneys and mechanical vents. Open
12 railings are limited to 36 inches in height.

13 c. Setbacks between adjacent floats and walls

14 1) The minimum distance between adjacent floating home floats or
15 walls shall not be reduced below 10 feet or the existing distance, whichever is less, and shall not
16 be less than 6 feet if the floating home is being replaced or rebuilt.

17 2) The minimum distance between any floating home float or wall
18 and the boundary of any floating home moorage site shall not be reduced below 5 feet or the
19 existing distance, whichever is less, and shall not be less than 3 feet when the floating home is
20 replaced or rebuilt. No minimum distance is required between a floating home float or wall and
21 a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway, or the
22 fairway.

23 d. No new accessory floating structures are allowed. Accessory floating
24 structures that have been continuously in use since March 1, 1977, may be maintained or
25 replaced or relocated with the associated floating home but not expanded or transferred.

26 e. The design of the floating home shall not block the view from the
27 waterward end of a pier more than any existing view blockage.

28 f. No new living or storage spaces are located below water level. Existing
living or storage spaces below water level may be remodeled, replaced, or rebuilt, but may not be
expanded.

g. Unenclosed Styrofoam or similar material that has the potential to break
apart is prohibited for use in floats or for other purposes that would allow the broken pieces to
enter the water.

h. Floats shall be maintained and repaired using the minimum amount of
structure below the OHW mark necessary to maintain floatation and:

1) At the time of replacement of the float the replace float shall be
the minimum necessary; and

2) At the time of replacement of the floating home, any structure
below the OHW mark and outside the primary float structure that provides minimal or no
floatation shall be removed.

i. ~~Moorage Plan.~~ Any proposal to replace, remodel, rebuild, or relocate a
floating home shall be accompanied by an accurate, fully dimensioned floating home site plan,
at a scale of not less than 1 inch to 20 feet, unless such plan is already on file with the
Department.

1 j. If a floating home is demolished application for permits associated with
2 the replacement structure, including but not limited to SEPA review and a Shoreline Substantial
3 Development Permit, shall be made at the same time as application for the demolition permit.

4 6. ~~Remodeling floating homes outside the Construction Limit Line.~~ Remodeling a
5 floating home located in whole or in part outside the Construction Limit Line in Lake Union,
6 including removing and replacing its floats and superstructure, is allowed subject to the
7 following standards:

8 a. the floating home was located outside the Construction Limit Line in
9 Lake Union prior to December 18, 1968;

10 b. the replacement is ~~performed~~completed within 12 months of any
11 removal or demolition; and

12 c. the development complies with the standards of ~~SMC~~subsection
13 23.60.202.D.5.

14 7. Application for permits associated with the replacement structure, including but
15 not limited to SEPA review and a Shoreline Substantial Development Permit, shall be made at
16 the same time as application for the demolition permit.

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

20 1. disposing of garbage, food scraps, waste material and recyclables into the
21 appropriate on-land receptacles;

22 2. securing all outside furniture, barbeque grills, plant containers and other
23 material to ensure these items do not enter the water because of wind or wave action;

24 3. using non-toxic building material in exterior areas;

25 4. using non-toxic cleaning and other household products in outside areas and on
26 exterior structures;

27 5. not using herbicides, pesticides or fertilizers in outside areas or on the exterior
28 of the structure; and

6. using a double containment system when using 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.

F. The Director may establish appropriate best management practices to implement the
requirements of subsection 23.60.202.E by Director's Rule.

G. Registration numbers for floating homes.

1. The owner of each floating home that is allowed under subsection 23.60.202.A
is required to obtain from the Director a registration number within six months of the effective
date of this ordinance and to pay the fee established by the Director to recover the costs of the
program for issuing registration numbers. The Director shall determine whether a floating home
meets the standard in subsection 23.60.202.A before issuing a registration number. The owner
shall display the registration number on the landward side of the floating home in numbers at
least 3 inches high in a location legible from the pier.

2. Failure to obtain or correctly display a registration number is a violation of this
chapter that is subject to the enforcement process in Chapter 23.90, and does not forfeit the
owner's right to maintain a floating home.

1 Section 23.60.204 of the Seattle Municipal Code, enacted by Ordinance 113466,
2 is recodified as Section 23.60.170, and subsections 23.60.090.F and G of the Seattle Municipal
3 Code, last amended by Ordinance 122198, is recodified as Section 23.60.204 and amended as
4 follows:

5 **23.60.204 Standards for house barges**

6 ~~((F-))~~A. 1. Floating structures, including vessels ~~((which-))~~that do not have a
7 means of self-propulsion and steering equipment and ~~((which-))~~that are designed or used as a
8 place of residence, with the exception of house barges moored within The City of Seattle in June
9 1990 and licensed by The City of Seattle, shall be regulated as floating homes pursuant to this
10 chapter.

11 2. Locating other non-water-dependent uses over water on floating
12 structures, including vessels~~((which-))~~that do not have a means of self-propulsion or steering
13 equipment is prohibited unless specifically permitted on house barges or historic ships by other
14 sections of this chapter.

15 ~~((G-))~~B. For purposes of this chapter, house barges shall only be permitted under the
16 following conditions:

17 1. a. A permit for the house barge, which is transferable between
18 owners but not transferable to another house barge, has been secured from the Department of
19 Planning and Development verifying that the house barge existed and was used for residential
20 purposes within The City of Seattle in June 1990 and continuously thereafter as provided in
21 subsection 23.60.204.C.2.

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

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

26 3. Permits

27 a. The initial permit is effective for three ~~((3-))~~years. At the expiration of
28 three ~~((3-))~~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
have been provided.

b. The Director, after consultation with State Department of Ecology
(Northwest Regional Office) water quality staff, may grant an exception to ~~((this-))~~the
requirement in subsection 23.60.204.3.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 ~~((which-))~~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.

d. In addition to any requirements or permit conditions under subsections
23.60.204.B.2 and 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 1) Eliminating wastewater and sewage discharge by sealing
2 overboard discharge and conveying them to an approved disposal facility using a pump out
3 station or a pump out service;

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

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

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

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

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

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

16 e. The Director may establish appropriate best management practices to
17 implement the requirements of subsection 23.60.204.B by Director's Rule.

18 4. House barges must be moored at a recreational marina, as defined by Seattle
19 Municipal Code Section 23.60.926.

20 ((5))C. 1. House barges permitted under this section shall be regulated as a
21 nonconforming use and shall be subject to the standards of Section 23.60.122, except that:

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

24 b. House barges cannot expand or extend beyond existing external
25 dimensions above or below water, notwithstanding the provisions of Section 23.60.122.

26 2. When a house barge is removed from Seattle waters for more than six (6)
27 months, the permit establishing its use shall be rescinded and the house barge shall be prohibited
28 from relocating in Seattle waters.

Section 23.60.198 of the Seattle Municipal Code, last amended by Ordinance 118419, is
recodified as Section 23.60.206 and amended as follows:

~~((23.60.198 Residences other than floating homes.))~~

**23.60.206 ((Streets)) Standards for residences – other than floating homes, house barges,
and live-aboard vessels**

A. ~~((Residences shall not be constructed over water unless specifically permitted in the
regulations for applicable shoreline environment.))~~ Floating homes, house barges, and live-aboard
uses of vessels that comply with the standards of Sections 23.60.202, 23.60.204, and 23.60.214,
respectively, are not subject to the standards of this Section 23.60.206.

B. All residential uses, other than those described in subsection 23.60.206.A, where
allowed or allowed as a special use or a shoreline conditional use, in each shoreline environment
shall comply with the standards in the applicable shoreline environment and the following
standards:

1. ~~((Residences on waterfront lots shall not be located further waterward than
adjacent residences. If a required setback exceeds seventy five (75) feet from the line of ordinary
high water, the Director may reduce the setback to no less than seventy five (75) feet if it does
not adversely impact the shoreline environment and if views of the shoreline from adjacent~~

1 existing residences are not blocked. If there are no other residences within one hundred (100)
2 feet, residences shall be located at least twenty five (25) feet back from the line of ordinary high
3 water.)) Residences shall not be constructed over water unless specifically permitted in the
4 applicable shoreline environment;

5 2. ((Fences, freestanding walls, bulkheads and other structures normally accessory
6 to residences may be located in the residential setback if views of the shoreline from adjacent
7 existing residences are not blocked. The Director shall determine the permitted height of the
8 accessory structures.)) Shall be developed in a manner consistent with control of pollution and
9 prevention of damage to the natural environment.

10 3. Shoreline residential setback:

11 a. In addition to the shoreline setbacks required for specific shoreline
12 environments, a shoreline residential set back is required for residences on waterfront lots.
13 Residences shall not be located waterward of the shoreline residential setback and the shoreline
14 setback.

15 b. The shoreline residential setback is calculated as follows:

16 1) If there are no other residences within 100 feet, the shoreline
17 residential set-back is 35 feet landward from the OHW mark; or

18 2) If there is at least one residence within 100 feet, the shoreline
19 residential setback is a line parallel to the OHW mark, not farther waterward than adjacent
20 residences and no closer waterward than 35 feet.

21 3) If a required shoreline residential setback calculated under
22 subsection 23.60.206.B.3.b.2 exceeds 75 feet from the OHW mark, the Director may reduce the
23 shoreline residential setback to no less than 75 feet if it does not adversely impact the shoreline
24 environment and if views of the shoreline from adjacent existing residences are not blocked.

25 c. Fences and freestanding walls accessory to residences and that are not
26 shoreline modifications may be located in the shoreline setback and in the shoreline residential
27 setback if views of the shoreline from adjacent existing residences are not blocked and the
28 structure is no less than 5 feet landward from the OHW mark. The Director shall determine the
permitted height of the fences and freestanding walls.

((C. Residences constructed partially or wholly over water shall not be located further
waterward than adjacent over-water residences. If there are no over-water residences within one
hundred (100) feet or if this provision would not allow reasonable development, the Director
shall determine the maximum distance from shore that the structure may extend. In making this
determination, the Director shall find that:

1. The amount of view blockage from adjacent residences is minimized;

2. The use of dry land is maximized;

3. The square footage of the proposed structure is comparable to residential
development in the vicinity; and

4. The Shoreline Policies are met.

D. Single family residences on both waterfront and upland lots shall meet the yard
requirements of the underlying zoning.

E. Multifamily developments shall meet all development standards of the underlying
zoning including modulation and structure width and depth, provided that, where view corridors
are required, the Director may reduce or waive the yard and setback requirements of the
underlying zoning. Where view corridors are not required, yards and setbacks of the underlying
zoning shall be required.

1 F)) 4. Submerged lands may not be used to satisfy landscaped open space
2 requirements of multifamily developments.

3 C. All residential uses, other than those described in subsections 23.60.206.A or B, are
4 prohibited.

5 A new Section 23.60.207 of the Seattle Municipal Code is added as follows:

6 **23.60.207 Standards for public facilities**

7 A. If a use in a public facility is not set out in the use tables for the environment in which
8 the use is proposed, the use is allowed, allowed as a special use, allowed as a shoreline
9 conditional use or prohibited as follows:

10 1. Uses in public facilities that are substantially similar to uses allowed, allowed
11 as a special use, allowed as a shoreline conditional use or prohibited in the shoreline environment
12 where the public facility is sited are allowed, allowed as a special use, allowed as a shoreline
13 conditional use, or prohibited, subject to the same use regulations, development standards,
14 special use requirements, and conditional use criteria that govern the similar use. A proposed
15 use in a public facility that is substantially similar to more than one use is regulated pursuant to
16 the most restrictive regulations.

17 2. Unless specifically prohibited, uses in public facilities that are not substantially
18 similar to uses specifically regulated in the standards for the shoreline environment where the
19 public facility is sited may be allowed by the Council, with the concurrence of Ecology,
20 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with
21 public projects considered as Type IV quasi-judicial decisions and City facilities considered as
22 Type V legislative decisions.

23 B. City Council approval of modifications. The Council, with the concurrence of
24 Ecology, may waive or modify applicable development standards or special use requirements
25 under Chapter 23.60 for uses allowed or allowed as a special use under subsection 23.60.207.A
26 according to Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects
27 considered as Type IV quasi-judicial decisions and City facilities considered as Type V
28 legislative decisions.

C. Expansion of Uses in Public Facilities. Uses allowed, allowed as a special use,
allowed as a shoreline conditional use, or allowed with modifications pursuant to subsections
23.60.207.A or 23.60.207.B may be expanded as follows:

1. Major Expansion. A major expansion of a public facility use occurs when the
proposed expansion would not meet development standards or exceed either 750 square feet or
10% of its existing area, whichever is greater, including but not limited to gross floor area and
areas devoted to active outdoor uses other than parking. Major expansions of uses in public
facilities allowed in subsections 23.60.207.A and 23.60.207.B are allowed following the
standards and procedural requirements in those subsections.

2. Minor Expansion. An expansion that falls below the major expansion
threshold level is a minor expansion. Minor expansions of uses in public facilities are allowed
subject to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions,
for a Type I Master Use Permit if the development standards of the zone in which the public
facility is located are met.

Section 23.60.208 of the Seattle Municipal Code, enacted by Ordinance 113466, is
amended as follows:

1 **23.60.208 Standards for ~~((R))~~railroads(~~(-and rail transit-))~~**

2 A. In shoreline environments where railroads are allowed, or allowed as a special use or a
3 shoreline conditional use, they shall comply with the standards in the applicable shoreline
4 environment, in this Section 23.60.208, and if located on a bridge or in a tunnel, in Section
5 23.60.196.

6 B. Existing railroad tracks may be expanded and new tracks added within existing rail
7 corridors.

8 ~~((A))~~C. New railroad tracks ~~((shall be permitted))~~not within existing rail corridors are
9 allowed in the Shoreline District only if necessary to serve lots in the Shoreline District, and
10 locations outside the Shoreline District are not available and feasible.

11 ~~((C. Where possible, new rail transit facilities in the Shoreline District shall use existing~~
12 highway or rail corridors.))

13 D. All new railroads ~~((and rail transit facilities-))~~ ~~((shall))~~ are required to provide means
14 for the public to overcome the physical barrier created by the facility and gain access to the
15 shoreline.

16 E. All new railroad and appurtenant structures shall be sited in the locations that have the
17 least possible adverse effect on unique or fragile shoreline features and do not adversely impact
18 existing or planned water-dependent or water-related uses.

19 F. The Director may approve or condition applications for intermittent or temporary
20 railroad uses if the use complies with the following standards:

21 1. All impacted areas are revegetated with 100% native vegetation; and

22 2. There is no permanent increase in impervious surface from the condition of the
23 site prior to the intermittent or temporary use.

24 A new Section 23.60.209 of the Seattle Municipal Code is added as follows:

25 **23.60.209 Standards for rail transit facilities**

26 A. Rail transit facilities shall comply with the standards in the applicable shoreline
27 environment, in this Section 23.60.209, and if located on a bridge or in a tunnel, in Section
28 23.60.196. In issuing permits for rail transit facilities approved by the City Council under
29 subsection 23.80.004.C, the Director shall apply the standards of this Chapter 23.60 and Section
30 23.80.

31 B. Where reasonable, new rail transit facilities in the Shoreline District shall use existing
32 highway or rail corridors.

33 C. Rail transit facilities located parallel to the shoreline are required to provide means for
34 the public to overcome the physical barrier created by the facility and gain access to the
35 shoreline.

36 D. Bridges for rail transit facilities that are required to cross over water that is regulated
37 by Chapter 23.60 and that are approved by the City Council under subsection 23.80.004.C shall
38 be regulated in the same manner as water-dependent uses, except when a non-water-oriented use
39 is allowed if it is part of a water-dependent project, e.g., subsection 23.60.442.G.

40 E. Temporary structures and uses.

41 .A temporary structure or use that supports the construction of a light rail transit
42 facility and that is approved pursuant to Section 23.42.040.F is allowed as a temporary structure
43 or use in all shoreline environments, except the CP Environment; it is allowed in the CP
44 Environment if other locations are infeasible.

1 2. The Director may grant, deny or condition applications for intermittent or temporary
2 uses not meeting development standards in the Shoreline District for light rail transit facility
3 construction if the use complies with the standards of subsection 23.42.040. F and the applicant
4 provides a site restoration plan achieving no net loss of ecological function that includes, at a
5 minimum:

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

11 Section 23.60.210 of the Seattle Municipal Code, last amended by Ordinance 118793, is
12 repealed, as shown in Attachment A, and A new section 23.60.210 is added to the Seattle
13 Municipal Code as follows:

14 **23.60.210 Standards for research, aquatic, scientific, historic, cultural and educational**
15 Aquatic, scientific, historic, cultural and educational research uses are allowed in all
16 environments waterward and landward of the OHW and in wetlands if:

- 17 A. No structures are erected;
- 18 B. No interference with navigation occurs;
- 19 C. No vegetation is permanently removed; if vegetation is removed the vegetation shall
20 be replaced in compliance with the standards of 23.60.190; and
- 21 C. No impervious surface is created.

22 A new Section 23.60.211 of the Seattle Municipal Code is added as follows:

23 **23.60.211 Standards for restoration and enhancement**

24 A. Restoration and enhancement uses are allowed, allowed as a special use or allowed as
25 a shoreline conditional use or prohibited as required by each component of the restoration and
26 enhancement project. Components of a restoration and enhancement plan may include shoreline
27 modifications that are consistent with the objectives of project, and these components are
28 regulated in Subchapter III, Part 4, of this Chapter 23.60.

B. Actions to restore and enhance ecological functions, whether as part of mitigation
sequencing or otherwise, shall use the Shoreline Restoration and Enhancement Plan as guidance.

Section 23.60.180, last amended by Ordinance 117555, is recodified as Section 23.60.212
and amended as follows:

~~((23.60.180))~~**23.60.212 ((Sign standards))Standards for signs((-)**

A. General standards for all Signs.

1. Roof signs are prohibited ~~((shall not be permitted))~~ in the Shoreline District.
2. Signs mounted on buildings ~~((shall be))~~ are limited to wall~~((mounted))~~ signs,
except ~~((for))~~ as follows:

- a. projecting signs mounted on the street-front facade of a building facing
a street running generally parallel to the shoreline and located at a distance from the corner of the
building so as not to obstruct views of the water are allowed((-); and
- b. canopy signs located in the UH Environment and outside of required
view corridors are allowed.

1 3. Pole signs ~~((shall be permitted only))~~ are allowed on piers or floats
2 ~~((which))~~ that lack buildings for wall-mounted signs and ~~((only to))~~ that provide visibility from
3 fairways ~~((publicly owned navigable waters))~~ for water-dependent or water-related uses. Pole
4 signs shall not be located in or obstruct view corridors required by this ~~((e))~~ Chapter 23.60 ~~((or so
5 as to obstruct views through view corridors required by this chapter or of a substantial number of
6 residents))~~. The Director may modify proposed signs to prevent such view obstruction.

7 4. Ground signs are ~~((permitted when))~~ allowed if not located in required view
8 corridors or in an area ~~((which))~~ that ~~((impairs visual access to))~~ obstructs required view corridors.

9 5. The size, height and number of ~~((permitted))~~ signs allowed and the
10 determination ~~((as to))~~ whether a sign may be flashing, illuminated, rotating or portable, ~~((shall
11 be))~~ is ~~((as))~~ regulated in the underlying zone ~~((ing))~~ except as follows:

12 a. Any sign ~~((which))~~ that is visible from a fairway ~~((publicly owned
13 navigable water shall be))~~ is limited to the name and nature of the use, and each letter is limited to
14 no more than ~~((sixteen inches ("))~~ 16 ~~(("))~~ inches in height. ~~((;))~~

15 b. Signs on piers ~~((shall be))~~ are limited to ~~((forty (40))~~ 24 square feet in
16 area. ~~((;))~~ ~~((and))~~

17 c. Freestanding signs on piers shall not exceed ~~((twelve feet ("))~~ 12 ~~(('))~~ feet
18 in height.

19 d. Boat name signs are not limited in number, size or location for the
20 name and port of the vessel, and any message identifying the maker of the vessel shall be the
21 customary number and size for this information. Electric, illuminated or rotating signs are
22 prohibited.

23 e. Raceboat sponsor signs are not limited in size or number. Electric,
24 illuminated or rotating signs are prohibited.

25 B. Types of Signs.

26 1. Signs ~~((permitted))~~ allowed in the CN, CP, CR, CM, CW and UR Environments
27 are identification signs, on-premises directional signs, and interpretive signs, except on vessels if
28 the sign is legible off the vessel. All other signs are prohibited, except as provided in subsection
29 23.60.212.B.5.

30 2. Signs ~~((permitted))~~ allowed in the UC, UH, UM, and UG Environments ~~((shall
31 be limited to))~~ are identification signs, on-premises directional signs, and ~~((interpretive signs and
32 business))~~ on-premises signs, including interpretive signs, except on vessels if the sign is legible
33 off the vessel. All other signs are prohibited, except as provided in subsection 23.60.212.B.5.

34 3. Signs ~~((permitted))~~ allowed on waterfront and upland lots in the UI
35 Environment ~~((shall be limited to))~~ are identification signs, on-premises directional signs,
36 ~~((interpretive signs and business))~~ on-premises, including interpretive signs and off-premises
37 directional signs, except on vessels if the sign is legible off the vessel. Off-premises
38 ~~((Advertising))~~ signs are allowed ~~((may be permitted only))~~ on upland lots in the UI
39 Environment. All other signs are prohibited, except as provided in subsection 23.60.212.B.5.

40 4. Temporary signs as defined and regulated in Section 23.55.012 ~~((shall be))~~ are
41 allowed in all shoreline ~~((E))~~ environments, subject to the restrictions in subsection 23.60.
42 ~~((180))~~ 212.A.

43 5. Boat name signs and raceboat sponsor signs are allowed in all shoreline
44 environments, subject to the restrictions in subsection 23.60.212.A.

Section 23.60.206 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as a new Section 23.60.213 and amended as follows:

~~((23.60.206))~~ **23.60.213 Standards for ((S))streets((-))**

A. ((Except for bridges necessary to cross a water body, new streets shall be permitted in the Shoreline District only if necessary to serve lots in the Shoreline District or to connect to public access facilities.)) New Streets

1. In shoreline environments where new streets are allowed or allowed as a special use or a shoreline conditional use, they shall comply with the standards in the applicable shoreline environment and in this Section 23.60.213, and if located on a bridge or in a tunnel, shall comply with the standards provided in Section 23.60.196.

2. New streets must be necessary to serve lots in the Shoreline District, to provide the minimum access necessary to serve bridges or tunnels, or to connect to public access facilities.

3. New streets shall be located as far from the OHW mark as reasonable.

B. Relocation and expansion of existing streets

1. Permanent relocation and expansion. Existing streets may be relocated and expanded if other options outside the Shoreline District are not reasonable and any expansion or relocation that is closer to the shoreline as measured from the original street location is the only reasonable option and is the minimum necessary to accommodate estimated traffic flow.

2. Temporary relocation and expansion. Existing streets may be temporarily relocated and expanded within the Shoreline District:

a. For a period of 4 years or less and for an additional 2 years if the road relocation is accommodating 2 projects;

b. If any expansion or relocation is closer to the shoreline as measured from the original street location, this location is the only reasonable option and is the minimum necessary to accommodate estimated traffic flow; and

c. In compliance with the standards in subsection 23.60.213.C to the extent reasonable.

C. Where ((permitted))allowed, new streets and the expansion or relocation of existing streets((on the shoreline)) shall be located and designed to:

1. Improve public visual and physical access to the shoreline;

2. Conform to the topography and other natural features with minimum cut, fill, and structural elements;

3. Minimize adverse effects on unique or fragile shoreline features, including minimizing the amount of impervious surface;

((3))4. Provide means for the public to overcome the physical barrier created by the ((facility)) street and gain access to the shoreline;((-and))

((4))5. Minimize the area of upland lots and maximize the area of waterfront lots; and

6. Result in no adverse impact to existing water-dependent uses or water-dependent uses that have received City permits.

A new Section 23.60.214 of the Seattle Municipal Code is added as follows:

23.60.214 Standards for live-aboard uses on vessels

A. House barges are regulated in Section 23.60.204.

1 B. Live-aboard uses are allowed on vessels other than house barges if the vessel complies
2 with the following criteria:

3 1. The vessel is designed primarily for recreational or commercial navigation; in
4 making this determination the following standards are the minimum requirements:

5 a. The vessel has:

6 1) Steerage and self-propulsion;
7 2) Decks fore and aft for line handling;
8 3) Symmetric embarkation stations to allow boarding from both
9 sides; and

10 4) Symmetric mooring hardware.

11 b. Whether the delivery voyage from place of purchase to moorage
12 location was made without assistance; and

13 c. The vessel complies with the Sail Area-Length Ratio (SALR) pursuant
14 to Table A for Section 23.60.214.

15 **Table A for Section 23.60.214 Standards for live-aboard uses on vessels**

<u>Sail Area/Length Ratio</u>	<u>Requirements</u>
<u>< 10</u>	<u>Allowable</u>
<u>10 > 17</u>	<u>Must submit stamped calculations by a licensed, professional naval architect, identifying that the floating structure is designed for and capable of safe self-navigation in a sea state equivalent to, Beaufort Scale 3</u>
<u>> 17</u>	<u>Not Allowable</u>

16 2. The vessel is moored at a recreational or commercial marina and if the marina
17 complies with the standards set out in Section 23.60.200.

18 A new Section 23.60.215 of the Seattle Municipal Code is added as follows:

19 **23.60.215 Standards for uses on vessels**

20 A. Activities and uses on a vessel, except as allowed in subsection 23.60.214 that are not
21 customary to that type of vessel are prohibited while the vessel is moored.

22 B. Customary activities or uses occurring while the vessel is moored are subject to the
23 standards of the applicable shoreline environment unless incidental to the customary use of the
24 vessel or the residential use allowed under subsection 23.60.214.

25 C. Signs on vessels, whether the vessel is moored or not, are subject to Section
26 23.60.212.

27 D. In environments where uses are allowed over water, those uses are not allowed on
28 vessels unless consistent with subsections 23.60.215.A, 23.60.215.B or 23.60.215.C.

A new Section 23.60.216 of the Seattle Municipal Code is added as follows:

23.60.216 Standards for vessel moorage

A. Owners and operators of vessels moored in recreational marinas, commercial marinas
and other lawful moorages shall use best management practices to minimize impacts on the
aquatic environment. The best management practices include the following:

1. Using non-toxic cleaners and other products used on vessels;

2. Limiting the amount of gray water produced by using less water;
3. Disposing of sewage at pump-out stations or through a pump-out service;
4. Disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;
5. Storing all outside materials in a secure manner so that they do not enter the water because of wind or wave action;
6. Not using herbicides, pesticides or fertilizers;
7. Using a double containment system when using products on the vessel to contain any spills in the second receptacle and prevent the products from entering the water.

B. The Director may establish appropriate best management practices to implement the requirements of this Section 23.60.216 by Director’s Rule.

Section 23.60.192 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as a new Section 23.60.217 and amended as follows:

~~((23.60.192))~~**23.60.217 Standards for utility lines(=)**

A. ~~((To the extent practicable, all new utility lines shall be located or constructed within existing utility corridors.))~~In shoreline environments where utility lines, including intakes and outfalls, are allowed or allowed as a special use or a shoreline conditional use they shall comply with the standards in the applicable shoreline environment and in this Section 23.60.217.

B. All new utility lines shall be located or constructed in the following order to the extent feasible:

1. Outside the Shoreline District;
2. Within existing utility corridors or in public rights of way, including attaching to existing bridges;
3. In locations that minimize adverse impacts within the Shoreline District ; and
4. Under water, subject to the provisions in subsection 23.60.217.D, using methods that minimize impacts and assist in future repair and replacement, such as boring and sleeving, and constructed to prevent the “French drain effect” in high-ground water areas.

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

1. Underground to the extent reasonable or under water, except for lines carrying 115 kilovolts or more and for temporary relocation;
2. ~~((C. Overhead installation of utility lines shall be permitted where there are no significant impacts on upland views. Location and design shall minimize visibility of overhead utilities and preserve views.))~~Overhead in the UI Environment and lines carrying 115 volts or more, except for temporary lines pursuant to subsection 23.60.217.C.3, if the location and design minimizes visibility of the overhead utilities and preserves views of the water; or
3. Overhead installation of utility lines is allowed temporarily for a period of one year or less.

D. Pipelines, except gravity sewers and storm drains and underwater pipelines, carrying materials intrinsically harmful or potentially injurious to aquatic life and/or water quality shall have shutoff facilities and use other appropriate best management practices to prevent and contain such materials from entering the water or the ground.

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

4 F. ~~((D. Upon completion of utility line installation or maintenance projects, the shoreline
5 shall be restored to preproject configuration, replanted and provided maintenance care until the
6 newly planted vegetation is reestablished.))~~ All disturbed areas shall be restored to pre-project
7 configuration and shall be planted in compliance with Section 23.60.190.

8 Section 23.60.202 of the Seattle Municipal Code, last amended by Ordinance 110381, is
9 recodified as a new Section 23.60.219 and amended as follows:

10 ~~((23.60.202))~~ **23.60.219 Standards for yacht, boat and beach clubs**~~((;))~~

11 A. ~~((Nonwater dependent f))~~ Facilities of yacht, boat and beach clubs ~~((, other than
12 moorage facilities,))~~ that are not water-dependent shall be located ~~((only))~~ on dry land except as
13 specifically provided in the applicable shoreline environment.

14 B. Yacht, boat and beach clubs moorage facilities shall comply with Section 23.60.200.

15 **Subchapter IV Shoreline Environments**

16 Section 23.60.220 of the Seattle Municipal Code, last amended by Ordinance 120691, is
17 amended as follows:

18 **23.60.220 Environments established**

19 A. ~~((following))~~ shoreline environments set out in subsection 23.60.220.C and the
20 boundaries of these environments are established on the Official Land Use Map as authorized in
21 Chapter 23.32. ~~((Land Use Maps))~~ Any undesignated shorelines are designated Conservancy
22 Preservation.

23 ~~((D))~~ B. Submerged Lands

24 1. On Puget Sound, Lake Washington and Green Lake submerged lands shall be
25 designated as shoreline environments that preserve them for ecological functions and public or
26 recreational purposes.

27 2. On Elliot Bay, Lake Union, the Ship Canal, and the Duwamish River,
28 submerged lands shall be designated as shoreline environments that balance preservation of
29 ecological functions and a mix of public, recreational, industrial, and commercial purposes. In
30 these areas; ~~((F))~~ the environmental designation given to ~~((waterfront dry land))~~ submerged lands
31 is generally the same as the abutting waterfront dry land ~~((shall be))~~ and extends ~~((ed))~~ to the
32 outer Harbor Line, Construction Limit Line, or other navigational boundary ~~((on Lake Union, on
33 Portage Bay, in industrially zoned areas, and in the Urban Harborfront area. On Puget Sound,
34 Lake Washington and Green Lake submerged lands shall be designated to preserve them for
35 public or recreational purposes)).~~

36 3. Where the shoreline environment designation on submerged land is different
37 than the shoreline environment designation of the adjacent dry land, the environment boundary is
38 the OHW mark in freshwater environments and mean higher high water in saltwater
39 environments.

40 ~~((B))~~ C. For the purpose of this chapter, the Shoreline District is divided into ~~((eleven
41))~~ 11 ~~(())~~ environments ~~((designated below)).~~

Table A for 23.60.220: Environment Designation

((Environment))	((Designation))
((Conservancy Navigation)) <u>Conservancy Management</u>	((CN)) <u>CM</u>
((Conservancy Preservation)) <u>Conservancy Navigation</u>	((CP)) <u>CN</u>
((Conservancy Recreation)) <u>Conservancy Preservation</u>	((CR)) <u>CP</u>
((Conservancy Management)) <u>Conservancy Recreation</u>	((CM)) <u>CR</u>
Conservancy Waterway	CW
((Urban Residential)) <u>Urban Commercial</u>	((UR)) <u>UC</u>
((Urban Stable)) <u>Urban General</u>	((US)) <u>UG</u>
Urban Harborfront	UH
((Urban Maritime)) <u>Urban Industrial</u>	((UM)) <u>UI</u>
((Urban General)) <u>Urban Maritime</u>	((UG)) <u>UM</u>
((Urban Industrial)) <u>Urban Residential</u>	((UR)) <u>UR</u>

~~((E))D.~~ The purpose and locational criteria for each shoreline environment ~~((designation))~~ are ~~((described below.))~~ as follows:

1. Conservancy Management (CM) Environment

a. Purpose. The purpose of the CM ~~((shoreline e))~~ Environment is to provide for water-dependent infrastructure, such as navigational locks, that provide a substantial public benefit, and recreational facilities, such as marinas and parks. Development allowed in the CM Environment can be managed to preserve ecological functions and typically provide public access. ~~((conserve and manage areas for public purposes, recreational activities and fish migration routes. While the natural environment need not be maintained in a pure state, developments shall be designed to minimize adverse impacts to natural beaches, migratory fish routes and the surrounding community.))~~

b. Locational Criteria

~~((1))~~ 1) Dry or submerged land ~~((in sensitive areas))~~ that is generally owned by a public agency~~((;))~~ and developed with a major ~~((public))~~ infrastructure or a recreational facility, including navigation locks~~((;))~~ and ~~((sewage treatment plants, ferry terminals))~~ marinas;

2) ~~((and p))~~ Public and private parks; or

~~((2))~~ 3) ~~((Waterfront lots containing natural beaches or a natural resource such as fish migration routes or fish feeding areas))~~ Areas of medium to high intensity development that are surrounded by areas of less intense development such ~~((which))~~ that they may require active management to protect ecological functions. ~~((but which are compatible with recreational development))~~~~((;))~~

2~~((1))~~. Conservancy Navigation (CN) Environment

a. Purpose. The purpose of the CN Environment is to preserve open water for navigation.

b. Locational Criteria

1) Submerged lands used as a fairway for vessel navigation; or

2)~~((e-))~~ Submerged lands seaward of the Outer Harbor Line, Construction Limit Line or other navigational boundary ~~((which))~~ that are not specifically designated or shown on the Official Land Use Map shall be designated Conservancy Navigation.~~((;))~~

3~~((2))~~. Conservancy Preservation (CP) Environment

1 a. Purpose. The purpose of the CP Environment is to preserve, protect,
2 restore, or enhance ~~((certain))~~ shoreline areas that have intact or mostly intact ecological
3 functions and areas ~~((which))~~ that are particularly biologically or geologically fragile. ~~((and to~~
4 ~~encourage the e)~~ Enjoyment of ~~((those))~~ these areas by the public is encouraged to the extent that
5 sensitive or fragile ecological functions are not adversely impacted. ~~((Protection of such areas is~~
6 ~~in the public interest.))~~

7 b. Locational Criteria

8 1) Dry or submerged lands ~~((owned by a public agency and))~~ with
9 significant ecological functions;

10 2) Shorelines ~~((possessing particularly))~~ serving fragile biological,
11 geological processes or ~~((other natural resources which))~~ containing ecological functions that may
12 warrant preservation or restoration and enhancement; or

13 3) Shorelines unable to support development or uses without
14 adverse ecological impacts or risk to public safety.

15 4((3)). Conservancy Recreation (CR) Environment

16 a. Purpose. The purpose of the CR ~~((shoreline e))~~ Environment is to
17 provide public access and recreational use of shorelines while protecting ecological functions.
18 ~~((protect areas for environmentally related purposes, such as public and private parks,~~
19 ~~aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory~~
20 ~~fish routes. While the natural environment is not maintained in a pure state, the activities to be~~
21 ~~carried on provided minimal adverse impact. The intent of the CR environment is to use the~~
22 ~~natural ecological system for production of food, for recreation, and to provide access by the~~
23 ~~public for recreational use of the shorelines. Maximum effort to preserve, enhance or restore the~~
24 ~~existing natural ecological, biological, or hydrological conditions shall be made in designing,~~
25 ~~developing, operating and maintaining recreational facilities.))~~

26 b. Locational Criteria

27 ((6))1) Dry or submerged lands generally owned by a public
28 agency and developed as a park; ((7))

1 2) Areas where the ~~((shoreline possesses))~~ biological, geological or
2 other natural resource ~~((s that))~~ shoreline processes and functions can be maintained by limiting
3 development; or ((7))

4 ((2)) 3) ~~((Residentially zoned s))~~ Submerged lands ~~((in private or~~
5 ~~public ownership located))~~ adjacent to dry lands designated Urban Residential where the
6 ~~((shoreline possesses-))~~ biological, geological or other natural resource ~~((s that))~~ shoreline
7 processes and functions can be maintained by limiting development. ((7))

8 5. Conservancy Waterway (CW) Environment

9 a. Purpose. The purpose of the CW ~~((shoreline e))~~ Environment is to
10 preserve ~~((the))~~ City waterways for navigation and commerce, including public access to and
11 from water areas and to protect ecological functions. Since the waterways are public ways for
12 water transport, they are designated CW to provide navigational access to adjacent properties,
13 access to and from land for the loading and unloading of watercraft and temporary moorage.

