

23.57.015 Industrial zones.

A. Permitted Uses. Minor communication utilities and accessory communication devices shall be permitted outright when meeting the standards of subsection B of this section.

B. Development Standards. Antennas four (4) feet or more in any dimension shall be screened from any public park or residentially zoned lot located adjacent to or across a street or alley from the lot as follows:

1. The screen for a freestanding antenna shall be six (6) feet tall, may be a view-obscuring fence, wall or hedge, and shall be maintained in good condition.

2. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

3. Exceptions. No screening shall be required under the following circumstances:

a. As provided by subsection C of this section;

b. For amateur radio towers, whip antennas, antennas attached to sides of structures and any antennas attached to freestanding transmission towers;

c. If the antenna is set back a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially zoned lot or public park.

C. Special Exceptions. When adherence to all development standards would result in reception-window obstruction in all permissible locations, a special exception, according to the provisions of Chapter 23.76, may be permitted from subsection B of this section, subject to the following criteria:

1. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to future reception-window obstruction.

2. The applicant shall use material, shape and color to minimize visual impact.
(Ord. 116295 § 25(part), 1992.)

Division 3 Overlay Districts

**Chapter 23.59
GENERAL PROVISIONS**

Sections:

23.59.010 Overlay district generally.

23.59.010 Overlay district generally.

A. Purpose. Overlay districts are established to conserve and enhance The City of Seattle's unique natural marine and mountain setting and its environmental and topographic features; to preserve areas of historical note or architectural merit; to accomplish City policy objectives for specific areas; to assist in the redevelopment and rehabilitation of declining areas of the City; to balance the needs of Major Institution development with the need to preserve adjacent neighborhoods; and to promote the general welfare by safeguarding such areas for the future use and enjoyment of all people.

B. Application of Regulations. Property located within an overlay district as identified on the Official Land Use Maps, Chapter 23.32, is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. In any case where the provisions of the overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply.
(Ord. 118414 § 45, 1996.)

**Chapter 23.60
SHORELINE DISTRICT**

Sections:

Subchapter I Purpose and Policies

23.60.002 Title and purpose.

23.60.004 Shoreline goals and policies.

Subchapter II Administration

Part 1 Compliance

23.60.010 Shoreline District established.

23.60.012 Liberal construction.

23.60.014 Regulations supplemental.

23.60.016 Inconsistent development prohibited.

23.60.018 Nonregulated actions.

23.60.020 Substantial development permit required.

23.60.022 Application when development partly out of Shoreline District.

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

23.60.026 Phasing of developments.

Part 2 Criteria for Application Review

23.60.030 Criteria for substantial development permits.

23.60.032 Criteria for special use approvals.

23.60.034 Criteria for shoreline conditional use approvals.

23.60.036 Criteria for shoreline variances.

23.60.038 Criteria for Council conditional use approvals.

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Part 3 Procedures

- 23.60.060 Procedures for shoreline environment redesignations.
- 23.60.062 Procedures for obtaining exemptions from substantial development permit requirements.
- 23.60.064 Procedures for obtaining substantial development permits, shoreline variance permits, shoreline conditional use permits and special use authorizations.
- 23.60.065 Procedure for limited utility extensions and bulkheads.
- 23.60.066 Procedure for determination of feasible or reasonable alternative locations.
- 23.60.068 Procedure for Council conditional use authorization.
- 23.60.070 Decisions to State of Washington—Review.
- 23.60.072 Commencement of construction.
- 23.60.074 Effective date of substantial development permits and time limits for permit validity.
- 23.60.076 Revisions to permits.
- 23.60.078 Rescission.
- 23.60.080 Fee schedule.
- 23.60.082 Enforcement.

Subchapter III General Provisions

Part 1 Use Standards

- 23.60.090 Identification of principal permitted uses.
- 23.60.092 Accessory uses.

Part 2 Nonconforming Uses and Structures

- 23.60.120 Applicability to existing development.
- 23.60.122 Nonconforming uses.
- 23.60.124 Nonconforming structures.
- 23.60.126 Structures in trespass.

Part 3 Development Standards

- 23.60.150 Applicable development standards.
- 23.60.152 General development.
- 23.60.154 Shoreline design review.
- 23.60.156 Parking requirements.
- 23.60.158 Drive-in businesses.
- 23.60.160 Standards for regulated public access.
- 23.60.162 View corridors.

Part 4 Development Standards Applicable to Specific Uses

- 23.60.179 Additional development standards.
- 23.60.180 Sign standards.
- 23.60.182 Dredging standards.
- 23.60.184 Standards for landfill and creation of dry land.
- 23.60.186 Standards for natural beach protection.
- 23.60.188 Standards for bulkheads.
- 23.60.190 Standards for breakwaters and jetties.
- 23.60.192 Standards for utility lines.
- 23.60.194 Standards for intakes and outfalls.
- 23.60.196 Floating homes.
- 23.60.198 Residences other than floating homes.
- 23.60.200 Recreational marinas.

23.60.202 Standards for yacht, boat and beach clubs.

23.60.204 Piers and floats accessory to residential development.

23.60.206 Streets.

23.60.208 Railroads and rail transit.

23.60.210 Aquatic noxious weed control.

Subchapter IV Shoreline Environments
23.60.220 Environments established.

Subchapter V The Conservancy Navigation Environment

Part 1 Uses

23.60.240 Uses permitted outright in the CN Environment.

23.60.242 Special uses in the CN Environment.

23.60.244 Conditional uses in the CN Environment.

23.60.246 Prohibited uses in the CN Environment.

23.60.248 Public facilities.

Part 2 Development Standards

23.60.270 Development standards in the CN Environment.

Subchapter VI The Conservancy Preservation Environment

Part 1 Uses

23.60.300 Uses permitted outright in the CP Environment.

23.60.302 Special uses in the CP Environment.

23.60.304 Conditional uses in the CP Environment.

23.60.306 Prohibited uses in the CP Environment.

23.60.308 Public facilities.

Part 2 Development Standards

23.60.330 Development standards in the CP Environment.

23.60.332 Natural area protection in the CP Environment.

23.60.334 Height in the CP Environment.

Subchapter VII The Conservancy Recreation Environment

Part 1 Uses

23.60.360 Uses permitted outright in the CR Environment.

23.60.362 Accessory uses permitted outright in the CR Environment.

23.60.364 Special uses in the CR Environment.

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- 23.60.365 Administrative conditional uses in the CR Environment.
- 23.60.368 Prohibited uses in the CR Environment.
- 23.60.370 Public facilities.

Part 2 Development Standards

- 23.60.390 Development standards in the CR Environment.
- 23.60.392 Natural area protection in the CR Environment.
- 23.60.394 Height in the CR Environment.
- 23.60.396 Lot coverage in the CR Environment.
- 23.60.398 View corridors in the CR Environment.
- 23.60.400 Regulated public access in the CR Environment.

Subchapter VIII The Conservancy Management Environment

Part 1 Uses

- 23.60.420 Uses permitted outright on waterfront lots in the CM Environment.
- 23.60.422 Accessory uses permitted outright in the CM Environment.
- 23.60.424 Special uses permitted on waterfront lots in the CM Environment.
- 23.60.426 Conditional uses permitted in the CM Environment.
- 23.60.428 Council conditional uses in the CM Environment.
- 23.60.430 Prohibited principal uses on waterfront lots in the CM Environment.
- 23.60.432 Permitted uses on upland lots in the CM Environment.
- 23.60.434 Prohibited uses on upland lots in the CM Environment.
- 23.60.436 Public facilities.

Part 2 Development Standards

- 23.60.450 Development standards for the CM Environment.
- 23.60.452 Critical habitat protection in the CM Environment.
- 23.60.454 Height in the CM Environment.
- 23.60.456 Lot coverage in the CM Environment.
- 23.60.458 View corridors in the CM Environment.
- 23.60.460 Regulated public access in the CM Environment.

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Subchapter IX The Conservancy
Waterway Environment

Part 1 Uses

- 23.60.480 General provisions.
- 23.60.482 Uses permitted outright in the CW Environment.
- 23.60.484 Special uses in the CW Environment.
- 23.60.486 Conditional uses in the CW Environment.
- 23.60.488 Prohibited uses.
- 23.60.490 Public facilities.

Part 2 Development Standards

- 23.60.510 Development standards in the CW Environment.
- 23.60.512 Temporary structures.
- 23.60.514 Height.
- 23.60.516 Lot coverage.
- 23.60.518 View corridors.
- 23.60.520 Public access.

Subchapter X The Urban Residential Environment

Part 1 Uses

- 23.60.540 Uses permitted outright on waterfront lots in the UR Environment.
- 23.60.542 Special uses permitted on waterfront lots in the UR Environment.
- 23.60.544 Prohibited uses on waterfront lots in the UR Environment.
- 23.60.546 Permitted uses on upland lots in the UR Environment.
- 23.60.548 Prohibited uses on upland lots in the UR Environment.
- 23.60.550 Public facilities.