14 b. Locational Criteria. Waterways on Lake Union and Portage Bay. ((7))

15 6((7)). Urban ~~((Stable))~~ Commercial ~~((US))~~ UC Environment.

16 a. Purpose

17 ((6))1) Provide for a mix of water-oriented uses and development;
18 ~~((opportunities for substantial numbers of people to enjoy the shorelines by encouraging water-~~

dependent recreational uses and by permitting nonwater dependent commercial uses if they provide substantial public access and other public benefits;))

~~((f)2) ((Preserve and enhance views of the water from adjacent streets and upland residential areas;))~~ Allow limited non-water-oriented uses and development where it would not displace water-oriented uses and if located on waterfront lots where it achieves another goal of the Shoreline Management Act, such as public access or protection or improvement of ecological functions; and

~~((f)3) ((Support water dependent uses by providing services such as marine related retail and moorage;))~~ Provide for public access and recreational enjoyment of the shoreline while protecting ecological functions.

b. Locational Criteria

~~((f)1) Areas ((where the underlying zoning is))~~ zoned Commercial, Neighborhood Commercial or lowrise multifamily~~((Industrial;))~~;

~~((f)2) Areas with ((small))~~ minimal amounts of dry land between the shoreline and the first parallel street, with steep slopes, limited truck and rail access or other features making the area unsuitable for water-dependent or water-related industrial uses~~((;))~~ but that may be suitable for water-oriented commercial uses; or

~~((f)3) Areas with large amounts of submerged land in relation to dry land and sufficient wave protection for water-dependent recreation;((;~~

~~(4) Areas where the predominant land use is water dependent recreational or nonwater dependent commercial;))~~

7. Urban General (UG) Environment

a. Purpose. The purpose of the UG ~~((shoreline e))~~ Environment is to provide for economically viable use of commercial and ~~((manufacturing))~~ industrial areas ((which)) that are not suited for ~~((full use by))~~ water-dependent ~~((businesses))~~ uses due to limited or no water access and to protect existing ecological function. ~~((Public access or viewing areas shall be provided by nonwater dependent uses where feasible;))~~

b. Locational Criteria

~~((f)1) Areas with little or no direct water access, which makes the development of water-dependent uses impractical or unreasonable; and~~

~~((f)2) Areas ((where the underlying zoning is))~~ zoned Commercial ~~((2))~~ or Industrial~~((;))~~

8. Urban Harborfront (UH) Environment

a. Purpose. The purpose of the UH ~~((e))~~ Environment is to encourage economically viable water-dependent and water-related uses to meet the needs of waterborne commerce, facilitate the revitalization of the ~~((Downtown's))~~ the city's central waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve ~~((and enhance))~~ elements of historic and cultural significance and protect ecological functions. ~~((preserve views of Elliott Bay and the land forms beyond;))~~

b. Locational Criteria. ~~((1) Areas where the underlying zoning is a Downtown zone;))~~ The locational criterion is areas located within Downtown Harborfront 1 or Downtown Harborfront 2 zones.

~~((2) Areas in or adjacent to a State Harbor Area;~~

~~(3) Areas where the water area is developed with finger piers and transit sheds;))~~

9~~((4))~~. Urban Industrial (UI) Environment

1 a. Purpose. The purpose of the ~~((Urban Industrial))~~UI ~~((e))~~Environment is
2 to provide for efficient use of industrial shorelines by major cargo facilities and other water-
3 dependent and water-related industrial uses and to allow for warehouse uses that are not water-
4 dependent or water-related where they currently exist. ~~((Views shall be secondary to industrial~~
5 ~~development and p))~~ Public access ~~((shall))~~should be provided ~~((mainly))~~on public lands or in
6 conformance with an area-wide Public Access Plan, and ecological restoration and enhancement
7 should be accommodated where reasonable.

8 b. Locational Criteria

9 1) Areas ~~((where the underlying zoning is))~~zoned Industrial; ~~((;))~~
10 ~~((2))~~ ~~Areas with large amounts of level dry land in large parcels~~
11 ~~suitable for industrial use;~~
12 ~~((3))~~ ~~Areas with good rail and truck access;~~
13 ~~((4))~~ 2) Areas adjacent to or part of major industrial centers
14 ~~((which))~~that provide support services for water-dependent and other ~~((industry))~~ industrial uses;
15 or ~~((;))~~

16 ~~((5))~~3) Areas where predominant uses are water-dependent or
17 water-related manufacturing, warehousing, major port cargo facilities or other similar uses.

18 10(9). Urban Maritime (UM) Environment.

19 a. Purpose. The purpose of the UM ~~((e))~~Environment is to ~~((preserve~~
20 ~~areas))~~provide for efficient use of industrial and commercial shorelines by water-dependent and
21 water-related uses. ~~((while still providing some views of the water from adjacent streets and~~
22 ~~upland residential streets.))~~ Public access should be provided mainly on public lands or in
23 conformance with an area-wide Public Access Plan and ecological restoration and enhancement
24 should be accommodated where reasonable. ~~((shall be second in priority to water dependent~~
25 ~~uses unless provided on street ends, parks or other public lands.))~~

26 b. Locational Criteria

27 ~~((1))~~1) ~~((Areas where the underlying zoning is industrial or~~
28 ~~Commercial 2;))~~Areas zoned Industrial or Commercial 2 with sufficient dry land for industrial
29 uses but generally in smaller parcels than in the UI Environment;

30 ~~((2))~~ ~~Areas with sufficient dry land for industrial uses but~~
31 ~~generally in smaller parcels than in UI environments;~~

32 ~~((3))~~ 2) Areas developed predominantly with water-
33 related~~((dependent))~~ manufacturing or commercial uses or a combination of manufacturing-
34 commercial and recreational water-dependent uses~~((;))~~

35 ~~((4))~~ 3) Areas with concentrations of state waterways for use by
36 commerce and navigation; or~~((;))~~

37 ~~((5))~~ 4) Areas near, but not necessarily adjacent to, residential or
38 ~~((n))~~Neighborhood ~~((e))~~Commercial zones ~~((which))~~ that require ~~((preservation of views and~~
39 ~~))~~protection from the impacts of heavy industrialization and are therefore inappropriate for a UI
40 Environment designation. ~~((;))~~

41 11(6). Urban Residential (UR) Environment.

42 a. Purpose. The purpose of the UR ~~((e))~~Environment is to ~~((protect~~
43 ~~residential areas))~~ provide for single family residential development and accessory structures,
44 while protecting ecological functions. Multifamily is allowed in this environment where the
45 underlying zone as of the date of this ordinance allows multifamily.

46 b. Locational Criteria

1 A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline
 2 conditional use or prohibited pursuant to this Section 23.60.224 and Table A for Section
 3 23.60.224. Use categories and subcategories cover all uses in that category and subcategory
 4 except when a subcategory of that use is specifically shown in the table.

5 2. If the table or text of Section 23.60.224 states that a use is required to be water-
 6 dependent or water-related, a use that does not have the required attribute is prohibited.

7 3. Regulations for specific shoreline modifications are set out in Sections
 8 23.60.172 through 190.

9 **Table A for Section 23.60.224 Uses in the CM Environment**

10 <u>A. AGRICULTURAL and FOREST</u> <u>PRACTICE</u>	<u>X</u>
11 <u>B. CEMETERIES</u>	<u>X</u>
12 <u>C. COMMERCIAL USES</u>	<u>-</u>
13 <u>C.1. Animal shelters and kennels</u>	<u>X</u>
14 <u>C.2. Eating and drinking establishments</u>	<u>See subsection 23.60.224.B and C</u>
15 <u>C.3. Entertainment uses</u>	<u>X</u>
16 <u>C.4. Food processing and craft work uses</u>	<u>See subsection 23.60.224.C</u>
17 <u>C.5. Laboratories, research and development</u>	<u>X</u>
18 <u>C.6. Lodging</u>	<u>X</u>
19 <u>C.7. Medical services</u>	<u>X</u>
20 <u>C.8. Offices</u>	<u>See subsection 23.60.224.D</u>
21 <u>C.9. Sales and service uses, automotive</u>	<u>X</u>
22 <u>C.10. Sales and services, general</u>	<u>See subsection 23.60.224.B and C</u>
23 <u>C.11. Sales and service uses, heavy</u>	<u>X</u>
24 <u>C.12. Sales and services, marine</u>	<u>-</u>
25 <u>C.12.a. Marine service station</u>	<u>SU</u>
26 <u>C.12.b. Sale or rental of large boats</u>	<u>See subsection 23.60.224.E</u>
27 <u>C.12.c. Sale or rental of small boats, boat</u> <u>parts, or accessories</u>	<u>See subsection 23.60.224.E</u>
28 <u>C.12.d. Vessel repair, major</u>	<u>X</u>
<u>C.12.e. Vessel repair, minor</u>	<u>SU</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>
<u>E. INSTITUTIONAL USES</u>	<u>-</u>
<u>E.1. Adult care centers</u>	<u>See subsections 23.60.224.F</u>
<u>E.2. Child care centers</u>	<u>See subsections 23.60.224.F</u>
<u>E.3. Colleges</u>	<u>See subsections 23.60.224.G</u>
<u>E.4. Community center or club</u>	<u>-</u>
<u>E.4a. Yacht boat and beach clubs</u>	<u>SU</u>
<u>E.4b. Other community centers or clubs</u>	<u>See subsection 23.60.224.G</u>
<u>E.5. Family support center</u>	<u>See subsection 23.60.224.F</u>
<u>E.6. Hospitals</u>	<u>See subsection 23.60.224.F</u>
<u>E.7. Institute for advanced study</u>	<u>See subsection 23.60.224.G</u>
<u>E.8. Library</u>	<u>See subsection 23.60.224.F</u>
<u>E.10. Museum</u>	<u>See subsection 23.60.224.G</u>

Table A for Section 23.60.224 Uses in the CM Environment

1	<u>E.11. Private club</u>	-
2	<u>E.11a. Yacht, boat and beach clubs</u>	SU
	<u>E.11b. Other private clubs</u>	See subsection 23.60.224.G
3	<u>E.12. Religious facilities</u>	See subsection 23.60.224.F
4	<u>E.13. Schools, elementary or secondary</u>	See subsection 23.60.224.F
	<u>E.14. Vocational or fine arts schools</u>	See subsection 23.60.224.G
5	<u>E.15. Other institutional uses</u>	X
	<u>F. LIVE-WORK UNITS</u>	X
6	<u>G. MANUFACTURING USES</u>	X
7	<u>H. PARKS AND OPEN SPACE</u>	-
	<u>H.1 General</u>	See subsection 23.60.224.F
8	<u>H.2 Shoreline</u>	A
9	<u>I. PUBLIC FACILITIES</u>	See Section 23.60.207
10	<u>J. RESEARCH USES, Aquatic, Scientific, Historic, Cultural and Educational</u>	See Section 23.60.210
11	<u>K. RESIDENTIAL USES</u>	X
12	<u>L. RESTORATION AND ENHANCEMENT USES</u>	See Section 23.60.211
13	<u>M. STORAGE USES</u>	See subsection 23.60.224.D
14	<u>N. TRANSPORTATION FACILITY USES</u>	-
	<u>N.1. Bridges and tunnels</u>	See subsection 23.60.224.H
15	<u>N.2. Cargo terminals</u>	See subsection 23.60.224.I
	<u>N.3 Moorage</u>	-
	<u>N.3.a. Boat moorage</u>	-
16	<u>N.3.a.1. Commercial marina</u>	X
17	<u>N.3.a.2. Recreational marina</u>	A
	<u>N.3.b. Dry boat storage</u>	A
18	<u>N.4 Navigational locks</u>	A
	<u>N.5. Parking</u>	
19	<u>N.5.a Parking, principal use</u>	X
20	<u>N.5.b Parking, accessory use</u>	A
	<u>N.6. Passenger terminal</u>	See subsection 23.60.224.J
21	<u>N.7. Rail transit facilities</u>	A
22	<u>N.8. Transportation facilities, air</u>	-
	<u>N.9.a. Airports, land-based</u>	X
23	<u>N.9.b. Airports, water-based</u>	SU
	<u>N.9.c. Heliports</u>	X
24	<u>N.9.d. Helistops</u>	X
25	<u>N.10. Vehicle storage and maintenance</u>	X
	<u>N.11. Tugboat services</u>	X
26	<u>N.12. Railroads</u>	X
	<u>N.13. Streets</u>	SU
27	<u>O. UTILITY USES</u>	-
28	<u>O.1. Communication utilities, minor</u>	X

Table A for Section 23.60.224 Uses in the CM Environment

O.2. <u>Communication utilities, major</u>	<u>X</u>
O.3. <u>Power plants</u>	<u>X</u>
O.4. <u>Recycling</u>	<u>X</u>
O.5. <u>Sewage treatment plants</u>	<u>See subsection 23.60.224.K</u>
O.6. <u>Solid waste management</u>	<u>X</u>
O.7. <u>Utility service uses</u>	<u>See subsection 23.60.224.L</u>
<u>P. UTILITY LINES</u>	<u>A</u>

KEY

A = Allowed

CU – Shoreline Conditional Use

SU = Special Use

X = Prohibited

B. Eating and drinking establishments and general sales and services are prohibited, except eating and drinking establishments and general retail sales and services, limited to health and fitness sales and services, and retail sales that are consistent with and complimentary to allowed recreation activities or directly support the general public’s use of park, park amenities and shoreline recreation, are allowed as a shoreline conditional uses if located:

1. In a public park; or

2. On an historic ship if:

a. The ship is a designated historic landmark pursuant to Chapter 25.12, Landmark Preservation, or listed on the National Register of Historic Places;

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

c. Other uses allowed or allowed as special uses are not practical, because of ship design or because such uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;

d. A Certificate of Approval has been obtained from the Landmarks Preservation Board; and

e. No other historic ship containing restaurant or retail uses is located within 1/2 mile of the proposed site; and

f.. Ecological restoration equal to the square foot of gross floor area of the new non-water-oriented use is provided within the same Geographic Area as the proposed project; or

3. In a recreational marina and the use is an eating and drinking establishment that meets the following criteria:

a. The recreational marina has at least 9,000 linear feet of moorage;

b. The size and location of the eating and drinking establishment will not restrict efficient use of the site for water-dependent recreation or public access; and

c. The location of the eating and drinking establishment is either on dry land or over water if the lot has a depth of less than 50 feet of dry land and a reasonable dry land alternative is not available.

C. 1. Eating and drinking establishments, general retail sales and services and food processing and craft work are prohibited, except as provided in subsections 23.60.224.C.2 and 23.60.224.C.3.

2. The following uses are allowed if they comply with subsection 23.60.224.C.3:

a. Eating and drinking establishments limited 2,500 square feet or less for each establishment, up to a total of 10,000 square feet;

b. General retail sales and services limited to health and fitness sales and services, and retail sales that are consistent with and complimentary to allowed recreation activities or directly support the general public's use of park and park amenities; and

c. Food processing and craft work limited to small scale artist work such as pottery, candle making, printing, painting, jewelry making, weaving, fabric art, creation of sculpture and glassblowing.

3. The uses in subsection 23.60.224.C.2 are allowed in existing buildings within designated historic districts if:

a. The use is water-oriented; or

b. The use is non-water-oriented, a water-dependent use occupying a minimum of 25% of the gross floor area of the building in the shoreline is operated on the site and ecological restoration occurs within the Shoreline District within 1 mile of the site equal to the area of the proposed non-water-oriented uses.

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 is operated in the building and ecological restoration occurs within the Shoreline District within 1 mile of the site equal to the area of the proposed use.

E. Sale or rental of small boats, boat parts and accessories, sale and rental of large boats, and dry boat storage are allowed in existing buildings within designated historic districts if the following conditions are met and are otherwise allowed as a special use:

1. Shoreline restoration that removes impervious surface and plants native vegetation in an area equal to any outdoor storage and any increase in impervious surface is provided within the same Geographic Area as the proposed project;

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

F. Uses are prohibited on waterfront lots and are allowed on upland lots.

G. Uses are allowed on upland lots and are allowed on waterfront lots if the uses are water-dependent or water-related.

H. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under 23.80.004.C are allowed; bridges and tunnels containing other rail transit facilities, railroads or streets are allowed as a special use.

I. Existing water-dependent cargo terminals are allowed and are prohibited from expanding. New cargo terminals are prohibited.

J. Passenger terminals are prohibited, except they are allowed as a special use if the use is water-dependent or water-related and significant adverse impacts of terminal operation on any adjacent residential neighborhood can be mitigated.

K. Sewage treatment plants.

1. New sewage treatment plants are prohibited.

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

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

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

5 1) A determination has been made that an alternative design is infeasible
6 and that an alternative location for expanding the sewage treatment plant is infeasible;

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

10 3) All reasonable measures to protect views and to control odors, noise,
11 traffic and other adverse impacts on the human and natural environment are provided.

12 L. Utility service uses are allowed if they reasonably require a shoreline location to
13 operate, except communication utilities, which are prohibited.

14 **Part 2 Development Standards**

15 Sections 23.60.450 and 23.60.452 of the Seattle Municipal Code, enacted by Ordinance
16 113466, are repealed, as shown in Attachment A.

17 Sections 23.60.454 of the Seattle Municipal Code, enacted by Ordinance 120117, is
18 recodified as a new Section 23.60.228 and amended as follows:

19 ~~((23.60.454))~~ **23.60.228 Height in the CM Environment**~~((±))~~

20 A. Maximum height. The maximum height in the CM Environment ~~((shall be thirty-))~~is
21 30~~((+))~~ feet, except on Lake Washington where the maximum height for structures over water,
22 including existing single-family residences, ~~((shall be fifteen-))~~is 15~~((+))~~feet, unless modified in
23 subsections 23.60.228.B through 23.60.228.E~~((of this section))~~..

24 ~~((C))~~B. Height Exceptions for Water-dependent and Water-related Uses. Cranes, mobile
25 conveyors and similar equipment necessary for the function of water-dependent and water-
26 related uses or the servicing of vessels may extend above the maximum height limit.

27 ~~((B))~~C. Pitched Roofs. The ridge of pitched roofs on principal structures, including
28 projections to accommodate windows, may extend up to ~~((five-))~~5~~((+))~~ feet above the height
29 ~~((limit))~~permitted where allowed in the underlying zone and special district. ~~((All parts of the~~
30 ~~roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No~~
31 ~~portion of a shed roof shall be permitted to extend beyond the height limit under this provision.))~~

32 D. Rooftop Features. The following apply to rooftop features:

33 1. Radio and television receiving ~~((aerials))~~antennas, flagpoles, smokestacks,
34 chimneys, and religious symbols for religious institutions are exempt from height ~~((limits, except~~
35 ~~as regulated in Chapter 23.64, Airport Height Overlay District))~~ controls of this chapter,
36 provided~~((such features are))~~:

37 a. The features are no closer to any adjoining lot line than 50 percent of
38 their height above existing grade; or

39 b. If attached ~~((only))~~to the roof, the features are no closer to any
40 adjoining lot line than 50 percent of their height above the roof portion where attached;~~((-))~~ and

41 c. The width of the feature does not obstruct the view of the shoreline of a
42 substantial number of residences on areas within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls, green roofs, greenhouses, mechanical equipment, monitors, open railings, parapets, planters, stair and elevator penthouses, skylights and solar collectors may extend 4 feet above the maximum height limit where allowed in the underlying zone and special district; and

3. Structures may extend 18 inches above the maximum height limit if the proposed roof insulation exceeds the energy code requirements in effect when the structure is constructed.

E. Bridges. Bridges may extend above the maximum height limit.

Section 23.60.456 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as a new Section 23.60.230 and amended as follows:

~~((23.60.456))~~**23.60.230 Lot coverage in the CM Environment**~~((;))~~

A. Structures, including floats and piers, shall not occupy more than 35 percent of a waterfront lot or an upland lot except as ~~((modified by))~~provided in subsection 23.60.230.B.

B. Lot coverage exceptions. On single-family zoned lots, the maximum combined lot coverage ~~((permitted))~~allowed for principal and accessory structures~~((shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.))~~ on dry land is as follows:

Table A for Section 23.60.230 Lot coverage in the CM Environment

<u>Lot Size</u>	<u>Maximum Coverage</u>
<u>Less than 5,000 sq. ft.</u>	<u>1,000 sq. ft. + 15% of lot area</u>
<u>5,000 sq. ft. or more</u>	<u>35% of lot area</u>

A new Section 23.60.232 of the Seattle Municipal Code is added as follows:

23.60.232 Shoreline setbacks in the CM Environment

A. A shoreline setback of 50 feet from the OHW mark is required.

B. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:

1. As allowed in Section 23.60.167; and
2. More than 20 feet landward of OHW, the minimum necessary for viewpoints for required public access and spur trails to access viewpoints.

Section 23.60.458 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.234 and amended as follows:

~~((23.60.458))~~**23.60.234 View corridors in the CM Environment**~~((;))~~

~~((A.))~~A view corridor or corridors of not less than 35 percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot in the CM Environment separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

B. The following uses may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair; and
3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View corridors.

1 Section 23.60.460 of the Seattle Municipal Code, enacted by Ordinance 113466, is
2 recodified as Section 23.60.236 and amended as follows:

3 ~~((23.60.460))~~ **23.60.236 Regulated public access in the CM Environment**~~((:))~~

4 A. ~~((Public Property. Public access meeting the criteria of Section 23.60.160 shall be
5 provided and maintained on all publicly owned and publicly controlled waterfront lots whether
6 leased to private lessees or not, except when the lot is submerged land which does not abut dry
7 land.~~

8 B.) Private Property. Public access ~~((meeting the criteria of Section 23.60.160))~~ shall be
9 provided and maintained on privately owned waterfront development sites ~~((lots))~~ for the
10 following developments:

11 ~~((a))~~ 1. Recreational ~~((M))~~ marinas, except as ~~((exempted))~~ provided in
12 ~~((Section))~~ subsection 23.60.200; ~~((-))~~ E; and

13 ~~((b))~~ 2. Development and uses that are not ~~((Non))~~ water-dependent, ~~((;~~
14 uses,) except ~~((those located))~~:

15 a. uses that are water-related for a reason other than having a
16 functional requirement for a waterfront location, such as the arrival or shipment materials by
17 water, or the need for large quantities of water.

18 b. uses on privately owned waterfront lots that abut Lake Union
19 with a front lot line of less than 100 feet in length, measured at the upland street frontage
20 generally parallel to the water edge, that abut a street or waterway providing public access.

21 ~~((2. Water dependent uses other than marinas and water related uses located on
22 private property are not required to provide public access.))~~

23 B. Utilities. Regulated public access shall be provided on utility-owned or controlled
24 property within the Shoreline District.

25 **Subchapter VI: The Conservation Navigation (CN) Environment**

26 A new Section 23.60.238 of the Seattle Municipal Code is added as follows:
27 **23.60.238 Applicable standards in the CN Environment**

28 All uses and developments in the Shoreline District, including shoreline modifications,
are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
for the specific shoreline environment in which the use or development is located.

Part 1 Uses

Section 23.60.242 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

Section 23.60.244 of the Seattle Municipal Code, last amended by Ordinance 118793, is
repealed, as shown in Attachment A.

Section 23.60.240 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A, and a new Section 23.60.240 of the Seattle Municipal Code
is added as follows:

23.60.240 Uses in the CN Environment

A. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use,
or prohibited pursuant to this Section 23.60.240 and Table A for Section 23.60.240. Use

categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table. If the table 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 Section 23.60.240 Uses in the CN Environment	
<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	<u>X</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>
<u>E. INSTITUTIONAL USES</u>	<u>X</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	<u>X</u>
<u>H. PARKS AND OPEN SPACE USES</u>	See subsection 23.60.240 B
<u>I. PUBLIC FACILITIES</u>	See Section 23.60.207
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	See Section 23.60.210
<u>K. RESIDENTIAL USES</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	See Section 23.60.211
<u>M. STORAGE USES</u>	<u>X</u>
<u>N. TRANSPORTATION FACILITY USES</u>	-
<u>N.1. Bridges and tunnels</u>	See subsection 23.60.240.C
<u>N.2. Cargo terminals</u>	<u>X</u>
<u>N.3. Moorage</u>	<u>X</u>
<u>N.4 Navigational locks</u>	<u>X</u>
<u>N.5. Parking</u>	<u>X</u>
<u>N.6. Passenger terminal</u>	<u>X</u>
<u>N.7. Rail transit facilities</u>	<u>A</u>
<u>N.8 Navigational aids including channel markers and anchor buoys</u>	<u>A</u>
<u>N.9. Transportation facilities, air</u>	<u>X</u>
<u>N.10. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.11. Tugboat services</u>	<u>X</u>
<u>N.12. Railroads</u>	See subsection 23.60.240.C
<u>N.13. Streets</u>	See subsection 23.60.240.C
<u>O. UTILITY USES</u>	<u>X</u>
<u>P. UTILITY LINES</u>	<u>SU</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU – Special Use

X = Prohibited

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

4 C. Bridges and tunnels containing s rail transit facilities that are eligible for approval by the
5 City Council under 23.80.004. C are allowed; bridges and tunnels containing other rail transit
6 facilities, railroads or streets are allowed as a special use.

7 Section 23.60.246 of the Seattle Municipal Code, last amended by Ordinance 122310, is
8 repealed, as shown in Attachment A.

9 **Part 2 Development Standards**

10 Section 23.60.248 of the Seattle Municipal Code, enacted by Ordinance 118663, is
11 repealed, as shown in Attachment A, and Section 23.60.270, enacted by Ordinance 113466, is
12 recodified as Section 23.60.248 and amended as follows:

13 ~~((23.60.270))~~**23.60.248 Development standards in the CN Environment((s))**

14 ~~((In addition to development standards applicable to all environments contained in~~
15 ~~Subchapter III, General Provisions, d))Development((s)), shoreline modifications and uses in the~~
16 ~~((Conservancy Navigation))CN Environment shall be located and designed to avoid interference~~
17 ~~with navigation. Buoys or other markings may be required to warn of navigation hazards.~~

18 **Subchapter VII: The Conservation Preservation (CP) Environment**

19 A new Section 23.60.257 of the Seattle Municipal Code is added as follows:

20 **23.60.250 Applicable standards in the CP Environment**

21 All uses and developments in the Shoreline District, including shoreline modifications,
22 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
23 for this environment.

24 **Part 1 Uses**

25 Section 23.60.300 of the Seattle Municipal Code, enacted by Ordinance 113466, is
26 repealed, as shown in Attachment A.

27 Section 23.60.302 of the Seattle Municipal Code, enacted by Ordinance 113466, is
28 repealed, as shown in Attachment A.

Section 23.60.304 of the Seattle Municipal Code, last amended by Ordinance 118793, is
repealed, as shown in Attachment A.

Section 23.60.306 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.308 of the Seattle Municipal Code, enacted by Ordinance 118663, is
repealed, as shown in Attachment A.

new Section 23.60.252 of the Seattle Municipal Code is added as follows:

23.60.252 Uses in the CP Environment

A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to this Section 23.60.252 and Table A for Section 23.60.252. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table.

2. If the table or text of Section 23.60.252 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 23.60.172 through 190.

Table A for Section 23.60.252 Uses in the CP Environment

<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	<u>X</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>
<u>E. INSTITUTIONAL USES</u>	<u>See subsection 23.60.252.B</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	<u>X</u>
<u>H. PARKS AND OPEN SPACE USES</u>	<u>See subsection 23.60.252.B</u>
<u>I. PUBLIC FACILITIES</u>	<u>See Section 23.60.207</u>
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60.210</u>
<u>K. RESIDENTIAL USES</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60.211</u>
<u>M. STORAGE USES</u>	<u>X</u>
<u>N. TRANSPORTATION FACILITY USES</u>	<u>-</u>
<u>N.1. Bridges and tunnels</u>	<u>See subsection 23.60.252.C and D</u>
<u>N.2. Cargo terminals</u>	<u>X</u>
<u>N.3. Moorage</u>	<u>X</u>
<u>N.4 Navigational locks</u>	<u>X</u>
<u>N.5. Parking</u>	<u>X</u>
<u>N.6. Passenger terminal</u>	<u>X</u>
<u>N.7. Rail transit facilities</u>	<u>See subsection 23.60.252.D</u>
<u>N.8. Transportation facilities, air</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>X</u>
<u>N.11. Railroads</u>	<u>X</u>
<u>N.12. Streets</u>	<u>See subsections 23.60.252.E</u>
<u>O. UTILITY USES</u>	<u>X</u>
<u>P. UTILITY LINES</u>	<u>See subsections 23.60.252.F</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

X = Prohibited

B. Park and Open Space and Institutional uses.

1. The following park and open space and institutional uses are allowed: Underwater diving areas, vegetated areas used for open space, pervious bicycle and pedestrian paths, and viewpoints are allowed as a special use. Non-motorized-boat landing areas are allowed as a special use if located a minimum of 200 ft from any developed areas where boats can enter or exit the water and designed and located to minimize loss of vegetation.

2. All other park and open space and institutional uses are prohibited.

C. Bridges containing railroads and streets are prohibited. Tunnels are allowed if no permanent adverse impacts to the shoreline environment occurs.

D. 1. Rail transit facilities that are eligible for approval by the City Council under subsection 23.80.004.C are allowed:

a. If located in or on an existing bridge structure, existing tunnel, or existing infrastructure related to a bridge or tunnel; or

b. If other locations are infeasible.

2. Other rail transit facilities are prohibited.

E. Streets are allowed as a shoreline conditional use if needed to access a lot in the Shoreline District and if no reasonable alternative location exists.

F. Utility lines are allowed on dry land as a special use and are allowed in water as a shoreline conditional use if no reasonable alternative location exists.

Part 2 Development Standards

Section 23.60.330 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

Section 23.60.334 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.256 and amended as follows:

23.60.256 Height in the CP Environment

The maximum height in the CP Environment (~~((shall be fifteen (15)))~~) is 15((15)) feet.

A new Section 23.60.258 of the Seattle Municipal Code is added as follows:

23.60.258 Shoreline setbacks in the CP Environment

A. 1. In areas where there is intact vegetation and 10% or less of impervious surface a shoreline setback of 100 feet from OHW marks is required.

2. No development, use, or shoreline modification is allowed within this shoreline setback except as follows:

a. The minimum necessary for research, aquatic, scientific, historic, cultural and educational uses, pursuant to 23.60.210 and the minimum necessary access to them;

b. The minimum necessary for bridges overwater, or tunnels underwater that are allowed pursuant to Section 23.60.209.and

c. More than 20 feet landward of the OHW mark for:

1 1) Viewpoints accessory to a parks and open space use allowed, or
2 allowed as a special use or as a conditional use in the CP environment or for required public
3 access; and

4 2) Spur trails to access viewpoints.

5 B. 1. In areas where the disturbance of vegetation is greater than 10% a shoreline
6 setback of 50 feet from the OHW mark is required.

7 2. No development, use, or shoreline modification is allowed within this
8 shoreline setback except as follows:

9 a. The minimum necessary for:

10 1) Shoreline modifications allowed, or allowed as a special use or a
11 conditional use in the CP environment and for the minimum necessary access to them;

12 2) Operation of and access to the over-water components of a
13 water-dependent or water-related use;

14 3) Bridges and tunnels allowed or allowed as a conditional use and
15 the minimum necessary access to them;

16 4) Streets allowed as a conditional use;

17 5) Utility lines allowed as a special or conditional use necessary to
18 serve things allowed in the setback or over water; and

19 6) Research, aquatic, scientific, historic, cultural and educational
20 uses pursuant to 23.60.210; and

21 b. More than 20 feet landward of the OHW mark for:

22 1) Viewpoints accessory to a parks and open space use allowed, or
23 allowed as a special use or as a conditional use in the CP environment or for required public
24 access; and

25 2) Spur trails to access viewpoints.

26 Section 23.60.332 of the Seattle Municipal Code, enacted by Ordinance 113466, is
27 recodified as a new Section 23.60.260, and amended as follows:

28 ~~((23.60.332))~~ **23.60.260 ((Natural area-))Ecological protection in the CP Environment((=))**
~~((A-))~~ Development in the CP Environment shall be located and designed to ~~((minimize~~
~~adverse impacts to natural areas of biological or geological significance))~~ avoid permanently
disturbing ecological functions and to enhance the enjoyment by the public of the shoreline
environment ~~((those natural areas))~~.

~~((B- Development in critical natural areas shall be minimized. Critical areas include: Salt~~
~~or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas~~
~~and other habitats.))~~

Subchapter VIII: The Conservation Recreation (CR) Environment

A new Section 23.60.280 of the Seattle Municipal Code is added as follows:

23.60. 280 Applicable standards in the CR Environment

All uses and developments in the Shoreline District, including shoreline modifications,
are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
for this environment.

Part 1 Uses

Section 23.60.360 of the Seattle Municipal Code, last amended by Ordinance 116325, is repealed, as shown in Attachment A.

Section 23.60.362 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

Section 23.60.364 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed, as shown in Attachment A.

Section 23.60.365 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.368 of the Seattle Municipal Code, enacted by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.370 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed, as shown in Attachment A.

A new Section 23.60.282 of the Seattle Municipal Code is added as follows:

23.60.282 Uses in the CR Environment

A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to this Section 23.60.282 and Table A for Section 23.60.282. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table.

2. If the table or text of Section 23.60.282 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 23.60.172 through 190.

Table A for Section 23.60.282 Uses in the CR Environment

<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	<u>-</u>
<u>C.1. Animal shelters and kennels</u>	<u>X</u>
<u>C.2. Eating and drinking establishments</u>	<u>See subsection 23.60.282.B</u>
<u>C.3. Entertainment uses</u>	<u>X</u>
<u>C.4. Food processing and craft work uses</u>	<u>X</u>
<u>C.5. Laboratories, research and development</u>	<u>X</u>
<u>C.6. Lodging</u>	<u>X</u>
<u>C.7. Medical services</u>	<u>X</u>
<u>C.8. Offices</u>	<u>X</u>
<u>C.9. Sales and service uses, automotive</u>	<u>X</u>
<u>C.10. Sales and services, general</u>	<u>See subsection 23.60.282.B</u>
<u>C.11. Sales and service uses, heavy</u>	<u>X</u>
<u>C.12. Sales and services, marine</u>	<u>-</u>
<u>C.12.a. Marine service station</u>	<u>X</u>
<u>C.12.b. Sale or rental of large boats,</u>	<u>See subsection 23.60.282.B</u>
<u>C.12.c. Sale or rental of small boats, boat parts,</u>	<u>See subsection 23.60.282.B</u>

Table A for Section 23.60.282 Uses in the CR Environment

1	<u>or accessories</u>	
2	<u>C.12.d. Vessel repair, major</u>	<u>X</u>
3	<u>C.12.e. Vessel repair, minor</u>	<u>X</u>
4	<u>D. HIGH-IMPACT USES</u>	<u>X</u>
5	<u>E. INSTITUTIONAL USES</u>	-
6	<u>E.1. Adult care centers</u>	<u>X</u>
7	<u>E.2. Child care centers</u>	<u>X</u>
8	<u>E.3. Colleges</u>	<u>X</u>
9	<u>E.4. Community center or club</u>	-
10	<u>E.4a. Yacht boat and beach clubs</u>	<u>See subsection 23.60.282.C</u>
11	<u>E.4b. Other community centers or clubs</u>	<u>See subsection 23.60.282.B</u>
12	<u>E.5. Family support center</u>	<u>X</u>
13	<u>E.6. Hospitals</u>	<u>X</u>
14	<u>E.7. Institute for advanced study</u>	<u>X</u>
15	<u>E.8. Library</u>	<u>X</u>
16	<u>E.10. Museum</u>	<u>X</u>
17	<u>E.11. Private club</u>	<u>X</u>
18	<u>E.12. Religious facilities</u>	<u>X</u>
19	<u>E.13. Schools, elementary or secondary</u>	<u>X</u>
20	<u>E.14. Vocational or fine arts schools</u>	<u>X</u>
21	<u>E.15. Other institutional uses</u>	<u>X</u>
22	<u>F. LIVE-WORK UNITS</u>	<u>X</u>
23	<u>G. MANUFACTURING USES</u>	<u>X</u>
24	<u>H. PARKS AND OPEN SPACE USES</u>	<u>See subsection 23.60.282.D</u>
25	<u>I. PUBLIC FACILITIES</u>	<u>See Section 23.60.207</u>
26	<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60.210</u>
27	<u>K. RESIDENTIAL USES</u>	-
28	<u>K.1. Accessory dwelling unit</u>	<u>X</u>
29	<u>K.2. Adult family homes</u>	<u>X</u>
30	<u>K.3. Artist studio/dwelling</u>	<u>X</u>
31	<u>K.4. Assisted living facilities</u>	<u>X</u>
32	<u>K.5. Congregate residences</u>	<u>X</u>
33	<u>K.6. Detached accessory dwelling unit</u>	<u>X</u>
34	<u>K.7. Domestic Violence Shelter</u>	<u>X</u>
35	<u>K.8. Floating homes and moorage</u>	<u>X</u>
36	<u>K.9. Mobile park home</u>	<u>X</u>
37	<u>K.10. Multifamily residences</u>	<u>X</u>
38	<u>K.11. Nursing homes</u>	<u>X</u>
39	<u>K.12. Single-family dwelling units</u>	<u>See subsection 23.60.282.E</u>
40	<u>K.13. Other residential uses</u>	<u>X</u>
41	<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60.211</u>
42	<u>M. STORAGE USES</u>	<u>X</u>

Table A for Section 23.60.282 Uses in the CR Environment

1	<u>N. TRANSPORTATION FACILITY USES</u>	-
2	<u>N.1. Bridges and tunnels</u>	<u>See subsection 23.60.282.F</u>
3	<u>N.2. Cargo terminals</u>	<u>X</u>
4	<u>N.3. Moorage</u>	-
5	<u>N.3.a. Boat moorage</u>	-
6	<u>N.3.a.1. Commercial marina</u>	<u>X</u>
7	<u>N.3.a.2. Recreational marina</u>	<u>See subsection 23.60.282.G</u>
8	<u>N.3.b. Dry boat storage</u>	<u>SU</u>
9	<u>N.4 Navigational locks</u>	<u>X</u>
10	<u>N.5. Parking</u>	-
11	<u>N.5.a. Parking, principal use</u>	<u>X</u>
12	<u>N.5.b. Parking, accessory use</u>	<u>A</u>
13	<u>N.6. Passenger terminal</u>	<u>SU</u>
14	<u>N.7. Rail transit facilities</u>	<u>A</u>
15	<u>N.8. Transportation facilities, air</u>	-
16	<u>N.8.a. Airports, land-based</u>	<u>X</u>
17	<u>N.8.b. Airports, water-based</u>	<u>CU</u>
18	<u>N.8.c. Heliports</u>	<u>X</u>
19	<u>N.8.d. Helistops</u>	<u>X</u>
20	<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>
21	<u>N.10. Tugboat services</u>	<u>SU</u>
22	<u>N.11. Railroads</u>	<u>SU</u>
23	<u>N.12. Streets</u>	<u>See subsection 23.60.282.H</u>
24	<u>O. UTILITY USES</u>	-
25	<u>O.1. Communication utilities, minor</u>	<u>X</u>
26	<u>O.2. Communication utilities, major</u>	<u>X</u>
27	<u>O.3. Power plants</u>	<u>X</u>
28	<u>O.4. Recycling</u>	<u>X</u>
29	<u>O.5. Sewage treatment plants</u>	<u>X</u>
30	<u>O.6. Solid waste management</u>	<u>X</u>
31	<u>O.7. Utility service uses</u>	<u>See subsection 23.60.282.I</u>
32	<u>P. UTILITY LINES</u>	<u>See subsections 23.60.282.H</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

X = Prohibited

B . 1. Water-oriented eating and drinking establishments, general sales and services, limited to health and fitness sales and services, and retail sales that are consistent with and complimentary to allowed recreation activities or directly support the general public's use of park, park amenities and shoreline recreation, rental of large boats, or sale and rental of small

1 boats, boat parts, or accessories and community centers limited to small-craft centers, are
2 allowed as a shoreline conditional use if located in a public park, and are prohibited otherwise.

3 2. If the use is non-water-oriented, water-dependent uses must occupy an area
4 equal to 50% of the surface area of the site and ecological restoration equal to the area of non-
5 water-oriented uses occurs within the Shoreline District within 1 mile of the site.

6 C. Yacht, boat and beach clubs that are community clubs are allowed as a shoreline
7 conditional use if:

8 1. No eating and drinking establishment is included in the use;

9 2. No more than one accessory pier or float is included in the use; and

10 3. The accessory pier or float meets the standards of Section 23.60.187 for piers
11 and floats accessory to a single-family residential development.

12 D. Parks and Open Space Uses. Auto-trailer boat launch areas are allowed as a
13 shoreline conditional use if in a park and otherwise are prohibited. Other shoreline parks and
14 open spaces uses are allowed, and general parks and open space uses are prohibited.

15 E. 1. Single family dwelling units constructed wholly over water are prohibited.

16 2. Single family dwelling units constructed partially over water on lots adjacent
17 to the UR environment are allowed as a shoreline conditional use if the following conditions are
18 met:

19 a. There is no existing principle use on the lot;

20 b. The lot on which the dwelling unit is to be located:

21 1) Is a residentially zoned and privately owned lot established in
22 the public records of the County or City prior to March 1, 1977, by deed, contract of sale,
23 mortgage, platting, property tax segregation or building permit; and

24 2) Has a lot area that is less than 1,200 square feet of dry-land and
25 a dry-land lot depth that is less than 30 feet but at least 15 feet as calculated pursuant to Section
26 23.60.956; and

27 c. The development is limited to the greatest extent reasonable to the level
28 and stable, dry-land portions of the site. In determining the location for development the
29 Director may waive or modify the development standards of the underlying zone applicable to
30 the single-family use in a CR Environment to minimize the amount of development over
31 submerged lands.

32 3. Existing single family dwelling units constructed partially over water may be
33 maintained, repaired, structurally altered, substantially improved, or replaced, but may not
34 change location or configuration in a manner that increases adverse environmental impacts.
35 When either the dwelling unit or deck structure is substantially improved or replaced decks
36 located overwater shall be reduced to 150 square feet or less.

37 F. Bridges and tunnels containing rail transit facilities that are eligible for approval by the
38 City Council under 23.80.004. C are allowed. Bridges and tunnels containing other rail transit
39 facilities, railroads or streets are allowed as a special use if no reasonable alternative location
40 exists.

41 G. Recreational marinas are allowed if associated with an allowed yacht, boat and beach
42 club or accessory to an existing multifamily waterfront development of ten units or more and
43 meet the standards of subsection 23.60.282.C.

44 H. Streets necessary to serve lots in the Shoreline District and utility lines are allowed as
45 a special use, if no reasonable alternative location exists.

1 I. Utility lines are allowed as a special use and utility service uses for treating and storing
2 stormwater and/or combined sewage are allowed as a shoreline conditional use if they
3 reasonably require a shoreline location to operate. All other utility service uses are prohibited.

4 **Part 2 Development Standards**

5 Section 23.60.390 of the Seattle Municipal Code, enacted by Ordinance 113466, is
6 repealed, as shown in Attachment A.

7 Section 23.60.394 of the Seattle Municipal Code, last amended by Ordinance 120927, is
8 recodified as Section 23.60.286 and amended follows:

9 ~~((23.60.394))~~**23.60.286 Height in the CR Environment**~~((:))~~

10 A. Maximum height.

11 1. The maximum height ~~((permitted outright))~~allowed in the CR Environment
12 ~~((shall be fifteen ()))~~is 15(()) feet except as modified by subsections ~~((C through E))~~
13 23.60.286.B, C and D~~((of this section))~~.

14 ~~((B))~~2. The maximum height ~~((permitted))~~allowed as ~~((an administrative))~~ a
15 shoreline conditional use in the CR Environment ~~((shall be))~~is ~~((thirty ()))~~30(()) feet except as
16 modified ~~((in))~~by subsections ~~((C through E))~~23.60.286.B, C and D.

17 ~~((C))~~B. Pitched Roofs. The ridge of pitched roofs on principal structures, including
18 projections to accommodate windows, may extend up to 5 feet above the height ~~((permitted in~~
19 subsection A or B above))allowed where allowed in the underlying zone or special district. ~~((All~~
20 parts of the roof above the height limit must be pitched at a rate of not less than three to twelve
21 (3:12). No portion of a shed roof shall be permitted to extend beyond the height limit under this
22 provision.)).

23 ~~((D))~~C. Rooftop Features.

24 1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys and
25 religious symbols for religious institutions may extend 10 feet above the maximum height limit,
26 provided:

27 a. The feature is allowed in the underlying zone or special district; and
28 b. The width of the feature does not obstruct the view of the shoreline of a
substantial number of residences on areas within or adjoining the Shoreline District.

2. Clerestories, communication and accessory communication devices, firewalls,
green roofs, greenhouses, mechanical equipment, monitors, open railings, parapets, planters,
stair and elevator penthouses, skylights and solar collectors may extend 4 feet above the
maximum height limit where allowed in the underlying zone or special district.

3. Structures may extend 18 inches above the maximum height limit if the
proposed roof insulation exceeds the energy code requirements in effect when the structure is
constructed.

29 ~~((E))~~D. Bridges. Bridges may extend above the maximum height limits.

30 Section 23.60.396 of the Seattle Municipal Code, enacted by Ordinance 113466, is
31 recodified as Section 23.60.288 and amended as follows:

32 ~~((23.60.396))~~**23.60.288 Lot coverage in the CR Environment**~~((:))~~

1 A. ~~(Lot Coverage Regulations)~~ Waterfront lots. Structures, including floats and piers,
2 shall not occupy more than 35 percent of a waterfront lot ~~((located in the CR Environment~~
3 ~~))~~ except as modified by subsection 23.60.288.C ~~((B))~~.

4 B. Upland lots. On upland lots, the lot coverage of the underlying zone or special district
5 shall not be exceeded.

6 ~~((B))~~ C. Lot coverage exceptions. On waterfront single-family zoned lots, the maximum
7 combined lot coverage ~~((permitted-))~~ allowed for principal and accessory structures ~~((shall not~~
8 ~~exceed thirty five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square~~
9 ~~feet, whichever is greater.))~~ on dry land is as follows:

Table A for Section 23.60.288 Lot coverage in the CR Environment	
Lot Size	Maximum Coverage
<u>Less than 5,000 sq. ft.</u>	<u>1,000 sq. ft. + 15% of lot area</u>
<u>5,000 sq. ft. or more</u>	<u>35% of lot area</u>

10 A new Section 23.60.290 of the Seattle Municipal Code is added as follows:

11 **23.60.290 Shoreline setbacks in the CR Environment**

12 A. A shoreline setback of 50 feet from the OHW mark is required. No development, use,
13 or shoreline modification is allowed within this shoreline setback except as allowed in Section
14 23.60.167 and as follows:

15 1. The minimum necessary for single family dwelling units allowed as a
16 conditional use and access to them;

17 2. More than 20 feet landward of the OHW mark for:

18 a. Shoreline parks and open space bicycle and pedestrian paths; and

19 b. The minimum necessary for viewpoints for required public access and
20 spur trails to access viewpoints; and

21 3. More than 35 feet landward of the OHW mark for:

22 a Water-dependent and water-related uses; and

23 b. Natural athletic fields with no lighting, bath houses, and concession
24 stands, pavilions, seating limited to one bench every 50 feet and access to these uses.

25 B. In addition to shoreline setback required in subsection 23.60.290.A, residences on
26 waterfront lots shall not be located further waterward than adjacent residences as measured in
27 subsection 23.60.206.B.3.

28 Section 23.60.398 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.292 and amended as follows:

~~((23.60.398))~~ **23.60.292 View corridors in the CR Environment**~~((;))~~

A view corridor or corridors of not less than 35 percent of the width of the lot ~~((shall-))~~ are
required to be provided and maintained on all waterfront lots except those developed with single-
family dwellings.

Section 23.60.400 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.294 and amended as follows:

~~((23.60.400))~~ **23.60.294 Regulated public access in the CR Environment**~~((;))~~

A. ~~((Public Property. Public access meeting the criteria of Section 23.60.160 shall be~~
~~provided and maintained on all publicly owned and publicly controlled waterfront lots whether~~

1 leased to private lessees or not, except when the lot is submerged land which does not abut dry
2 land.

3 ~~B.)~~ Private Property. Public access (~~(meeting the criteria of Section 23.60.160)~~) shall be
4 provided and maintained on privately owned waterfront lots for the following developments:

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

9 ~~((b))~~ 2. Development and uses that:

10 a. Are not residential and not water-dependent; or

11 b. are water-related but not because the use has a functional requirement
12 for a waterfront location, such as the arrival or shipment materials by water, or the need for large
13 quantities of water.

14 ~~((C))~~ B. Utilities. Regulated public access shall be provided on utility-owned or controlled
15 property within the Shoreline District.

16 Section 23.60.392 of the Seattle Municipal Code, enacted by Ordinance 113466, is
17 recodified as Section 23.60.296 and amended as follows:

18 ~~((23.60.392))~~ **23.60.296** ~~((Natural area-))~~ **Ecological protection in the CR Environment** ~~((:))~~

19 ~~((A. All d))~~ Developments in the CR Environment shall be located and designed to avoid
20 disturbing ecological functions and to provide or enhance public access on public land.

21 ~~((minimize adverse impacts to natural areas of biological or geological significance and to~~
22 ~~enhance the enjoyment by the public of those natural areas.~~

23 ~~B. Development in critical natural areas shall be minimized. Critical areas include: Salt or~~
24 ~~fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and~~
25 ~~other habitats.)~~

26 **Subchapter IX ~~((VII))~~: The Conservation Waterway (CW) Environment**

27 A new Section 23.60.300 of the Seattle Municipal Code is added as follows:

28 **23.60.300 Applicable standards in the CW Environment**

All uses and developments in the Shoreline District, including shoreline modifications,
are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
for this environment.

Part 1 Uses

Section 23.60.482 of the Seattle Municipal Code, last amended by Ordinance 122072, is
repealed, as shown in Attachment A.

Section 23.60.480 of the Seattle Municipal Code, enacted by Ordinance 113764, is
repealed, as shown in Attachment A.

Section 23.60.484 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.486 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.488 of the Seattle Municipal Code, last amended by Ordinance 122310, is repealed, as shown in Attachment A.

Section 23.60.490 of the Seattle Municipal Code, enacted by Ordinance 118663, is repealed, as shown in Attachment A.

A new Section 23.60.310 of the Seattle Municipal Code is added as follows:

23.60.310 Uses in the CW Environment

A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to this Section 23.60.310 and Table A for Section 23.60.310. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table.

2. If the table or text of Section 23.60.310 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 23.60.172 through 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 the Washington Department of Natural Resources and/or Seattle Department of Transportation.

Subchapter X: The Conservation Waterway (CW) Environment

Table A for Section 23.60.310 Uses in the CW Environment

<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	<u>=</u>
<u>C.1. Animal shelters and kennels</u>	<u>X</u>
<u>C.2. Eating and drinking establishments</u>	<u>See subsection 23.60.310.E</u>
<u>C.3. Entertainment uses</u>	<u>X</u>
<u>C.4. Food processing and craft work uses</u>	<u>X</u>
<u>C.5. Laboratories, research and development</u>	<u>X</u>
<u>C.6. Lodging</u>	<u>X</u>
<u>C.7. Medical services</u>	<u>X</u>
<u>C.8. Offices</u>	<u>X</u>
<u>C.9. Sales and services, automotive</u>	<u>X</u>
<u>C.10. Sales and services, general</u>	<u>See subsection 23.60.310.E</u>
<u>C.11. Sales and services, heavy</u>	<u>X</u>
<u>C.12. Sales and services, marine</u>	<u>=</u>
<u>C.12.a. Marine service station</u>	<u>X</u>
<u>C.12.b. Sale or rental of large boats</u>	<u>A</u>
<u>C.12.c. Sale or rental of small boats, boat parts, or accessories</u>	<u>See subsections 23.60.310.E and F</u>
<u>C.12.d. Vessel repair, major</u>	<u>CU</u>
<u>C.12.e. Vessel repair, minor</u>	<u>SU</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>

Table A for Section 23.60.310 Uses in the CW Environment

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<u>E. INSTITUTIONAL USES</u>	-
<u>E.1. Adult care centers</u>	<u>X</u>
<u>E.2. Child care centers</u>	<u>X</u>
<u>E.3. Colleges</u>	<u>X</u>
<u>E.4. Community center or club</u>	-
<u>E.4a. Yacht, boat and beach clubs</u>	<u>SU</u>
<u>E.4b. Other community centers or clubs</u>	<u>X</u>
<u>E.5. Family support center</u>	<u>X</u>
<u>E.6. Hospitals</u>	<u>X</u>
<u>E.7. Institute for advanced study</u>	<u>X</u>
<u>E.8. Library</u>	<u>X</u>
<u>E.9. Museum, WD</u>	<u>SU</u>
<u>E.10. Private club</u>	<u>X</u>
<u>E.11. Religious facilities</u>	<u>X</u>
<u>E.12. Schools, elementary or secondary</u>	<u>X</u>
<u>E.13. Vocational or fine arts schools</u>	<u>X</u>
<u>E.14. Other institutional uses</u>	<u>X</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	<u>X</u>
<u>H. PARKS AND OPEN SPACE</u>	-
<u>H.1 General</u>	<u>X</u>
<u>H.2 Shoreline</u>	<u>SU</u>
<u>I. PUBLIC FACILITIES</u>	See Section 23.60.207
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	See Section 23.60.210
<u>K. RESIDENTIAL USES</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	See Section 23.60.211
<u>M. STORAGE USES</u>	<u>X</u>
<u>N. TRANSPORTATION FACILITY USES</u>	-
<u>N.1. Bridges and tunnels</u>	See subsection 23.60.310.H
<u>N.2. Cargo terminals</u>	<u>X</u>
<u>N.3. Moorage</u>	-
<u>N.3.a. Boat moorage</u>	-
<u>N.3.a.1 Commercial moorage</u>	<u>SU</u>
<u>N.3.a.2 Recreational marina</u>	<u>X</u>
<u>N.3.b. Dry boat storage</u>	<u>X</u>
<u>N.4 Navigational locks</u>	<u>X</u>
<u>N.5. Parking, principal use</u>	<u>X</u>
<u>N.6. Passenger terminal</u>	<u>X</u>
<u>N.7. Rail transit facilities</u>	<u>A</u>
<u>N.8. Transportation facilities, air</u>	-
<u>N.8.a. Airports, land-based</u>	<u>X</u>
<u>N.8.b. Airports, water-based</u>	<u>SU</u>

Table A for Section 23.60.310 Uses in the CW Environment

<u>N.8.c. Heliports</u>	<u>X</u>
<u>N.8.d. Helistops</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>SU</u>
<u>N.11. Railroads</u>	<u>X</u>
<u>N.12. Streets</u>	<u>X</u>
<u>O. UTILITY USES</u>	<u>X</u>
<u>P. UTILITY LINES</u>	<u>SU</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

X = Prohibited

E. 1. Eating and drinking establishments, general sales and service uses and sale and rental of small boats, boat parts and accessories are prohibited except as provided in 23.60.310.E.2 and F.

2. The uses set out in subsection 23.60310.E.1 are allowed as shoreline conditional uses on an historic ship if:

1. The ship is either a designated landmark pursuant to Chapter 25.12, Landmark Preservation, or listed on the National Register of Historic Places;

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

3. Other uses allowed or allowed as special uses are not practical, because of ship design or because such uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;

4. A Certificate of Approval has been obtained from the Landmarks Preservation Board; and

5. No other historic ship containing restaurant or retail uses is located within 1/2 mile of the proposed site;

6. Ecological restoration equal to the square foot of gross floor area of the new non-water-oriented use is provided within the same Geographic Area as the proposed project.

F. Sale and rental of small boats, boat parts and accessories that are boat liveries are allowed.

G. Rental of large boats is allowed as a special use, and the sale of large boats is prohibited.

H. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under 23.80.004. C are allowed. Bridges containing other rail transit facilities, railroads or streets are prohibited. Bridges for pedestrians that provide public access across the waterway if they connect parts of a public park are allowed as a special use. Tunnels for other rail transit facilities, railroads or streets are allowed as a special use.

Part 2 Development Standards

1 Section 23.60.510 of the Seattle Municipal Code, enacted by Ordinance 113466, is
2 repealed, as shown in Attachment A.

3 Section 23.60.512 of the Seattle Municipal Code, enacted by Ordinance 113466, is
4 recodified as Section 23.60.326 and amended as follows:

5 **23.60.326 General provisions in the CW Environment**

6 All structures in waterways shall be floating except that pilings and dolphins may be
7 allowed in waterways to secure floating structures if the structures cannot be safely secured with
8 anchors or with pilings or dolphins located outside of the waterway.

9 Section 23.60.514 of the Seattle Municipal Code, enacted by Ordinance 113466, is
10 recodified as Section 23.60.328 and amended as follows:

11 **23.60.328 Height in the CW Environment**

12 The maximum height ~~((of structures permitted in waterways shall be))~~ in the CW
13 Environment is ~~((fifteen-))~~15~~((+))~~ feet.

14 Section 23.60.516 of the Seattle Municipal Code, enacted by Ordinance 113466, is
15 recodified as Section 23.60.330 and amended as follows:

16 ~~((23.60.516))~~**23.60.330 Lot coverage in the CW Environment**~~((-))~~

17 Structures, including floats and piers, shall not occupy more than ~~((thirty-five-))~~35~~((+))~~
18 percent of the entire waterway nor more than ~~((forty-))~~40~~((+))~~ percent of the width of the
19 waterway. The standard in subsection 23.60.336B supersedes the allowances provided in this
20 section.

21 A new Section 23.60.332 of the Seattle Municipal Code is added as follows:

22 **23.60.332 Shoreline setbacks in the CW Environment**

23 A shoreline setback of 35 feet from the OHW mark is required. No development, use,
24 or shoreline modification is allowed within this shoreline setback except as allowed in Section
25 23.60.167.

26 Section 23.60.518 of the Seattle Municipal Code, enacted by Ordinance 113466, is
27 recodified as Section 23.60.334 and amended as follows:

28 ~~((23.60.518))~~**23.60.334 View corridors in the CW Environment**~~((-))~~

A view corridor or corridors of not less than ~~((fifty-))~~50~~((+))~~ percent of the width of the
waterway shall be provided and maintained for all developments.

Section 23.60.520 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.336 and amended as follows:

~~((23.60.520))~~**23.60.336 Regulated public access in the CW Environment**~~((-))~~

A. Public access ~~((meeting the criteria of Section 23.60.160))~~ shall be provided and
maintained on all dry land abutting waterways except where the dry land is being leased for a
water-related use and the use has a functional requirement for a waterfront location, such as the
arrival or shipment materials by water, or the need for large quantities of water.

B. An open water area with a width of not less than ~~((fifty-))~~50~~((+))~~ feet for the length of
the waterway shall be provided and maintained on all waterways to provide access for public
navigation. The location of the open water area shall be determined by the Director.

1 **Subchapter XI: The Urban Commercial (UC)((~~Stable~~)) Environment**

2 A new Section 23.60.380 of the Seattle Municipal Code is added as follows:

3 **23.60.380 Applicable standards in the UC Environment**

4 All uses and developments in the Shoreline District, including shoreline modifications,
5 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
6 for this environment.

7 **Part 1 Uses**

8 Section 23.60.600 of the Seattle Municipal Code, last amended by Ordinance 122771, is
9 repealed, as shown in Attachment A.

10 Section 23.60.602 of the Seattle Municipal Code, last amended by Ordinance 113764, is
11 repealed, as shown in Attachment A.

12 Section 23.60.604 of the Seattle Municipal Code, last amended by Ordinance 122310, is
13 repealed, as shown in Attachment A.

14 Section 23.60.606 of the Seattle Municipal Code, last amended by Ordinance 122771, is
15 repealed, as shown in Attachment A.

16 Section 23.60.608 of the Seattle Municipal Code, last amended by Ordinance 122310, is
17 repealed, as shown in Attachment A.

18 Section 23.60.610 of the Seattle Municipal Code, enacted by Ordinance 113466, is
19 repealed, as shown in Attachment A.

20 Section 23.60.612 of the Seattle Municipal Code, enacted by Ordinance 118663, is
21 repealed, as shown in Attachment A.

22 A new Section 23.60.382 of the Seattle Municipal Code is added as follows:

23 **23.60.382 Uses in the UC Environment**

24 A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline
25 conditional use or prohibited pursuant to this Section 23.60.382 and Table A for Section
26 23.60.382 and Section 23.60.384. Use categories and subcategories cover all uses in that
27 category and subcategory except when a subcategory of that use is specifically shown in the
28 table.

2. If the table or text of Section 23.60.382 or Section 23.60.384 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
23.60.172 through 190.

B. 1. All uses allowed, allowed as a special use or allowed as a 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 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 Section 23.60.382 Uses in the UC Environment

<u>Uses</u>	<u>Waterfront Lots</u>
<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	-
<u>A.1. Aquaculture</u>	<u>CU</u>
<u>A.2. Community Garden</u>	<u>A</u>
<u>A.3. Other agricultural and forest practice uses</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	-
<u>C.1. Commercial uses WD/WR</u>	<u>A</u>
<u>C.2. Eating and drinking establishments</u>	<u>See subsection 23.60.382.C and E</u>
<u>C.3. Entertainment uses</u>	<u>See subsection 23.60.382.C and E</u>
<u>C.4. Food processing and craft work uses</u>	<u>See subsection 23.60.382.C and E</u>
<u>C.5. Sales and services, general</u>	<u>See subsection 23.60.382.C and E</u>
<u>C.6. Offices</u>	<u>See subsection 23.60.382.C and E</u>
<u>C.7. Commercial uses not WD/WR</u>	<u>X</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>
<u>E. INSTITUTIONAL USES</u>	-
<u>E.1. Yacht, boat, and beach clubs</u>	<u>A</u>
<u>E.2. Colleges</u>	<u>WD/WR</u>
<u>E.3. Institutes for advance study</u>	<u>WD/WR</u>
<u>E.4. Museums</u>	<u>WD/WR</u>
<u>E.5. Vocational schools</u>	<u>WD/WR</u>
<u>E.6. Other institutional uses</u>	<u>X</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	-
<u>G.1. Light manufacturing</u>	<u>WD/WR</u>
<u>G.2. General manufacturing</u>	<u>WD/WR</u>
<u>G.3. Heavy manufacturing</u>	<u>X</u>
<u>H. PARKS AND OPEN SPACE USES</u>	<u>A</u>
<u>I. PUBLIC FACILITIES</u>	<u>See subsection 23.60.207</u>
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60.210</u>
<u>K. RESIDENTIAL USES</u>	-
<u>K.1. Artist studio/dwelling</u>	<u>See subsections 23.60.382.D and E</u>
<u>K.2. Floating homes and moorage</u>	<u>See subsection 23.60.382.F</u>
<u>K.3. Multifamily residences</u>	<u>See subsections 23.60.382.D and E</u>
<u>K.4. Single-family dwelling units</u>	<u>See subsections 23.60.382.D and E</u>
<u>K.5. Other residential uses</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60.211</u>
<u>M. STORAGE USES</u>	<u>WD/WR</u>
<u>N. TRANSPORTATION FACILITY USES</u>	-
<u>N.1. Bridges and tunnels</u>	<u>A</u>

Table A for Section 23.60.382 Uses in the UC Environment

<u>Uses</u>	<u>Waterfront Lots</u>
<u>N.2. Cargo terminals</u>	<u>X</u>
<u>N.3. Moorage</u>	<u>-</u>
<u>N.3.a. Boat moorage</u>	<u>A</u>
<u>N.3.b. Dry boat storage</u>	<u>A</u>
<u>N.4 Navigational locks</u>	<u>X</u>
<u>N.5. Parking</u>	<u>-</u>
<u>N.5.a. Parking, principal use</u>	<u>X</u>
<u>N.5.b. Parking, accessory use</u>	<u>A</u>
<u>N.6. Passenger terminal</u>	<u>WD/WR</u>
<u>N.7. Rail Transit Facilities</u>	<u>A</u>
<u>N.8. Transportation Facilities, Air</u>	<u>-</u>
<u>N.8.a. Airports, land-based</u>	<u>X</u>
<u>N.8.b. Airports, water-based</u>	<u>SU</u>
<u>N.8.c. Heliports</u>	<u>X</u>
<u>N.8.d. Helistops</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>A</u>
<u>N.11. Railroads</u>	<u>A</u>
<u>N.12. Streets</u>	<u>A</u>
<u>O. UTILITY USES</u>	<u>-</u>
<u>O.1. Communication utilities, minor</u>	<u>See subsection 23.60.382.G</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>
<u>O.4. Recycling</u>	<u>X</u>
<u>O.5. Sewage treatment plants</u>	<u>X</u>
<u>O.6. Solid waste management</u>	<u>X</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60.382.H</u>
<u>P. UTILITY LINES</u>	<u>A</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

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

X = Prohibited

C. Certain Commercial Uses.

1. The following uses are prohibited on waterfront lots except they are allowed if water-oriented, or if the requirements of subsections 23.60.382.C.2, 3, 4, and 5 are met:

- a. Eating and drinking establishments;
- b. Entertainment uses;
- c. Food processing and craft work uses;

1 d. Sales and services, general; and

2 e. Offices.

3 2. Office uses must be located on dry land and either:

4 a. On a lot that does not abut the Lake Union Area; or

5 b. Above the lowest floor level of a structure on a lot that abuts Lake
6 Union and in a structure that complies with the standards in subsection 23.60.382.E.

7 3. Non-office uses must be located:

8 a. On dry land;

9 b. ~~on a lot where the average distance between the OHW mark to the~~
10 ~~adjacent right-of-way is less than 35 feet; or~~

11 b. On a historic ship either designated as historic by the City of Seattle
12 Landmarks Preservation Board or listed on the National Register of Historical Places and
13 meeting the following conditions:

14 1) It is impractical to incorporate uses permitted outright because
15 of the ship design and/or the permitted uses cannot provide adequate financial support necessary
16 to sustain the ship in a reasonably good physical condition;

17 2) The use is compatible with the existing design and/or
18 construction of the ship without significant alteration;

19 3) A certificate of approval has been obtained from the City of
20 Seattle Landmarks Preservation Board; and

21 4) No other historic ship containing an eating and drinking
22 establishment or sales and services, general, uses is located within 1/2 mile of the proposed site.

23 4. Development that includes any of the uses listed in subsection 23.60.382.C.1
24 that is not water oriented shall be in a development that includes a water-dependent use that
25 occupies an area equal to 50% ~~or more of the dry land portion~~ of the surface of the site and
26 complies with one of the following conditions or a combination of conditions if the Director
27 determines the combination would achieve a similar offset for siting a use that is not water-
28 dependent or water-related on a waterfront lot:

a. Enhanced public access is provided that:

1) Occupies at least 1/3 of the dry-land lot area;

2) Includes public access to the water frontage;

3) Includes a public walkway with benches and picnic tables along
29 the entire water frontage; and

30 4) Connects public walkways to adjacent sites and any nearby
31 public parks or other public facilities; or

32 b. Ecological restoration equal to the square foot of gross floor area of the
33 new non-water-oriented use is provided within the same Geographic Area as the proposed
34 project; or

35 c. Where enhanced public access cannot be provided due to lot size and
36 configuration or incompatibility with water-dependent uses, and ecological restoration cannot
37 occur because there are no restoration opportunities available, the Director may approve one or
38 more of the following facilities or amenities as an alternative to 23.60.382.C.4.a. or b if the
39 Director determines they would provide a similar amount of public access:

1) Facilities for the moorage, restoration, or reconstruction of one
40 or more historic vessels;

1 2) Facilities for a maritime museum or waterfront interpretive
center that is a separate nonprofit organization;

2 3) Terminal facilities for one or more cruise ships, harbor tour
boats, or foot passenger ferries; or

3 4) Moorage marked as being exclusively for commercial fishing
vessels at rates equivalent to that charged at public moorage facilities of 500 linear feet or
4 greater.((:))

5 ((5) Saltwater moorage of 1,500 linear feet or greater for
recreational vessels; or

6 6) Other facilities or amenities similar to those listed above that
provide an opportunity for substantial numbers of people to enjoy the shoreline.))

7 5. In measuring the size of a regulated public access site, vegetated areas within
35 feet of the OHW mark may be included.

8 D. Artist studio/dwellings, multifamily structures, and single-family dwelling units.

9 1. Existing artist studio/dwellings, multifamily structures, and single-family
dwelling units located on dry land are allowed on waterfront lots provided there is no increase in
10 the number of units.

11 2. Existing overwater artist studio/dwellings, multifamily structures, and single-
family dwelling units located overwater:

12 a. May be maintained, repaired, structurally altered, substantially
improved, or replaced, but may not:

13 1. Increase the number of units;

14 2. Increase over water coverage;

15 3. Change location or configuration in a manner that increases
adverse environmental impacts; and

16 b. Shall reduce decks located overwater to 150 square feet or less when
either the dwelling unit or deck structure is substantially improved or replaced.

17 3. Height of structures overwater containing a residential use can increase to 30-ft
if treated wood piles are removed and replaced with non-treated piles or if there is another
18 significant improvement to ecological functions.

19 4. New or expanded artist studio/dwellings, multifamily structures, and single-
family dwelling units on dry land on waterfront lots are allowed as a shoreline conditional use if:

20 a. The use is not located near uses that are may be incompatible with
residential use because of factors such as noise or air and water pollutants;

21 b. The use is located above lowest floor level of a structure containing
nonresidential uses at the lowest floor level, as calculated in subsection 23.60.382.D, except that
22 single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and
Northwest 60th Street may be located at the lowest floor level;

23 c. The use is on a lot developed with or on a lot abutting another lot
developed with a residential use on waterfront lots other than a caretaker's quarters; and

24 d. Siting the use on the lot does not render the lot unsuitable for water-
dependent or water-related uses if the lot was otherwise suitable for those uses based on the
25 following characteristics:

26 1) Existing piers or other structures suitable for use by a water-
dependent use;

27 2) Adequate amounts of submerged and dry lands; and

3) Adequate water depth and land slope.

E. Location of uses.

1. If an office use is allowed on a waterfront lot only above the lowest floor level of the structure:

a. No more than 50 percent of the lowest floor level of the structure shall be occupied by required parking for uses in the building; and

b. All uses located on the lowest floor level shall be located and designed, as determined by the Director, to encourage public access to the shoreline by locating uses that have outdoor activities on the site on the waterside of the development, such as outdoor seating for a cafe.

2. Calculation of lowest floor level. The lowest floor level shall be that level of a structure having the closest floor level to the OHW mark. For a sloping lot, the Director shall determine what constitutes the lowest floor level, taking into consideration the purpose of subsection 23.60.382.E.1.b.

F. New floating homes and floating home moorages are prohibited except as allowed under Section 23.60.202.. Uses accessory to floating homes, including storage, are allowed on waterfront lots if located 35 feet or more waterward from the OHW mark.

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

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

A new Section 23.60.384 of the Seattle Municipal Code is added as follows:

Section 23.60.384 Uses allowed overwater in the UC Environment

A. In addition to the uses allowed overwater in Section 23.60.090, the following uses are allowed overwater on or in existing structures in the UC environment if the use is water-related, the lot depth is less than 35-ft, there is no increase in overwater coverage and floor area, and either the use is accessory to a water-dependent use in the structure or complies with subsection 23.60.384.C.

1. Commercial uses;

2. Light and general manufacturing;

3. Storage uses, if accessory to a water-dependent use located on the same development site as the water-dependent use;

4. Passenger terminals; and

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

B. In addition to the uses allowed overwater in Section 23.60.090, the following uses that are not water dependent or water related are allowed as a conditional use overwater on or in existing structures in the UC environment if the dry land area of a lot has a depth less 35-ft, there is no increase in overwater coverage and floor area, and if subsection 23.60.384.C is met.

1. Eating and drinking establishments;

2. General sales and services;

3. Accessory offices;

3. Entertainment uses; and

4. Custom and craft work.

C. Ecological restoration equal to the square foot of gross floor area of the new nonwater-dependent or nonwater-related use is provided within the same Geographic Area as the project.

1 **Part 2 Development Standards**

2 Section 23.60.630 of the Seattle Municipal Code, enacted by Ordinance 113466, is
3 repealed, as shown in Attachment A.

4 Section 23.60.632 of the Seattle Municipal Code, last amended by Ordinance 120927, is
5 recodified as Section 23.60.386 and amended follows:

6 ~~((23.60.632))~~**23.60.386 Height in the UC(S) Environment(=)**

7 A. Maximum height. The maximum heights in the U(S)C Environment ~~((shall be))~~are
8 as follows, as modified in subsections 23.60.386.B through E~~((of this section))~~:

9 1. The maximum height is 30 feet in all locations except those listed in
10 subsections 23.60.386.A.2 through A.4;

11 2. The maximum height on upland lots along Westlake Avenue North ~~((shall be))~~
12 is as follows:

13 a. Fremont Bridge to Newton Street – 40 feet,

14 b. South of Newton Street – 65 feet.