Part 2 Development Standards

- 23.60.570 Development standards for the UR Environment.
- 23.60.572 Height in the UR Environment.
- 23.60.574 Lot coverage in the UR Environment.
- 23.60.576 View corridors in the UR Environment.
- 23.60.578 Regulated public access.

Subchapter XI The Urban Stable Environment

Part 1 Uses

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

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

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

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

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

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

- 23.60.612 Public facilities.

Part 2 Development Standards

- 23.60.630 Development standards for the US Environment.

- 23.60.632 Height in the US Environment.

- 23.60.633 Maximum size limits in the US Environment.

- 23.60.634 Lot coverage in the US Environment.

- 23.60.636 View corridors in the US Environment.

- 23.60.638 Regulated public access.

- 23.60.640 Location of uses.

- 23.60.642 Development between the Pierhead Line and the Construction Limit Line in the US Environment in Lake Union and Portage Bay.

Subchapter XII Urban Harborfront Environment

Part 1 Uses

- 23.60.660 Uses permitted outright on waterfront lots in the UH Environment.
- 23.60.662 Special uses permitted on waterfront lots in the UH Environment.
- 23.60.664 Administrative conditional uses permitted on waterfront lots in the UH Environment.
- 23.60.666 Council conditional uses permitted on waterfront lots in the UH Environment.
- 23.60.668 Prohibited uses on waterfront lots in the UH Environment.
- 23.60.670 Permitted uses on upland lots in the UH Environment.
- 23.60.672 Prohibited uses on upland lots in the UH Environment.

Part 2 Development Standards

- 23.60.690 Development standards for the UH Environment.

- 23.60.692 Height in the UH Environment.

- 23.60.694 Lot coverage in the UH Environment.

- 23.60.696 Side setbacks in the UH Environment.

- 23.60.698 View corridors in the UH Environment.

- 23.60.700 Moorage requirements in the UH Environment.

- 23.60.702 Regulated public access in the UH Environment.

- 23.60.704 Historic Character Area review criteria.

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- 23.60.720 Uses permitted outright on waterfront lots in the UM Environment.
- 23.60.722 Special uses on waterfront lots in the UM Environment.
- 23.60.724 Conditional uses on waterfront lots in the UM Environment.
- 23.60.728 Prohibited uses on waterfront lots in the UM Environment.
- 23.60.730 Permitted uses on upland lots in the UM Environment.
- 23.60.732 Prohibited uses on upland lots in the UM Environment.
- 23.60.734 Public facilities.

Part 2 Development Standards

- 23.60.750 Development standards for the UM Environment.
- 23.60.752 Height in the UM Environment.
- 23.60.754 Lot coverage in the UM Environment.
- 23.60.756 View corridors in the UM Environment.
- 23.60.758 Regulated public access in the UM Environment.
- 23.60.760 Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay.

Subchapter XIV The Urban General Environment**Part 1 Uses**

- 23.60.780 Uses permitted outright on waterfront lots in the UG Environment.
- 23.60.782 Special uses permitted on waterfront lots in the UG Environment.
- 23.60.784 Conditional uses permitted on waterfront lots in the UG Environment.

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

- 23.60.788 Permitted uses on upland lots in the UG Environment.
- 23.60.790 Prohibited uses on upland lots in the UG Environment.
- 23.60.795 Public facilities.

Part 2 Development Standards

- 23.60.810 Development standards for the UG Environment.
- 23.60.812 Height in the UG Environment.
- 23.60.814 Lot coverage in the UG Environment.
- 23.60.816 View corridors in the UG Environment.
- 23.60.818 Regulated public access in the UG Environment.

Subchapter XV The Urban Industrial Environment**Part 1 Uses**

- 23.60.840 Uses permitted outright on waterfront lots in the UI Environment.
- 23.60.842 Special uses permitted on waterfront lots in the UI Environment.
- 23.60.844 Conditional uses on waterfront lots in the UI Environment.
- 23.60.846 Council conditional uses on waterfront lots in the UI Environment.
- 23.60.848 Principal uses prohibited on waterfront lots in the UI Environment.
- 23.60.850 Permitted uses on upland lots in the UI Environment.
- 23.60.852 Prohibited uses on upland lots in the UI Environment.
- 23.60.854 Public facilities.

Part 2 Development Standards

- 23.60.870 Development standards for the UI Environment.
- 23.60.872 Height in the UI Environment.
- 23.60.874 Lot coverage in the UI Environment.
- 23.60.876 View corridors in the UI Environment.
- 23.60.878 Setbacks in the UI Environment.
- 23.60.880 Development standards specific to water-related uses on waterfront lots in the UI Environment.
- 23.60.882 Regulated public access in the UI Environment.

23.60.002 LAND USE CODE

Subchapter XVI Definitions

23.60.900Definitions generally.

23.60.902“A.”

23.60.904“B.”

23.60.906“C.”

23.60.908“D.”

23.60.910“E.”

23.60.912“F.”

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23.60.916“H.”

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23.60.922“K.”

23.60.924“L.”

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23.60.930“O.”

23.60.932“P.”

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Subchapter XVII Measurements

23.60.950Measurements in the Shoreline District.

23.60.952Height.

23.60.954View corridors.

23.60.956Calculation of lot depth.

23.60.958Calculation of percent of a lot occupied by a specific use.

23.60.960Calculation of percent of lot occupied by a water-dependent use for purposes of the water-dependent incentive in the Urban Harborfront Environment.

23.60.962Calculation of lot width for piers accessory to residential development.

Severability. The Seattle Shoreline Master Program is declared to be severable. If any section, subsection, paragraph, clause or other portion of any part adopted by reference is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Seattle Shoreline Master Program. If any section, subsection, paragraph, clause or any portion is adjudged invalid or unconstitutional as applied to a particular property, use or structure, the application of such portion of the Seattle Shoreline Master Program to other property, uses or structures shall not be affected. (Ord. 113466 § 5, 1987.)

Subchapter I Purpose and Policies

23.60.002Title and purpose.

A. Title. This chapter shall be known as the “Seattle Shoreline Master Program.”

B. Purpose. It is the purpose of this chapter to implement the policy and provisions of the Shoreline Management Act and the Shoreline Goals and Policies of the Seattle Comprehensive Plan by regulating development of the shorelines of the City in order to:

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SHORELINE DISTRICT 23.60.002

1. Protect the ecosystems of the shoreline areas;
2. Encourage water-dependent uses;

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23.60.002 LAND USE CODE

3. Provide for maximum public use and enjoyment of the shorelines of the City; and

4. Preserve, enhance and increase views of the water and access to the water.

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SHORELINE DISTRICT 23.60.002

(Ord. 118793 § 1, 1997; Ord. 118408 § 4, 1996; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

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23.60.002 LAND USE CODE

23.60.004 Shoreline goals and policies.

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

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(Ord. 118408 § 5, 1996; Ord. 113466 § 2(part), 1987.)

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Part 1 Compliance

SHORELINE DISTRICT

23.60.002

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23.60.002 LAND USE CODE

23.60.010 Shoreline District established.

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

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B. All property located within the Shoreline District shall be subject to both the requirements of the applicable zone classification and to the requirements imposed by this chapter except as provided in Section 23.60.014. (Ord. 113466 § 2(part), 1987.)

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This chapter shall be 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. This chapter shall not be used when construing other chapters of this title except for shoreline development or as stated in Sections 23.60.014 and 23.60.022.

(Ord. 118793 § 2, 1997; Ord. 118408 § 6, 1996; Ord. 113466 § 2(part), 1987.)

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The regulations of this chapter shall be superimposed upon and modify the underlying land use zones in the Shoreline District. The regulations of this chapter supplement other regulations of this title in the following manner:

A. Uses. To be permitted in the Shoreline District, a use must be permitted in both the shoreline environment and the underlying zone in which it is located.

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23.60.002 LAND USE CODE

B. Development Standards.

1. A development in the Shoreline District shall meet the development standards of the shoreline environment, any other overlay district in which it is located, as well as those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline environment and the underlying zoning, the shoreline regulations shall apply, except as provided in this subsection B.

2. The height permitted in the Shoreline District shall be the lower of the heights permitted by the applicable shoreline environment and the underlying zone, except in the Urban Harborfront (UH) Environment where the shoreline height limits shall control.

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

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23.60.002 LAND USE CODE

4. Where view corridors are required in the Shoreline District, yards and/or setbacks of the underlying zoning may be reduced or waived by the Director. Where view corridors are not required by the Shoreline District, yards and/or setbacks of the underlying zoning shall be required.

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

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6. Measurements in the Shoreline District shall be as regulated in this chapter, Subchapter XVII, Measurements.

7. Lake Union construction limit line.

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23.60.002 LAND USE CODE

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

b. Unlawful Construction—Exceptions. It is unlawful to erect, construct or maintain any building or structure outward from the shores of Lake Union beyond the Lake Union Construction Limit Line established in subsection 23.60.014 B7a except such buildings

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or structures as are expressly authorized by the laws of the United States or State of Washington; provided, any residential structure located in whole or in part outside the construction limit line prior to December 18, 1968 shall be permitted as a lawful, nonconforming structure as long as the same is not extended, expanded or structurally altered.