15 3. The maximum height on upland lots along Harbor Avenue Southwest between
16 California Way Southwest and Southwest Bronson Way ~~((shall be))~~is ~~((sixty five(=)65(=))~~65(=) feet.

17 4. The maximum height on upland lots along Seaview Avenue Northwest between
18 Northwest 61st Street and Northwest 62nd Street is 40 feet.

19 B. Height exemptions for water-dependent uses. ~~((1. Floating structures accessory to a
20 water dependent or water related use that, by reason of intended use, require additional height
21 may be authorized up to thirty five (35) feet, with or without a flat roof, by the Director when:~~

22 a. ~~Not more than twenty five (25) percent of the lot area would be at an
23 increased height; and~~

24 b. ~~The views of a substantial number of upland residences would not be
25 blocked by the increased height.~~

26 ~~2. Water dependent Uses.))Cranes, mobile conveyors, light standards and similar
27 equipment necessary for the function of water-dependent uses or the servicing of vessels may
28 extend above the maximum height limit.~~

C. Pitched Roofs. In areas with a maximum height limit of ~~((thirty(=)30(=))~~ or ~~((forty
29 (=)40(=))~~ feet, the ridge of pitched roofs on principal structures, including projections to
30 accommodate windows, may extend up to ~~((five(=)5(=))~~ feet above the height permitted where
31 allowed in the underlying zone or special district.~~((All parts of the roof above the maximum
32 must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be
33 permitted to extend beyond the maximum height limit under this provision.))~~

D. Rooftop features.

34 1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys, and
35 religious symbols for religious institutions are exempt from height controls of this chapter,
36 ~~((except as regulated in Chapter 23.64, Airport Height Overlay District,))~~ provided ~~((they are a
37 minimum of ten (10) feet from any side or rear lot line))~~:

38 a. The feature is a minimum of 10 feet from all lot lines and allowed in the
underlying zone or special district; and

b. The width of the feature does not obstruct the view of the shoreline of a
substantial number of residences on areas within or adjoining the Shoreline District.

1 2. Clerestories, firewalls, green roofs, greenhouses, monitors, open railings,
2 parapets, planters, skylights and solar collectors may extend up to 4 feet above the maximum
3 height limit where allowed in the underlying zone or special district, except where the width of
4 such features obstructs the view of the shoreline of a substantial number of residences within or
5 adjoining the Shoreline District, in which case the Director may authorize a lower height.

6 3. ~~((The following rooftop features may extend up to fifteen (15) feet above the~~
7 ~~maximum height limit, so long as the combined total coverage of all features listed in this~~
8 ~~subsection does not exceed twenty (20) percent of the roof area or twenty five (25) percent of the~~
9 ~~roof area if the total includes screened mechanical equipment:~~

- 10 a. ~~Solar collectors;~~
- 11 b. ~~Stair and elevator penthouses;~~
- 12 c. ~~Mechanical equipment; and~~
- 13 d. ~~Play equipment and open mesh fencing which encloses it, so long as the~~

14 ~~fencing is at least fifteen (15) feet from the roof edge.))~~

15 Stair and elevator penthouses, mechanical equipment, play equipment and open-
16 mesh fencing which encloses it, if located at least 15 feet from the roof edge may extend 10 feet
17 above the maximum height if:

18 a. The combined total coverage of all features does not exceed 20 percent
19 of the roof area or 25 percent of the roof area if the total includes screened mechanical
20 equipment;

21 b. Allowed in the underlying zone or special district; and

22 c. The width of such features does not obstruct the view of the shoreline of
23 a substantial number of residences on areas within or adjoining the Shoreline District, in which
24 case the Director may authorize a lower height.

25 4. Structures may extend 18 inches above the maximum height limit if the
26 proposed roof insulation exceeds the energy code requirements in effect when the structure is
27 constructed.

28 E. Bridges. Bridges may extend above the maximum height limits.

Section 23.60.633 of the Seattle Municipal Code, last amended by Ordinance 117571, is repealed as shown in Attachment A.

Section 23.60.634 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.388 and amended as follows:

~~((23.60.634))~~ **23.60.388 Lot coverage in the UC((S)) Environment((:))**

A. Waterfront lots. On waterfront lots, the following requirements apply:

1. Structures, including floats and piers, shall not occupy more than 50 percent of the submerged land of any lot.

2. Structures shall not occupy more than 50 percent of the dry land of any lot.

B. Upland lots. The lot coverage of the underlying zone shall not be exceeded.

~~((1. Structures are permitted to occupy one hundred (100) percent of an upland lot except as modified in subsection B2 or C below.~~

2. ~~On Fairview Avenue East between East Newton Street and the University Bridge, upland lots developed with residential uses and non-water dependent commercial uses shall not exceed a lot coverage of fifty (50) percent.))~~

C. Lot coverage exceptions.

1. On waterfront lots with less than 50 feet of dry land between the OHW(~~ordinary high water~~) mark and the street right-of-way, a maximum lot coverage of 65 percent is (~~permitted~~)allowed on the dry-land portion of the lot.

2. On single-family zoned lots the maximum combined lot coverage (~~permitted~~)allowed for principal and accessory structures (~~shall not exceed thirty five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.~~) on dry land is as follows:

<u>Lot Size</u>	<u>Maximum Coverage</u>
<u>Less than 5,000 square feet sq. ft.</u>	<u>1,000 sq. ft. + 15% of lot area</u>
<u>5,000 sq. ft. or more</u>	<u>35% of lot area</u>

3. On the dry-land portion of the lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure (~~which~~)that are less than 18 inches above original grade shall not be included in lot coverage.

A new Section 23.60.390 of the Seattle Municipal Code is added as follows:

23.60.390 Shoreline setbacks in the UC Environment

A. A shoreline setback of 35 feet from the OHW mark is required.

B. No development, use, or shoreline modification is allowed within this shoreline setback except as allowed in Section 23.60.167 and as follows:

1. The minimum necessary for:

a. Floating homes and floating home moorages and access to and utility lines necessary to serve them;

b. Access to residential uses allowed over water in subsection 23.60.382.D; and

2. More than 5 feet landward of the OHW mark for fences and freestanding walls accessory to residences and that are not shoreline modifications if views of the shoreline from adjacent existing single family dwelling units are not blocked. The Director shall determine the permitted height of the fences and freestanding walls.

C. In addition to shoreline setback required in subsection 23.60.390.A, residences on waterfront lots shall not be located further waterward than adjacent residences as measured in subsection 23.60.206.B.3.

D. Existing structures 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 expand in any manner in the setback but may be replaced if they provide:

1. An area of ecological restoration equal to the footprint of the structure located in the shoreline setback; or

2. The equivalent number of habitat units if habitat units have been developed for this location as established by the Director.

Section 23.60.638 of the Seattle Municipal Code, last amended by Ordinance 116398, is recodified as Section 23.60.392 and amended as follows:

1 ~~((23.60.638 Regulated public access.))~~ **23.60.392 Regulated public access in the UC**
2 **Environment**

3 A. ~~((Public Property. Public access meeting the criteria of Section 23.60.160 shall be~~
4 ~~provided and maintained on all publicly owned and publicly controlled waterfront lots whether~~
5 ~~leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable~~
6 ~~waters not abutting dry land.~~

7 B. ~~Private property.~~

8 1. Public access ~~((meeting the criteria of Section 23.60.160))~~ shall be provided
9 and maintained on privately owned waterfront lots for the following developments:

10 a. ~~((Multifamily residential))~~ Residential developments ~~((of))~~ containing
11 more than 4 units with more than 100 feet of shoreline, except ~~((when uses))~~ if located on salt
12 water shorelines where public access from a street is available within 600 feet of the lot line of
13 the proposed development;

14 b. ~~((Developments containing non water dependent offices in the Lake~~
15 ~~Union area.))~~ Development and uses that are not water-dependent or that are not water-related
16 where the use has a functional requirement for a waterfront location, such as the arrival or
17 shipment materials by water, or the need for large quantities of water;

18 c. ~~((Other non water dependent uses, except those on private lots in the~~
19 ~~Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at~~
20 ~~the upland street frontage generally parallel to the water edge, that abut a street or waterway~~
21 ~~providing public access; d))~~ Marinas, except as exempted by subsection 23.60.200.E; and;

22 ~~((e))~~ d. Existing ~~((Y))~~ yacht, boat and beach clubs ~~((which))~~ that have
23 facilities over water that are not ~~((non))~~ water-dependent ~~((facilities over water));~~

24 ~~((2. The following uses are not required to provide public access on private lots:~~

25 a. ~~Water dependent and water related uses, except yacht, boat and beach~~
26 ~~clubs which have non water dependent facilities over water, and marinas; and~~

27 b. ~~Residential uses of fewer than five (5) units.)~~

28 2. Development and uses on private lots that abut Lake Union with a front lot line
of less than 100 feet in length, measured at the upland street frontage generally parallel to the
water edge, that abut a street or waterway providing public access are not required to provide
public access on privately owned lots.

3. If a lot contains a mix of uses that require public access and uses that are
exempt, public access shall be provided unless the percentage of the lot that is covered by uses
that are exempt from public access is more than 75 percent.

~~((C))~~ B. Utilities. Regulated public access shall be provided on utility owned or controlled
property within the Shoreline District.

Section 23.60.636 of the Seattle Municipal Code, last amended by Ordinance 112310, is
recodified as Section 23.60.394, and amended as follows:

~~((23.60.636))~~ **23.60.394 View corridors in the ~~((US))~~ UC Environment~~((:))~~**

A. A view corridor or corridors of not less than 35 percent of the width of the lot shall be
provided and maintained on all waterfront lots and on any upland through lot designated UC
separated from the water by a street, railroad right-of way, or a waterfront lot designated CM,
CR, CP or CN, ~~((by a street or railroad right of way))~~ except as provided in subsection
23.60.394.D.

1 B. View corridors are not required for single-family residential development and floating
2 home moorages.

3 C. ~~((The following may be located in the required view corridor:~~

4 ~~1. Open wet moorage;~~

5 ~~2. Storage of boats undergoing repair; and~~

6 ~~2. Parking which meets the criteria of subsection B3 of Section 23.60.162, View~~
7 ~~corridors.~~

8 E)) A view corridor or corridors of not less 65 percent of the width of the lot shall be
9 provided and maintained on the waterfront lots fronting on Seaview Avenue Northwest between
10 the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th
11 Street.

12 D. The required view corridor width shall be reduced to 25 percent of the width of the lot
13 ~~((when))~~ if water-related uses where the use has a functional requirement for a waterfront
14 location, such as the arrival or shipment materials by water, or the need for large quantities of
15 water, occupy more than 40 percent of the dry land area of the lot.

16 **Subchapter XII(~~XIV~~): The Urban General (UG) Environment**

17 A new Section 23.60.400 of the Seattle Municipal Code is added as follows:

18 **23.60.400 Applicable standards in the UG Environment**

19 All uses and developments in the Shoreline District, including shoreline modifications,
20 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
21 for this environment.

22 **Part 1 Uses**

23 Section 23.60.780 of the Seattle Municipal Code, last amended by Ordinance 122310, is
24 repealed, as shown in Attachment A.

25 Section 23.60.782 of the Seattle Municipal Code, enacted by Ordinance 113466, is
26 repealed, as shown in Attachment A.

27 Section 23.60.784 of the Seattle Municipal Code, last amended by Ordinance 118793, is
28 repealed, as shown in Attachment A.

Section 23.60.786 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.788 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.790 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

Section 23.60.795 of the Seattle Municipal Code, enacted by Ordinance 118663, is
repealed, as shown in Attachment A.

A new Section 23.60.402 of the Seattle Municipal Code is added as follows:

23.60.402 Uses in the UG Environment

A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline
conditional use or prohibited pursuant to this Section 23.60.402 and Table A for Section

23.60.402. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table.

2. If the table or text of Section 23.60.402 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. 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 site is unsuited for water-oriented uses because it has limited or no water access; or

2) the use is in a development that includes a water-dependent use occupying 50% of the site; and

b. Ecological restoration occurs within the Shoreline District [location] equal to the area of the proposed non-water-oriented uses

4. Regulations for specific shoreline modifications are set out in Sections 23.60.172 through 190.

B. Uses on upland lots are governed by the underlying zones except for the following uses, which are prohibited on upland lots:

1. Transportation uses that are prohibited on waterfront lots

2. Utility uses that are prohibited on waterfront lots;

3. Residential uses that are prohibited on waterfront lots;

4. Lodging;

5. Live-Work Units; and

6. High Impact uses that are not water-dependent or water-related.

Table A for Section 23.60.402 Uses in the UG Environment

<u>Uses</u>	<u>Waterfront Lots</u>
<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	=
<u>A.1. Aquaculture</u>	CU
<u>A.2. Other agricultural and forest practice uses</u>	X
<u>B. CEMETERIES</u>	X
<u>C. COMMERCIAL USES</u>	=
<u>C.1. Animal shelters and kennels</u>	A
<u>C.2. Eating and drinking establishments</u>	A
<u>C.3. Entertainment uses</u>	A
<u>C.4. Food processing and craft work uses</u>	A
<u>C.5. Laboratories, research and development</u>	A
<u>C.6. Lodging</u>	X
<u>C.7. Medical services</u>	A
<u>C.8. Offices</u>	A
<u>C.9. Sales and services, automotive</u>	X
<u>C.10. Sales and services, general</u>	A
<u>C.11. Sales and services, heavy</u>	A
<u>C.12. Sales and services, marine</u>	A
<u>D. HIGH-IMPACT USES</u>	See subsection 23.60.402.C
<u>E. INSTITUTIONAL USES</u>	A

Table A for Section 23.60.402 Uses in the UG Environment

<u>Uses</u>	<u>Waterfront Lots</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	<u>A</u>
<u>H. PARKS AND OPEN SPACE USES</u>	<u>A</u>
<u>I. PUBLIC FACILITIES</u>	<u>See Section 23.60.207</u>
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60.210</u>
<u>K. RESIDENTIAL USES</u>	<u>-</u>
<u>K.1. Accessory dwelling unit</u>	<u>X</u>
<u>K.2. Adult family homes</u>	<u>X</u>
<u>K.3. Artist studio/dwelling</u>	<u>See subsection 23.60.402.D</u>
<u>K.4. Assisted living facilities</u>	<u>X</u>
<u>K.5. Congregate residences</u>	<u>X</u>
<u>K.6. Detached accessory dwelling unit</u>	<u>X</u>
<u>K.7. Domestic Violence Shelter</u>	<u>X</u>
<u>K.8. Floating homes and moorage</u>	<u>X</u>
<u>K.9. Mobile park home</u>	<u>X</u>
<u>K.10. Multifamily residences</u>	<u>X</u>
<u>K.11. Nursing homes</u>	<u>X</u>
<u>K.12. Single-family dwelling units</u>	<u>See subsection 23.60.402.D</u>
<u>K.13. Other residential uses</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60.211</u>
<u>M. STORAGE USES</u>	<u>A</u>
<u>N. TRANSPORTATION FACILITY USES</u>	<u>-</u>
<u>N.1. Bridges and tunnels</u>	<u>A</u>
<u>N.2. Cargo terminals</u>	<u>WD/WR</u>
<u>N.3. Moorage</u>	<u>-</u>
<u>N.3.a. Boat moorage</u>	<u>A</u>
<u>N.3.b. Dry boat storage</u>	<u>A</u>
<u>N.4. Navigational locks</u>	<u>X</u>
<u>N.5. Parking</u>	<u>X</u>
<u>N.5.a. Parking, principal use</u>	<u>X</u>
<u>N.5.b. Parking, accessory use</u>	<u>A</u>
<u>N.6. Passenger terminal</u>	<u>WD/WR</u>
<u>N.7. Rail transit facilities</u>	<u>A</u>
<u>N.8. Transportation facilities, air</u>	<u>-</u>
<u>N.8.a. Airports, land-based</u>	<u>X</u>
<u>N.8.b. Airports, water-based</u>	<u>SU</u>
<u>N.8.c. Heliports</u>	<u>X</u>
<u>N.8.d. Helistops</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>A</u>
<u>N.11. Railroads</u>	<u>A</u>

Table A for Section 23.60.402 Uses in the UG Environment

<u>Uses</u>	<u>Waterfront Lots</u>
<u>N.12. Streets</u>	<u>A</u>
<u>O. UTILITY USES</u>	<u>=</u>
<u>O.1. Communication utilities, minor</u>	<u>See subsection 23.60.402.E</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>
<u>O.4. Recycling</u>	<u>WD/WR</u>
<u>O.5. Sewage treatment plants</u>	<u>X</u>
<u>O.6. Solid waste management</u>	<u>WD/WR</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60.402.F</u>
<u>P. UTILITY LINES</u>	<u>A</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WR = Allowed for water-related uses; prohibited otherwise

X = Prohibited

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

D. Existing single family dwelling units and artist studio/dwellings are allowed.

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

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

Part 2 Development Standards

Section 23.60.810 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed as shown in Exhibit X.

Section 23.60.812 of the Seattle Municipal Code, enacted by Ordinance 120927, is recodified as Section 23.60.406 and amended as follows:

23.60.406 Height in the UG Environment

A. Maximum height. The maximum height in the UG Environment (~~((shall be thirty five feet))~~ is 35(±) feet, except as modified in subsections 23.60.406.B through D~~((of this section))~~.

B. ~~((Equipment))~~ Height exceptions for water-dependent uses. The following height exceptions apply to water-dependent uses in the UG 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.

2. ~~((C-Structures--))~~ Structures accessory to a water-dependent or water-related use, including but not limited to accessory office, accessory warehouse, and accessory

1 manufacturing facilities, ~~((structures which require additional height because of intended use))~~
2 may be authorized up to 55 feet by the Director ~~((when))~~if:

3 a. The accessory structure requires additional height because of its
4 intended use;

5 b. Granting additional height for the accessory structure would result in a
6 significant amount of additional usable area for the principal water-dependent use, water-related
7 use and/or additional area for ecological restoration and enhancement;

8 c. Not more than 20 percent of the lot area is covered by portions of the
9 structure that exceed the maximum height established in subsection 23.60.406.A;

10 d. The remaining 80 percent of the lot is preserved through a covenant for
11 water-dependent and water-related uses if uses that are not water-dependent or water-related
12 occupy the structure; and

13 ~~((2))~~e. The views of the shoreline of a substantial number of ~~((upland~~
14 ~~))residences ~~((would not be blocked by the increased height))~~ on areas within or adjoining the~~
15 Shoreline District would not be obstructed by the increased height.

16 ~~((D))~~C. Rooftop features.

17 1. Radio and television receiving antennas, flagpoles, ~~smokestacks, chimneys~~ and
18 religious symbols for religious institutions are exempt from height controls of this chapter,
19 ~~((except as regulated in Chapter 23.64, Airport Height Overlay District,))~~provided~~((such~~
20 ~~features are))~~:

21 a. The features are ~~((N))~~no closer to any adjoining lot line than 50 percent of
22 their height above existing grade; or

23 b. If attached ~~((only))~~to the roof, the feature is no closer to any adjoining
24 lot line than 50 percent of their height above the roof portion where attached; and

25 c. The width of the feature does not obstruct the view of the shoreline of a
26 substantial number of residences on areas within or adjoining the Shoreline District.

27 2. Clerestories, communication and accessory communication devices, firewalls,
28 green roofs, greenhouses, mechanical equipment, monitors, open railings, parapets, planters,
skylights and solar collectors may extend 4 feet above the maximum height limit.

3. ~~((The following rooftop features may extend ten (10) feet above the maximum~~
height so long as the combined total coverage of all features does not exceed fifteen (15) percent
of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical
equipment:

a. ~~Stair and elevator penthouses; and~~

b. ~~Mechanical equipment))~~

Stair and elevator penthouses and mechanical equipment may extend 10 feet
above the maximum height if:

a. The combined total coverage of all features does not exceed 20 percent
of the roof area or 25 percent of the roof area if the total includes screened mechanical
equipment;

b. Allowed in the underlying zone or special district; and

c. The width of such features does not obstruct the view of the shoreline of
a substantial number of residences on areas within or adjoining the Shoreline District, in which
case the Director may authorize a lower height.

1 4. Structures may extend 18 inches above the maximum height limit if the
2 proposed roof insulation exceeds the energy code requirements in effect when the structure is
3 constructed.

4 ~~((E))~~D. Bridges. Bridges may exceed the maximum height limit.

5 Section 23.60.814 of the Seattle Municipal Code, enacted by Ordinance 113466, is
6 recodified as Section 23.60.408 and amended as follows:

7 **23.60.408 Lot coverage in the UG Environment**

8 ~~((Structures may occupy up to one hundred (100) percent of the lot area for either a~~
9 ~~waterfront lot or an upland lot-))~~The lot coverage of the underlying zone shall not be exceeded.

10 A new Section 23.60.410 of the Seattle Municipal Code is added as follows:

11 **23.60.410 Shoreline setbacks in the UG Environment**

12 A. A shoreline setback of 35 feet from the OHW mark is required. No development,
13 use, or shoreline modification is allowed within this shoreline setback except as follows:

14 1. As allowed in Section 23.60.167; and

15 2. Greater than 5 feet landward of the OHW mark for fences and freestanding
16 walls accessory to residences that are not shoreline modifications, if views of the shoreline from
17 adjacent existing residences are not blocked. The Director shall determine the permitted height of
18 the fences and freestanding walls.

19 B. In addition to shoreline setback required in subsection 23.60.410.A, residences on
20 waterfront lots shall not be located further waterward than adjacent residences as measured in
21 subsection 23.60.206.B.3.

22 C. Existing structures that would be considered nonconforming because they are located
23 in the required shoreline setback in UG Environment are not regulated as a nonconforming
24 structures based on setback standards. Such structures may not expand in any manner in the
25 setback but may be replaced if they provide:

26 1. An area of ecological restoration equal to the footprint of the structure located
27 in the shoreline setback; or

28 2. The equivalent number of habitat units if habitat units have been developed for
this location as established by the Director.

Section 23.60.816 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.412, and amended as follows:

~~((23.60.816))~~**23.60.412 View corridors in the UG Environment**~~((;-))~~

~~((A;-))~~A view corridor or corridors of not less than 35 percent of the width of the lot shall
be provided and maintained on all waterfront lots and on all upland through lots separated from a
waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

~~((B. A view corridor or corridors of not less than thirty five (35) percent of the width of~~
~~the lot shall be provided and maintained on all upland through lots separated from a waterfront~~
~~lot designated CM, CR, CP or CN by a street or railroad right-of-way.~~

C. The following may be located in a required view corridor:

1. ~~Open wet moorage;~~

2. ~~Storage of boats undergoing repair; and~~

1 ~~3. Parking, which meets the criteria in subsection B3 of Section 23.60.162, View~~
2 ~~corridors.)~~

3 Section 23.60.818 of the Seattle Municipal Code, enacted by Ordinance 113466, is
4 recodified as Section 23.60.414 and amended as follows:

5 **23.60.414 Regulated public access in the UG Environment**

6 A. ~~((Public Property. Public access meeting the criteria of Section 23.60.160 shall be~~
7 ~~provided and maintained on all publicly owned and publicly controlled waterfront lots whether~~
8 ~~leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable~~
9 ~~waters not abutting dry land.~~

10 B. ~~(Private Property. ((+)Public access ((meeting the criteria of Section~~
11 ~~23.60.160))shall be provided and maintained on privately owned waterfront lots for the~~
12 following developments:

13 ((a))1. Marinas, except as exempted in subsection 23.60.200,((-)E; and

14 ((b))2. Development that is not ((Non))water-dependent ((developments-)) or that
15 is not water-related where the use has a functional requirement for a waterfront location, such as
16 the arrival or shipment materials by water, or the need for large quantities of water, except those
17 located on private lots in the Lake Union area with a front lot line of less than 100 feet in length,
18 measured at the upland street frontage generally parallel to the water edge, that abut a street
19 and/or waterway providing public access.

20 ~~((2. Water dependent uses other than marinas and water related uses on private~~
21 ~~lots are not required to provide public access.))~~

22 ((C))B. Utilities. Regulated public access shall be provided to utility-owned or controlled
23 property within the Shoreline District.

24 **Subchapter XIII: The Urban Harborfront (UH) Environment**

25 A new Section 23.60.440 of the Seattle Municipal Code is added as follows:

26 **23.60.440 Applicable standards in the UH Environment**

27 All uses and developments in the Shoreline District, including shoreline modifications,
28 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
for this environment.

Part 1 Uses

Section 23.60.660 of the Seattle Municipal Code, last amended by Ordinance 122771, is
repealed, as shown in Attachment A.

Section 23.60.662 of the Seattle Municipal Code, last amended by Ordinance 120927, is
repealed, as shown in Attachment A.

Section 23.60.664 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.668 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.670 of the Seattle Municipal Code, enacted by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.672 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

A new Section 23.60.442 of the Seattle Municipal Code is added as follows:

23.60.442 Uses in the UH Environment

A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to this Section 23.60.442 and Table A for Section 23.60.442. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in the table.

2. If the table or text of Section 23.60.442 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 23.60.172 through 190.

Table A for Section 23.60.442 Uses in the UH Environment

<u>Uses</u>	<u>Waterfront Lots</u>	<u>Upland Lots</u>
<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	-	-
<u>A.1. Aquaculture</u>	<u>CU</u>	<u>CU</u>
<u>A.2. Community Garden</u>	<u>X</u>	<u>A</u>
<u>A.3. Other agricultural and forest practice uses</u>	<u>X</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	-	-
<u>C.1. Animal shelters and kennels</u>	<u>X</u>	<u>A</u>
<u>C.2. Eating and drinking establishments</u>	<u>See subsection 23.60.442.B, C and D</u>	<u>A</u>
<u>C.3. Entertainment uses</u>	<u>See subsection 23.60.442.B and D</u>	<u>A</u>
<u>C.4. Food processing and craft work</u>	-	-
<u>C.4.a Food processing uses</u>	<u>See subsection 23.60.442.E</u>	<u>A</u>
<u>C.4.b Custom and craft work uses</u>	<u>See subsection 23.60.442.B and D</u>	<u>A</u>
<u>C.5. Laboratories, research and development, WD</u>	<u>A</u>	<u>A</u>
<u>C.6. Lodging</u>	<u>See subsection 23.60.442.F</u>	<u>A</u>
<u>C.7. Medical services</u>	<u>X</u>	<u>A</u>
<u>C.8. Offices</u>	<u>See subsections 23.60.442.G</u>	<u>A</u>
<u>C.9. Sales and service uses, automotive</u>	<u>X</u>	<u>X</u>
<u>C.10. Sales and services, general</u>	<u>See subsection 23.60.442.B, C and D</u>	
<u>C.11. Sales and service uses, heavy</u>	-	-
<u>C.11.a Commercial sales heavy</u>	<u>X</u>	<u>A</u>

Table A for Section 23.60.442 Uses in the UH Environment

<u>Uses</u>	<u>Waterfront Lots</u>	<u>Upland Lots</u>
<u>C.11.b. Commercial services, heavy</u>	<u>X</u>	<u>A</u>
<u>C.11.c. Retail sales, major durables</u>	<u>X</u>	<u>A</u>
<u>C.11.d. Retail sales and services, non-household</u>	<u>X</u>	<u>A</u>
<u>C.11.e. Wholesale showroom</u>	<u>See subsection 23.60.442.E</u>	<u>A</u>
<u>C.12. Sales and services, marine</u>	-	-
<u>C.12.a Marine service station</u>	<u>X</u>	<u>X</u>
<u>C.12.b. Sale or rental of large boats</u>	<u>CU</u>	<u>CU</u>
<u>C.12.c. Sale or rental of small boats, boat parts, or accessories</u>	<u>A or CU see subsection 23.60.442.C</u>	<u>A</u>
<u>C.12.d. Vessel repair, major</u>	<u>X</u>	<u>X</u>
<u>C.12.e. Vessel repair, minor</u>	<u>See subsection 23.60.442.H</u>	<u>X</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>	<u>X</u>
<u>E. INSTITUTIONAL USES</u>	-	-
<u>E.1. Adult care centers</u>	<u>X</u>	<u>A</u>
<u>E.2. Child care centers</u>	<u>See subsections 23.60.442.G</u>	<u>A</u>
<u>E.3. Colleges</u>	<u>See subsection 23.60.442.I</u>	<u>A</u>
<u>E.4. Community center or club</u>		
<u>E.4.a Yacht, boat and beach clubs</u>	<u>A</u>	<u>A</u>
<u>E.4.b Other community centers or clubs</u>	<u>See subsection 23.60.442.E</u>	<u>A</u>
<u>E.5. Family support center</u>	<u>X</u>	<u>A</u>
<u>E.6. Hospitals</u>	<u>X</u>	<u>A</u>
<u>E.7. Institute for advanced study</u>	<u>See subsection 23.60.442.I</u>	<u>A</u>
<u>E.8. Library</u>	<u>X</u>	<u>A</u>
<u>E.10. Museum</u>	<u>See subsections 23.60.442.B, D</u>	<u>A</u>
<u>E.11. Private club</u>	<u>X</u>	<u>A</u>
<u>E.12. Religious facilities</u>	<u>X</u>	<u>A</u>
<u>E.13. Schools, elementary or secondary</u>	<u>X</u>	<u>A</u>
<u>E.14. Vocational or fine arts schools</u>	<u>See subsection 23.60.442.I</u>	<u>A</u>
<u>E.15. Other institutional uses</u>	<u>X</u>	<u>X</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>	<u>A</u>
<u>G. MANUFACTURING USES</u>	-	-
<u>G.1. Light manufacturing</u>	<u>See subsection 23.60.442.J</u>	<u>See subsection 23.60.442.J</u>

Table A for Section 23.60.442 Uses in the UH Environment

<u>Uses</u>	<u>Waterfront Lots</u>	<u>Upland Lots</u>
<u>G.2. General manufacturing</u>	<u>X</u>	<u>X</u>
<u>G.3. Heavy manufacturing</u>	<u>X</u>	<u>X</u>
<u>H. PARKS AND OPEN SPACE USES</u>	<u>See subsection 23.60.442.B, D and K</u>	<u>A</u>
<u>I. PUBLIC FACILITIES</u>	<u>See subsection 23.60.442.L</u>	<u>A</u>
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60.210</u>	<u>See Section 23.60.210</u>
<u>K. RESIDENTIAL USES</u>	<u>X</u>	<u>A</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60.211</u>	<u>See Section 23.60.211</u>
<u>M. STORAGE USES</u>	<u>-</u>	<u>-</u>
<u>M.1. Mini-warehouses</u>	<u>X</u>	<u>X</u>
<u>M.2. Storage, outdoor</u>	<u>See subsection 23.60.442.M</u>	<u>See subsection 23.60.442.M</u>
<u>M.3. Warehouses</u>	<u>See subsection 23.60.442.M</u>	<u>See subsection 23.60.442.M</u>
<u>N. TRANSPORTATION FACILITY USES</u>	<u>-</u>	<u>-</u>
<u>N.1. Bridges and tunnels</u>	<u>A</u>	<u>A</u>
<u>N.2. Cargo terminals</u>	<u>See subsection 23.60.442.N</u>	<u>See subsection 23.60.442.N</u>
<u>N.3. Parking</u>	<u>-</u>	<u>-</u>
<u>N.3.a. Boat moorage</u>	<u>A</u>	<u>A</u>
<u>N.3.b. Dry boat storage</u>	<u>See subsection 23.60.442.O</u>	<u>See subsection 23.60.442.O</u>
<u>N.4 Navigational locks</u>	<u>X</u>	<u>X</u>
<u>N.5. Parking</u>	<u>-</u>	<u>-</u>
<u>N.5.a Parking, principal use</u>	<u>X</u>	<u>See subsection 23.60.442.P</u>
<u>N.5.b. Parking, accessory</u>	<u>See subsection 23.60.442.Q</u>	<u>A</u>
<u>N.6 Passenger terminal</u>	<u>See subsection 23.60.442.R</u>	<u>WR</u>
<u>N.7. Rail transit facilities</u>	<u>A</u>	<u>A</u>
<u>N.8. Transportation facilities, air</u>	<u>X</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>A</u>	<u>A</u>
<u>N.11. Railroads</u>	<u>A</u>	<u>A</u>
<u>N.12. Streets</u>	<u>A</u>	<u>A</u>
<u>O. UTILITY USES</u>	<u>-</u>	<u>-</u>
<u>O.1. Communication utilities, minor</u>	<u>See subsection 23.60.442.S</u>	<u>See subsection 23.60.442.S</u>

Table A for Section 23.60.442 Uses in the UH Environment

<u>Uses</u>	<u>Waterfront Lots</u>	<u>Upland Lots</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>	<u>X</u>
<u>O.4. Recycling</u>	<u>X</u>	<u>X</u>
<u>O.5. Sewage treatment plants</u>	<u>X</u>	<u>X</u>
<u>O.6. Solid waste management</u>	<u>X</u>	<u>X</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60.442.T</u>	<u>See subsection 23.60.442.T</u>
<u>P. UTILITY LINES</u>	<u>SU</u>	<u>A</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

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

X = Prohibited

B. 1. a. The following uses are allowed on the dry land portion of waterfront lots if the use is water-oriented:

- 1) Eating and drinking establishments;
- 2) Entertainment uses, except adult motion picture theaters and panorams;
- 3) Parks and open space uses;
- 4) Custom and craft work;
- 5) Museums; and
- 6) Sales and services, general.

b. The uses in subsection 23.60.442.B.1.a that are non-water-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% of the gross floor area of the project; and
- 2) ecological restoration equal to the square foot of gross floor area of the new non-water-oriented use and that is provided within the same Geographic Area as the project.

2. The uses in subsection 23.60.442.B.1.a are prohibited overwater, except they are allowed as a shoreline conditional use on existing or lawfully replaced structures if:

- a. The lot depth is less than 35 feet measured from the OHW mark to the landward lot line;
- b. An unenclosed water enjoyment use is provided in the area between the building and 15 feet from the seaward end of the pier;
- c. All waste and recycling containers are located minimum of 10 feet from the edge of any side of the pier and is located in an enclosed area; and
- d. If the use is non-water-oriented, it is allowed if it is part of a mixed use project that includes:

1 1) A water-dependent use occupying a minimum of 25% of the
2 gross floor area of the existing building; and

3 2) Ecological restoration equal to the square foot of gross floor
4 area of the new non-water-oriented use and that is provided within the same Geographic Area as
5 the project.

6 3. Adult motion picture theaters and panorams are prohibited.

7 C. Commercial Uses on Historic Ships.

8 1. The following uses are allowed as a shoreline conditional use on an historic
9 ship on waterfront lots if the standards in subsection 23.60.442.C.2 are met:

10 a. Eating and drinking establishments;

11 b. Sales and services, general, and

12 c. Sale and rental of small boats, boat parts and accessories.

13 2. Development on historic ships that includes uses listed in subsection
14 23.60.442.C.1 must comply with the following standards in addition to the criteria for shoreline
15 conditional uses in Section 23.60.034: _____

16 a. The ship is designated as historic by the City of Seattle Landmarks
17 Preservation Board or listed on the National Register of Historical Places;

18 b. It is impractical to incorporate uses permitted outright because of the
19 ship design and/or the permitted uses cannot provide adequate financial support necessary to
20 sustain the ship in a reasonably good physical condition;

21 c. The use is compatible with the existing design and/or construction of
22 the ship without significant alteration;

23 d. A certificate of approval has been obtained from the City of Seattle
24 Landmarks Preservation Board;

25 e. No other historic ship containing an eating and drinking establishment,
26 sales and services, general, or sale and rental of small boats, boat parts and accessories uses is
27 located within 1/2 mile of the proposed site; and

28 f. Ecological restoration equal to the square foot of gross floor area of the
29 new non-water-oriented use is provided within the same Geographic Area as the proposed
30 project.

31 D. 1. The following uses are permitted overwater if the standards in subsection
32 23.60.442.D.2 are met:

33 a. Eating and drinking establishments;

34 b. Entertainment uses, except adult motion picture theaters and panorams (See,
35 subsection 23.60.442.B.3);

36 c. Parks and open space uses,

37 d. Custom and craft work;

38 e. Museums; and

39 f. Sales and services, general.

40 2. The uses in subsection 23.60.442.D.1 are allowed if they meet the following standards

41 a. The use is accessory to the public passenger terminal at Colman Dock;

42 b. The amount of over water coverage is not increased;

43 c. The use contributes to an active pedestrian environment along the
44 landward edge of the pier; and if

45 d. If the use is non-water-oriented the use is part of a mixed use project
46 that includes:

1 1) A water-dependent use that occupies a minimum of 25% of the
2 gross floor area of existing buildings; and

3 2) Ecological restoration equal to the square foot of gross floor
4 area of the new non-water-oriented use and that is provided within the same Geographic Area as
5 the project

6 E. Food processing uses and community centers or clubs other than yacht boat and beach
7 clubs are allowed and wholesale showrooms are allowed as a conditional uses if the use is part of
8 a mixed-use development that includes:

9 1. A water-dependent use that occupies 25 percent of the developed portion of the
10 lot; and

11 2. Ecological restoration in an amount equal in square footage to the gross floor
12 area of the use that is non-water-oriented and that is provided within the same Geographic Area
13 as the project.