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

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(Ord. 117571 § 1, 1995; Ord. 116325 § 1, 1992; Ord.
113466 § 2(part), 1987.)

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SHORELINE DISTRICT 23.60.020

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23.60.016 Inconsistent development prohibited.

No development shall be undertaken and no use 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 apply even if no substantial development permit is required.

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(Ord. 118793 § 3, 1997; Ord. 113466 § 2(part), 1987.)

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SHORELINE DISTRICT 23.60.020

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23.60.018 Nonregulated actions.

Except as specifically provided otherwise, the regulations of this chapter shall not apply to the operation of boats, ships and other vessels designed and used for navigation; nor to the vacation and closure, removal or demolition of buildings found by the Director to be unfit for human habitation pursuant to the Seattle Housing Code;¹ nor to correction of conditions found by the Director to be in violation of the minimum standards of Chapters 22.200, et seq., of the Seattle Housing Code; nor to the demolition of a structure pursuant to an ordinance declaring it to be a public nuisance and providing for summary abatement. None of these actions shall constitute a development requiring a permit.

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(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part),
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SHORELINE DISTRICT 23.60.020

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1. Editor's Note: The Seattle Housing Code is set out at Subtitle II of Title 22 of this Code.

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23.60.020 Substantial development permit required.

A. 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. "Substantial development" means any development of which the total cost or fair market value exceeds 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.

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B. Application and Interpretation of Exemptions.

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one (1) or more of the listed exemptions may be granted exemption from the substantial development permit process.

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

3. The burden of proof that a development or use is exempt from the permit process is on the applicant.

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4. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

5. The Director may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this chapter.

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C. Exemptions. The following developments or activities shall not be considered substantial development and are exempt from obtaining a substantial development permit from the Director.

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

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2. Construction of the normal protective bulkhead common to single-family residences. A “normal protective bulkhead” means those structural and non-structural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State Department of Fish and Wildlife;

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3. Emergency construction necessary to protect property from damage by the elements. An 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 been required, absent an emergency, pursuant to Chapter 90.58 RCW or these regulations shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the Seattle Shoreline Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

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

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

6. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence, including those structures and developments within a contiguous ownership which are a normal appurtenance, for his or her own use or for the use of his or her family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the City other than requirements imposed pursuant to this chapter. A normal appurtenance is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water 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 does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark;

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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. This exception applies if either:

a. In salt waters, which include Puget Sound 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), or

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b. In fresh waters, the fair market value of the pier accessory to residential structures does not exceed Ten Thousand Dollars (\$10,000.00), but if subsequent construction having a fair market value exceeding Two Thousand Five Hundred Dollars (\$2,500) occurs within five (5) years of a completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

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

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

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

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11. Demolition of structures, except where the Director determines that such demolition will have a major impact upon the character upon of the shoreline;

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

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

a. The activity does not interfere with the normal public use of the surface waters,

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

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

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

e. The activity is not subject to the permit requirements of RCW 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;

15. Watershed restoration projects that implement a watershed restoration plan. 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, when all of the following apply:

a. The project has been approved in writing by the State Department of Fish and Wildlife as necessary for the improvement of the habitat or passage

and appropriately designed and sited to accomplish the purpose,

b. The project has received hydraulic project approval by the State Department of Fish and Wildlife pursuant to Chapter 75.20 RCW, and

c. The project is consistent with the City's Shoreline Master Program. This determination shall be made in a timely manner and provided to the project proponent in writing; and

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

D. Developments proposed in the Shoreline District may require permits from other governmental agencies. (Ord. 118793 § 4, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

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23.60.022 Application when development partly out of Shoreline District.

Where a substantial development is proposed which would be partly within and partly without the Shoreline District, a shoreline substantial development permit shall be required for the entire development. The use and development standards of this chapter shall apply only to that part of the development which occurs within the Shoreline District unless the underlying zoning requires the entire development to comply with all or part of this chapter. The use and development standards including measurement techniques for that portion of the development outside of the Shoreline District shall be as provided by the underlying zoning.
(Ord. 113466 § 2(part), 1987.)

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

If a shoreline lot is split by a shoreline environment boundary line, each portion of the lot shall be regulated by the shoreline environment covering that portion. Where the lot coverage requirements differ for portions of the lot governed by different environments the lot coverage restrictions must be met on each separate portion of the lot.
(Ord. 113466 § 2(part), 1987.)

23.60.026 Phasing of developments.

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

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

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

(Ord. 113466 § 2(part), 1987.)

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Part 2 Criteria for Application Review

23.60.030 Criteria for substantial development permits.

A. A substantial development permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of Chapter 90.58 RCW;
2. The regulations of this chapter; and
3. The provisions of Chapter 173-27 WAC.

B. 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.
(Ord. 118793 § 5, 1997; Ord. 113466 § 2(part), 1987.)

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;

23.60.032 Criteria for special use approvals.

Uses which are identified as requiring special use approval in a particular environment may be approved, approved with conditions or denied by the Director. The Director may approve or conditionally approve a special use only if the applicant can demonstrate all of the following:

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B. That the proposed use will not interfere with the normal public use of public shorelines;

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

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D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

E. That the public interest suffers no substantial detrimental effect.

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(Ord. 113466 § 2(part), 1987.)

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**23.60.034 Criteria for shoreline conditional use
approvals.**

Uses or developments which are identified in this chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-27-160, as now constituted or hereafter amended, and any additional criteria given in this chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be approved, approved with conditions or denied by DOE.

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(Ord. 118793 § 6, 1997; Ord. 113466 § 2(part), 1987)

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23.60.036 Criteria for shoreline variances.

In specific cases the Director with approval of DOE may authorize variances from certain requirements of this chapter if the request complies with WAC 173-27-170, as now constituted or hereafter amended.

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(Ord. 118793 § 7, 1997; Ord. 113466 § 2(part), 1987.)

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

Uses which are identified in this chapter as requiring Council conditional use approval may be approved only if the use as conditioned meets the criteria set forth for each Council conditional use in the applicable environment, and any additional criteria given in this chapter.

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(Ord. 113466 § 2(part), 1987.)

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Part 3 Procedures

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23.60.060 Procedures for shoreline

environment redesignations.

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

B. A request for a shoreline environment redesignation is considered a rezone, a Council land use decision subject to the provisions of Chapter 23.76, and shall be evaluated against the following criteria:

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1. The Shoreline Management Act. The proposed redesignation shall be consistent with the intent and purpose of the Shoreline Management Act (RCW 90.58) and with Department of Ecology Guidelines (WAC 173-16).

2. Shorelines of Statewide Significance. If the area is within a shoreline of statewide significance the redesignation shall be consistent with the preferences for shorelines of statewide significance as given in RCW 90.58.020.

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3. Comprehensive Plan Shoreline Area Objectives. In order to ensure that the intent of the Seattle Shoreline Master Program is met the proposed redesignation shall be consistent with the Comprehensive Plan Shoreline Area Objectives in which the proposed redesignation is located.

4. Harbor Areas. If the area proposed for a shoreline designation change is within or adjacent to a harbor area, the impact of the redesignation on the purpose and intent of harbor areas as given in Articles XV and XVII of the State Constitution shall be considered.

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5. Consistency with Underlying Zoning. The proposed redesignation shall be consistent with the appropriate land use policies for the area unless overriding shoreline considerations exist.

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

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7. General Rezone Criteria. The proposed redesignation shall meet the general rezone standards in Section 23.34.008, subsections B through J.

(Ord. 118793 § 8, 1997; Ord. 118408 § 7, 1996; Ord. 113466 § 2(part), 1987.)

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23.60.062 Procedures for obtaining exemptions from substantial development permit requirements.

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A determination that a development exempt from the requirement for a substantial development permit is consistent with the regulations of this chapter, as required by Section 23.60.016, shall be made by the Director as follows:

A. If the development requires other authorization from the Director, the determination as to consistency shall be made with the submitted application for that authorization.

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B. If the development requires a Section 10 Permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, the determination of consistency shall be made at the time of review of the Public Notice from the Corps of Engineers, and a Letter of Exemption as specified in WAC 173-27-050 shall be issued if the development is consistent.

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C. If the development does not require other authorizations, information of sufficient detail for a determination of consistency shall be submitted to the Department and the determination of consistency shall be made prior to any construction.

(Ord. 118793 § 9, 1997; Ord. 113466 § 2(part), 1987.)

23.60.064 Procedures for obtaining substantial development permits, shoreline variance permits, shoreline conditional use permits and special use authorizations.

A. Procedures for application, notice of application and notice of decision for a shoreline substantial development permit, shoreline variance permit or shoreline conditional use permit shall be as required for a Master Use Permit in Chapter 23.76.

B. The burden of proving that a substantial development, conditional use, special use, or variance meets the applicable 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 or use or to prepare any necessary environmental documents.

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

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

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

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.

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.065 Procedure for limited utility extensions and bulkheads.

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

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

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

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

(Ord. 118793 § 10, 1997.)