14 F. Existing lodging uses are allowed; and expansion of public access associated with
15 existing lodging uses is allowed if no new overwater coverage is created. New lodging and all
16 other expansion of lodging uses and associated public access is prohibited.

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

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

20 a. A water-dependent use that occupies 25 percent of the developed
21 portion of the lot; and

22 b. Ecological restoration in an amount equal in square footage to the gross
23 floor area of the use that is non-water-oriented and that is provided within the same Geographic
24 Area as the project; and

25 2. If the use is over water, in addition to subsection 23.60.442.G.1:

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

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

28 H. 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.

I. 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 mixed-use development that includes:

a. A water-dependent use that occupies 25 percent of the developed
portion of the lot; and

b. Ecological restoration in an amount equal in square footage to the gross
floor area of the use that is non-water-oriented and that is provided within the same Geographic
Area as the project.

J. 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 lot;

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

1 1) A water-dependent use that occupies 25 percent of the
2 developed portion of the lot; and

3 2) Ecological restoration in an amount equal in square footage to
4 the gross floor area of the light manufacturing use that is non-water-oriented and that is provided
5 within the same Geographic Area as the project;

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

7 d. The use on the lot does not block the access to the water or interfere
8 with the use of the site by water-dependent or water-related uses on site.

9 K. Parks and Open space uses are allowed on submerged lands when located on existing
10 structures or on new structures pursuant to number 10b of Table A for Section 23.60.172.

11 L. Public facilities that are water-dependent or water-related or part of an
12 approved _____ for the Harborfront adopted by City Council are allowed.

13 M. 1. Outdoor storage that is staging for construction is allowed as a temporary use .
14 2. Outdoor storage and warehouses are allowed as a shoreline conditional use if
15 they are water-dependent or water-related and are prohibited if not water-dependent or water-
16 related or temporary staging for construction.

17 N. Cargo terminals that are breakbulk facilities are allowed as a shoreline conditional
18 uses and are prohibited otherwise.

19 O. Dry boat storage for non-motorized boats is allowed and is otherwise prohibited.

20 P. Principal use parking is allowed if located in a structure and the street front is occupied
21 by a use other than parking. All other principal parking is prohibited.

22 Q. Accessory parking is allowed if on dry land and accessory to a permitted use on the
23 same lot where the parking is proposed.

24 R. 1. Water-dependent and water-related passenger terminals are allowed.

25 2. Queuing accessory to a passenger terminals is allowed as follows:
26 a. Queuing area is permitted as a use that is accessory to a water-
27 dependent passenger terminal or a water-dependent cargo terminal located on the same lot. The
28 Director, in consultation with the Director of the Department of Transportation, shall determine
the amount of queuing area to be permitted on a lot based on the capacity and operation of
vessels serving the water-dependent transportation facility.

b. Queuing area is prohibited:

1) Off-site over-water; or

2) On a waterfront lot that is located west of the Alaskan Way
South right-of-way, as platted at the date of this ordinance.

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

T. Utility service uses are allowed as a special use on water front lots and are allowed on
upland lots, if they reasonably require a shoreline location to operate.

Section 23.60.666 of the Seattle Municipal Code, last amended by Ordinance 118663, is
deleted.

Part 2 Development Standards

Section 23.60.690 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed as shown in Attachment A.

1 Section 23.60.692 of the Seattle Municipal Code, last amended by Ordinance 120927, is
2 recodified as Section 23.60.446 and amended as follows:

3 **23.60.446 Height in the UH Environment**

4 A. ~~((Waterfront Lots. The maximum height in the UH Environment shall be forty five
5 (45) feet except in the Historic Character Area where the maximum height shall be fifty (50) feet
6 tall as measured from Alaskan Way, except as modified by subsection C below.))~~ Maximum
7 height. The maximum heights in the UH Environment are as follows, as modified in subsections
8 23.60.446.B through D:

9 1. The maximum height is 50 feet in all locations except those listed in
10 subsections 23.60.446.A.2 and A.3;

11 2. The maximum height on waterfront lots in the Central Waterfront Landmark
12 Designated Area is 50 feet as measured from Alaskan Way;

13 3. The maximum height on upland lots is as determined by the underlying zone or
14 special district.

15 ~~((B. Upland Lots. The maximum height shall be fifty five (55) feet, sixty five (65) feet,
16 eighty five (85) feet, one hundred (100) feet, one hundred twenty five (125) feet, or one hundred
17 sixty (160) feet, as determined by location on the Official Land Use Map, Chapter 23.32, except
18 as modified by this section.))~~

19 ~~((C))~~ B. Height exceptions for water-dependent uses. ~~((4.))~~ Cranes, gantries, mobile
20 conveyors, light standards, and similar equipment necessary for the functions of ~~((marinas,
21 marine manufacturing, permitted commercial, industrial or port activities and-))~~ water-dependent
22 uses or the servicing of vessels ~~((are exempt))~~ may extend above the applicable maximum height
23 limit, provided such structures shall be designed to minimize view obstruction.

24 ~~((2. Flagpoles, masts, and light poles are exempt.))~~

25 C. Height exception for public open space structures. To allow a public open space and
26 viewing areas on a structure located on dry land, the Director may allow an increase above the
27 otherwise applicable 45 foot height limit, up to a maximum of 65 feet, provided that no height
28 above 45 feet is allowed within 100 feet of the OHW mark. The additional height shall be used
to provide viewing areas and uses accessory to the open spaces, such as retail pavilions, shelters,
exhibition space, and other permitted uses that compliment the open space. The Director's
decision to allow the increase in height shall, in part, be based on the review of the proposal as a
public facility by the Seattle Design Commission, and a subsequent determination that the
proposed departures will accomplish the following design objectives:

1. Provides better integration of upland areas and the waterfront, with improved
public access for the general public between the two areas;

2. Creates a unique viewing environment for observing harborfront activity,
Elliott Bay, the city, and surrounding natural features;

3. Provides open space at varied elevations to relate to existing topographic
conditions and minimize the appearance of bulk;

4. Encourages additional uses and features that will attract the public, enliven
public areas, and add to the comfort and safety of public spaces; and

5. Promotes more environmentally sustainable design.

~~((3))~~ D. Rooftop features.

~~((d))~~ 1. Radio and television receiving antennas, ~~((excluding dishes; religious
symbols for religious institutions;))~~ flagpoles, smokestacks, chimneys, religious symbols for
religious institutions and architectural elements that are not occupied by a use, such as clock

1 towers and spires, and that are accessory to public water-dependent passenger terminals may
2 extend up to 50 feet above the (~~roof of the structure on which they are located except as~~
3 ~~regulated in Chapter 23.64, Airport Height Overlay District,~~) maximum height limit in this
4 Section 23.60.446, provided:

5 a. (~~They are ten (10) feet from all lot lines~~)The feature is a minimum of
6 10 feet from all lot lines and allowed in the underlying zone or special district; and

7 b. The width of the feature does not obstruct the view of the shoreline of a
8 substantial number of residences on areas within or adjoining the Shoreline District.

9 ~~((a))~~2. Clerestories, communication and accessory communication devices,
10 firewalls, green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and
11 solar collectors may extend up to 4 feet above the maximum height limit with unlimited rooftop
12 coverage, where allowed in the underlying zone or special district.

13 ~~((b. Solar collectors may extend up to seven (7) feet above the maximum~~
14 ~~height with unlimited rooftop coverage.))~~

15 ~~((c. The following rooftop features may extend up to fifteen (15) feet~~
16 ~~above the maximum height, as long as the combined coverage of all features listed in this~~
17 ~~subsection C3c does not exceed twenty (20) percent of the roof area, or twenty five (25) percent~~
18 ~~if the total includes stair or elevator penthouses or screened mechanical equipment:~~

19 ~~(1) Solar collectors;~~

20 ~~(2) Stair and elevator penthouses;~~

21 ~~(3) Mechanical equipment; and~~

22 ~~(4) Play equipment and open-mesh fencing, as long as the fencing is at least~~
23 ~~fifteen (15) feet from the roof edge.))~~

24 3. Stair and elevator penthouses, mechanical equipment, play equipment and
25 open-mesh fencing which encloses it, if located at least 15 feet from the roof edge may extend 10
26 feet above the maximum height if:

27 a. The combined total coverage of all features does not exceed 20 percent
28 of the roof area or 25 percent of the roof area if the total includes screened mechanical
29 equipment;

30 b. Allowed in the underlying zone or special district; and

31 c. The width of such features does not obstruct the view of the shoreline of
32 a substantial number of residences on areas within or adjoining the Shoreline District, in which
33 case the Director may authorize a lower height.

34 ~~((d. Radio and television receiving antennas, excluding dishes; religious~~
35 ~~symbols for religious institutions; smokestacks and flagpoles may extend up to fifty (50) feet~~
36 ~~above the roof of the structure on which they are located except as regulated in Chapter 23.64,~~
37 ~~Airport Height Overlay District, provided they are a minimum of ten (10) feet from all lot lines.~~

38 ~~e. Minor communication utilities shall be governed by Section 23.57.013~~
39 ~~B2.))~~

40 4. Structures may extend 18 inches above the maximum height limit if the
41 proposed roof insulation exceeds the energy code requirements in effect when the structure is
42 constructed.

43 ~~((4))~~E. Bridges. Bridges may exceed the maximum height limits.

44 Section 23.60.694 of the Seattle Municipal Code, enacted by Ordinance 113466, is
45 recodified as Section 23.60.448, and amended as follows:

1 ~~((23.60.694))~~**23.60.448 Lot coverage in the UH Environment**~~((=))~~

2 A. Waterfront lots. On waterfront lots, the following requirements apply:

3 1. Structures, including floats and piers, shall not occupy more than 50 percent of
4 the submerged land of any lot, except as ~~((modified by))~~provided in subsection 23.60.448.C and
5 D ~~((below))~~; and

6 2. Structures shall not occupy more than 50 percent of the dry land of any lot.

7 B. Upland lots. ~~((Structures may occupy up to one hundred (100) percent of a
8 lot, except as modified by other sections of this subchapter and/or the underlying zoning.))~~The
9 lot coverage of the underlying zone applies.

10 C. Lot coverage exceptions. Piers may exceed ~~((permitted))~~allowed lot coverage by the
11 addition of floats for open wet moorage. ~~((Maximum float size above))~~Existing or new floats
12 may exceed the existing lot coverage or the lot coverage limit, whichever is greater, ~~((is thirty-~~
13 six hundred (3,600) square feet or an area equivalent to twelve (12) feet times the length of the
14 pier, whichever is greater)) by 1,600 square feet total for all floats. An additional 400 square feet
15 of coverage ~~((shall be permitted))~~is allowed for an access ramp. ~~((Existing floats may be~~
16 increased in size up to this limit.))

17 D. Allowance for increased lot coverage. In addition to overwater coverage allowed in
18 subsections 23.60.448.A through C, additional overwater coverage may be allowed for a water-
19 dependent use or a permitted public use, if the following conditions are met:

20 1. An equivalent amount of overwater coverage is permanently removed from
21 another overwater structure located within the UH environment prior to the increase in lot
22 overwater coverage;

23 2. The total amount of coverage on the lot with increased coverage does not
24 exceed 65 percent of the submerged land of the lot; and

25 3. The owner of the lot reducing overwater coverage agrees in writing to the
26 removal of the overwater coverage.

27 Section 23.60.696 of the Seattle Municipal Code, enacted by Ordinance 113466, is
28 recodified as Section 23.60.450 and amended as follows:

~~((23.60.696 Side setbacks in the UH Environment.))~~**23.60.450 Shoreline and side setbacks in
the UH Environment**

A. A shoreline setback of 25 feet from the OHW mark is required. No development, use,
or shoreline modification is allowed within the shoreline setback except as allowed in Section
23.60.167 and the minimum necessary for:

1. Operation of and access to public uses allowed over water under subsection
23.60.442.D;

2. Operation of and access to uses allowed pursuant to subsection 23.60.442 that
are overwater or on historic ships;

3. Structures providing overhead weather protection within the public right-of-
way, such as canopies or awnings, that enhance the pedestrian environment and complement
street level activity and uses in abutting development; and

4. Stairs, ramps, overhead pedestrian walkways, mechanical assists, and other
forms of pedestrian access to passenger terminal facilities and public open space located above
street level, to improve public access to these passenger terminal facilities and public open space
areas from upland areas, increase public safety and minimize pedestrian and vehicle conflicts,
and contribute to an active and inviting pedestrian environment along Alaskan Way.

1 B. ~~((To facilitate access to moorage as required by Section 23.60.700, a))~~ The side
2 setback is ~~((of fifty (50)))~~ 50 feet from the nearest lot line ~~((shall be required))~~ for all fixed pier
3 structures, not including moorage floats. One-half ~~((1/2))~~ of an adjacent submerged street right-
4 of-way may be used in meeting this requirement.

5 C. Existing structures that would be considered nonconforming because they are located
6 in the required shoreline setback in UH Environment are not regulated as a nonconforming
7 structures based on setback standards. Such structures may not expand in any manner in the
8 setback but may be replaced if they provide:

9 1. An area of ecological restoration equal to the footprint of the structure located
10 in the shoreline setback; or

11 2. The equivalent number of habitat units if habitat units have been developed for
12 this location as established by the Director.

13 Section 23.60.698 of the Seattle Municipal Code, enacted by Ordinance 113466, is
14 recodified as Section 23.60.452 and amended as follows:

15 ~~((23.60.698))~~ **23.60.452 View corridors in the UH Environment** ~~((:))~~

16 ~~((A. Waterfront Lots. 1. The following standards shall apply on waterfront lots))~~

17 ~~((a))~~ A. ((a)) A view corridor or corridors ~~((with a width))~~ of not less than 30 percent of
18 the width of the lot, measured at Alaskan Way, shall be provided and maintained on all
19 waterfront lots.

20 ~~((b. The view corridor may be provided at two (2) locations, provided that~~
21 ~~each location has a minimum width of twenty (20) feet.~~

22 2. ~~The following may be located in a required view corridor:~~

23 a. ~~Storage of boats undergoing repair,~~

24 b. ~~Open wet moorage, and~~

25 c. ~~Outdoor storage of items accessory to water dependent or water related.~~)

26 1. View corridors shall allow views of the water from the street. View corridors
27 shall maintain and enhance pedestrian views from Alaskan Way along existing view corridors
28 established by submerged street rights-of-way, as well as views from upland areas along
east/west rights-of-way. View corridors shall provide views past pier development out into the
open water of Elliott Bay and to the Olympic Mountains where possible;

2. View corridors through a development site shall be encouraged to assist in
relieving the overall sense of bulk of development over water; and

3. Overhead weather protection may extend into the view corridor if designed to
frame views from Alaskan Way and east/west right-of-ways and if structures in the view
corridors are narrow to minimize view obstruction from pedestrian areas at Alaskan Way or on
upland streets.

~~((3))~~ B. One-half ~~((1/2))~~ of an adjacent submerged street right-of-way may be used in
meeting view corridor requirements.

~~((B. Upland Lots. No view corridors are required.))~~

C. Departures for over water public open space. As an incentive to enhance viewing
opportunities by developing public open space jointly with other permitted public uses on piers
or wharf structures, the Director may, as a Type I decision, allow departures to the view corridor
requirements of this subsection 23.60.452 and subsection 23.60.170 View corridors, under the
process and conditions specified in subsection 23.60.460.

1 Section 23.60.702 of the Seattle Municipal Code, enacted by Ordinance 113466, is
2 recodified as Section 23.60.454, and amended as follows:

3 ~~((23.60.702))~~ **23.60.454 Regulated public access in the UH Environment**~~((-))~~

4 A. ~~((Waterfront Lots. The following standards shall apply to waterfront lots except as
5 provided in subsection C below: 1.))~~ Public access meeting the following criteria ~~((of Section
6 23.60.160))~~ shall be provided and maintained on all waterfront lots for all developments, except
7 as modified by subsections 23.60.454. B. ~~((The amount of public access shall be not less than
8 fifteen (15) Development shall provide a minimum of 15 percent of the developed lot area or
9 5,000 square feet, whichever is greater, for public access.~~

10 1. If 10,500 square feet or more of public access is required, the development
11 shall provide a minimum of a 10 foot wide public access walkway along the three seaward edges
12 of the pier or wharf.

13 2. ~~((Developments shall provide at least a ten (10) foot wide public access
14 walkway along two (2) edges of the pier or wharf, including as one (1) edge the seaward end of
15 the pier or wharf. The required walkways may be located on the required eighteen (18) foot pier
16 apron.))~~

17 If less than 10,500 square feet of public access is required, the development shall
18 provide:

19 a. A minimum of a 10 foot wide public access walkway along the north or
20 south edge of the pier or wharf;

21 b. A minimum of a 15 foot wide public access walkway along the seaward
22 edge of the pier; and

23 3. The required walkways may be located on the required 18 foot pier apron.

24 4. If a lot contains a mix of uses that require public access and uses that are
25 exempt, public access shall be provided unless the percentage of the lot that is covered by uses
26 that are exempt from public access is more than 75 percent.

27 ~~((B. Upland Lots. Public access is not required.))~~

28 ~~((C))~~ B. Public Access Exceptions. ~~((Developments which are wholly water dependent
may receive a full or partial waiver of the public access requirement from the Director if:~~

1. ~~The applicant can show that the provision of public access could prevent
effective operation of the water dependent use and/or present a potential safety hazard for the
public; and~~

2. ~~Alternative access criteria of Section 23.60.160 cannot be satisfied.))~~

1. On piers or wharf structures that have been reconfigured to allow open water at
the landward end of the structure the standards in subsections 23.60.454.A and 23.60.454.B may
be modified to provide public access that meets the intent of those subsections as determined by
the Director;

2. The Director may modify the configuration of the public access required in
subsection 23.60.454.A if a development provides public access that connects to public access
north and south of the site around the perimeter of a wharf or pier;

3. The Director may modify the standards of the public access required in
subsection 23.60.454.A if the lot is included in a public access plan approved by the Council and
in the City's Capital Facilities Element of the Comprehensive Plan meeting the requirements of
Section 23.60.164; and.

4. As an incentive to develop public open space jointly with other permitted
public uses on piers or wharf structures, the Director may, as a Type I decision, allow departures

1 from the standards for regulated public access in subsections 23.60.454.A and 23.60.454.B under
2 the process and conditions specified in 23.60.460.

3 Section 23.60.700 of the Seattle Municipal Code, enacted by Ordinance 113466, is
4 recodified as Section 23.60.456 and amended as follows:

5 ~~((23.60.700))~~**23.60.456 Moorage requirements in the UH Environment**~~((;))~~

6 A. Developments in the UH Environment shall ~~((provide))~~ offer moorage on a regular
7 basis~~((either))~~ through:

- 8 1. ~~((Using on-site moorage as an integral part of their operation;~~
- 9 2.) Offering ~~((Leasing their))~~ on-site moorage for lease for use by commercial or
10 recreational watercraft; ~~((or))~~
- 11 ~~((3))~~2. Actively advertising the availability of on-site transient moorage; or
- 12 3. Complying with subsections 23.60.456.D, 23.60.456.E or 23.60.456.F.

13 B. To facilitate moorage~~((;))~~ developments shall provide ~~((either))~~:

- 14 1. Cleats on the two sides of the pier sufficiently strong for the moorage of vessels
15 100 feet in length;
- 16 2. Floats~~((, for moorage of smaller vessels,))~~ that are at least 1,800 square feet
17 with a minimum width of 6 feet, for moorage of smaller vessels; or
- 18 3. Alternative moorage facilities providing an equivalent amount of moorage, as
19 determined by the Director.

20 C. To facilitate access to moorage~~((;))~~ developments shall provide:

- 21 1. A pier apron of a minimum width of (18 feet on each side and the seaward end
22 of the pier or wharf; and
- 23 2. Railings and/or ramps designed to ~~((permit))~~facilitate access to the pier apron
24 or roadway from moored ships and boats.

25 D.~~((Exception for))~~Marinas. Marinas in the UH Environment shall meet the specific
26 development standards ~~((outlined))~~in Section 23.60.200 in lieu of the moorage requirements of
27 ~~((this section,))~~subsection 23.60.456.B and 23.60.456.C and shall provide transient moorage at
28 the rate of 40 linear~~((t))~~ feet of transient space for each 1,000 linear~~((t))~~ feet of permanent
moorage space.

29 E. Using on-site moorage as an integral part of the development's operation.

30 F. Exceptions for principal use public open space. The Director may waive or modify the
31 moorage requirements for public open space if:

- 32 1. The applicant demonstrates that moorage meeting the demand for recreational
33 vessels is provided within 1000 feet of the proposed project that is not required for other
34 development; or
- 35 2. There is exiting moorage provided by public open space within ¼ mile of the
36 proposed project.

37 Section 23.60.704 of the Seattle Municipal Code, last amended by Ordinance 116744, is
38 recodified as Section 23.60.458 and amended as follows:

39 ~~((23.60.704))~~**23.60.458** ~~((Historic Character))~~**Central Waterfront Landmark Designated
40 Area review criteria**~~((;))~~

41 A. Location. All developments located in the ~~((Historic Character))~~Central Waterfront
42 Landmark Area, ((as shown on the official Land Use Map,))which includes~~((ing all lots from the~~

1 southerly edge of)) Piers 54, 55, 56, 57 and ((to the northerly edge of Pier)) 59 ((inclusive are
2 subject to Historic Character Area review as provided in this section)).

3 B. Review Process. All applications for development in the ((Historic Character-)) Central
4 Waterfront Landmark Area shall be referred to the Landmarks Preservation Board and to the
5 Department of Neighborhoods for their review and comment prior to issuance of a permit. In
6 order to avoid undue project delay, such review and comment shall be completed within 45 days
7 of receipt of an application by the Landmarks Preservation Board and the Department of
8 Neighborhoods.

9 C. Review Standards. New construction or replacement or modification of existing
10 structures shall be reviewed using the ((following criteria)) Central Waterfront Piers Design
11 Guidelines developed by the Seattle Landmarks Preservation Board with the recognition by the
12 Board and the City Historic Preservation Officer that alteration to existing structures may be
13 necessary to meet requirements of the Shoreline Master Program to protect the shoreline
14 environment.

15 ((1. The single linear form of the pier shed shall be maintained or reconstructed,
16 regardless of the division of internal space.

17 2. Facades of pier ends may be expanded or treated differently from the rest of the
18 pier shed; however, major alterations to the pier shed form are discouraged.

19 3. The gabled roof planes with clerestories shall be preserved or reconstructed
20 including the unbroken roof ridge line and the symmetrical and parallel pitch of each roof plane.
21 Major roof extensions and cutouts are discouraged.

22 4. The east-west orientation parallel to submerged street rights-of-way of the
23 major axis of the pier and its pier shed shall be preserved.

24 5. Facades which reinforce the street edge by being generally parallel to Alaskan
25 Way and having no front setback are preferred.

26 6. Windows, doors, and openings composed of small-scale panes and panels shall
27 be preferred. Large expanses of glass or banks of skylights at roof eaves are discouraged.

28 7. Heavy timber construction using a truss system shall be maintained for existing
piers and is preferred for new development. Covering shall be horizontally laid grooved shiplap
siding.

8. The pier aprons shall be surfaced with timber.

9. Each pier shall have the pier number clearly identified on both the street end
and water end of the pier shed. For all exterior signage, large simple graphics painted directly on
the building are preferred. Exterior neon signs are discouraged.

10. Landscaping shall not be required. When it is provided, smaller-scale
installations of landscaping related to uses at the wharf level, including colorful seasonal
plantings, shall be preferred.

11. Exterior lighting should be in keeping with the historic nature of the area.
Localized lighting shall be used to illuminate specific areas and define routes.

12. The existing railing along the Alaskan Way Seawall should be maintained or
reconstructed.))

Section 23.60.460 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.236, and a new section 23.60.460 is added as follows:

23.60.460. Incentive for public open space and viewing areas at Colman Dock

1 A. Applicability. As an incentive to include significant public open space and enhance
2 viewing opportunities in the development of a water dependent passenger terminal at Colman
3 Dock, the Director may, as a Type I decision, allow departures from development standards
4 under conditions specified in this section 23.60.460, based on the determination that, relative to
5 the strict application of the standards, the departures will result in substantially improved public
6 access and increased viewing opportunities. The Director’s decision to grant, modify or deny
7 requested departures shall, in part, be based on the review of the proposal as a public project by
8 the Seattle Design Commission, and a subsequent determination that the proposed departures
9 will accomplish the following design objectives:

10 1. The design and siting of the open space and viewing areas will increase and
11 enhance public access and viewing opportunities in the area relative to a strict application of the
12 prescribed regulated public access and view corridor requirements, and any public access plans
13 that may be in place for the UH environment;

14 2. The siting and design of the open space and viewing area will better integrate
15 waterfront development with upland areas and improve pedestrian connections between the two
16 areas;

17 3. Public open space and viewing areas shall be sited and designed to minimize
18 the overall appearance of the bulk of overwater structures and impacts on views from upland
19 streets; and

20 4. Public open space and viewing areas located above grade shall be visible from
21 Alaskan Way and shall be sited and designed to facilitate easy access from street level, including
22 ADA accessibility and public wayfinding.

23 B. Allowed departures.

24 1. View corridor requirements. To create a unique viewing environment for
25 observing harbor activity, Elliott Bay, and the city and surrounding natural features, departures
26 from the standards of subsections 23.60.170, View corridors, and 23.60.452, View corridors in
27 the UH Environment, may be permitted to consolidate required view corridors into a large public
28 view observation area meeting the following conditions:

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

b. The view observation area substituting for required view corridors may
be located above street level, provided that the area meets the conditions for regulated public
access above street level in subsection 23.40.460.B.2.b.

2. Regulated public access. Departures from the standards of subsections
23.60.164, Standards for regulated public access, and 23.60.454, Regulated public access in the
UH environment, may be permitted if the following conditions are met:

a. The required configuration of regulated public access may be modified
to allow a large contiguous open space that is equal to or greater in area than the amount
otherwise required by subsection 23.60.454.B, or approximately 15 percent of the of the lot
coverage, whichever is greater, provided that the open space is easily identifiable as public
space, is visible and accessible by the public from the street, has a minimum horizontal
dimension of 10 feet, and provides maximum exposure to the bay and surrounding activity, with
views of the water along at least 50 percent of the perimeter;

b. The public open space may be located above street level on the rooftops
of structures or on terraces at multiple levels, provided that all areas of the open space are

1 accessible to pedestrians from Alaskan Way, with vertical connections between the street level
2 and upper levels designed to facilitate easy access, including ADA access and public wayfinding;

3 c. Limited coverage of the space may be allowed to accommodate uses
4 and features that activate the space and make it more comfortable and usable in inclement
5 weather. Up to 50 percent of the total open space area may be covered, provided that at least 50
6 percent of the perimeter of any covered area is open to views of the water;

7 d. Efforts should be made to physically and visually link open space
8 providing public access over water to upland streets that provide links to upland areas; and

9 e. Public access to the space is required, without charge, for a minimum of
10 ten hours each day of the year. The hours of public access shall be during daylight hours, unless
11 there are insufficient daylight hours, in which case the open space shall also be open during
12 nighttime hours for the balance of the hours the open space is to remain open. Public access may
13 be limited temporarily during hours access is otherwise required to be open to the public for
14 necessary maintenance, temporary event rentals or concessions that encourage use and
15 enjoyment of the space, or for reasons of public safety.

16 **Subchapter XIV(~~XV~~): The Urban Industrial (UI) Environment**

17 A new Section 23.60.480 of the Seattle Municipal Code is added as follows:

18 **23.60.480 Applicable standards in the UI Environment**

19 All uses and developments in the Shoreline District, including shoreline modifications,
20 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
21 for this environment.

22 **Part 1 Uses**

23 Section 23.60.840 of the Seattle Municipal Code, last amended by Ordinance 122310, is
24 repealed, as shown in Attachment A.

25 Section 23.60.842 of the Seattle Municipal Code, last amended by Ordinance 113764, is
26 repealed, as shown in Attachment A.

27 Section 23.60.844 of the Seattle Municipal Code, last amended by Ordinance 122310, is
28 repealed, as shown in Attachment A.

Section 23.60.846 of the Seattle Municipal Code, last amended by Ordinance 118793 is
repealed, as shown in Attachment A.

Section 23.60.848 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.850 of the Seattle Municipal Code, last amended by Ordinance 122310, is
repealed, as shown in Attachment A.

Section 23.60.852 of the Seattle Municipal Code, enacted by Ordinance 113466, is
repealed, as shown in Attachment A.

Section 23.60.854 of the Seattle Municipal Code, enacted by Ordinance 118663, is
repealed, as shown in Attachment A.

A new Section 23.60.482 of the Seattle Municipal Code is adopted as follows:

29 **23.60.482 Uses in the UI Environment**

1 A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline
 2 conditional use or prohibited pursuant to this Section 23.60.482 and Table A for Section
 3 23.60.482. Use categories and subcategories cover all uses in that category and subcategory
 4 except when a subcategory of that use is specifically shown in the table.

5 2. If the table or text of Section 23.60.482 states that a use is required to be water-
 6 dependent or water-related, a use that does not have the required attribute is prohibited.

7 3. Regulations for specific shoreline modifications are set out in Sections
 8 23.60.172 through 190.

9 B. 1. All uses allowed, allowed as a special use or allowed as a conditional use on
 10 waterfront lots are allowed on upland lots.

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

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

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

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

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

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

21 d. Heavy manufacturing uses, including the extraction and mining of raw
 22 materials.

23 **Table A for Section 23.60.482 Uses in the UI Environment**

<u>Use</u>	<u>Waterfront Lots</u>
<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	<u>-</u>
<u>A.1. Aquaculture</u>	<u>CU</u>
<u>A.2. Other agricultural and forest practice uses</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	<u>-</u>
<u>C.1. Commercial uses WD/WR</u>	<u>A</u>
<u>C.3. Eating and drinking establishments</u>	<u>See subsection 23.60.482.C</u>
<u>C.4. Food processing and craft work uses</u>	<u>See subsection 23.60.482.C</u>
<u>C.5. Offices</u>	<u>See subsection 23.60.482.C</u>
<u>C.6. Sales and services, general</u>	<u>See subsection 23.60.482.C</u>
<u>C.7. Sales and services, heavy</u>	<u>See subsection 23.60.482.C</u>
<u>C.8. Other commercial uses not WD/WR</u>	<u>X</u>
<u>D. HIGH-IMPACT USES</u>	<u>WD/WR</u>
<u>E. INSTITUTIONAL USES</u>	<u>-</u>
<u>E.1. Colleges</u>	<u>WD/WR</u>
<u>E.2. Institute for advanced study</u>	<u>WD/WR</u>
<u>E.3. Vocational or fine arts schools</u>	<u>WD/WR</u>
<u>E.4. Yacht boat and beach clubs</u>	<u>See subsection 23.60.482.D</u>
<u>E.5. Other institutional uses</u>	<u>X</u>

Table A for Section 23.60.482 Uses in the UI Environment

<u>Use</u>	<u>Waterfront Lots</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	<u>See subsection 23.60.482.C</u>
<u>H. PARKS AND OPEN SPACE USES</u>	-
<u>H.1 Shoreline park and open space</u>	<u>A</u>
<u>H.2 General park and open space</u>	<u>X</u>
<u>I. PUBLIC FACILITIES</u>	<u>see Section 23.60.207</u>
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60.210</u>
<u>K. RESIDENTIAL USES</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60.211</u>
<u>M. STORAGE USES</u>	-
<u>M. STORAGE USES</u>	-
<u>M.1. Mini-warehouses</u>	<u>See subsection 23.60.482.C</u>
<u>M.2. Storage, outdoor</u>	<u>See subsection 23.60.482.C</u>
<u>M.3. Warehouses</u>	<u>See subsection 23.60.482.C and E</u>
<u>N. TRANSPORTATION FACILITY USES</u>	-
<u>N.1. Bridges and tunnels</u>	<u>A</u>
<u>N.2. Cargo terminals</u>	<u>WD/WR</u>
<u>N.3. Moorage</u>	-
<u>N.3.a. Boat moorage</u>	-
<u>N.3.a.1. Commercial marina</u>	<u>A</u>
<u>N.3.a.2. Recreational marina</u>	<u>See subsection 23.60.482.D</u>
<u>N.3.b. Dry boat storage</u>	<u>A</u>
<u>N.4 Navigational locks</u>	<u>X</u>
<u>N.5. Parking</u>	-
<u>N.5.a. Parking, principal use</u>	<u>X</u>
<u>N.5.b. Parking, accessory use</u>	<u>A</u>
<u>N.6. Passenger terminal</u>	<u>WD/WR</u>
<u>N.7. Rail transit facilities</u>	<u>A</u>
<u>N.8. Transportation facilities, air</u>	-
<u>N.9.a. Airports, land-based</u>	<u>X</u>
<u>N.9.b. Airports, water-based</u>	<u>SU</u>
<u>N.9.c. Heliports</u>	<u>X</u>
<u>N.9.d. Helistops</u>	<u>X</u>
<u>N.10. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.11. Tugboat services</u>	<u>A</u>
<u>N.12. Railroads</u>	<u>A</u>
<u>N.13. Streets</u>	<u>A</u>
<u>O. UTILITY USES</u>	-
<u>O.1. Communication utilities, minor</u>	<u>See subsection 23.60.482.F</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>

Table A for Section 23.60.482 Uses in the UI Environment

<u>Use</u>	<u>Waterfront Lots</u>
<u>O.4. Recycling</u>	<u>WD/WR</u>
<u>O.5. Sewage treatment plants</u>	<u>See subsection 23.60.482.G</u>
<u>O.6. Solid waste management</u>	<u>WD/WR</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60.482.H</u>
<u>P. UTILITY LINES</u>	<u>A</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WR = Allowed for water-dependent uses; prohibited otherwise

X = Prohibited

C. 1. The following uses are allowed if water-dependent or water-related or if they meet the requirements of subsections 23.60.482.C.2 through 7; otherwise, these uses are prohibited:

- a. Eating and drinking establishments;
- b. Food processing and craft work;
- c. Offices;
- d. Sales and services, general;
- e. Sales and services, heavy;
- f. Storage uses; and
- g. Manufacturing, except the heavy manufacturing use extraction and mining of raw materials.

2. The total of the allowed uses that are not water-dependent or water-related occupy an area equal to no more than 20 percent of the dry land area of the lot.

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

4. Heavy sales and service uses are limited to heavy commercial sales, construction services, and building maintenance services. Non-water-dependent and non-water-dependent commercial laundry is prohibited.

5. Eating and drinking establishment and mini-warehouse uses are not located in the Duwamish Manufacturing/Industrial Center.

6. If the site contains a structure meeting the standards of subsection 23.60.486.B.2, the use is located in the structure that contains accessory uses for the water-dependent and water-related use.

7. If the use in not water oriented, it is

- a. Part of a mixed-use development that includes a water-dependent use;

and

- b. Ecological restoration in an amount equal in square footage to the gross floor area of the non-water-oriented use is provided within the same Geographic Area as the proposed project.

1 D. Yacht boat and beach clubs are allowed as a conditional use and recreational marinas
2 are allowed as a conditional use in the Duwamish and are allowed in the Ship Canal and Lake
3 Union if:

- 4 1. There is no eating and drinking establishment;
- 5 2. Located where there is no or minimal interference with turning basins,
6 navigation areas for large vessels or other areas that would conflict with shipping;
- 7 3. Located to not conflict with manufacturing uses because of dust or noise or
8 other environmental factors, or parking and loading access needs or other safety factors; and
- 9 4. Located on lots that are not suited for a water-dependent or water-related
10 manufacturing use or for other allowed water-dependent commercial uses because of:
 - 11 a. Shallow water depth, or
 - 12 b. Inadequate amount of dry land.

13 E. Existing warehouse uses that are not water-dependent or water-related are allowed
14 provided they do not expand. New or expansion of warehouse uses that are not water-dependent
15 or water-related are prohibited except as provided in subsection 23.60.482.C.

16 F. Minor communication utilities are allowed, except for freestanding transmission
17 towers, which are prohibited.

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

- 19 1. Located in the Duwamish area;
- 20 2. A determination has been made that an alternative design is infeasible and that
21 an alternative location for expanding the sewage treatment plant is infeasible;
- 22 3. The plant is set back 60 feet from the line of the OHW mark;
- 23 4. Public access is provided along the entire length of the shoreline that is part of
24 the sewage treatment facility, except for any portion occupied by barge loading and unloading
25 facilities to serve the sewage treatment plant; and
- 26 5. All reasonable mitigation measures to protect views and to control odors, noise,
27 traffic and other adverse impacts on the human and natural environment are required.