23.60.066 Procedure for determination of feasible or reasonable alternative locations.**A. Plan Shoreline Permits.**

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

2. The process may be used upon a determination by the Director that a proposal for a development within the Shoreline District is complex, involves the phasing of programmatic and project-specific decisions, or affects more than one (1) shoreline site.

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

B. Application Requirements for Plan Shoreline Permits.

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

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 nonshoreline alternative(s), according to the state and local SEPA guidelines.

3. For projects within the Shoreline District, 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 outlines the interrelationship of shoreline and nonshoreline facilities. Schematic plans outlining dimensions, elevations, locations on site and similar specifications shall be provided for projects within the Shoreline District and for the nonshoreline alternative(s) which may be changed at the time of the project-specific shoreline permit(s) within the limitations of subsection G of this section.

C. Type of Decision.

1. 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. The decision on a Plan Shoreline Permit for utility lines and utility service uses shall be made by the Director as a substantial development permit, pursuant to Chapter 23.76. The Council or the Director may grant the Plan Shoreline Permit with conditions, including reasonable mitigation measures, or may deny the permit.

2. The decision on a project specific-substantial development permit for a sewage treatment plant for which a Plan Shoreline Permit has been issued shall be

made by the Council as a Council conditional use, pursuant to Chapter 23.76.

D. Appeal of Decision. The decision of the Council for Type IV decisions, or of the Director for Type II decisions, shall be final and binding upon the City and the applicant. The decision is subject to appeal to the State Shoreline Hearings Board pursuant to Section 23.60.068. If no timely appeal is made, the Plan Shoreline Permit may not later be appealed in conjunction with an appeal of a shoreline permit issued for a specific project at the approved location(s).

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

F. Developments Qualify for Process. Developments for which a Plan Shoreline Permit may be required are:

Utility service uses, utility lines, and sewage treatment plants.

G. Project-specific Shoreline Permit. Any application for substantial development which is permitted in the Shoreline District after a determination that no feasible or reasonable alternative exists and which relies upon a Plan Shoreline Permit shall be approved only if it complies with the provisions of this chapter, provides for the reasonable mitigation of environmental impacts and is in substantial conformance with the Plan Shoreline Permit. Substantial conformance shall include, but not be limited to, a determination that all of the following standards have been met:

1. There is no increase in the amount or change in location of landfill on submerged lands;

2. There is no increase in lot coverage over water;

3. There is no net substantial increase in environmental impacts in the Shoreline District compared to the impacts of the proposed development allowed in the Plan Shoreline Permit; and

4. Conditions included as part of the Plan Shoreline Permit are met.

(Ord. 118793 § 11, 1997; Ord. 113466 § 2(part), 1987.)

23.60.068 Procedure for Council conditional use authorization.

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

A. Application for the Council conditional use and the shoreline substantial development permit shall be made concurrently. Application for environmental review if required shall be filed with the Council conditional use application.

B. Notice of application shall be consolidated.

C. The Council conditional use shall be processed as required by Chapter 23.76, Procedures For Master Use Permits and Council Land Use Decisions.

D. Upon receipt of Council's findings, conclusions and decisions from the City Clerk, the Director shall file

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the decision to approve, deny, or condition the shoreline substantial development permit with the State Department of Ecology as required by Chapter 173-27 WAC. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in the shoreline substantial development permit. The Council's findings, conclusions and decisions shall constitute the City report on the application.

E. The Director's decision to approve, condition or deny the shoreline substantial development permit shall be the final City decision on the project and shall be appealable to the Shoreline Hearings Board. (Ord. 118793 § 12, 1997; Ord. 113466 § 2(part), 1987.)

23.60.070 Decisions to State of Washington—Review

A. Any decision on an application for a permit under authority of this chapter, whether it be an approval or denial shall, concurrently with the transmittal of the ruling to the applicant, be filed by the Director with DOE according to the requirements contained in WAC 173-27-130. For shoreline conditional use and variance decisions, the Director shall provide final notice of DOE's decision according to WAC 173-27-200(3).

B. Any person aggrieved by the granting or denying of a substantial development permit on shorelines of the City, or by the rescission of a permit pursuant to this chapter may seek review by the Shoreline Hearings Board by filing a petition for review within twenty-one (21) days of receipt of the permit decision by DOE. Within seven (7) days of the filing of any petition for review with the Shoreline Hearings Board pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the Director of DOE, the Attorney General and the Director of DCLU as provided in RCW 90.58.180. (Ord. 118793 § 13, 1997; Ord. 117789 § 3, 1995; Ord. 113466 § 2(part), 1987.)

23.60.072 Commencement of construction.

A. No construction pursuant to a substantial development 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) days from the date of filing of the Director's final decision granting the shoreline substantial development permit with the Director of the Department of Ecology; or until all review proceedings are terminated if such proceedings were initiated within twenty-one (21) days of the date of filing of the Director's final decision.

B. Exception: Construction may be commenced no sooner than thirty (30) days after the date of filing of a judicial appeal of a decision of the Shoreline Hearings Board approving the Director's decision to grant the shoreline substantial development permit or approving a portion of the substantial development for which the permit was granted, unless construction is prohibited until all review proceedings are final after a judicial hearing as provided in RCW 90.58.140. (Ord. 118793 § 14, 1997; Ord. 117789 § 4, 1995; Ord. 113466 § 2(part), 1987.)

23.60.074 Effective date of substantial development permits and time limits for permit validity.

Pursuant to WAC 173-27-090, the following time requirements shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under this chapter.

A. Upon finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of WAC 173-27 and this chapter, the Director may adopt different time limits from those set forth in subsection B of this section below as part of the decision on a shoreline substantial development permit. The Director may also, with approval from DOE, 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 on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

B. Where 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 no construction activities are involved, the use or activity for which a permit has been granted pursuant to this chapter shall be commenced within two (2) years of the effective date of a substantial development 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 substantial development permit and to DOE.

2. If a project for which permit has been granted pursuant to this chapter has not been completed within five (5) years after the effective date of the substantial development permit, authorization to conduct construction activities shall expire unless the Director authorizes a single extension based on reasonable factors, for a period not to exceed one (1) year, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to DOE.

3. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The time periods in subsections A and B of this section do not include the time during which a project, use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain other government permits and approvals for the project, use or activity that authorize it to proceed, including all reasonably related administrative or legal actions on any such permits or approval.

4. The Plan Shoreline Permit shall be valid for a period of five (5) years or as otherwise permitted by WAC 173-27-090. Project-specific shoreline permits must be applied for within that period to be considered pursuant to the determination made under the Plan Shoreline Permit. Development under project-specific permits shall conform to the time limits outlined in subsections A and B of this section.
(Ord. 118793 § 15, 1997; Ord. 118408 § 8, 1996; Ord. 113466 § 2(part), 1987.)

23.60.076 Revisions to permits.

When an applicant seeks to revise a permit, the Director shall request from the applicant detailed plans and text describing the proposed changes in the permit.

A. If the Director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-27-100(2), as now constituted or hereafter amended, the Director shall approve the revision. Within eight (8) days of the date of approval, the approved revision, along with copies of the revised site plan and text, shall be submitted by certified mail to DOE, 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.

B. If 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.

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

D. The revised permit is effective immediately upon final action by the Director, or when appropriate under WAC 173-27-100(6), by DOE.

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

(Ord. 118793 § 16, 1997; Ord. 117789 § 5, 1995; Ord. 113466 § 2(part), 1987.)

23.60.078 Rescission.

A. After holding a public hearing, the Director may rescind or suspend a substantial development permit if any of the following conditions are found:

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

B. Notice of the hearing shall be mailed to the permittee not less than fifteen (15) days prior to the date set for the hearing and included in the general mailed release.
(Ord. 113466 § 2(part), 1987.)

23.60.080 Fee schedule.

Permit and other shoreline-related fees shall be as described in the Permit Fee Ordinance.¹
(Ord. 113466 § 2(part), 1987.)

¹Editor's Note: The Permit Fee Ordinance is set out at chapter 22.900 of this Code.

23.60.082 Enforcement.

Procedures for investigation and notice of violation, compliance, and the imposition of civil penalties for the violation of any requirements of this chapter shall be as specified in Chapter 23.90, Enforcement of the Land Use Code.

(Ord. 113466 § 2(part), 1987.)

Subchapter III General Provisions

Part 1 Use Standards

23.60.090 Identification of principal permitted uses.

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

B. Unless otherwise stated in this chapter all principal uses on waterfront lots shall be water-dependent, water-related or non-water-dependent with public access.

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.

D. For purposes of this chapter, standards established in the use sections of each environment are not subject to variance.

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

F. Floating structures, including vessels which do not have a means of self-propulsion and steering equipment and which are designed or used as a place of residence, with the exception of house barges moored within The City of Seattle in June 1990 and licensed by The City of Seattle, shall be regulated as floating homes pursuant to this chapter. Locating other non-water-dependent uses over water on floating structures, including vessels, which do not have a means of self-propulsion or steering equipment is prohibited unless specifically permitted on house barges or historic ships by other sections of this chapter.

G. For purposes of this chapter, house barges shall only be permitted under the following conditions:

1. A permit for the house barge, which is transferable between owners but not transferable to another house barge, has been secured from the Department of Construction and Land Use verifying that the house barge existed and was used for residential purposes within The City of Seattle in June 1990;

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

3. The permit is effective for three (3) years. At the expiration of 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. The

Director, after consultation with State Department of Ecology (Northwest Regional Office) water quality staff, may grant an exception to this requirement 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 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.

4. House barges must be moored at a recreational marina, as defined by Seattle Municipal Code Section 23.60.926.

5. House barges permitted under this section shall be regulated as a nonconforming use and shall be subject to the standards of Section 23.60.122, except that relocation of an established house barge to a different moorage within Seattle shall be permitted. When a house barge is removed from Seattle waters for more than six (6) months, the permit establishing its use shall be rescinded and the house barge shall be prohibited from relocating in Seattle waters.

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

I. As determined by the Director, uses in public facilities that are most similar to uses permitted outright, permitted as an accessory use, permitted as a special use, permitted conditionally, or prohibited under this chapter shall also be permitted outright, permitted as an accessory use, permitted as a special use, permitted conditionally or prohibited subject to the same use regulations, development standards, accessory use requirements, special use requirements, and conditional use criteria that govern the similar use unless otherwise specified.
(Ord. 118663 § 1, 1997; Ord. 116328 § 1, 1993; Ord. 116051 § 1, 1992; Ord. 113466 § 2(part), 1987.)

23.60.092 Accessory uses.

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

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

C. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses which are non-water-dependent and non-water-related, even if accessory to water-dependent or water-related uses, shall be permitted over water according to subsection A above only if either:

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

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

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

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

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

(Ord. 116907 § 9, 1993; Ord. 116616 § 8, 1993; Ord. 113466 § 2(part), 1987.)

Part 2 Nonconforming Uses and Structures

23.60.120 Applicability to existing development.

Except as specifically stated, the regulations of this chapter shall not apply to developments legally undertaken in the Shoreline District prior to adoption of the ordinance codified in this chapter.¹

(Ord. 113466 § 2(part), 1987.)

1.Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.122 Nonconforming uses.

A. 1. Any nonconforming use may be continued subject to the provisions of this section.

2. Any nonconforming use which has been discontinued for more than twelve (12) consecutive months in the CN, CP, CR, CM, CW, UR, UH and US Environments or more than twenty-four (24) consecutive months in the UM, UG or UI Environments shall not be reestablished or recommenced. A use shall be considered discontinued when:

a. A permit to change the use of the structure or property was issued and acted upon;

b. The structure or portion of a structure, or the property is not being used for the use allowed by the most recent permit; or

c. The structure or property is vacant, or the portion of the structure or property formerly occupied by the nonconforming use is vacant.

The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. A multifamily structure with one (1) or more vacant dwelling units shall not be considered unused unless the total structure is unoccupied.

3. Any sign in the Shoreline District which does not conform to the provisions of this chapter shall be discontinued within seven (7) years from the effective date of the ordinance codified in this chapter,¹ unless designated a landmark pursuant to Chapter 25.12, the Landmark Preservation Ordinance.

B. A structure or development containing a nonconforming use or uses may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended beyond its existing external dimensions except as provided in subsection E below, as otherwise required by law, as necessary to improve access for the elderly and disabled, or to provide regulated public access.

C. A nonconforming use which is destroyed by fire or other act of nature, including normal deterioration of structures in or over the water, may be resumed provided that any structure occupied by the nonconforming use 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) months after demolition or destruction in the CN, CP, CR, CM, CW, UR, UH and US Environments or within twenty-four (24) months after demolition or destruction in the UM, UG or UI Environments. A rebuilt structure housing a nonconforming eating and drinking establishment use in an Urban Stable Environment may consolidate other existing nonconforming uses on the property, provided that no cumulative expansion or intensification of the nonconforming use and no increase in over-water coverage occurs and the Director finds that the reconfiguration will allow removal of structures housing other nonconforming uses, resulting in improved view corridors or regulated public access.

D. The change of one (1) nonconforming use to another use not permitted in the shoreline environment may be authorized as a conditional use by the Director with the concurrence of the Department of Ecology if the Director determines that the new use is no more detrimental to the property in the shoreline environment and vicinity than the existing use and the existing development is unsuited for a use permitted in the environment, and if the criteria for conditional uses in WAC 173-27-160 are satisfied. The new use shall retain its nonconforming use status for the purposes of subsections A through C of this section above.

E. Reconfiguration of an existing nonconforming moorage may be authorized as a conditional use by the Director with the concurrence of the Department of Ecology if the Director determines that the goals of this chapter, including enhancing upland and street views, limiting location of structures over water and providing public access, would be better served. Such reconfiguration may be authorized only if view corridors and public access are improved. The square footage of the covered moorage and the height of the covered moorage shall not be increased. Covered moorage with open walls shall be preferred.

(Ord. 118793 § 17, 1997; Ord. 113466 § 2(part), 1987.)

1.Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.124 Nonconforming structures.

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.

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) months after demolition or destruction of a structure in the CN, CP, CR, CM, CW, UR, UH and US Environments or within twenty-four (24) months after demolition or destruction of a structure in the UM, UG, or UI Environments. A rebuilt nonconforming structure housing a nonconforming eating and drinking establishment use in an Urban Stable environment may consolidate other existing nonconforming structures on the property, provided that no increase in height or cumulative expansion of the area of nonconforming structures and no increase in overwater coverage occurs, and provided that the Director finds that the reconfiguration will allow removal of other nonconforming structures, resulting in improved view corridors or regulated public access.

C. The Director may require compliance with the standards of Section 23.60.152, General development, for part or all of a lot as a condition for new development of part of a lot if it is found that continued nonconformity will cause adverse impacts to air quality, water quality, sediment quality, aquatic life, or human health.

D. The Director may require compliance with Section 23.60.160, Standards for regulated public access, as a condition of a substantial development permit for expansion or alteration of a development nonconforming as to public access requirements. (Ord. 113466 § 2(part), 1987.)

23.60.126 Structures in trespass.

The above provisions for nonconforming uses and structures, Sections 23.60.122 through 23.60.124, shall not apply to any structure, improvement, dock, fill or development placed on tidelands, shorelands, or beds of waters which are in trespass or in violation of state statutes. (Ord. 113466 § 2(part), 1987.)

Part 3 Development Standards

23.60.150 Applicable development standards.

All uses and developments in the Shoreline District shall be subject to the general development standards applicable to all environments, to the development standards for the specific environment in which the use or development is located, and to any development standards associated with the particular use or development. (Ord. 113466 § 2(part), 1987.)

23.60.152 General development.

All uses and developments shall be subject to the following general development standards:

A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards 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.

B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.

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 with petroleum product capacities of ten thousand five hundred (10,500) gallons or more.

D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe

and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

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

F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.

G. All shoreline developments and uses shall control erosion during project construction and operation.

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.

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

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

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

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

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

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

O. Navigation channels shall be kept free of hazardous or obstructing development or uses.

P. 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 in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Q. Submerged public right-of-way shall be subject to the following standards:

1. All structures shall be floating except as permitted in subsection Q2 below;

2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;

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

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

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

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

R. Within all Shoreline Districts, 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.

(Ord. 116325 § 2, 1992; Ord. 113466 § 2(part), 1987.)

23.60.154 Shoreline design review.

The Director may require that any development by a public agency or on public property which has not been reviewed by the Design Commission be reviewed for visual design quality by appropriate experts selected by mutual agreement between the applicant and the Director prior to approval of the development. The Shoreline design review may be conducted prior to an application for a substantial development permit at the request of the applicant. The costs of the Shoreline design review shall be borne by the applicant.

(Ord. 116909 § 4, 1993; Ord. 113466 § 2(part), 1987.)

23.60.156 Parking requirements.

A. Required parking spaces and loading berths shall be provided for uses in the Shoreline District as specified in Chapter 23.54 except that the requirements may be waived or modified at the discretion of the Director: (1) if alternative means of transportation will meet the parking demand of the proposed development in lieu of such off-street parking and loading requirements, or (2) if parking to serve the proposed uses is available within eight hundred (800) feet of the proposed development and if pedestrian facilities are provided. Waivers shall not be granted if they encourage the use of scarce, on-street parking in the neighborhood surrounding the development.

B. New off-street parking areas or structures of more than five (5) spaces shall be located at least fifty (50) feet from the water's edge. The Director may modify this requirement for lots with insufficient space between the ordinary high water mark and the lot line furthest upland from the water's edge. In such cases the parking shall be located as far upland from the water's edge as feasible.

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

(Ord. 118793 § 18, 1997; Ord. 117571 § 2, 1995; Ord. 113466 § 2(part), 1987.)

23.60.158 Drive-in businesses.

Uses may not have drive-in windows on waterfront lots in the Shoreline District. Uses may have drive-in windows on upland lots in the Shoreline District if permitted by the underlying zoning.