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

Part 2 Development Standards

Section 23.60.870 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed as shown in Attachment A.

Section 23.60.872 of the Seattle Municipal Code, last amended by Ordinance 120927, is recodified as Section 23.60.486, and amended as follows:

~~((23.60.872))~~ **23.60.486 Height in the UI Environment**~~((;))~~

A. Maximum height. The maximum height is ~~((shall be thirty five (5)))~~ is 35~~((;))~~ feet, except as modified by subsections 23.60.872.B through 23.60.872.D~~((-of this section))~~.

B. Height ~~((E))~~ exceptions for water-dependent uses. The following height exceptions apply to water-dependent uses in the UI Environment:

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

1 2. ~~Other~~ ~~((S))~~ structures accessory to a water-dependent or water-related use,
2 including but not limited to accessory office, accessory warehouse and accessory manufacturing
3 facilities ~~((structures which require additional height because of intended use))~~ may be authorized
4 by the Director up to ~~((fifty five (55)))~~ 55 feet in the Ship Canal and up to ~~((eighty (80)))~~ 70 feet
5 in the Duwamish and Elliott Bay ~~((when))~~ if:

6 a. The accessory structure requires additional height because of its
7 intended use; or

8 b. Granting additional height for the accessory structure would result in a
9 significant amount of additional usable area for the principal water-dependent or water-related
10 use and/or additional area for ecological restoration and enhancement; and

11 c. No more than 20 percent of the lot area is covered by portions of the
12 structure that exceed the maximum height established in Section 23.60.486.B;

13 d. The remaining 80 percent of the lot is preserved through a covenant for
14 water-dependent and water-related uses if uses that are not water-dependent or water-related
15 occupy the structure; and

16 ~~((2))~~ e. The views of a substantial number of upland residences would not
17 be substantially blocked by the increased height.

18 C. Rooftop features.

19 1. Radio and television receiving antennas, flagpoles, chimneys, smokestacks, and
20 religious symbols for religious institutions are exempt from height controls, ~~((except as regulated~~
21 ~~in Chapter 23.64, Airport Height Overlay District,))~~ provided ~~((such features are))~~:

22 a. The feature is ~~((N))~~ no closer to any adjoining lot line than 50 percent of
23 their height above existing grade; or

24 b. If attached ~~((only))~~ to the roof, the feature is no closer to any adjoining
25 lot line than 50 percent of their height above the roof portion where attached.

26 c. The width of the feature does not obstruct the view of the shoreline of a
27 substantial number of residences on areas within or adjoining the Shoreline District.

28 2. Clerestories, communication and accessory communication devices, firewalls,
29 green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and solar
30 collectors may extend 4 feet above the maximum height ~~((set in subsections A and B of Section~~
31 23.60.632)) limit under subsection 23.60.486.A and 23.60.486.B where allowed in the
32 underlying zone.

33 3. ~~((The following rooftop features may extend ten (10) feet above the maximum~~
34 ~~height set in subsections A and B of Section 23.60.632, so long as the combined total coverage~~
35 ~~of all features listed in this subparagraph C3 does not exceed fifteen (15) percent of the roof area,~~
36 ~~or twenty (20) percent of the roof area if the total includes screened mechanical equipment:~~

37 a. ~~Stair and elevator penthouses; and~~

38 b. ~~Mechanical equipment.~~)

39 Stair and elevator penthouses and mechanical equipment may extend 10 feet
40 above the maximum height if:

41 a. The combined total coverage of all features does not exceed 20 percent
42 of the roof area or 25 percent of the roof area if the total includes screened mechanical
43 equipment;

44 b. Allowed in the underlying zone or special district; and

1 c. The width of such features does not obstruct the view of the shoreline of
2 a substantial number of residences on areas within or adjoining the Shoreline District, in which
3 case the Director may authorize a lower height.

4 4. Structures may extend 18 inches above the maximum height limit including
5 exceptions if the proposed roof insulation exceeds the energy code requirements in effect when
6 the structure is constructed.

7 D. Bridges. Bridges may exceed the maximum height limit.

8 Section 23.60.874 of the Seattle Municipal Code, enacted by Ordinance 113466, is
9 recodified as Section 23.60.488, and amended as follows:

10 ~~((23.60.874))~~ **23.60.488 Lot coverage in the UI Environment**~~((~~τ~~))~~

11 ~~((A. Waterfront Lots. Structures may occupy up to one hundred (100) percent of both~~
12 ~~submerged and dry land lot area of a waterfront lot.~~

13 ~~B. Upland Lots. Structures may occupy up to one hundred (100) percent of the lot area of~~
14 ~~an upland lot.))~~

15 The lot coverage of the underlying zone shall not be exceeded.

16 A new Section 23.60.490 of the Seattle Municipal Code is adopted as follows:

17 **23.60.490 Shoreline setbacks in the UI Environment**

18 A. A shoreline setback of 60 feet from the OHW mark is required for uses that are not
19 water-dependent or water-related. No development, use, or shoreline modification is allowed
20 within this shoreline setback except as allowed in Section 23.60.167.

21 B. A shoreline setback of 15 feet from the OHW mark is required for uses that are water-
22 dependent or water-related. No development, use, or shoreline modification is allowed within
23 this shoreline setback except as allowed in Section 23.60.167.

24 C. Existing structures that would be considered nonconforming because they are located
25 in the required shoreline setback in UI Environment are not regulated as a nonconforming
26 structures based on setback standards. Such structures may not expand in any manner in the
27 setback but may be replaced if they provide:

28 1. An area of ecological restoration equal to the footprint of the structure located
in the shoreline setback; or

2. The equivalent number of habitat units if habitat units have been developed for
this location as established by the Director.

Section 23.60.876 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.492 and amended as follows:

23.60.492 View corridors in the UI Environment

A view corridor or corridors of not less than ~~((thirty five (35) percent of the width of~~
the lot shall be provided and maintained on all waterfront lots, ~~((developed with a nonwater-~~
dependent use or a mix of water dependent or water related uses and nonwater dependent uses
~~))if the water dependent or water related use occupies less than fifty (50) percent of the dry land~~
portion of the lot))except if water-dependent or water-related uses occupy more than 50 percent
of the dry land area of the lot.

~~((B. A view corridor or corridors of not less than thirty five (35) percent of the width of~~
the lot shall be provided and maintained on all upland through lots which are adjacent to
waterfront lots designated CM, CR, CP or CN.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair;
3. Parking which meets the criteria in subsection B3 of Section 23.60.162; and
4. Open storage accessory to a water dependent or water related use.)

Section 23.60.882 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.494 and amended as follows:

~~((23.60.882))~~**23.60.494 Regulated public access in the UI Environment**~~((:))~~

A. ~~((Public Property. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront, whether leased to private lessees or not, except harbor areas, shorelands, tidelands and beds of navigable waters not abutting dry land.~~

~~B.))~~Private property. ~~((1.))~~ Public access ~~((meeting the criteria of Section 23.60.160))~~ shall be provided and maintained on privately owned waterfront lots for the following developments:

- ~~((a))~~1. Marinas, except as exempted in ~~((Section))~~ subsection 23.60.200.E;
- ~~((b))~~2. Existing ~~((Y))~~ yacht, boat and beach clubs that have facilities that are not ~~((non))~~ water-dependent ~~((facilities-))~~ over water;
- ~~((c))~~3. Developments that are not ~~((Non))~~ water-dependent ~~((developments))~~ or that are not water-related where the use has a functional requirement for a waterfront location, such as the arrival or shipment materials by water, or the need for large quantities of water, except those located on private lots in the Lake Union area ~~((which))~~ that have a front lot line of less than 100 feet in length, measured at the upland street frontage generally parallel to the water edge, and ~~((which))~~ that abut a street and/or waterway providing public access;
- ~~((2. Water dependent uses other than marinas and water related uses on private property, except for yacht and boat clubs which have nonwater dependent facilities over water and marinas, are not required to provide public access.))~~
4. If a lot contains a mix of uses that require public access and uses that are exempt, public access shall be provided unless the percentage of the lot that is covered by uses that are exempt from public access is more than 50 percent.

~~((3))~~B. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

Section 23.60.880 of the Seattle Municipal Code, enacted by Ordinance 113466, is recodified as Section 23.60.496, and amended as follows:

~~((23.60.880))~~**23.60.496 Development standards specific to water-related uses on waterfront lots in the UI Environment**~~((:))~~

A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include additional shoreline setbacks from all or a portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

B. Specific design constraints shall not be required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.

2) Heliports and helistops are 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 two thousand (2,000) feet from a residential zone;

b) The use is located to minimize adverse physical 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 Section 23.60.502 Uses in the UM Environment

<u>Uses</u>	<u>Waterfront Lots</u>
<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	<u>-</u>
<u>A.1. Aquaculture</u>	<u>CU</u>
<u>A.2. Other agricultural and forest practice uses</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	<u>-</u>
<u>C.1. Commercial uses WD/WR</u>	<u>A</u>
<u>C.2. Eating and drinking establishments</u>	<u>See subsection 23.60.502.C</u>
<u>C.3. Entertainment uses</u>	<u>X</u>
<u>C.4. Food processing and craft work uses</u>	<u>See subsection 23.60.502.C</u>
<u>C.5. Offices</u>	<u>See subsection 23.60.502.C</u>
<u>C.6. Laboratories, research and development</u>	<u>See subsection 23.60.502.C</u>
<u>C.7. Sales and services, general</u>	<u>See subsection 23.60.502.C</u>
<u>C.8. Sales and services, heavy</u>	<u>See subsection 23.60.502.C</u>
<u>C.9. Other commercial uses not WD/WR</u>	<u>X</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>
<u>E. INSTITUTIONAL USES</u>	<u>-</u>
<u>E.1. Colleges</u>	<u>WD/WR</u>
<u>E.2. Institute for advanced study</u>	<u>WD/WR</u>
<u>E.3. Vocational or fine arts schools</u>	<u>WD/WR</u>
<u>E.4. Yacht, Boat and beach clubs</u>	<u>See subsection 23.60.502.D</u>
<u>E.5 Other institutional uses</u>	<u>X</u>

Table A for Section 23.60.502 Uses in the UM Environment

<u>Uses</u>	<u>Waterfront Lots</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	<u>See subsection 23.60.502.C</u>
<u>H. PARKS AND OPEN SPACE USES</u>	-
<u>H.1 Shoreline parks and open space</u>	<u>A</u>
<u>H.2 General parks and open space</u>	<u>X</u>
<u>I. PUBLIC FACILITIES</u>	<u>See section 23.60.207</u>
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60.210</u>
<u>K. RESIDENTIAL USES</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60.211</u>
<u>M. STORAGE USES</u>	<u>See subsection 23.60.502.C</u>
<u>N. TRANSPORTATION FACILITY USES</u>	-
<u>N.1. Bridges and tunnels</u>	<u>A</u>
<u>N.2. Cargo terminals</u>	<u>WD/WR</u>
<u>N.3. Moorage</u>	-
<u>N.3.a. Boat moorage</u>	-
<u>N.3.a.1. Commercial marina</u>	<u>A</u>
<u>N.3.a.2. Recreational marina</u>	<u>See subsection 23.60.502.D</u>
<u>N.3.b. Dry boat storage</u>	<u>A</u>
<u>N.4 Navigational lock</u>	<u>X</u>
<u>N.5. Parking</u>	<u>X</u>
<u>N.5.a. Parking, principal use</u>	<u>X</u>
<u>N.5.b. Parking, accessory use</u>	<u>A</u>
<u>N.6. Passenger terminal</u>	<u>WD</u>
<u>N.7. Rail transit facilities</u>	<u>A</u>
<u>N.8. Transportation facilities, air</u>	-
<u>N.8.a. Airports, land-based</u>	<u>X</u>
<u>N.8.b. Airports, water-based</u>	<u>SU</u>
<u>N.8.c. Heliports</u>	<u>X</u>
<u>N.8.d. Helistops</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>A</u>
<u>N.11. Railroads</u>	<u>A</u>
<u>N.12. Streets</u>	<u>A</u>
<u>O. UTILITY USES</u>	-
<u>O.1. Communication utilities, minor</u>	<u>See subsection 23.60.502.E</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>
<u>O.4. Recycling</u>	<u>WD/WR</u>
<u>O.5. Sewage treatment plants</u>	<u>X</u>
<u>O.6. Solid waste management</u>	<u>X</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60.502.F</u>

Table A for Section 23.60.502 Uses in the UM Environment

<u>Uses</u>	<u>Waterfront Lots</u>
<u>P. UTILITY LINES</u>	<u>A</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

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

X = Prohibited

C. 1. The following uses are allowed if water-dependent or water-related or if they meet the requirements of subsections 23.60.502.C.2 through 8 are met; otherwise, these uses are prohibited:

- a. Eating and drinking establishments;
- b. Entertainment uses, indoor participant sports;
- c. Food processing and craft work;
- d. Offices;
- e. Laboratories, research and development;
- f. Sales and services, general;
- g. Sales and services, heavy;
- h. Storage uses; and
- i. Manufacturing, except the heavy manufacturing use extraction and

mining of raw materials.

2. The total of the allowed commercial, storage and manufacturing uses that are not water-dependent or water-related occupy and area equal to no more than 20 percent of the dry land area of the lot.

3. Commercial uses that are not water-dependent or water-related occupy no more than an area equal to 10 percent of the dry-land area of the lot, except that if the lot provides more than 9,000 linear feet of moorage for commercial vessels, the commercial uses that are not water-dependent or water-related may occupy an area equal to up to 20 percent of the dry-land area of the lot;

4. The uses are located on site to prevent conflicts with water-dependent or water-related uses on site.

5. Heavy sales and service uses are limited to heavy commercial sales, construction services, and building maintenance services. Non-water-dependent and non-water-dependent commercial laundry is prohibited.

6. Eating and drinking establishment and mini-warehouse uses are not located in the Duwamish Manufacturing/Industrial Center.

7. The use is located in the structure that contains accessory uses for the water-dependent and water-related use if the site contains a structure meeting the standards of subsection 23.60.506.B.2.

8. If the use is not water oriented, it is

- a. Part of a mixed-use development that includes a water-dependent use;

and

1 b. Ecological restoration in an amount equal in square footage to the gross
2 floor area of the non-water-oriented use is provided within the same Geographic Area as the
3 proposed project.

4 D. Yacht boat and beach clubs are allowed as a conditional use and recreational marinas
5 are allowed if:

- 6 1. There is no eating and drinking establishment;
- 7 2. Located where there is no or minimal interference with turning basins,
8 navigation areas for large vessels or other areas that would conflict with shipping;
- 9 3. Located to not conflict with manufacturing uses because of dust or noise or
10 other environmental factors, or parking and loading access needs or other safety factors; and
- 11 4. Located on lots that are not suited for a water-dependent or water-related
12 manufacturing use or for other allowed water-dependent commercial uses because of ((~~3~~
13 a. Shallow water depth of less than 12 ft at OLV, or
14 b. ~~1~~)inadequate amount of dry land.

15 E. Minor communication utilities are allowed, except freestanding transmission towers,
16 which are prohibited.

17 F. Utility service uses are allowed if they reasonably require a shoreline location to
18 operate.

19 A new section 23.60.504 is added to the Seattle Municipal Code as follows:

20 **Section 23.60.504 Uses allowed overwater in the UM Environment**

21 A. In addition to uses allowed overwater in Section 23.60.090, the following uses are
22 allowed overwater if they are water-dependent or water-related and meet the requirements of
23 Section 23.60.504.B.

- 24 1. Commercial uses;
- 25 2. Light and general manufacturing;
- 26 3. Storage uses, if accessory to a water-dependent use located on the same lot;
- 27 4. Passenger terminals; and
- 28 5. Colleges, vocational schools and institutes for advanced study.

29 B. To be allowed under subsection 23.60.504.A the following requirements must be met.:

- 30 1. The depth the dry land area of the lot is less than 50 feet;
- 31 2. The location of the uses on dry land is not reasonable; and
- 32 3. There is no increase in overwater coverage.

33 C. The following uses are allowed over water on or in existing structures if they are not
34 water-related, and if they meet the requirements of Section 23.60.504.D.

- 35 1. General sales and services;
- 36 2. Custom and craft work;
- 37 3. Offices;
- 38 4. Storage uses;
- 39 5. Food processing; and
- 40 6. Light, general and heavy manufacturing, except the extraction and mining of
41 raw materials.

42 D. To be allowed under subsection 23.60.504.C the following requirements must be met.

- 43 1. The lot depth is less than 50 feet;
- 44 2. The location of the uses on dry land is not reasonable;
- 45 3. There is no increase in overwater coverage;

1 4. The total of all non water dependent uses does not exceed 10 percent of the lot
2 including submerged land; and

3 5. Ecological restoration in an amount equal in square footage to the gross floor
4 area of the non-water-oriented use is provided within the same Geographic Area as the proposed
5 project.

6 **Part 2 Development Standards**

7 Section 23.60.750 of the Seattle Municipal Code, enacted by Ordinance 113466, is
8 repealed as shown in Attachment A.

9 Section 23.60.752 of the Seattle Municipal Code, enacted by Ordinance 113466, is
10 recodified as Section 23.60.506 and amended as follows:

11 ~~((23.60.752))~~ **23.60.506 Height in the UM Environment**~~((,))~~

12 A. Maximum height. The maximum height in the UM Environment is ~~((shall be))~~ is 35
13 feet, except as modified in subsections 23.60.506.B through 23.60.506.D.

14 B. ~~((Equipment))~~ Height exceptions for water-dependent uses. The following height
15 exceptions apply to water-dependent uses in the UM Environment:

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

19 2. ~~((C-Structures-))~~ Other ~~((S))~~ structures accessory to a water-dependent or
20 water-related use, including but not limited to accessory office, accessory warehouse and
21 accessory manufacturing facilities ~~((structures which that require additional height because of~~
22 ~~intended use))~~ may be authorized up to 55 feet by the Director ~~((when))~~ if:

23 a. The accessory structure requires additional height because of its
24 intended use; or

25 b. Granting additional height for the accessory structure would result in a
26 significant amount of additional usable area for the principal water-dependent use, water-related
27 use and/or additional area for ecological restoration and enhancement;

28 ~~((1))~~ c. No ~~((t))~~ more than ~~((twenty five (25))~~ 20 percent of the lot area
29 ~~((would be))~~ is covered by ~~((a-))~~ portions of the structure that exceed the maximum ~~((with the~~
30 ~~increased))~~ height established in subsection 23.60.506.B;

31 d. The remaining 80 percent of the lot is preserved through a covenant for
32 water-dependent and water-related uses if uses that are not water-dependent or water-related
33 occupy the structure; and

34 ~~((2))~~ e. The views of the shorelines of a substantial number of ~~((upland~~
35 ~~))~~ residences on areas within and adjoin the Shoreline District would not be ~~((blocked))~~ obstructed
36 by the increased height.

37 ~~((D))~~ C. Rooftop features.

38 1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys and
39 religious symbols for religious institutions are exempt from height controls ~~((, except as~~
40 ~~regulated in Chapter 23.64, Airport Height Overlay District,))~~ of this Chapter 23.60,
41 provided ~~((such features are))~~:

42 a. The feature is ~~((N))~~ no closer to any adjoining lot line than 50 percent of
43 their height above existing grade; or

1 b. If attached (~~only~~) to the roof, the feature is no closer to any adjoining
2 lot line than 50 percent of their height above the roof portion where attached(-); and

3 c. The width of the feature does not obstruct the view of the shoreline of a
4 substantial number of residences on areas within or adjoining the Shoreline District.

5 2. Clerestories, communication and accessory communication devices, firewalls,
6 green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and solar
7 collectors may extend up to 4 feet above the maximum height limit where allowed in the
8 underlying zone.

9 3. ~~((The following rooftop features may extend ten (10) feet above the maximum~~
10 ~~height so long as the combined total coverage of all features does not exceed fifteen (15) percent~~
11 ~~of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical~~
12 ~~equipment:~~

- 13 a. ~~Stair and elevator penthouses;~~
- 14 b. ~~Mechanical equipment.))~~

15 Stair and elevator penthouses and mechanical equipment may extend 10 feet
16 above the maximum height if:

17 a. The combined total coverage of all features does not exceed 20 percent
18 of the roof area or 25 percent of the roof area if the total includes screened mechanical
19 equipment;

20 b. Allowed in the underlying zone or special district; and

21 c. The width of such features does not obstruct the view of the shoreline of
22 a substantial number of residences on areas within or adjoining the Shoreline District, in which
23 case the Director may authorize a lower height.

24 4. Structures may extend 18 inches above the maximum height limit if the
25 proposed roof insulation exceeds the energy code requirements in effect when the structure is
26 constructed.

27 ~~((E))~~D. Bridges. Bridges may exceed the maximum height limit.

28 Section 23.60.754 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.508, and amended as follows:

~~((23.60.754))~~**23.60.508 Lot coverage in the UM Environment(-)**

A. Waterfront lots. On waterfront lots, the following requirements apply:

1. Structures, including floats and piers, shall not occupy more than 50 percent of
the submerged portion of a waterfront lot, except as modified by subsection 23.60.508.C;

2. Structures shall not occupy more than 75 percent of the dry-land portion of a
waterfront lot;

B. Upland lots. (~~Structures may occupy up to one hundred (100) percent of an upland~~
~~lot.))~~The lot coverage of the underlying zone shall not be exceeded;

C. Lot coverage exceptions.

1. Structures, including floats and piers, may occupy up to 65 percent of the
submerged portion of a waterfront lot ~~((which))~~that has a depth of less than 50 feet of dry land.

2. Dry docks may cover up to an additional 25 percent of submerged land for a
maximum lot coverage of 75 percent of all uses combined.

A new Section 23.60.510 of the Seattle Municipal Code is added as follows:

23.60.510 Shoreline setbacks in the UM Environment

1 A. A shoreline setback of 35 feet from the OHW mark is required for uses that are not
2 water-dependent or water-related. No development, use, or shoreline modification is allowed
3 within this shoreline setback except as allowed in Section 23.60.167.

4 B. A shoreline setback of 15 feet from the OHW mark is required for water-dependent or
5 water-related uses. No development, use, or shoreline modification is allowed within this
6 shoreline setback except as allowed in Section 23.60.167.

7 C. Existing structures that would be considered nonconforming because they are located
8 in the required shoreline setback in UM Environment are not regulated as a nonconforming
9 structures based on setback standards. Such structures may not expand in any manner in the
10 setback but may be replaced if they provide:

11 1. An area of ecological restoration equal to the footprint of the structure located
12 in the shoreline setback; or

13 2. The equivalent number of habitat units if habitat units have been developed for
14 this location as established by the Director.

15 Section 23.60.756 of the Seattle Municipal Code, enacted by Ordinance 113466, is
16 recodified as Section 23.60.512 and amended as follows:

17 ~~((23.60.756))~~ **23.60.512 View corridors in the UM Environment**~~((.))~~

18 ~~((B))~~ A. ((A view corridor or corridors of not less than thirty five (35) percent of the
19 width of the lot shall be provided and maintained on all waterfront lots occupied by a non-water-
20 dependent use.)) A view corridor or corridors of not less than 35 percent of the width of the lot
21 shall be provided and maintained on all waterfront lots.

22 ~~((A))~~ B. ((A view corridor or corridors of not less than fifteen (15) percent of the width of
23 the lot shall be provided and maintained on all waterfront lots occupied by a water dependent or
24 water related use.)) The required view corridor width shall be reduced to 15 percent of the width
25 of the lot if water-dependent uses occupy more than 40 percent of the dry land area of the lot.

26 ~~((C. The following may be located in a required view corridor:~~

27 ~~1. Open wet moorage;~~

28 ~~2. Storage of boats undergoing repair;~~

29 ~~3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View~~
30 ~~corridors; and~~

31 ~~4. Open storage accessory to a water dependent or water related use.))~~

32 ~~((D))~~ C. View corridor reductions. The required percent of the width of the lot may be
33 reduced by five percent for each of the following conditions provided that such reduction does
34 not result in a view corridor of less than 15 feet:

35 1. The required view corridor is provided entirely in one ((+))location;

36 2. A view corridor of at least one-half ((+2)) the required width abuts a lot line
37 ((which))that separates the lot from a street, waterway, or public park;

38 3. A view corridor of at least one-half ((+2)) the required width abuts a view
39 corridor provided on the adjacent property.

40 ~~((E))~~ D. Viewing area substitution. In lieu of the required view corridor, developments
41 ((which))that are not required to provide public access may provide a public viewing area as
42 follows:

43 1. The viewing area shall be either an observation tower or a designated portion of
44 the lot ((which))that is easily accessible;

1 2. The viewing area shall provide a clear view of the activities on the lot and the
water;

2 3. The viewing area shall have a minimum dimension of 150 square feet; and

3 4. The conditions of Section ~~((23.60.160))~~23.60.164 for public access relating to
accessibility, signs, and availability ~~((shall))~~apply.

4 Section 23.60.758 of the Seattle Municipal Code, enacted by Ordinance 113466, is
recodified as Section 23.60.514 and amended as follows:

5 ~~((23.60.758))~~**23.60.514 Regulated public access in the UM Environment**~~((:))~~

6 A. ~~((Public Property. Public access meeting the criteria of Section 23.60.160 shall be
provided and maintained for all publicly owned and publicly controlled waterfront, whether
7 leased to private lessees or not, except harbor areas, shorelands, tidelands and beds of navigable
waters not abutting dry land.~~

8 ~~B.)~~Private property. ~~((1.))~~ Public access ~~((meeting the criteria of Section
9 23.60.160))~~shall be provided and maintained on privately owned waterfront lots for the
following developments:

10 ~~((a))~~1. Marinas, except as exempted in Section 23.60.200,~~((-))~~E₂

11 ~~((b))~~2. Existing ~~((Y))~~yacht, boat and beach clubs that have facilities that are not
~~((non))~~water-dependent ~~((facilities-))~~over water;

12 ~~((e))~~3. Developments and uses that are not~~((Non))~~water-dependent
~~((developments))~~ or that are not water-related where the use has a functional requirement for a
13 waterfront location, such as the arrival or shipment materials by water, or the need for large
quantities of water, except those located on private lots in the Lake Union area ~~((which))~~that
14 have a front lot line of less than 100 feet in length, measured at the upland street frontage
generally parallel to the water edge, and ~~((which))~~that about a street and/or waterway providing
15 public access;

16 ~~((2. Water dependent uses other than marinas and water related uses located on
private lots, except yacht, boat and beach clubs which have non water dependent facilities over
17 water are not required to provide public access.))~~

18 4. If a lot contains a mix of uses that require public access and uses that are
19 exempt, public access shall be provided unless the percentage of the lot that is covered by uses
that are exempt from public access is more than 50 percent.

20 C. Utilities. Regulated public access shall be provided on utility-owned or controlled
property within the Shoreline District.

21 Section 23.60.760 of the Seattle Municipal Code, last amended by Ordinance 113764, is
22 recodified as a new Section 23.60.516 and amended as follows:

23 ~~((23.60.760))~~**23.60.516 Development between the Pierhead Line and the Construction Limit**
Line in the UM Environment in Lake Union and Portage Bay~~((:))~~

24 Structures located between the Pierhead Line and the Construction Limit Line in Lake
25 Union and Portage Bay ~~((shall be))~~are limited to piers and floats without accessory buildings,
drydocks, and that provide access to existing floating homes at existing floating home moorages.

26 **Subchapter XVI: The Urban Residential (UR) Environment**

27 A new Section 23.60.520 of the Seattle Municipal Code is added as follows:

1 **23.60.520 Applicable standards in the UR Environment**

2 All uses and developments in the Shoreline District, including shoreline modifications,
3 are subject to the standards set out in Subchapter III of this Chapter 23.60 and to the standards
4 for this shoreline environment.

5 **Part 1 Uses**

6 Section 23.60.540 of the Seattle Municipal Code, last amended by Ordinance 118793, is
7 repealed, as shown in Attachment A.

8 Section 23.60.542 of the Seattle Municipal Code, last amended by Ordinance 113764, is
9 repealed, as shown in Attachment A.

10 Section 23.60.544 of the Seattle Municipal Code, last amended by Ordinance 122310, is
11 repealed, as shown in Attachment A.

12 Section 23.60.546 of the Seattle Municipal Code, enacted by Ordinance 113466, is
13 repealed, as shown in Attachment A.

14 Section 23.60.548 of the Seattle Municipal Code, enacted by Ordinance 113466, is
15 repealed, as shown in Attachment A.

16 Section 23.60.550 of the Seattle Municipal Code, enacted by Ordinance 118663, is
17 repealed, as shown in Attachment A.

18 A new Section 23.60.540 of the Seattle Municipal Code is added as follows:

19 **23.60.540 Uses in the UR Environment**

20 A. 1. All uses are allowed, allowed as a special use, allowed as a shoreline
21 conditional use or prohibited pursuant to this Section 23.60.540 and Table A for Section
22 23.60.540. Use categories and subcategories cover all uses in that category and subcategory
23 except when a subcategory of that use is specifically shown in the table.

24 2. If the table or text of Section 23.60.540 states that a use is required to be water-
25 dependent or water-related, a use that does not have the required attribute is prohibited.

26 3. Regulations for specific shoreline modifications are set out in Sections 23.60.172
27 through 23.60.190.

28 **Table A for 23.60.540 Uses in the UR Environment**

<u>Uses</u>	<u>Waterfront Lots</u>	<u>Upland Lots</u>
<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	<u>X</u>	<u>X</u>
<u>A.1 Community Garden</u>	<u>A</u>	<u>A</u>
<u>A.2. Other agricultural and forest practice uses</u>	<u>X</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	<u>X</u>	<u>X</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>	<u>X</u>
<u>E. INSTITUTIONAL USES</u>	<u>See subsection 23.60.540.B</u>	<u>A</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	<u>X</u>	<u>X</u>
<u>H. PARKS AND OPEN SPACE USES</u>	<u>-</u>	<u>-</u>
<u>H.1 Shoreline</u>	<u>A</u>	<u>A</u>

Table A for 23.60.540 Uses in the UR Environment

<u>Uses</u>	<u>Waterfront Lots</u>	<u>Upland Lots</u>
<u>H.2 General</u>	<u>X</u>	<u>A</u>
<u>I. PUBLIC FACILITIES</u>	<u>See Section 23.60.207</u>	<u>See Section 23.60.207</u>
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60.210</u>	<u>See Section 23.60.210</u>
<u>K. RESIDENTIAL USES</u>	-	-
<u>K.1. Accessory dwelling unit</u>	<u>X</u>	<u>A</u>
<u>K.2. Adult family homes</u>	<u>X</u>	<u>A</u>
<u>K.3. Artist studio/dwelling</u>	<u>X</u>	<u>A</u>
<u>K.4. Assisted living facilities</u>	<u>X</u>	<u>A</u>
<u>K.5. Congregate residences</u>	<u>X</u>	<u>A</u>
<u>K.6. Detached accessory dwelling unit</u>	<u>X</u>	<u>X</u>
<u>K.7 Domestic Violence Shelter</u>	<u>X</u>	<u>X</u>
<u>K.8. Floating homes and moorage</u>	<u>See subsection 23.60.540.C</u>	<u>See subsection 23.60.540.C</u>
<u>K.9. Mobile park home</u>	<u>X</u>	<u>X</u>
<u>K.10. Multifamily residences</u>	<u>A</u>	<u>A</u>
<u>K.11. Nursing homes</u>	<u>X</u>	<u>A</u>
<u>K.12. Single-family dwelling units</u>	<u>A</u>	<u>A</u>
<u>K.13 Other residential uses</u>	<u>X</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60.211</u>	<u>See Section 23.60.211</u>
<u>M. STORAGE USES</u>	<u>X</u>	<u>X</u>
<u>N. TRANSPORTATION FACILITY USES</u>	-	-
<u>N.1. Bridges and tunnels</u>	<u>See subsection 23.60.540.D</u>	<u>A</u>
<u>N.2. Cargo terminals</u>	<u>X</u>	<u>X</u>
<u>N.3. Moorage</u>	-	-
<u>N.3.a. Boat moorage</u>	-	-
<u>N.3.a.1. Commercial marina</u>	<u>X</u>	<u>X</u>
<u>N.3.a.2. Recreational marina</u>	<u>X</u>	<u>X</u>
<u>N.3.b. Dry boat storage</u>	<u>X</u>	<u>X</u>
<u>N.4 Navigational locks</u>	<u>X</u>	<u>X</u>
<u>N.5. Parking</u>	-	-
<u>N.5.a. Parking, principal use</u>	<u>X</u>	<u>X</u>
<u>N.6. Passenger terminal</u>	<u>X</u>	<u>X</u>
<u>N.7. Rail transit facilities</u>	<u>A</u>	<u>A</u>
<u>N.8. Transportation facilities, air</u>	<u>X</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>X</u>	<u>X</u>
<u>N.11. Railroads</u>	<u>SU</u>	<u>A</u>
<u>N.12. Streets</u>	<u>A</u>	<u>A</u>

Table A for 23.60.540 Uses in the UR Environment

<u>Uses</u>	<u>Waterfront Lots</u>	<u>Upland Lots</u>
<u>O. UTILITY USES</u>	-	-
<u>O.1. Communication utilities, minor</u>	<u>X</u>	<u>X</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>	<u>X</u>
<u>O.4. Recycling</u>	<u>X</u>	<u>X</u>
<u>O.5. Sewage treatment plants</u>	<u>X</u>	<u>X</u>
<u>O.6. Solid waste management</u>	<u>X</u>	<u>X</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60.540.E</u>	<u>See subsection 23.60.540.E</u>
<u>P. UTILITY LINES</u>	<u>A</u>	<u>A</u>

KEY

A = Allowed

CU = Shoreline Conditional Use

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WR = Allowed for water-related uses; prohibited otherwise

X = Prohibited

B. Community yacht, boat and beach clubs, and community centers or clubs that provide outdoor parks and recreation shoreline uses are allowed as a special use. All other institutional uses are prohibited.

C. New floating homes and moorage are prohibited except as allowed under Section 23.60.202; accessory uses to floating homes, including storage, are allowed on waterfront lots if located 35 feet or more landward of the OHW mark and on upland lots.

D. Bridges and tunnels containing rail transit facilities that are eligible for approval by the City Council under 23.80.004. C are allowed. Bridges containing other rail transit facilities, railroads or streets are allowed as a special use.

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

Part 2 Development Standards

Section 23.60.570 of the Seattle Municipal Code, enacted by Ordinance 113466, is repealed as shown in Attachment A.

Section 23.60.572 of the Seattle Municipal Code, last amended by Ordinance 120927, is amended as follows:

23.60.572 Height in the UR Environment

A. Maximum height. The maximum height allowed in the UR Environment ~~((shall be))~~ is ~~((thirty (30) feet except-))~~ as follows: as modified by subsections 23.60.572.B through 23.60.572.D ~~((-of this section)).~~

1. Thirty feet in all locations except as provided in subsection 23.60.572.A.2.

~~((B))~~ 2. The maximum height allowed on an upland lot((s)) on Harbor Avenue Southwest and Alki Avenue Southwest from Southwest Leon Place to 59th Avenue Southwest ~~((shall be))~~ is ~~((sixty (-))60((+))~~ feet.

1 ((E))B. Pitched roofs. The ridge of a pitched roof((s)) on a principal structure((s)),
2 including projections to accommodate windows, may extend 5 feet above the maximum height
3 ((established in subsection A or B above))allowed, where also allowed in the underlying zone or
4 special district. ((All parts of the roof above the maximum must be pitched at a rate of not less
5 than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the
6 maximum height limit under this provision.))

7 C. Rooftop features.

8 1. Radio and television receiving antennas, flagpoles, smokestacks, chimneys and
9 religious symbols for religious institutions are exempt from the height limit, ((except as regulated
10 in Chapter 23.64, Airport Height Overlay District,)) provided((-such features are)):

11 a. The feature is ((N))no closer to any adjoining lot line than 50 percent of
12 their height above existing grade; or

13 b. If attached ((only))to the roof, the feature is no closer to any adjoining
14 lot line than 50 percent of their height above the roof portion where attached; and

15 c. The width of the feature does not obstruct the view of the shoreline of a
16 substantial number of residences on areas within or adjoining the Shoreline District.

17 2. Clerestories, communication and accessory communication devices, firewalls,
18 green roofs, greenhouses, monitors, open railings, parapets, planters, skylights and solar
19 collectors may extend 4 feet above the maximum height allowed where also allowed in the
20 underlying zone or special district, except where the width of such features obstructs the view of
21 the shoreline of a substantial on areas within or adjoining the Shoreline District, in which case
22 the Director may authorize a lower height.