(Ord. 113466 § 2(part), 1987.)

23.60.160 Standards for regulated public access.

A. 1. Regulated public access shall be a physical improvement in the form of any one (1) or combination of the following: Walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view and/or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining maritime history and industry.

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

3. Maintenance of the public access shall be the responsibility of the owner or developer.

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

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

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

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

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

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

3. Public access shall be located to avoid interference with the use of the site by water-dependent businesses located on the site.

C. Regulated public access may be limited as to hours of availability and types of activities permitted. However, twenty-four (24) hour availability is preferable and the access must be available to the public on a regularly scheduled basis.

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

E. Regulated public access and related parking shall be indicated by signs provided by the applicant, of standard design and materials prescribed by the Director. The signs shall be located for maximum public visibility.

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

G. For shoreline development requiring more than one (1) substantial development permit or extending for more than one thousand (1,000) lineal feet of shoreline, regulated public access shall be required in the context of the entire project as follows:

1. A shoreline development which requires more than one (1) substantial development permit need not provide separate regulated public access for each permit, but 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 public access and a

development schedule. The level of detail of the plans for the public access shall be equal to that of the project proposal.

3. If a 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 (1) public access site shall be provided for each three thousand five hundred (3,500) lineal feet of shoreline unless public access standards are met elsewhere as part of a public access plan approved by the City Council or public access is not required for the development.

H. General Exceptions.

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

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

3. Regulated public access shall not be required where:

a. The cost of providing public access is unreasonably disproportionate to the total cost of the proposed development; or

b. The site is not located in an area covered by a public access plan approved by the Council 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.

The exceptions in subsection H3b above apply only 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 a shoreline 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.

(Ord. 113466 § 2(part), 1987.)

23.60.162 View corridors.

A. View corridors shall be provided for uses and developments in the Shoreline District as required in the development standards of the environment in which the use or development is located.

B. When a view corridor is required the following provisions shall apply:

1. A view corridor or corridors of not less than the percentage of the width of the lot indicated in the development standards for the applicable shoreline environment shall be provided and maintained.

2. Structures may be located in view corridors if the slope of the lot permits full, unobstructed view of the water over the structures.

3. Unless provided otherwise in this chapter, parking for motor vehicles shall not be located in view corridors except when:

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

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

4. Removal of existing landscaping shall not be required.

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

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

2. Existing development or topography effectively blocks any possible views from the street; or
3. The shape of the lot or topography is unusual or irregular.

D. In making the determination of whether to modify the requirement, the Director shall consider the following factors:

1. The direction of predominant views of the water;
 2. The extent of existing public view corridors, such as parks or street ends in the immediate vicinity;
 3. The availability of actual views of the water and the potential of the lot for providing those views from the street;
 4. The percent of the lot which would be devoted to view corridor if the requirements were strictly applied;
 5. Extreme irregularity in the shape of the lot or the shoreline topography which precludes effective application of the requirements; and
 6. The purpose of the shoreline environment in which the development is located, to determine whether the primary objective of the environment is water-dependent uses or public access views.
- (Ord. 113466 § 2(part), 1987.)

Part 4 Development Standards Applicable to Specific Uses

23.60.179 Additional development standards.

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.

(Ord. 113466 § 2(part), 1987.)

23.60.180 Sign standards.

A. General Standards for All Signs.

1. Roof signs shall not be permitted in the Shoreline District.

2. Signs mounted on buildings shall be wall-mounted except for 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.

3. Pole signs shall be permitted only on piers or floats which lack buildings for wall-mounted signs and only to provide visibility from fairways (publicly owned navigable waters) for water-dependent or water-related uses. Pole signs shall not be located in view corridors required by this chapter or so as to obstruct views through view corridors required by this chapter or of a substantial number of residents. The Director may modify proposed signs to prevent such view obstruction.

4. Ground signs are permitted when not located in required view corridors or in an area which impairs visual access to view corridors.

5. The size, height and number of permitted signs and the determination as to whether a sign may be flashing, illuminated, rotating or portable, shall be as regulated in the underlying zoning except as follows:

a. Any sign which is visible from a fairway (publicly owned navigable water) shall be limited to only the name and nature of the use, and each letter shall be limited to no more than sixteen inches (16") in height;

b. Signs on piers shall be limited to forty (40) square feet in area; and

c. Freestanding signs on piers shall not exceed twelve feet (12') in height.

B. Types of Signs.

1. Signs permitted in the CN, CP, CR, CM, CW and UR Environments shall be limited to identification signs, on-premises directional signs, and interpretive signs.

2. Signs permitted in the US, UH, UM, and UG Environments shall be limited to identification signs, on-premises directional signs, interpretive signs and business signs.

3. Signs permitted in the UI Environment shall be limited to identification signs, on-premises directional signs, interpretive signs, business signs, and off-premises directional signs. Advertising signs may be permitted only on upland lots in the UI Environment.

4. Temporary signs as defined in Section 23.55.012 shall be allowed in all Environments, subject to the restrictions in subsection A.

(Ord. 117555 § 3, 1995; Ord. 113466 § 2(part), 1987.)

23.60.182Dredging standards.

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.

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

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

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

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

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.184Standards for landfill and creation of dry land.

A. Solid waste, refuse, and debris shall not be placed in the shoreline.

B. Shoreline fills or cuts shall be designed and located so that:

1. No significant damage to ecological values or natural resources shall occur; 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 mechanisms 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.

I. Dredged material not meeting the Environmental Protection Agency and Department of Ecology criteria for open-water disposal may be used for landfill in the shoreline only if:

1. The landfill is designed to be used for future water-dependent or water-related development;

2. The landfill meets the criteria for landfill in the environment in which it is located;

3. Either the area in which the material is placed has similar levels of the same contaminants or the

material is placed in a manner that it will not be a source of contaminants in an area cleaner than the proposed fill material;

4. The landfill can be placed in the water or on the land without long-term adverse impacts to water quality, sediment quality, aquatic life, or human health; and

5. If classified as problem waste, any required EPA or DOE approval is obtained.

J. Incidental landfill which does not create dry land and is necessary for the installation of a utility line intake or outfall may be placed on submerged land if it will not have long-term adverse impacts to water quality, sediment quality, aquatic life or human health.

K. Landfill which creates dry land which is necessary to repair pocket erosion between adjacent revetments shall meet the following standards in addition to those in subsections A through J above:

1. The erosion pocket does not exceed one hundred feet (100') in width as measured between adjacent revetments;

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

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

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

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.186 Standards for natural beach protection.

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

1. Gravel berms, drift sills, beach nourishment, and beach enhancement when appropriate.

2. Planting with short-term mechanical assistance, when appropriate. All plantings provided shall be maintained.

B. Natural beach protection shall not:

1. Detrimentally interrupt littoral drift, or redirect waves, current or sediments to other shorelines;

2. Result in any exposed groin-like structures;

3. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;

4. Result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments; or

5. Create additional dry land mass.

C. Maintenance of natural beach protection systems shall be the responsibility of the owner.

(Ord. 113466 § 2(part), 1987.)

23.60.188 Standards for bulkheads.

A. Bulkheads accessory to nonresidential uses may be authorized when:

1. The bulkhead would not detrimentally redirect littoral drift, waves, currents or sediments to other shorelines;

2. If dry land is created, the landfill complies with all standards for landfill; and

3. The bulkheads are:

a. Adjacent to a navigable channel,

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

c. Necessary to prevent extraordinary erosion, but only when natural beach protection is not a practical alternative.

B. Bulkheads accessory to residential uses may be authorized when:

1. Necessary to maintain existing land and to protect from extraordinary erosion, and when natural beach protection is not a practical alternative;

2. Additional dry land mass is not created, except as otherwise provided in the standards of the applicable environment;

3. The bulkhead does not extend waterward of ordinary high water unless necessary to protect the toe of a cliff from wave action;

4. The bulkhead does not extend into the water beyond adjacent bulkheads;

5. The bulkhead would not detrimentally redirect littoral drift, waves, currents or sediments to other shores; and

6. The existing contour of the natural shoreline is generally followed.

C. Bulkheads accessory to single-family residences and meeting the conditions of subsection B above are normal protective bulkheads common to single-family residences and are exempt from the substantial development permit requirement.

D. Riprap bulkheads shall be preferred over vertical wall or slab bulkheads except in the 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.

(Ord. 113466 § 2(part), 1987.)

23.60.190 Standards for breakwaters and jetties.

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

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

C. Solid breakwaters and jetties shall be constructed only where design modifications can eliminate potentially

detrimental effects on the movement of sand and circulation of water.

(Ord. 113466 § 2(part), 1987.)

23.60.192Standards for utility lines.

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

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

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

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.194Standards for intakes and outfalls.

A. All intakes and outfalls shall be located so they will not be visible at mean lower low water.

B. All intakes and outfalls shall be designed and constructed to prevent the entry of fish.

(Ord. 113466 § 2(part), 1987.)

23.60.196Floating homes.

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 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.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 dimensioned moorage site plan, at a scale of not less than one (1) inch equals twenty (20) feet, 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.

B. Conforming Floating Home Moorages.

1. New moorages or expanded portions of conforming floating home moorages shall meet the following standards:

a. Floating homes shall not exceed twenty-one (21) feet at the highest point measured from the surface of the water.

b. New floating homes shall not cover in 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 overhang 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 shall not exceed forty-five (45) percent of the 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.

(3) The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five (5) feet except that there shall be no 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.

f. Each floating home shall have direct access to a moorage walkway of not less than five (5) feet of unobstructed width leading to a street.

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.

h. The view corridor requirements of the applicable shoreline environment shall be met.

2. Floating home moorages meeting the above standards shall be considered to be conforming.

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.

C. Nonconforming Floating Home Moorages.

1. The remodeling, replacement, or rebuilding of a floating home at a moorage 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 provisions for conforming floating home moorages shall be permitted subject to the following provisions:

a. The total float area of the floating home float shall not be increased;

b. The height of the remodeled floating home or of the remodeled portion of the floating home shall not be increased beyond eighteen (18) feet from the water surface or the height shall not exceed eighteen (18)

feet from the water if the floating home is being replaced or rebuilt;

c. The minimum distance between adjacent floating home walls shall not be decreased to less than six (6) feet if the floating home is being remodeled or

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shall not be less than six (6) feet if the floating home is being rebuilt or replaced, except as provided in subsection D of this section;

d. The minimum distance between any floating home wall and any floating home site line shall not be decreased to less than three (3) feet if the floating home is being remodeled or shall not be less than three (3) feet if the floating home is being rebuilt or replaced;

e. No part of the floating home shall be further extended over water beyond the edge of the float if the floating home is being remodeled or shall not be extended over water beyond the edge of the float if the floating home is being rebuilt or replaced;

f. Any accessory float which was attached to a floating home as of March 1, 1977, may be maintained or replaced provided that the area of the accessory float shall not be increased. An accessory float may not be transferred from one (1) floating home to another. New accessory floats are prohibited; and

g. The extent of nonconformity of the floating home moorage with respect to view corridors shall not be increased.

2. The expansion of a nonconforming 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,

(3) The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five (5) feet except that there shall be no 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;

f. Each floating home shall have direct access to a moorage walkway of not less than five (5) feet of unobstructed width leading to a street;

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; and

h. The extent of nonconformity of the floating home moorage with respect to view corridors is not increased.

D. "Safe Harbor" Development Standards—Exceptions. There shall be no parking requirements or minimum site area for the following:

1. In the Urban Residential Environment, the addition of no more than two (2) existing floating homes, as defined in subsection A4 of Section 23.60.196 of this chapter on each lot developed with a recreational marina, commercial moorage or floating home moorage on the effective date of the ordinance codified in this chapter¹ and established prior to April 1, 1987 when the floating homes are relocated from another lot after April 1, 1987; and

2. In the Urban Stable Environment, no more than two (2) floating homes at each lot as permitted by subsection A4 of Section 23.60.600 of this chapter when relocated from another lot after April 1, 1987.

(Ord. 118793 § 19, 1997; Ord. 118409 § 204, 1996; Ord. 116744 § 27, 1993; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

¹Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.198 Residences other than floating homes.

A. Residences shall not be constructed over water unless specifically permitted in the regulations for applicable shoreline environment.

B. 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 existing residences are not blocked. If there are no other residences within one hundred (100) feet, residences shall be located at least twenty-five (25) feet back from the line of ordinary high water.

2. Fences, freestanding walls, bulkheads and other structures normally accessory to residences may be located in the residential setback if views of the shoreline from adjacent existing residences are not blocked. The Director shall determine the permitted height of the accessory structures.

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.

F. Submerged lands may not be used to satisfy landscaped open space requirements of multifamily developments.

(Ord. 118415 § 1, 1996; Ord. 113466 § 2(part), 1987.)

23.60.200 Recreational marinas.

General requirements for recreational marinas:

A. Lavatory facilities connected to a sanitary sewer and adequate to serve the marina shall be provided.

B. Self-service sewage pumpout facilities or the best available method of disposing of sewage wastes and appropriate disposal facilities for bilge wastes shall be provided at marinas having in excess of three thousand five hundred (3,500) lineal feet of moorage or slips large enough to accommodate boats larger than twenty (20) feet in length, and shall be located so as to 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.

C. Untreated sewage shall not be discharged into the water at any time. Treated sewage shall not be discharged while boats are moored.

D. Long-term parking areas shall be located away from the water. Short-term loading areas, however, may be located near berthing areas.

E. Public access shall be provided as follows:

1. The minimum public access for a marina providing less than nine thousand (9,000) 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 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.

2. The minimum public access for a marina providing nine thousand (9,000) or 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 an easement at least ten (10) feet wide located along the entire length of the marina's water frontage.

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 this public access requirement.

F. Transient Moorage.

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:

a. The marina provides nine thousand (9,000) or more lineal feet of moorage;

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; or

c. The marina is owned, operated, or franchised by a governmental agency for use by the general public.

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.

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 is in an area near commercial facilities generating commercial transient moorage demand.

G. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided.

(Ord. 113466 § 2(part), 1987.)

23.60.202 Standards for yacht, boat and beach clubs.

Nonwater-dependent facilities of yacht, boat and beach clubs, other than moorage facilities, shall be located only on dry land except as specifically provided in the applicable shoreline environment.

(Ord. 113466 § 2(part), 1987.)

23.60.204 Piers and floats accessory to residential development.

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

B. Size and Location.

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

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

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

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

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

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

b. A line subtended by the ends of an adjacent existing pier on one (1) side 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.

(Ord. 113466 § 2(part), 1987.)

23.60.206Streets.

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.

B. Where permitted, new streets on the shoreline shall be designed to:

1. Improve public visual and physical access to the shoreline;

2. Conform to the topography and other natural features with minimum of cut, fill, and structural elements;

3. Provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline; and

4. Minimize the area of upland lots and maximize the area of waterfront lots.

(Ord. 113466 § 2(part), 1987.)

23.60.208Railroads and rail transit.

A. New railroad tracks shall be permitted in the Shoreline District only if necessary to serve lots in the Shoreline District.

B. Existing railroad tracks may be expanded within existing rail corridors.

C. Where possible, new rail transit facilities in the Shoreline District shall use existing highway or rail corridors.

D. All railroads and rail transit facilities shall provide means for the public to overcome the physical barrier created by the facility and gain access to the shoreline.

(Ord. 113466 § 2(part), 1987.)

23.60.210Aquatic noxious weed control.

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

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

B. By derooting, rotovating or other method which disturbs the bottom sediment or benthos, which shall be

considered development for which a substantial development permit is required, unless proposed to maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit; or

C. Through the use of herbicides or other treatment methods applicable to the control of aquatic noxious weeds that are recommended in a final environmental impact statement published by the State Department of Agriculture or the State Department of Ecology jointly with other state agencies under Chapter 43.21 RCW, and subject to approval from the State Department of Ecology. The approve permit from the Department of Ecology shall specify the type of chemical(s) to be used and document that chemical treatment for the control of aquatic noxious weeds shall be applied by a person or entity licensed by the Department of Agriculture.
(Ord. 118793 § 20, 1997; Ord. 113466 § 2(part), 1987.)

Subchapter IV Shoreline Environments

23.60.220 Environments established.

A. The following shoreline environments and the boundaries of these environments are established on the Official Land Use Map as authorized in Chapter 23.32.

B. For the purpose of this chapter, the Shoreline District is divided into eleven (11) environments designated below.

Environment	Designation
Conservancy Navigation	CN
Conservancy Preservation	CP
Conservancy Recreation	CR
Conservancy Management	CM
Conservancy Waterway	CW
Urban Residential	UR
Urban Stable	US
Urban Harborfront	UH
Urban Maritime	UM
Urban General	UG
Urban Industrial	UI

C. The purpose and locational criteria for each shoreline environment designation are described below.

1. Conservancy Navigation (CN) Environment.
 - a. Purpose. The purpose of the CN Environment is to preserve open water for navigation,
 - b. Locational Criteria. Submerged lands used as a fairway for vessel navigation,
 - c. Submerged lands seaward of the Outer Harbor Line, Construction Limit Line or other navigational boundary which are not specifically designated or shown on the Official Land Use Map shall be designated Conservancy Navigation;
2. Conservancy Preservation (CP) Environment.

a. Purpose. The purpose of the CP Environment is to preserve, protect, restore, or enhance certain areas which are particularly biologically or geologically fragile and to encourage the enjoyment of those areas by the public. Protection of such areas is in the public interest.

b. Locational Criteria. Dry or submerged lands owned by a public agency and possessing particularly fragile biological, geological or other natural resources which warrant preservation or restoration;

3. Conservancy Recreation (CR) Environment.

a. Purpose. The purpose of the CR shoreline environment is to protect areas for environmentally related purposes, such as public and private parks, aquaculture areas, residential piers, underwater recreational sites, fishing grounds, and migratory fish routes. While the natural environment is not maintained in a pure state, the activities to be carried on provided minimal adverse impact. The intent of the CR environment is to use the natural ecological system for production of food, for recreation, and to provide access by the public for recreational use of the shorelines. Maximum effort to preserve, enhance or restore the existing natural ecological, biological, or hydrological conditions shall be made in designing, developing, operating and maintaining recreational facilities.

b. Locational Criteria.