23 3. ((The following rooftop features may extend ten (10) feet above the maximum
24 height, so long as the combined total coverage of all features does not exceed fifteen (15) percent
25 of the roof area or twenty (20) percent of the roof area if the total includes screened mechanical
26 equipment:

27 a. Stair and elevator penthouses;

28 b. Mechanical equipment;

29 c. Play equipment and open mesh fencing which encloses it, so long as the
30 fencing is at least five (5) feet from the roof edge; and

31 d. Chimneys.))

32 Stair and elevator penthouses, mechanical equipment, play equipment and open-
33 mesh fencing which encloses it, if located at least 5 feet from the roof edge may extend 10 feet
34 above the maximum height limit if:

35 a. The combined total coverage of all features does not exceed 15 percent
36 of the roof area or 20 percent of the roof area if the total includes screened mechanical
37 equipment;

38 b. Allowed in the underlying zone or special district; and

39 c. The width of such features does not obstruct the view of the shoreline of
40 a substantial number of residences on areas within or adjoining the Shoreline District, in which
41 case the Director may authorize a lower height.

42 4. Structures may extend 18 inches above the maximum height limit if the
43 proposed roof insulation exceeds the energy code requirements in effect when the structure is
44 constructed.

45 ((E))D. Bridges. Bridges may extend above the maximum height limit.

Section 23.60.574 of the Seattle Municipal Code, last amended by Ordinance 118793, is amended as follows:

23.60.574 Lot coverage in the UR Environment((=))

A. Structures including floats and piers shall not occupy more than 35 percent of a ~~((waterfront lot or an upland))~~lot except as provided in ~~((modified in))~~subsection 23.60.574.B.

B. Lot coverage exceptions.

1. Floating home moorages ~~((shall meet))~~are subject to the lot coverage provisions in Section ~~((23.60.196))~~23.60.202(~~(, Floating homes))~~..

2. On single-family zoned lots the maximum combined lot coverage ~~allowed((permitted))~~ for principal and accessory structures ~~((shall not exceed thirty five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater.))~~ on dry land is as follows:

<u>Lot Size</u>	<u>Maximum Coverage</u>
<u>Less than 5,000 sq. ft.</u>	<u>1,000 sq. ft. + 15% of lot area</u>
<u>5,000 sq. ft. or more</u>	<u>35% of lot area</u>

~~((3. On the dry land portion of a lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen (18) inches above original grade shall not be included in lot coverage.))~~

~~((4))~~3. On multifamily zoned lots, the maximum lot coverage ~~((percentage of))~~allowed by the underlying zone or special district shall apply to the dry land portion of the lot.

A new Section 23.60.575 of the Seattle Municipal Code is adopted as follows:

23.60.575 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 allowed in Section 23.60.167 and follows:

1. The minimum necessary for:

a. Single family dwelling units allowed pursuant to subsection 23.60.282.E;

b. One pathway per single family or multi-family dwelling unit limited to 3-ft. wide constructed of pervious surface; and

c. Floating homes and floating home moorages as allowed in subsection 23.60.540.C and access to and utility lines necessary to serve them;

2. More than fifteen feet landward of the OHW mark for one on-grade patio per single family dwelling unit limited to 45 square feet; and

3. Greater than 5 feet landward of the OHW mark for fences and freestanding walls accessory to residences that are not shoreline modifications, if views of the shoreline from adjacent existing residences are not blocked. The Director shall determine the permitted height of the fences and freestanding walls.

1 B. In addition to shoreline setback required in subsection 23.60.575.A, residences on
2 waterfront lots shall not be located further waterward than adjacent residences as measured in
3 23.60.206.B.3.

4 C. Existing structures that would be considered nonconforming because they are located
5 in the required shoreline setback in UR Environment are not regulated as a nonconforming
6 structures based on setback standards. Such structures may not expand in any manner in the
7 setback but may be replaced if they provide:

8 1. An area of ecological restoration equal to the footprint of the structure located
9 in the shoreline setback; or

10 2. The equivalent number of habitat units if habitat units have been developed for
11 this location as established by the Director.

12 Section 23.60.576 of the Seattle Municipal Code, enacted by Ordinance 113466, is
13 amended as follows:

14 **23.60.576 View corridors in the UR Environment**

15 A. A view corridor or corridors of not less than 35 percent of the width of the lot shall be
16 provided and maintained on all waterfront lots and on any upland through lot in the UR
17 Environment separated from a waterfront lot designated CM, CR, or CP (~~or CH~~) by a street or
18 railroad right-of-way.

19 B. View corridors are not required for single-family dwelling units.

20 ~~((C. The following may be located in a required view corridor:~~

21 ~~1. Open wet moorage;~~

22 ~~2. Storage of boats undergoing repair;~~

23 ~~3. Parking which meets the criteria of subsection B3 of Section 23.60.162, View~~
24 ~~corridors.))~~

25 Section 23.60.578 of the Seattle Municipal Code, enacted by Ordinance 113466, is
26 amended as follows:

27 **23.60.578 Regulated public access in the UR Environment((:))**

28 A. ~~((Public Property. Public access meeting the criteria of Section 23.60.160 shall be~~
29 ~~provided and maintained for all publicly owned and publicly controlled waterfront, whether~~
30 ~~leased to private lessees or not, except harbor areas, shorelands, tidelands and beds of navigable~~
31 ~~waters not abutting dry land.~~

32 ~~B.))Private property. ((1-)) Public access ((meeting the criteria of Section~~
33 ~~23.60.160))shall be provided and maintained on privately owned waterfront lots for the~~
34 ~~following developments, except as modified by subsection 23.60.578.A.2:~~

35 ~~((a))1. Multifamily residential developments containing ~~((of))~~more than four~~
36 ~~units with more than 75 feet of shoreline, except ~~((when))~~if located on salt water shorelines~~
37 ~~where public access from a street is available within 600 feet of the proposed development;~~

38 ~~((b))2. ~~((Other nonwater dependent uses except those located on private lots in the~~~~
39 ~~)) Uses on privately owned waterfront lots that abut Lake Union ~~((area-))~~with a front lot line of~~
40 ~~less than 100 feet in length, measured at the upland street frontage generally parallel to the water~~
41 ~~edge, that abut a street ~~((and/))~~or waterway ~~((provides))~~providing public access are not required~~
42 ~~to provide public access on privately owned lots;~~

43 ~~((e))3. Marinas, except as exempted by subsection 23.60.200.((-))E; and~~

1 Section 23.60.904 of the Seattle Municipal Code, enacted by Ordinance 113466, is
2 amended as follows:

3 **23.60.904 Definitions -- "B"**

4 (~~"Beach, Class I" means an accretional beach characterized by a backshore which is only
5 wetted under extreme tide and wave conditions. It is possible to walk on a Class I beach at mean
6 higher high water.~~

7 ~~"Beach, Class II" means a marginal erosion beach characterized by not having a stable
8 and dry backshore above mean higher high water. Class II beaches are usually located at the foot
9 of gravel containing banks and bluffs that supply the upper foreshore with beach material.~~

10 ~~"Beach, Class III" means an erosional beach on which it is not possible to walk at mean
11 higher high water. Class III beaches are located under banks and bluffs that are low in gravel and
12 high in clay and have an upper foreshore which is wave-cut below to mean higher high water
13 level.)~~

14 "Beaufort Scale" means the measurement of sea state based on visual observations,
15 scaled from zero (0), calm to twelve (12), hurricane force winds.

16 "Best available science" means the science and technical information requirements
17 described in WAC 173-26-201(2)(a).

18 "Best management practices" means actions or techniques that have consistently shown
19 results superior to those achieved with other means and that are taken to avoid minimize and
20 reduce the impacts to habitat ecological functions.

21 "Boat or Beach Club." See "Yacht club."

22 "Boat moorage" means recreational or commercial marina or moorage accessory to a
23 residential use.

24 "Boat yard" see "Vessel repair, minor"

25 "Boating facility, multifamily" means a system of piers and floats designed to moor
26 vessels to serve residential development of 5 or more units.

27 "Bottom barrier" means synthetic or natural fiber sheets of material used to cover and kill
28 plants growing on the bottom of a water body by depriving plants of sunlight.

"Breakwater" means a protective structure built offshore to protect harbor areas,
moorages, navigation, beaches or bluffs from wave action.

"Bridge" means a structure carrying a path, street, railway or rail transit over-water, and
necessary support and accessory structures.

"Bulkhead" means a retaining wall constructed parallel to the shore whose primary
purpose is to hold or prevent sliding of soil caused by erosion or wave action or to protect the
perimeter of a fill.

22 Section 23.60.906 of the Seattle Municipal Code, last amended by Ordinance 122310, is
23 amended as follows:

24 **23.60.906 Definitions -- "C"**

25 (~~"Cargo, breakbulk" means cargo packed in separate packages or individual pieces of
26 cargo and loaded, stored and unloaded individually.~~

27 ~~"Cargo, containerized" means cargo packed in a large (typically ((eight () 8 ())) feet by
28 ((eight () 8 ())) feet by ((twenty () 20 ())) feet)) trunk-like box and loaded, stored and
unloaded as a unit.~~

1 "Cargo, neo-bulk" means cargo which has historically been classified as generalized
2 cargo, such as grain, oil, and automobiles, but now is moved in bulk movements usually in
3 specialized vessels.))

4 "Cargo terminal" means a "transportation facility" use in which quantities of goods or
5 container cargo are stored without undergoing any manufacturing processes, transferred to other
6 carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may
7 include accessory warehouses, railroad yards, storage yards, and offices.

8 "Central Waterfront Landmark Area" means all lots from the southerly edge of Pier 54 to
9 the northerly edge of Pier 59 along Seattle's downtown waterfront.

10 ("~~Clerestory" means an outside wall of a room or building that rises above an adjoining
11 roof and contains windows.~~)

12 "Critical Root Zone" means the area on the ground surround the tree that is 1 ½ times the
13 maximum diameter of the tree's canopy or 20 times the DBH, whichever is greater.

14 "CM" means the Conservancy Management shoreline environment.

15 "CN" means the Conservancy Navigation shoreline environment.

16 "Commercial use" means the following uses:

17 -- Animal shelters and kennels; (~~General retail sales and services;~~)

18 -- (~~Heavy sales and services;~~)

19 -- Eating and drinking establishments;

20 -- Entertainment uses;

21 -- Food processing and craft work uses;

22 -- Laboratories, research and development;

23 -- Lodging;

24 -- Medical services;

25 -- Offices;

26 -- Sales and service uses, automotive;

27 -- Sales and services, general;

28 -- Sales and service uses, heavy;

29 -- Sales and services, marine.

30 (~~— Entertainment;~~

31 ~~— Automotive sales and services;~~

32 ~~— Marine sales and services;~~

33 ~~— Animal shelters and kennels;~~

34 ~~— Food processing and craft work;~~

35 ~~— Medical services;~~

36 ~~— Research and development laboratories.))~~

37 ("~~Commercial moorage" means a parking and moorage use in which a system of piers,
38 buoys, or floats is used to provide moorage, primarily for commercial vessels, except barges, for
39 sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage,
40 tugboat dispatch offices, and other services are also often accessory to or associated with the
41 use.~~)

42 (~~Communication Devices and Utilities (and Related Terms). See Section 23.84A.006
43 "C."~~)

44 "Conditional use" means a use identified in this chapter as requiring specific approval by
45 either the Department of Ecology (shoreline conditional use) or the City Council (Council

1 conditional use). (~~Unless specifically stated in this chapter the term "conditional use" without~~
2 ~~modification shall mean Shoreline Conditional Use.~~)

3 "Constructed" means the process of creating or undertaking development including but
4 not limited to construction of structures, associated site work, installation of on-site utilities, and
5 re-establishment of disturbed areas.

6 "CR" means the Conservancy Recreation shoreline environment.

7 "Critical area," see "Environmentally critical area."

8 "CP" means the Conservancy Preservation shoreline environment.

9 "Custom craft work" in addition to the definitions in 23.60.84A custom craftwork in the
10 Shoreline District includes wooden boat building and is a water-related use.

11 "CW" means the Conservancy Waterway shoreline environment.

12 Section 23.60.930 of the Seattle Municipal Code, enacted by Ordinance 122310, is
13 amended as follows:

14 **23.60.908 Definitions -- "D"**

15 "DBH" means tree diameter at breast height and is the method to measure the size of a
16 tree.

17 "Development" means a use consisting of the construction or exterior alteration of
18 structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals;
19 bulkheading; driving of piling; placing of obstructions; or any project of a permanent or
20 temporary nature that interferes with the normal public use of the surface of the waters overlying
21 lands subject to this title at any water level.

22 "Development site, waterfront" means a waterfront lot or lots on which a proposed
23 development will occur.

24 "Development standards" means regulations pertaining to the physical modification of
25 the environment ~~whether~~ for development, a shoreline modification or a use, including the size
26 and location of structures in relation to the lot. Examples of development standards are
27 maximum height of structures, minimum lot area, minimum front, side and rear yards, shoreline
28 setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public
29 access. Development standards do not include general development standards.

30 "Development standards, general" see "General development standards."

31 "Development, Substantial." See "Substantial development."

32 "Director" means the Director of the Department of Planning and Development of The
33 City of Seattle.

34 "Dock" means an artificial side of a harbor or bank of river for mooring ships, also
35 described as a shipping or loading platform.

36 "Dredging" means the removal or displacement of sand, silt, gravel, or other submerged
37 materials, from the bottom of water bodies, riparian watercourses, or natural wetlands. Support
38 activities and operations, including but not limited to the collection and transfer of dredged
39 materials, are included in this definition. Dredging does not include removal of riprap and
40 incidental grading when shoreline stabilization is replaced if the water depth does not increase
41 when compared to pre-project conditions. The placement of dredged materials into water bodies,
42 riparian watercourses or natural wetlands is "fill" and regulated under Sections 23.60.172 and
43 23.60.184.

1 (~~"Drift sill" means a structure of rocks built into a beach as part of natural beach~~
2 ~~protection used to preserve a beach by stopping the littoral sand drift but which does not protrude~~
3 ~~above the finished grade of beach sediment.~~)

4 "Dry land" means land at an elevation above the line of ordinary high water in freshwater
5 or mean higher high water in marine water.

6 "Dry boat storage" means a "parking and moorage" use, in which space on a lot on dry
7 land, ~~((or inside a building over water))~~ either open or inside a ((building))structure ((on dry
8 land)), is rented or sold to the public or to members of a yacht, boat or beach club for the purpose
9 of storing boats. ~~((Sometimes referred to as dry moorage.))~~

10 "Dry dock" means any method or mechanism by which a vessel can be removed from
11 the water for the purpose of viewing, working on or painting the underwater portions of the
12 vessel. Dry docks include:

13 "Marine railway dry dock" means a place where a vessel is tied to a carriage
14 which is then pulled out of the water on an inclined railway usually with winches. The rails are
15 spaced far enough apart to provide stability of the carriage with a vessel on it.

16 "Floating dry dock" means a strong decked barge that are submerged by filling
17 with water. A vessel is floated over the submerged barge which is then pumped out to lift the
18 barge deck clear of the water with the vessel sitting high and dry. The wing walls provide enough
19 flotation to prevent sinking all the way to the bottom.

20 "Synchro-lift dry dock" means a stiffened deck or barge like structure that is
21 lifted out of water by lifting mechanisms such as winches or jacks operating synchronously.

22 "Travel-lift" means a motorized device like a lumber carrier which drives over
23 water on two adjacent docks straddling the water. A boat in the water between the two docks is
24 raised out of the water by straps attached to winches. The travel lift then drives to an upland site
25 to set the boat down on blocks on land.

26 "Duwamish" means the area of the Duwamish River from the south city limits north to
27 South Massachusetts Street on the east side and Southwest Florida on the west side, and
28 including Harbor Island and the East and West Duwamish Waterways.

Section 23.60.910 of the Seattle Municipal Code, enacted by Ordinance 113466, is amended as follows:

23.60.910 Definitions -- "E"

"Ecological functions" or "shoreline functions" means the work performed or role played
by the physical, chemical, and biological processes that contribute to the maintenance of the
aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC
173-26-200 (2)(c).

"Ecological restoration and enhancement," see "restoration and enhancement."

"Ecology" means the Washington State Department of Ecology.

"Elliott Bay" means the Shoreline District area from 24th Avenue West to SW Atlantic
Street, except the Harborfront, Harbor Island and the Duwamish Waterways.

"Emergency" means an unanticipated and imminent threat to public health, safety or the
environment which requires immediate action within a time too short to allow full compliance
with this chapter. Emergency construction does not include development of new permanent
protective structures where none previously existed. Where new protective structures are deemed
by the Director to be the appropriate means to address the emergency situation, upon abatement
of the emergency situation the new structure shall be removed or any permit which would have

1 been required, absent an emergency, pursuant to chapter 90.58 RCW or these regulations shall be
2 obtained. All emergency construction shall be consistent with the policies of chapter 90.58
3 RCW and the Seattle Shoreline Master Program. As a general matter, flooding or other seasonal
4 events that can be anticipated and may occur but that are not imminent are not an emergency.

5 “Environmentally critical area” means wetlands, fish and wildlife habitat conservation
6 areas, frequently flooded areas and geologically hazardous areas as designated in Section
7 25.09.020 and located in Section 25.09.030, as incorporated by reference into Section
8 253.60.156.

9 “Essential public facilities” means those public facilities identified as potential essential
10 public facilities in Section 23.84A.012 and in RCW 36.70A.200 without consideration of the
11 limitations in the definition in Section 23.84A.012.

12 “Existing,” when modifying a use (1) to determine whether that use is allowed, allowed
13 as a special use or conditional use, prohibited or would otherwise be a nonconforming use or (2)
14 to determine what standards apply to the use, means a use that both (a) was a lawful use when
15 the use was established; and (b) has not been discontinued for more than 12 consecutive months
16 or for 12 months during any two-year period. A use is considered discontinued if:

17 1. A permit to change the use of the structure or property has been issued
18 and acted upon; or

19 2. The structure or property or portion of a structure or property is vacant
20 or not being used for the use allowed by the most recent permit.

21 The use of the structure is considered discontinued even if materials from the
22 former use remain or are stored on the property. A multifamily structure with one or more vacant
23 dwelling units is not considered unused unless the total structure is unoccupied.

24 "Extreme low tide" means the lowest line on land reached by a receding tide.

25 Section 23.60.912 of the Seattle Municipal Code, last amended by Ordinance 118793, is
26 amended as follows:

27 **23.60.912 Definitions -- "F"**

28 "Fair market value" of a development means the open market bid price for conducting the
work, using the equipment and facilities, and purchase of the goods, services and materials
necessary to accomplish the development. This would normally equate to the cost of hiring a
contractor to undertake the development from start to finish, including the cost of labor,
materials, equipment and facility usage, transportation, and contractor overhead and profit. The
fair market value of the development shall include the fair market value of any donated,
contributed or found labor, equipment or materials.

"Fairway" means all navigable waters within the corporate limits or within the
jurisdiction and control of the City, except waters over privately owned or privately controlled
property, including but not limited to the navigable portions of the following described waters
and all submerged street area and waterways therein:

- A. All of Elliott Bay lying easterly of a straight line drawn from Alki Point to West Point;
- B. All of the East and West Waterways;
- C. All of the Duwamish River;
- D. All of the Duwamish Waterway Project;
- E. All of Salmon Bay;
- F. All of Portage Bay;

1 G. All of the Lake Washington Ship Canal, including that portion which shall be under
the supervision and control of the United States;

2 H. All of Lake Union;

3 I. All of Lake Washington lying or being within the corporate limits of the City or within
the jurisdiction and control of the City;

4 J. All of that portion of Shilshole Bay lying easterly and southerly of a line from West
Point to the intersection of the northerly boundary of the City with the outer harbor line;

5 K. All that portion of Puget Sound lying easterly and northerly of a line from Alki Point
to the intersection of the southerly boundary of the City with the outer harbor line.

6 "Feasible" means that an action, such as a development project, mitigation, or
preservation requirement, meets all of the following conditions:

7 1. The action can be accomplished with technologies and methods that have been
8 used in the past in similar circumstances, or studies or tests have demonstrated in similar
9 circumstances that such approaches are currently available and likely to achieve the intended
10 results;

11 2. The action provides a reasonable likelihood of achieving its intended purpose;
12 and

13 3. The action does not physically preclude achieving the project's primary
14 intended legal use.

15 In cases where this Chapter 23.60 requires certain actions unless they are infeasible, the
16 burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the
17 reviewing agency may weigh the action's relative public costs and public benefits, considered in
18 the short- and long-term time frames.

19 "Feeder bluff" means the eroding bluffs that provide the majority of sediment to Puget
20 Sound beaches and littoral cells.

21 "Feedlot" means an enclosure or facility used or capable of being used for feeding
22 livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops,
23 or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering
24 operations.

25 "Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or
26 other material to an area waterward of the OHW mark or in riparian watercourses or in wetlands.
27 in a manner that raises the elevation or creates dry land.

28 "Float" means a floating platform similar to a pier that is anchored or attached to pilings.
29 A float attached to a pier shall be considered part of the pier. "Float" when it is used in
30 connection with a vessel repair use includes a floating platform used as a work platform to
31 work on a vessel dock or pier. "Float" when it is used in connection with a floating home means
32 those elements that provide the buoyancy necessary to keep the floating home above the water.

33 "Floating home" means a ((single family-))structure designed as a dwelling unit
34 constructed on a float ((-which))that is moored, anchored or otherwise usually secured in waters,
35 and is not a vessel, even though it may be capable of being towed.

36 "Floating home moorage" means a residential use consisting of a waterfront facility for
37 the moorage of one or more floating homes and the land and water premises on which the facility
38 is located.

39 "Floating home site" means that part of a floating home moorage located over water
40 designated to accommodate one floating home.

1 “Freeboard” means the height of the main deck above the water line. Where the threshold
2 of the main entrance to the structure is above the main deck, the freeboard is measured to the
3 threshold of the main entrance.

4 “Freshwater” means the water bodies with little or no dissolved salts and include riparian
5 water courses, Bitter and Haller lakes, Green Lake, Lake Washington, Montlake Cut, Portage
6 Bay, Lake Union, the Lake Washington Ship Canal, and Salmon Bay ending at the Hiram M.
7 Chittenden Locks.

8 “Forest Practice” means any activity conducted on or directly pertaining to forest land
9 (land which is capable of supporting a merchantable stand of timber and is not being actively
10 used for a use which is incompatible with timber growing) and relating to growing, harvesting,
11 or processing timber or forest biomass.

12 Section 23.60.914 of the Seattle Municipal Code, enacted by Ordinance 113466, is
13 amended as follows:

14 **23.60.914 Definitions -- "G"**

15 “General development standards” means regulations pertaining to materials, best
16 management practices, performance and all regulations in Section 23.60.152.

17 “Geographic area” means one of seven defined geographic areas within Seattle as
18 follows: Lake Washington North, Lake Washington South, Lake Union and the Ship Canal,
19 Elliott Bay, the Duwamish River, Puget Sound North, and Puget Sound South.

20 “Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation
21 conducted by a qualified professional engineers and geologist that includes a description of the
22 ground and surface hydrology and geology, the affected land form and its susceptibility to mass
23 wasting, erosion, and other geologic hazards or processes, conclusions and recommendations
24 regarding the effect of the proposed development, shoreline modification, or use on geologic
25 conditions, the ability of the site to be developed, the impacts of the proposed development or
26 use, alternative approaches to the proposed development or use, and measures to mitigate
27 potential site-specific and cumulative geological and hydrological impacts of the proposed
28 development or use, including the potential adverse impacts to adjacent and down-current
properties. Geotechnical reports shall conform to accepted technical standards and must be
prepared by qualified professional engineers or geologists who have professional expertise about
the regional and local shoreline geology and processes.

“Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation
conducted by a qualified expert that includes:

1. a description of the ground and surface hydrology and geology, the affected
land form and its susceptibility to mass wasting, erosion, and other geologic hazards or
processes, conclusions; and

2. recommendations regarding:

a. the effect of the proposed development, shoreline modification, or use
on geologic conditions;

b. the adequacy of the site to be developed;

c. the impacts of the proposed development or use;

d. alternative approaches to the proposed development or use; and

e. measures to mitigate potential site-specific and cumulative geological
and hydrological impacts of the proposed development or use, including the potential adverse
impacts to adjacent and down-current properties.

1 Geotechnical reports shall conform to accepted technical standards and must be prepared by
2 qualified professional engineers or geologists who have professional expertise about the regional
3 and local shoreline geology and processes.

4 "Grading" means excavation, filling, in-place ground modification, removal of roots or
5 stumps that includes ground disturbance, stockpiling of earth materials, or any combination
6 thereof, including the establishment of a grade following demolition of a structure landward of
7 the OHW mark.

8 "Graving Dock" means a structure forming a basin from which water can be pumped out
9 for the purpose of building ships or for repairing a ship below its waterline.

10 "Groin" means a wall-like structure built seaward from the ordinary high water mark or
11 mean higher high water ((the shore--))to build or preserve an accretion beach by trapping littoral
12 sand drift on the updrift side.

13 Section 23.60.916 of the Seattle Municipal Code, last amended by Ordinance 116051, is
14 amended as follows:

15 **23.60.916 Definitions -- "H"**

16 "Habitat unit" means a metric used to measure the ecological function of a geographic
17 area. Habitat units are based on the combined quality of the existing habitat features, such as
18 shallow water habitat and shoreline vegetation, of a geographic area.

19 "Harborfront" means the area in the Shoreline District from Bay Street on the north to
20 South Jackson Street on the south.

21 "Hard stabilization," see "Shoreline stabilization"

22 "Heat exchanger" means a device that uses water to cool a structure and discharges warm
23 water into a water body.

24 "Historic ship" means a structure that was designed and used as a vessel, whether
25 currently able to move under its own power or not, that has been designated by the Landmark
26 Preservation Board as historic or listed on the National Register of Historic Places.

27 "House barge" means a vessel that is designed or used as a place of residence without a
28 means of self-propulsion and steering equipment or capability. Historic ships which do not have
29 a means of self-propulsion and steering equipment are regulated as vessels.

30 "House height" means the distance from the main deck to the top of the roof.

31 "Hyporheic zones" means a region beneath and lateral to a water body, where there is
32 exchange of shallow groundwater and surface water and nutrients and fauna.

33 Section 23.60.918 of the Seattle Municipal Code, last amended by Ordinance 122310, is
34 amended as follows:

35 **23.60.918 Definitions -- "I"**

36 ("Institutions" means the following uses:

37 — Institute for advanced study;

38 — Private club;

39 — Day care center;

40 — Museum;

41 — School, elementary or secondary;

42 — College;

43 — Community center;

44 — Community club;

- ~~— Vocational or fine arts school;~~
- ~~— Hospital;~~
- ~~— Religious facility~~
- ~~— University.)~~

“Infeasible” See “Feasible” and Section 23.60.043.

“Intake” means a structure that is part of a utility line that brings in water from a freshwater or saltwater environment. See “Utility line”.

“Interior vessel repair” means maintenance and repair activities confined to the enclosed areas of a vessel and that are not exposed to the elements.

“Interpretive signs” means on-premises signs describing a natural or historic feature on the same site as the sign or seen from the site.

Section 23.60.920 of the Seattle Municipal Code, enacted by Ordinance 113466, is amended as follows:

23.60.920 Definitions -- "J"

"Jetty" means an artificial barrier perpendicular to the shoreline ~~((used to))~~ that ~~((changes))~~ changes the natural littoral drift ~~((to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves)).~~

Section 23.60.922 of the Seattle Municipal Code, enacted by Ordinance 113466, is amended as follows:

23.60.922 Definitions -- "K"

Reserved.

Section 23.60.924 of the Seattle Municipal Code, last amended by Ordinance 117789, is amended as follows:

23.60.924 Definitions -- "L"

“Lake Union area” means the area from the western portion of the Fremont Bridge to the eastern portion of I-5 Bridge.

“Lake Union and the Ship Canal” means the geographic area that includes the Shoreline District between the Montlake Bridge and the Hiram Chittenden Locks including Lake Union.

“Lake Washington, North” means the geographic area from the middle of the Montlake Cut to the northern City limit.

“Lake Washington, South” means the geographic area from the middle of the Montlake Cut to the southern City limit.

“Land disturbing activity” means any activity that results in a movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) or the existing topography. Land disturbing activities include, but are not limited to, clearing, grubbing, grading, filling, compaction, excavation, or addition or replacement of impervious surface.

“Landfill” means sand, soil, gravel or other material deposited ~~((onto a shoreland area, or into the water over a submerged area))~~ landward of the OHW mark and not in riparian corridors or in wetlands; see “Fill”.

“Light transmitting feature” means a surface that allows ambient light to pass through the surface such as grating on a deck or translucent material for roof or decking.

“Live-aboard or live-aboard use” means a use that meets the definition of live-aboard vessel”.

1 “Live-aboard vessel” means a vessel that is used as a dwelling unit for more than a total
2 of thirty days in any forty-five day period or more than a total of ninety days in any three
3 hundred sixty-five-day period; or the occupant or occupants identify the vessel or the facility
4 where it is moored as their residence for voting, mail, tax, or similar purposes. Marinas may
5 define “residential use” more narrowly than the above definition, but not more broadly.

6 ~~((“Lot” means a platted or unplatted parcel or parcels of land abutting upon and~~
7 ~~accessible from a private or public street sufficiently improved for vehicle travel or abutting~~
8 ~~upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not~~
9 ~~be divided by a street or alley.~~

10 ~~“Lot area” means the total horizontal area within the lot lines of a lot.)~~

11 ~~“Lot coverage” means that portion of a lot occupied by the principal building, accessory~~
12 ~~buildings and development including impervious surface, piers, floats and dry-docks, expressed~~
13 ~~as a percentage of the total lot area.~~

14 “Lot depth” means the distance between ordinary high water mark and the street right-of-
15 way.

16 ~~“Lot, upland” means a lot wholly or partly within the ((s))Shoreline ((d))District ((which~~
17 ~~))that is separated ((as of March 17, 1977,))from the water by a street, arterial, highway, railroad~~
18 ~~right-of-way or government-controlled property ((which))that prevents access to and use of the~~
19 ~~water.~~

20 ~~“Lot, upland through” means an upland lot wholly or partly within the Shoreline District~~
21 ~~((which))that extends between a street, highway, or arterial right-of-way on the upland side and~~
22 ~~a street, highway, arterial, railway right-of-way, or government-controlled property on the~~
23 ~~waterfront side.~~

24 ~~“Lot, waterfront” means a lot any portion of which is offshore of or abuts upon the~~
25 ~~ordinary high water mark or mean high water mark and any other lot or parcel partially or~~
26 ~~entirely within the Shoreline District ((which))that is not separated ((as of March 17, 1977,~~
27 ~~))from the water by a street, arterial, highway, railroad right-of-way, or government-owned or~~
28 ~~controlled property ((which))that prevents access to and use of the water. Vacation or relocation~~
29 ~~of a legal right-of-way after March 17, 1977, shall convert a lot ((which))that was an upland lot~~
30 ~~because of the existence of such right-of-way into a waterfront lot.~~

31 ~~For purposes of determining the appropriate use and development standards applicable to~~
32 ~~developments in railroad or street rights-of-way, the railroad or street right-of-way shall be~~
33 ~~considered to be a waterfront lot unless separated from the water by another railroad or street~~
34 ~~right-of-way.~~

35 Section 23.60.926 of the Seattle Municipal Code, last amended by Ordinance 122310, is
36 amended as follows:

37 **23.60.926 Definitions -- "M"**

38 “Manufacturing” means the following uses as defined in Chapter 23.84A, Definitions, as
39 of the effective date of this ordinance:

- 40 -- Light manufacturing;
- 41 -- General manufacturing;
- 42 -- Heavy manufacturing.

43 “Marina, commercial” means a use in which a system of piers, buoys, or floats is used to
44 provide moorage for:

1 1. Sale, or rent usually on a monthly or yearly basis, for commercial vessels,
Commercial vessels occupy 75% or more of the moorage;

2 2. Commercial vessels moored for the operation of commercial businesses; or

3 3. Commercial or recreational vessels undergoing repair by commercial
businesses. Minor vessel repair, haul-out, dry boat storage, tugboat dispatch offices, and other
4 services are also often accessory to or associated with the use.

5 "Marina, recreational" means a use, in which a system of piers, buoys, or floats is used to
provide moorage for sale or rent, usually on a monthly or yearly basis. Recreational vessels
6 occupy 75% or more of the moorage. Minor vessel repair, haul-out, dry boat storage and other
services are also often accessory to or associated with the use.

7 (~~"Marine sales and service" means a commercial use and means that includes one (1) or~~
more of the following uses:

8 ~~— Sale or rental of large boats;~~

9 ~~— Marine service station;~~

10 ~~— Major or minor vessel repair;~~

11 ~~— Sale and rental of small boats, boat parts and accessories.))~~

12 "Marine service station" means a marine sales and service use in which fuel for boats is
sold, and (~~where~~)in which accessory uses, including but not limited to towing or minor vessel
13 repair, may also be provided.

14 "Master Program." See "Shoreline Master Program."

15 "May" means the action is acceptable, provided it conforms to the provisions of this
chapter.

16 "Mean higher high water (MHHW)" means the tidal elevation determined by averaging
the higher of each day's two high tides at a particular location over recorded history.

17 "Mean lower low water (MLLW)" means the 0.0 tidal elevation. It is determined by
averaging the lower of each day's two low tides, at a particular location over recorded history.

18 "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
19 cutters which only cut aquatic plants.

20 (~~"MHHW." See "Mean higher high water."~~)

21 "Mitigation" means the action taken to minimize, rectify, reduce or eliminate adverse
impacts over time and/or compensate for the loss of ecological functions resulting from new
development or use, or from maintaining, repairing or altering existing development or use that
22 creates new adverse impacts to ecological functions, or from substantially improving, replacing
or rebuilding a nonconforming development. Loss of ecological functions may be due to, but not
23 limited to, location, design, construction and management of the development or use.

24 Mitigation sequencing means the steps taken to avoid, minimize, rectify, reduce or
eliminate adverse impacts over time and/or compensate for the loss to ecological functions, as
25 specified in subsection 23.60.158.B.1, so that mitigation achieves no-net-loss to ecological
functions.

26 (~~"MLLW." See "Mean lower low water."~~)

27 "~~Monitor~~" means a raised, central portion of a roof having low windows or louvers for
light and air.))

28 "Moorage, covered" means a pier and pier structures or system of floating or fixed
access-ways covered with a roof, to which boats on water may be secured.

1 "Moorage, open wet" means an uncovered pier and pier structures or system of floating
or fixed access-ways to which boats on water may be secured.

2 "Moorage, transient" means moorage available to the public, generally for a fee, on a
short-term basis. Transient moorage may be available on an hourly, daily or weekly basis.

3 "Moorage walkway" means the pier, float(s) or combination of pier and float(s) designed
and used to give pedestrian access from the land to floating home sites at a floating home
4 moorage. Ramps (~~(which))~~that provide access to individual floating homes are not moorage
walkways.

5 (~~("Mortuary service" means a medical service use which provides services including but
6 not limited to the preparation of the dead for burial or cremation, viewing of the body and
funerals.))~~)

7 "Mudflat" means a coastal wetland consisting of fine-grained silt or organic matter that
8 is covered at high tide and exposed at low tide.

9 Section 23.60.928 of the Seattle Municipal Code, enacted by Ordinance 113466, is
amended as follows:

10 **23.60.928 Definitions -- "N"**

11 (~~("Natural beach protection" means naturally regenerating systems designed and used to
prevent and control beach erosion.))~~)

12 "Native vegetation" means a species that has occurred within the city limits of Seattle in
the 18th century AD based on the science and technical information requirements described in
13 WAC 173-26-201(2)(a) or best professional judgment. "Natural area" means an area that is
14 predominately vegetated with native or wild- growing vegetation.

15 "Navigational aid" means a structure used to guide or position ships and boats or to warn
of navigational hazards, including but not limited to buoys, beacons, and light towers.

16 "No net loss of ecological functions" and "NNL" means no degradation to habitat,
including the habitat forming processes, after project impacts and mitigation for the project
17 impacts occur. Mitigation to achieve no net loss of ecological function shall achieve the
equivalent ecologic functions, as determined by the Director.

18 "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
19 another region, state or country.

20 "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 site for non-motorized
21 vessels.

22 "Non-structural stabilization" see "Shoreline stabilization."

23 (~~("Nonwater dependent use" means a use which is not water dependent or water related
in that access to the water or to water dependent uses is not required for its operation, even if the
aesthetics of a waterfront location may increase profitability. The following and similar uses are
24 included: Eating and drinking establishments, lodging, retail sales and services, medical services,
funeral services, offices, religious facilities, schools, principal use parking, tennis courts, health
25 clubs, and residential uses on land.))~~)

26 "Non-water-oriented uses" means those uses that are not water-dependent, water-related,
or water-enjoyment.

27 "Normal and routine pruning and maintenance" means practices that are necessary to
maintain existing pathways and landscaping, ensure the health of existing vegetation, or achieve
28

1 limited pruning to allow windowing, reduce tree mass or redirect tree growth. Removal of trees
2 and non-invasive vegetation is never considered normal and routine maintenance. Pruning
3 actions must conform to the ANSI A300 standards outlined in The American National Standard
4 for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard
5 Practices.

6 “Normal appurtenance” means structures usually related to a primary structure or use,
7 including garages; decks; driveways; utilities; septic tanks, and grading which does not exceed
8 two hundred fifty cubic yards and which does not involve placement of fill in any wetland or
9 waterward of the ordinary high water mark.

10 “Noxious weed” means weeds listed by the King County Noxious Weed Control
11 Board.

12 Section 23.60.930 of the Seattle Municipal Code, enacted by Ordinance 113466, is
13 amended as follows:

14 **23.60.930 Definitions -- "O"**

15 ~~(“Offshore facilities” means any facilities, seaward of the outer harbor line, floating or~~
16 ~~supported on a pier or piers, used to transfer or assemble materials or for construction purposes,~~
17 ~~except aquacultural facilities and structures, research and scientific monitoring facilities.)~~

18 ~~(“Open space” means land and/or water area with its surface open to the sky or~~
19 ~~predominantly undeveloped, which is set aside to serve the purposes of providing park and~~
20 ~~recreational opportunities, conserving natural resources and structuring urban development and~~
21 ~~form.)~~

22 “Ordinary high water mark”, abbreviated “OHW mark”, means, on all lakes, streams, and
23 tidal water, that mark that will be found by examining the bed and banks and ascertaining where
24 the presence and action of waters are so common and usual, and so long continued in all ordinary
25 years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to
26 vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter or as
27 it may change thereafter in accordance with permits issued by the Director or the Department of
28 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 tide and the
ordinary high water mark adjoining freshwater shall be the line of mean high water.

“Overall length” is the of the hull structure. It does not include elements such as bow
sprits or figureheads.

“Outfall” means a structural part of a utility line that discharges to a freshwater or
saltwater environment. See “Utility line”.

Section 23.60.930 of the Seattle Municipal Code, enacted by Ordinance 118793, is
amended as follows:

23.60.932 Definitions -- "P"

“Parking and moorage” is a transportation facility use and includes the following uses:

Boat moorage; and

Dry boat storage.

“Parks and open space general” means land and/or water area predominantly undeveloped
that is set aside to provide park and recreational opportunities, conserve natural resources, or
structure urban development and form.

1 "Parks and open space shoreline" means land and/or water area with its surface open to
2 the sky or predominantly undeveloped that is set aside to provide park and recreational
3 opportunities, conserve natural resources, or structure urban development and form and is limited
4 to natural athletic fields with no lighting, bath houses, bicycle and pedestrian paths, concession
5 stands without permanent structures, fishing piers, hand-carried boat launches, interpretive
6 displays, motorized boat launch areas, non-motorized boat landing areas, pavilions, seating,
7 viewpoints, swimming beaches, swimming floats, and underwater diving areas.

8 "Pier" means a structure resting on columns or piles extending from shore into a body of
9 ((the-))water for use as a place to secure vessels, or as a promenade, or to protect or form a
10 harbor. If a pier is accessory to a single family residential structure, "pier" means a structure for
11 swimming or for landing and open wet moorage of watercraft accessory to single-family.

12 (("Pier, accessory to residential structures" means a structure for swimming or for landing
13 and open wet moorage of watercraft accessory to single family or multifamily residential
14 structures.))

15 "Pier, finger or spur" means a minor extension from a primary pier.

16 "Pier, fixed" means a pier with the deck attached to the pilings in a manner that does not
17 permit changes in the height of the deck.

18 "Pier, floating" means a pier with the deck is attached to the pilings in a manner that
19 allows the deck to float at the level of the water.

20 "Practical" means an effective and tested action or a realistic approach to the particular
21 circumstance based on site conditions and intended use of a site.

22 "Portage Bay" means the water area from the I-5 Bridge to the Montlake Bridge.

23 "Priority species" means species requiring protective measures and/or management
24 guidelines to ensure their persistence at genetically viable population levels. Priority species are
25 those that meet any of the criteria listed below.

26 1. Criterion 1. State-listed or state proposed species. State-listed species are those
27 native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened
28 (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and
29 wildlife species that will be reviewed by the WDFW (POL-M-6001) for possible listing as
30 endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-
31 12-297.

32 2. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those
33 species or groups of animals susceptible to significant population declines, within a specific area
34 or statewide, by virtue of their inclination to congregate. Examples include heron colonies,
35 seabird concentrations, and marine mammal congregations.

36 3. Criterion 3. Species of recreational, commercial, and/or tribal importance.
37 Native and nonnative fish, shellfish, and wildlife species of recreational or commercial
38 importance and recognized species used for tribal ceremonial and subsistence purposes that are
39 vulnerable to habitat loss or degradation.

40 4. Criterion 4. Species listed under the federal Endangered Species Act as either
41 proposed, threatened, or endangered.

42 "Projection" means a finger, ell, or spur piers, angled extensions, floating pier extensions,
43 platforms, and platform-style or closed-bottom-style boat and jet ski lifts.

44 "Provisions" means policies, regulations, standards, guideline criteria or shoreline
45 environment designations.

1 “Puget Sound, North” means the geographic area between the north boundary of Elliott
2 Bay and the northern City limit.

3 “Puget Sound South.” means the geographic area between the south boundary of Elliott
4 Bay and the southern City limit.

5 “Public access facility” means an area that provides public access to the shoreline by a
6 public agency.

7 “Public Access Plan” means a plan that serves as a portion of the public access planning
8 for access to shorelines on public property if the plan meets the provisions of WAC 173-26-
9 221(4) and if developed through an open public process as provided in WAC 173-26-
10 201(3)(b)(i) and is approved under subsection 23.60.164.K.

11 “Public access, regulated ” means providing a viewpoint and/or physical approach to
12 public waters, through walkways, corridors, parks, transient moorage or other areas, by a
13 property owner, as regulated by this Chapter.

14 “Public agency” means a unit of general or special purpose government.

15 “Public facility” means a City facility or a franchised by a unit of general or special
16 purpose government for public purposes and includes public open space.

17 “Public Improvement Plan” means a plan that provides standards for allowing public
18 facility uses that are not water-dependent or water-related. When determining the required
19 standards WAC 173-26-241(3)(d) and (f) shall be met, as appropriate for the type of public
20 facility proposed and improved open space and waterfront connections, aesthetic quality and/or
21 safety for the public shall be included . A “Public Improvement Plan” is not a “Port
22 Improvement Plan”.

23 “Public open space” see “public facility”.

24 “Puget Sound” means the shoreline area within the City limits except the Shilshole area,
25 Elliott Bay, the Harborfront and the Duwamish Waterways.

26 A new Section 23.60.933 of the Seattle Municipal Code is adopted as follows:

27 **23.60.933 Definitions – “Q”**

28 “Quay” means a landing place on a coast or river bank or harbor at which vessels are
29 loaded and unloaded.

30 “Queuing area,” means an enclosed or unenclosed space provided for the temporary
31 holding of vehicles prior to loading for over-water transport.

32 Section 23.60.934 of the Seattle Municipal Code, enacted by Ordinance 122310, is
33 amended as follows:

34 **23.60.934 Definitions -- "R"**

35 “Railroad” means a public or private right-of-way on which tracks for trains are
36 constructed. Railroad yards and stations shall be classified as cargo or passenger terminals.

37 “Reasonable” or “reasonably” means its common usage except as provided below:

38 1. If the regulations of this chapter require that an action be reasonable in
39 connection with determining mitigation measures, environmental impacts, other adverse impacts,
40 or alternative development, “reasonable” means that the action will allow a proposal to attain or
41 approximate its objectives with the least impact to ecological function in consideration of the
42 costs and alternatives. When considering the cost of an action, the cost of the action is compared
43 to the nature of the project not to the personal financial status of the applicant.

1 2. If the regulations of this chapter require that an action be reasonable in
2 determining location, “reasonable” means that a location can accommodate the proposal’s
3 objectives at the lowest level of impact to ecological function in consideration of the
4 environmental, social and economic impacts on the public and the cost to the applicant. When
5 considering the cost of an action, the cost of the action is compared to the nature of the project
6 not to the personal financial status of the applicant.

7 “Reasonable use of property” means the use of property to which its owner is entitled
8 under the Constitution of the United States of America and the Washington State Constitution, as
9 interpreted by the highest courts of those jurisdictions.

10 (“Regulated public access” means provision to the public by an owner, by easement,
11 covenant or similar legal agreement, of substantial walkways, corridors, parks, transient moorage
12 or other areas serving as a means of view and/or physical approach to public waters, and limited
13 as to hours of availability, types of activity permitted, location and area.)

14 “Research use” means a use that conducts scientific investigation through survey,
15 collection of data and/or experimental planting in wetlands.

16 "Residential use" means the following uses((-):

- 17 -- Accessory dwelling unit;
- 18 -- Adult family homes;
- 19 -- Artist's studio/dwelling;
- 20 -- Assisted living facility;
- 21 -- Caretaker's quarters;
- 22 -- Congregate residences;
- 23 -- Detached accessory dwelling unit;
- 24 -- Floating home;
- 25 -- Mobile ((~~home~~))park home;
- 26 -- Multifamily residences ((~~structure~~));
- 27 -- Nursing homes;
- 28 -- Single-family dwelling unit. ((;
-- Congregate residence)).

17 “Restoration and enhancement” or “ecological restoration and enhancement” means
18 revegetation, removing intrusive shoreline structures, removing or treating toxic materials, or
19 similar actions to restore shoreline ecological processes or functions impaired over time by
20 reestablishing them or upgrading them. Restoration and enhancement does not imply a
21 requirement for returning the shoreline area to aboriginal or pre-European settlement.

22 “Restoration and Enhancement Plan,” see “Shoreline Restoration and Enhancement
23 Plan.”

24 "Riprap" means a foundation or sustaining wall of stones placed in the water or on an
25 embankment to prevent erosion.

26 "Rotovator" see "Aquatic rotovator".

27 Section 23.60.936 of the Seattle Municipal Code, last amended by Ordinance 122310, is
28 amended as follows:

23.60.936 Definitions -- "S"

29 “Sail area” means the cross sectional area of the floating structure as viewed from the
30 side. The sail area of the hull, neglecting the area under the rake of the bow or stern, is equal to
31 the overall length times the freeboard, for floating structures with no shear or camber. The sail

1 area of each level of the structure is the length of the structure times the height of that level,
2 measured from the top of the deck at the bottom of the level to the top of the next higher deck or,
3 if there are no higher levels, the top of the roof.

4 "Sale and/or rental of large boats" means a marine retail sales and service use in which
5 boats(~~(+6)~~) 30 feet or more in length are rented or sold.

6 "Sale and rental of small boats, boat parts and accessories" means a marine sales and
7 service use in which boats(~~(+6)~~) 30 feet or less in length are rented or sold, or goods are rented
8 or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships
9 is the primary item sold, includes "boat livery" uses where boats and accessories are rented or
10 sold to the general public for use in adjacent waters. Boat liveries are a water-related use.

11 Examples of goods rented or sold include navigational instruments, marine hardware and paints,
12 nautical publications, nautical clothing such as foul-weather gear, marine engines.

13 "Sales and service, marine" means a commercial use and means one of the following
14 uses:

15 -- Sale or rental of large boats;

16 -- Marine service station;

17 -- Major or minor vessel repair;

18 -- Sale and rental of small boats, boat parts and accessories.

19 "Saltwater" means the waterbodies of Puget Sound, Elliot Bay, Duwamish River, and
20 Shilshole Bay ending at the Hiram M. Chittenden Locks.

21 "Sea state" means the general condition of the free surface on a large body of water, with
22 respect to wind waves and swell, at a certain location and moment. A sea state is characterized
23 by statistics, including the wave height, period, and power spectrum. Sea state varies with time
24 as wind and/or swell conditions change. The sea state can either be assessed by an experienced
25 observer, like a trained mariner, or through instruments like weather buoys, wave radar or remote
26 sensing satellites.

27 "Shall" means a mandate; the action must be done.

28 "Shilshole Bay" means the area from NW 80th Street on the north to the Chittenden
29 Locks.

30 "Ship canal" means the area of the Lake Washington Ship Canal from the Chittenden
31 Locks to the Fremont Bridge.

32 "Shipyard" see "Vessel repair, major."

33 "Shorelands" or "shoreland areas" means those lands extending landward for 200 feet in
34 all directions as measured on a horizontal plane from the ordinary high water mark or mean
35 higher high water; floodways and contiguous floodplain areas landward 200 feet from such
36 floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters
37 that are subject to the provisions of this title; the same to be designated as to location by the
38 Department of Ecology. "Floodplain" is synonymous with the one hundred-year floodplain and
39 means that land area susceptible to inundation with a one percent chance of being equaled or
40 exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation
41 maps or a reasonable method that meets the objectives of the Shoreline Management Act.

42 "Shoreline conditional use" means uses identified as such in this chapter that may be
43 authorized by the Director and approved by the Department of Ecology in specific cases where
44 certain stated facts and conditions are found to exist. See Section 23.60.034.

45 "Shoreline area" means all "shorelines of the state" and "shorelands" as defined in RCW
46 90.58.030.

1 "Shoreline District" means the area established in Section 23.60.010.

2 "Shoreline environment" means an area within the Shoreline District that has policies,
3 use provisions and development standards that regulate development, shoreline modifications
4 and uses for the areas that are designated as such shoreline environments.

5 "Shoreline functions," see "Ecological functions."

6 "Shoreline Master Program" means the comprehensive use plan for the shorelines of the
7 city, which consists of the Shoreline Goals and Policies of the Seattle Comprehensive Plan, ((and
8))the specific regulations of this chapter and the Shoreline Restoration and Enhancement Plan.

9 "Shoreline modifications" means those actions that modify the physical configuration or
10 qualities of the shoreline area, usually through the construction of a physical element such as a
11 dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. Shoreline
12 modifications can be other actions, such as land disturbing activity, including clearing, grading,
13 adding impervious surface, altering vegetation, or applying chemicals.

14 "Shoreline residential setback" means the distance landward from the ordinary high water
15 mark that residential structures are required to be located to not block views from abutting
16 residents. See, Section 23.60.206.

17 "Shoreline Restoration and Enhancement Plan" means the plan that is adopted as part of
18 the ordinance approving this chapter is adopted

19 "Shoreline setback" means the distance landward from the ordinary high water mark that
20 development, shoreline modifications and uses are required to be located as established in each
21 shoreline environment.

22 "Shoreline stabilization" means techniques to protect against erosion and consist of
23 nonstructural, hard stabilization or soft stabilization techniques, as follows:

24 Hard stabilization. Protection against erosion using primarily structural elements,
25 such as rock, concrete, and metal. Examples include riprap, concrete groins, concrete bulkheads,
26 and sheetpile.

27 Non-structural. Protection against erosion through practices that require minimal
28 disturbance at the shoreline. Examples include setbacks, preservation and management of
29 existing vegetation, upland drainage control, or nourishment of an existing beach.

30 Soft stabilization. Protection against erosion using primarily plant material,
31 gravel, and grading. Examples include live stakes, biotechnical slope stabilization, gravel
32 placement for beach creation, and anchor trees.

33 (("Shoreline protective structures" means bulkhead, riprap, groin, revetment, natural
34 beach protection or other structure designed to prevent destruction of or damage to the existing
35 shoreline by erosion or wave action.))

36 "Shoreline recreation" means an open-space use which consists of a park or parklike area
37 which provides physical or visual access to the water. The following and similar uses are
38 included: fishing piers, swimming areas, underwater diving areas or reefs, boat launching ramps,
39 bicycle and pedestrian paths, viewpoints, concessions without permanent structures, floats and
40 bathhouses.))

41 "Shoreline special use" means uses identified as such in this chapter that may be
42 authorized by the Director in specific cases where the facts and conditions stated in Section
43 23.60.032 are found to exist.

44 "Shoreline variance" means a modification of the regulations of this chapter ((when))if
45 authorized by the Director and approved by the Department of Ecology after a finding that the
46 literal interpretation and strict application of the provisions of this chapter would cause ((undue
47
48

1 and unnecessary)) a degree of hardship set out in the standards for shoreline variances in view of
2 specific facts and conditions applying to a lot in the Shoreline District. See Section 23.60.036.

3 "Shorelines" means all the water areas of the City and their associated shorelands,
4 together with the lands underlying them, except:

5 ((A))1. Shorelines of statewide significance;

6 ((B))2. Shorelines on segments of streams upstream of a point where the mean
7 annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream
8 segments; and

9 ((C))3. Shorelines on lakes less than 20 acres in size and wetlands associated
10 with such small lakes.

11 "Shorelines of Statewide Significance." The following shorelines of the City are
12 identified in RCW 90.58.030(2)(e) as shorelines of statewide significance:

13 1. Those areas of Puget Sound and adjacent saltwaters lying seaward from the line
14 of extreme low tide;

15 2. Lake Washington;

16 3. The Duwamish River;

17 4. Those shorelands associated with((subdivisions)) subsections 2 and 3.

18 "Shorelines of the City" means the total of all "shorelines" and "shorelines of statewide
19 significance" within the City.

20 "Sign, boat name" means a sign displayed on a vessel, house barge or floating home
21 identifying its name, home port, or manufacturer. Noncommercial messages may not replace
22 vessel's indentifying information.

23 "Sign, interpretive" means an on-premises sign describing a natural or historic feature on
24 the same site as the sign or intended to be viewed from the site. Noncommercial messages may
25 not replace this information.

26 "Sign, raceboat sponsor" means an on-premises sign, located on a vessel that is in a race
27 sanctioned by an established and incorporated boat racing association or group that identifies the
28 persons sponsoring the vessel in the race, or noncommercial messages replacing this information.

"Sleeving" means a method of pile repair that uses a non-toxic material frame to
encapsulate a pile.

"Soft stabilization" See "Shoreline stabilization".

"Special use," See Shoreline special use.

"Structure" means a permanent or temporary edifice or building, or any piece of work
artificially built or composed of parts artificially joined together in some definite manner,
whether installed on, above, or below the surface of the ground or water, including fences, walls,
signs, piers, floats and drydocks, but not including poles, flower-bed frames and other minor
incidental improvements, or vessels.

"Substantial development" means any development of which the total cost or fair market
value exceeds ((~~Two Thousand Five Hundred Dollars (\$2,500),~~))the amount established in
WAC 173-27-040, except as otherwise provided in subsection 23.60.020.C((7b)), or any
development which materially interferes with the normal public use of the water or shorelines of
the City.

"Substantial improvement" and "substantially improved" means maintenance,
renovations, repairs or alterations the cost of which in any five year period starting from the date
of this ordinance equals or exceeds 60% of the market value of the portion of the development

1 that is structurally non-conforming or contains the nonconforming use prior to undertaking the
2 work.

3 "Submerged land" means all lands waterward of the ordinary high water mark or mean
4 higher high water, whichever is higher.

5 Section 23.60.938 of the Seattle Municipal Code, last amended by Ordinance 122310, is
6 amended as follows:

7 **23.60.938 Definitions -- "T"**

8 "Transportation facilities" means the following uses:

- 9 -- Bridges and tunnels (~~Rail transit facilities;~~
- 10 ~~Vehicle storage and maintenance;~~
- 11 ~~Air transportation facilities;))~~
- 12 -- Cargo terminal;
- 13 -- Moorage;
- 14 -- Parking;
- 15 -- Passenger terminal;
- 16 -- Rail transit facilities(~~(Parking and moorage)~~);
- 17 -- Railroads;
- 18 -- Streets;
- 19 -- Transportation facilities, air;
- 20 -- Tugboat services;
- 21 -- Vehicle storage and maintenance.

22 "Tree" means a self-supporting woody plant characterized by one main trunk or, for
23 certain species, multiple trunks, that is recognized as a tree in the nursery and arboricultural
24 industries.

25 "Tugboat services" means a transportation facility use that consists of moorage for more
26 than one tugboat and dispatch offices, except that facilities that include barge moorage and
27 loading and unloading facilities for barges as well as tugboat moorage are not tugboat services
28 and are classified as cargo terminals.

Section 23.60.940 of the Seattle Municipal Code, last amended by Ordinance 122310, is
amended as follows:

23.60.940 Definitions -- "U"

"UC" means the Urban Commercial shoreline environment.

"UG" means the Urban General shoreline environment.

"UH" means the Urban Harborfront shoreline environment.

"UI" means the Urban Industrial shoreline environment.

"UM" means the Urban Maritime shoreline environment.

"UR" means the Urban Residential shoreline environment.

"Urban shoreline environments" means the Urban Commercial, Urban General, Urban
Harborfront, Urban Industrial, Urban Maritime and Urban Residential shoreline environments.

"Use" means a purpose for which land or a building is designed, arranged or intended, or
for which it is occupied or maintained, let or leased. For purposes of this chapter, uses (~~shall~~
~~also~~) include (~~activities and structures which modify the land such as dredging, landfill,~~
~~breakwaters, shoreline protective structures, and utility lines~~) shoreline modifications and utility
lines.

1 "Use, accessory" means a use that is incidental and intrinsic to the function of a principal
2 use and is not a separate business establishment unless a home occupation.

3 "Use, principal" means any use, whether a separate business establishment or not,
4 ~~((which))~~that has a separate and distinct purpose and function from other uses on the lot.

5 "Utilities" means the following uses:

- 6 -- Communication utility major or minor;
- 7 -- Utility service uses;
- 8 -- Solid waste management;
- 9 -- Recycling;
- 10 -- Sewage treatment plant; and
- 11 -- Power plant.

12 -- ~~((Utility Lines.))~~
13 ~~(("Utility extension, limited" means the extension of a utility service that: (1) is
14 categorically exempt under Chapter 43.21C RCW for one (1) or more of the following: natural
15 gas, electricity, telephone, water, or sewer; (2) will serve an existing use in compliance with this
16 chapter; and (3) will not extend more than two thousand five hundred (2,500) linear feet within
17 the shoreline areas subject to this chapter.))~~

18 "Utility lines" means pipes, cables or other linear conveyance systems used to transport
19 power, water, gas, oil, wastewater or similar items. Utility lines include outfalls and intakes.

20 Section 23.60.942 of the Seattle Municipal Code, enacted by Ordinance 113466, is
21 amended as follows:

22 **23.60.942 Definitions -- "V"**

23 "Vegetation cover" means the total area covered by vegetation multiplied by the fraction
24 of the real cover that exists as based on vertical observation, or estimation.

25 "Vegetation management" means any action that involves plant materials, including
26 removing and replacing plant material with other plants or other ground surface coverage that is
27 pervious or impervious or planting plant materials where no plants existed.

28 "Vessel" means ships, boats, barges, or any other floating craft ~~((which))~~that are designed
and used for navigation and do not interfere with the normal public use of the water, including
historic ships ~~((which))~~that do not have means of self-propulsion and steering equipment.

"Vessel repair" means a marine sales and service use that is either major or minor, (see
"vessel repair, major" and vessel repair, minor") and does not include routine maintenance of a
vessel that may lawfully occur while a boat is moored at a permanent location.

"Vessel repair, major" means a shipyard facility in which vessels are built, dry
docked painted and/or repaired and that primarily handles vessels 65 feet or longer and is a
marine sales and service use. ~~((in which one (1) or more of the following activities take place:~~

- 23 1. Repair of ferrous hulls;
- 24 2. For ships or boats one hundred twenty (120) feet in length, any one (1) or more
25 of the following activities:
 - 26 a. Repair of nonferrous hulls,
 - 27 b. Conversion,
 - 28 c. Rebuilding,
 - d. Dismantling, and
 - e. Exterior painting.))

1 "Vessel repair, minor" means a boatyard facility in which boats are built, dry docked,
2 painted and/or repaired and primarily handles vessels under 65 feet in length and is a marine
3 sales and service use. ((in which one (1) or more of the following activities takes place:

- 4 1. General boat engine and equipment repair;
- 5 2. The replacement of new or reconditioned parts;
- 6 3. Repair of nonferrous boat hulls under one hundred twenty (120) feet in length;
- 7 4. Painting and detailing; and

8 5. Rigging and outfitting; but not including any operation included in the definition of
9 "Vessel repair, major.")

10 "View corridor" means((an open air space on a lot affording a clear view across the lot to
11 the water from the abutting street.)) an area of a lot that provides a view through the lot from the
12 abutting public right-of-way to the water unobstructed by structures except as allowed by this
13 chapter or by vegetation.

14 Section 23.60.944 of the Seattle Municipal Code, last amended by Ordinance 118793, is
15 amended as follows:

16 **23.60.944 Definitions -- "W"**

17 "WAC" means the Washington Administrative Code, which are regulations of executive
18 branch agencies issued by authority of Washington State statutes that interpret the statutes.

19 "Water-dependent use" means a use that cannot exist in other than a waterfront location
20 and is dependent on the water by reason of the intrinsic nature of its operations. The following
21 uses are included:

22 Ferry and passenger terminals, marine construction and repair, aquaculture, cargo
23 terminal for marine commerce or industry, boat launch facilities, moorage, ((floating home
24 moorage,)) tour boats, cruise ships, tug and barge operations, ((shoreline))recreation that
25 provides physical access to the water, limnological or oceanographic research facilities that
26 require the use of the adjacent water for its operation. Water-dependent use includes businesses
27 that receive or transport 50% or more product used in the business via the water adjacent to such
28 business.

1 "Water-enjoyment use" means a recreational use or other use that facilitates public access
2 to the shoreline as a primary characteristic of the use; or a use that provides for recreational use
3 or aesthetic enjoyment of the shoreline for a substantial number of people as a general
4 characteristic of the use and that through location, design, and operation ensures the public's
5 ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a
6 water-enjoyment use, the use must be open to the general public and the shoreline-oriented space
7 within the project must be devoted to the specific aspects of the use that fosters shoreline
8 enjoyment. The following uses are often considered water-enjoyment uses: eating and drinking
9 establishments and recreation that provides visual access to the water.

10 "Water-oriented use" means a use that is a water-dependent, water-related, or water-
11 enjoyment use, or a combination of such uses.

12 "Water quality" means the physical characteristics of water within the Shoreline District,
13 including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and
14 biological characteristics.

15 (("Water related use" means a use which is not intrinsically dependent on a waterfront
16 location but whose operation cannot occur economically without use of the water adjacent to the
17 site. The construction, maintenance and use of facilities such as docks, piers, wharves or
18

1 dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish
2 processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement
3 plants, water pollution control services, marine electronics, marine refrigeration, marine sales,
4 freeze/chill warehouses, and boat rigging operations.))

5 "Water-related use" means a use or portion of a use not intrinsically dependent on a
6 waterfront location but whose economic viability is dependent upon a location in the shoreline
7 district because:

8 1. The use has a functional requirement for a waterfront location, such as the
9 arrival or shipment materials by water (less than 50% of their product arrives by vessel), or the
10 need for large quantities of water; or

11 2. The storage of material that is transported by a vessel and is either loaded or
12 off-loaded in the Shoreline District: or

13 3. The use provides a necessary service supportive of water-dependent uses and
14 the proximity of the use to its customers makes its services less expensive and/or more
15 convenient.

16 The following uses, and similar uses, are often considered water-related: Seafood and fish
17 processing, lumber and plywood mills, sand and gravel companies and concrete mix and cement
18 plants if operating materials for any of the foregoing uses arrive by boat, water pollution control
19 services, marine electronics, marine refrigeration, marine sales, boat rigging operations and
20 storage of items that have come off of a vessel and will be returned to a vessel or transported to
21 another location; such as, cargo containers and products. The following uses and similar uses are
22 not water-related: offices, eating and drinking establishments, catering services, non-marine sales
23 and service, lodging, adult care centers, child care centers, religious facilities, hospitals, and
24 residential uses.

25 "Watershed restoration plan" means a plan developed or sponsored by the State
26 Department of Fish and Wildlife, the State Department of Ecology, the State Department of
27 Natural Resources, the State Department of Transportation, a federally recognized Indian tribe
28 acting within and pursuant to its authority, a city, a county, or a conservation district that
provides a general program and implementation measures or actions for the preservation,
restoration, re-creation, or enhancement of the natural resources, character and ecology of a
stream, stream segment, drainage area, or watershed for which agency and public review has
been conducted pursuant to chapter 43.21 RCW, the State Environmental Policy Act.

"Watershed restoration project" means a public or private project authorized by the
sponsor of a watershed restoration plan that implements the plan or part of the plan and consists
of one or more of the following activities:

1. A project that involves less than 10 miles of stream reach, in which less than 25
cubic yards of sand, gravel or soil is removed, imported, disturbed, or discharged, and in which
no existing vegetation is removed except as minimally necessary to facilitate additional
plantings;

2. A project for the restoration of an eroded or unstable stream bank that employs
the principles of bioengineering, including limited use of rock as stabilization only at the toe of
the bank, and with primary emphasis on using native vegetation to control the erosive forces of
flowing water; or

3. A project primarily designed to improve fish and wildlife habitat, remove or
reduce impediments to migration of fish, or enhance the fishery resource available for use by all
of the citizens of the state, provided that any structure, other than a bridge or culvert or in-stream

1 habitat enhancement structure associated with the project, is less than 200 square feet in floor
2 area and is located above the ordinary high water mark of the stream.

3 "Waterway" means a public highway for watercraft providing access from land to water
4 and from water to land platted by the Washington State Harbor Line Commission for the
5 convenience of commerce and navigation.

6 "Weed rolling" means the use of a mechanical roller designed to control aquatic weeds.

7 "Weir" means a structure in a stream or river for measuring or regulating stream flow.

8 "Wetlands" means those areas identified and delineated in accordance with the approved
9 federal wetland delineation manual and applicable regional supplements.

10 "Wharf" means a structure on a shore or river bank built on the shore or projecting out
11 into a harbor, lake, river or stream for the purpose of mooring to load and unload.

12 "Wildlife" means living things that are neither human nor domesticated, including but not
13 limited to mammals, birds and fishes.

14 Section 23.60.946 of the Seattle Municipal Code, enacted by Ordinance 113466, is
15 amended as follows:

16 **23.60.946 Definitions -- "Y"**

17 "Yacht, boat and beach club" means an institutional use ~~((classified as either private clubs
18 or community clubs which))~~ that consists of structures and related grounds and/or moorage used
19 for social and recreational purposes related to pleasure boating and/or swimming, the use of
20 which is ~~((primarily))~~ generally restricted to members and their guests. Yacht, boat and beach
21 clubs may be either community clubs or private clubs. ((Membership may be either open to the
22 public through a membership fee only (community clubs) or by initiation and election according
23 to qualifications in the club's Charter or bylaws (private clubs).))

24 Section 23.60.952 of the Seattle Municipal Code, enacted by Ordinance 118793, is
25 amended as follows:

26 **23.60.952 Height**

27 Height of structures shall be determined by measuring from the average grade of the lot
28 immediately prior to the proposed development to the highest point of the structure not otherwise
excepted from the height limits. Calculation of the average grade level shall be made 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.

Section 23.60.954 of the Seattle Municipal Code, enacted by Ordinance 113466, is
amended as follows:

23.60.954 View corridors

When a view corridor is required, it shall be provided according to the development
standards set forth in Section 23.60.170 ~~((23.60.162))~~ using the following measurement
techniques:

A. The width of the view corridor or corridors shall be determined by calculating the
required percent of the width of the lot at the street or upland lot line;

B. The view corridor or corridors shall be in the direction of the predominant view of the
water and, when topographically possible, generally parallel to existing view corridors;

1 C. When a lot is bounded by more than one street, the Director shall determine which
2 street front shall be used for the view corridor calculation; the determination shall be based on
3 consideration of the relative amounts of traffic on each of the streets, the direction of the
4 predominant view of the water and the availability of actual views of the water.

5 Section 23.60.956 of the Seattle Municipal Code, enacted by Ordinance 116325, is
6 amended as follows:

7 **23.60.956 Calculation of lot depth**

8 In certain environments, regulation of development differs according to the depth of the
9 dry-land portion of the lot. To qualify for some special regulations, a lot must have a specified
10 depth of dry-land. To qualify for locating single-family residences cantilevered over water, a lot
11 must have less than 30 feet but at least 15 feet of dry land.

12 A. The Director shall determine the lot depth as described below:

13 1. If the lot abuts a street or railroad right-of-way which is generally parallel to the
14 shoreline, the lot depth is the distance measured in a straight line, parallel to ((and the street or
15 railroad right-of-way and extending to the OHW mark or MHHW between two lot lines, for
16 more than 50 percent of the lot; or

17 3. If the lot lines and/or street or railroad right-of-way are irregular, the Director
18 may determine the lot depth, based upon the intent of the Shoreline Master Program.

19 B. A lot shall be determined by the Director to have a depth of less than 30 feet but at
20 least 15 feet of dry land if:

21 1. The lot abuts a street or railroad right-of-way which is generally parallel to the
22 shoreline; and

23 2. A straight line, parallel to and 15 feet waterward of the street or railroad right-
24 of-way and extending between two lot lines, crosses dry land for more than 50 percent of its
25 distance; and

26 3. A straight line, parallel to and 30 feet waterward of the street or railroad right-
27 of-way and extending between two lot lines, crosses submerged land for more than 50 percent
28 of its distance; or

4. If the lot lines and/or street or railroad right-of-way are irregular, the Director
may determine whether the lot has a depth of less than 30 feet but at least feet of dry land,
based on the intent of the Shoreline Master Program.

Section 23.60.958 of the Seattle Municipal Code, enacted by Ordinance 116791, is
amended as follows:

23.60.958 Calculation of percent of a lot occupied by a specific use

The following measurement techniques shall be used to calculate the percentage of a lot
occupied by a use for developments other than water-dependent incentive developments in the
Urban Harborfront.

A. For purpose of this section, the "lot" includes all the lot area within the Shoreline
District including vacant lands, submerged and dry lands, and lands available for lease from the
State Department of Natural Resources 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 1. The footprint, including balconies, decks and eaves, of any structure occupied
2 by the use or its accessory uses; provided, that if a structure is occupied by more than one use,
3 the amount of the structure's footprint allocated to any one use shall be calculated
4 proportionately to its share of the structure's total floor area as follows: the square footage of the
5 structure's footprint allocated to any one use (A) is equal to the total square footage of the
6 structure's footprint (B) multiplied by the total square footage of the use and its accessory uses
7 located within the structure (C) divided by the total square footage within the structure (D),
8 expressed as the following equation:

$$A = B \times C/D$$

9 2. The area outside of any structure, occupied by the use or its accessory uses,
10 including the following:

11 a. The area of any parking provided for the use in excess of required
12 accessory parking spaces including aisles and turning areas;

13 b. The area of any moorage occupied by the use including piers, floats,
14 dockage areas, channels and turning basins;

15 c. The area occupied by any storage accessory to the use.

16 C. The percent of lot occupied by a specific use shall be calculated by dividing the use
17 area calculated in subsection B above by the lot area given in subsection A above times 100.

18 D. To calculate the percent of dry land or percent of submerged lands occupied by a
19 specific use or category of use, the dry lands and submerged lands shall each be calculated
20 separately.

21 E. To calculate the percent of area occupied by a category of use such as non-water-
22 dependent commercial, the area occupied by all such uses as calculated above shall be summed
23 and divided by the lot area.

24 Section 23.60.960 of the Seattle Municipal Code, enacted by Ordinance 113466, is
25 deleted.

26 Section 23.60.962 of the Seattle Municipal Code, enacted by Ordinance 113466, is
27 amended as follows:

28 **23.60.962 Calculation of lot width for piers accessory to residential development.**

 The following measurement technique shall be used to calculate whether or not lot width
at the line of ordinary high water is sufficient to comply with the requirement of subsection of
Section 23.60.187.B:

 A. Lot width shall be the distance measured in a straight line between the points where
the lot lines intersect the ordinary high water mark.

 B. If the lot lines, ordinary high water mark or other conditions are irregular, the Director
may determine if the lot meets the lot width criterion, based on the intent of the Shoreline Master
Program.

 A new Section 23.60.964 of the Seattle Municipal Code is added as follows:

23.60.964 Calculation of sail area to overall length ratio for live-aboard use on vessels

The sail area to overall length ratio is the sum of the length of the hull multiplied by the
height for each deck of a structure divide by the overall length of the structure.