(1) Dry or submerged lands generally owned by a public agency and developed as a park, where the shoreline possesses biological, geological or other natural resources that can be maintained by limiting development,

(2) Residentially zoned submerged lands in private or public ownership located adjacent to dry lands designated Urban Residential where the shoreline possesses biological, geological or other natural resources that can be maintained by limiting development;

4. Conservancy Management (CM) Equipment.

a. The purpose of the CM shoreline environment is to 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) Dry or submerged land in sensitive areas generally owned by a public agency, developed with a major public facility, including navigation locks, sewage treatment plants, ferry terminals and public and private parks containing active recreation areas,

(2) Waterfront lots containing natural beaches or a natural resource such as fish migration routes or fish feeding areas which require management but which are compatible with recreational development;

5. Conservancy Waterway (CW) Environment.

For current SMC, contact the Office of the City Clerk

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a. Purpose. The purpose of the CW Environment is to preserve the waterways for navigation and commerce, including public access to and from water areas. Since the waterways are public ways for water transport, they are designated CW to provide navigational access to adjacent properties, access to and from land for the loading and unloading of watercraft and temporary moorage.

b. Locational Criteria. Waterways on Lake Union and Portage Bay;

6. Urban Residential (UR) Environment.

a. Purpose. The purpose of the UR environment is to protect residential areas in a manner consistent with the Single-family and Multifamily Residential Area Policies.

b. Locational Criteria.

(1) Areas where the underlying zoning is Single-family or Multifamily residential,

(2) Areas where the predominant development is Single-family or Multifamily residential,

(3) Areas where steep slopes, shallow water, poor wave protection, poor vehicular access or limited water access make water-dependent uses impractical,

(4) Areas with sufficient dry land lot area to allow for residential development totally on dry land;

7. Urban Stable (US) Environment.

a. Purpose.

(1) Provide 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,

(2) Preserve and enhance views of the water from adjacent streets and upland residential areas,

(3) Support water-dependent uses by providing services such as marine-related retail and moorage.

b. Locational Criteria.

(1) Areas where the underlying zoning is Commercial or Industrial,

(2) Areas with small 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,

(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;

8. Urban Harborfront (UH) Environment.

a. Purpose. The purpose of the UH Environment is to encourage economically viable water-dependent uses to meet the needs of waterborne commerce, facilitate the revitalization of Downtown's waterfront, provide opportunities for public access and recreational enjoyment of the shoreline, preserve and

enhance elements of historic and cultural significance and preserve views of Elliott Bay and the land forms beyond.

b. Locational Criteria.

(1) Areas where the underlying zoning is a Downtown zone,

(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. Urban Maritime (UM) Environment.

a. Purpose. The purpose of the UM environment is to preserve areas for water-dependent and water-related uses while still providing some views of the water from adjacent streets and upland residential streets. Public access shall be second in priority to water-dependent uses unless provided on street ends, parks or other public lands.

b. Locational Criteria.

(1) Areas where the underlying zoning is industrial or Commercial 2,

(2) Areas with sufficient dry land for industrial uses but generally in smaller parcels than in UI environments,

(3) Areas developed predominantly with water-dependent manufacturing or commercial uses or a combination of manufacturing-commercial and recreational water-dependent uses,

(4) Areas with concentrations of state waterways for use by commerce and navigation,

(5) Areas near, but not necessarily adjacent to residential or neighborhood commercial zones which require preservation of views and protection from the impacts of heavy industrialization;

10. Urban General (UG) Environment.

a. Purpose. The purpose of the UG environment is to provide for economic use of commercial and manufacturing areas which are not suited for full use by water-dependent businesses. Public access or viewing areas shall be provided by nonwater-dependent uses where feasible.

b. Locational Criteria.

(1) Areas with little or no water access, which makes the development of water-dependent uses impractical,

(2) Areas where the underlying zoning is Commercial 2 or Industrial,

(3) Areas developed with nonwater-dependent manufacturing, warehouses, or offices;

11. Urban Industrial (U) Environment.

a. Purpose. The purpose of the Urban Industrial environment is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. Views shall be secondary to industrial development and public access shall be provided mainly on public lands or in conformance with an area-wide Public Access Plan.

b. Locational Criteria.

(1) Areas where the underlying zoning is industrial,

(2) Areas with large amounts of level dry land in large parcels suitable for industrial use,

(3) Areas with good rail and truck access,

(4) Areas adjacent to or part of major industrial centers which provide support services for water-dependent and other industry,

(5) Areas where predominant uses are manufacturing warehousing, major port cargo facilities or other similar uses.

D. Submerged Lands. The environmental designation given to waterfront dry land shall be extended to the outer Harbor Line, Construction Limit Line, or other navigational boundary on Lake Union, on Portage Bay, in industrially zoned areas, and in the Urban Harborfront area. On Puget Sound, Lake Washington and Green Lake submerged lands shall be designated to preserve them for public or recreational purposes.

(Ord. 118408 § 9, 1996; Ord. 113466 § 2(part), 1987.)

Subchapter V The Conservancy Navigation Environment

Part 1 Uses

23.60.240 Uses permitted outright in the CN Environment.

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

A. Navigational aids including channel markers and anchor buoys.

(Ord. 113466 § 2(part), 1987.)

23.60.242 Special uses in the CN Environment.

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

A. Bridges;

B. Utilities lines;

C. Underwater diving areas and reefs;

D. Aquaculture;

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

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

(Ord. 113466 § 2(part), 1987.)

23.60.244 Conditional uses in the CN Environment.

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

A. The establishment of an open-water dredge material disposal site pursuant to WAC 332-30-166;

B. Floating dolphins necessary for a water-dependent or water-related use;

C. Off-shore facilities necessary for a water-dependent or water-related use;

D. Bulkheads necessary to prevent extraordinary erosion where natural beach protection is not feasible;

E. Dredging necessary to:

1. Maintain or improve navigational channels,

2. Provide access to a water-dependent or water-related use,

3. Protect or enhance the natural environment, or

4. Install utility lines and bridges; and

F. The following types of landfill:

1. Landfill on submerged land which does not create dry land, if necessary to install utility lines and bridges; and

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

(Ord. 118793 § 21, 1997; Ord. 113466 § 2(part), 1987.)

23.60.246 Prohibited uses in the CN Environment.

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

A. Residential uses;

B. Commercial uses;

C. Utilities, except utility lines;

D. Salvage and recycling uses;

E. Manufacturing uses;

F. High-impact uses;

G. Institutional uses;

H. Public facilities not authorized by Section 23.60.248;

I. All shoreline recreation uses except underwater diving areas and reefs;

J. Agricultural uses except aquaculture;

K. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system; and

L. Landfill which creates dry land, except for wildlife habitat mitigation or enhancement.

(Ord. 118663 § 2, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.248 Public facilities.

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

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

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

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23.60.244 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.242 and 23.60.244 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 3, 1997.)

Part 2 Development Standards

23.60.270 Development standards in the CN Environment.

In addition to development standards applicable to all environments contained in Subchapter III, General Provisions, developments in the Conservancy Navigation Environment shall be located and designed to avoid interference with navigation. Buoys or other markings may be required to warn of navigation hazards. (Ord. 113466 § 2(part), 1987.)

Subchapter VI The Conservancy Preservation Environment

Part 1 Uses

23.60.300 Uses permitted outright in the CP Environment.

The following uses shall be permitted outright in the Conservancy Preservation Environment:

None.

(Ord. 113466 § 2(part), 1987.)

23.60.302 Special uses in the CP Environment.

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

A. Utility lines if no reasonable alternative location exists;

B. The following shoreline recreation uses:

1. Underwater diving areas and reefs,
2. Bicycle and pedestrian paths,
3. Viewpoints;

C. Aquaculture; and

D. Natural beach protection to prevent erosion or to enhance public access.

(Ord. 113466 § 2(part), 1987.)

23.60.304 Conditional uses in the CP Environment.

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

A. Bulkheads necessary to prevent extraordinary erosion where natural beach protection is not feasible;

B. Dredging necessary to protect or enhance the natural environment, to install utility lines, or for navigational access;

C. The following types of landfill:

1. Landfill on dry land if necessary to construct permitted uses and structures,

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

3. Landfill which does not create dry land if necessary for the installation of utility lines; and

D. Streets, railroads and bridges.

(Ord. 118793 § 22, 1997; Ord. 113466 § 2(part), 1987.)

23.60.306 Prohibited uses in the CP Environment.

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

A. Residential uses;

B. Commercial uses including accessory parking;

C. Utility uses, except utility lines;

- D. Salvage and recycling uses;
 E. Manufacturing uses;
 F. High-impact uses;
 G. Institutional uses except permitted shoreline recreational uses;
 H. Public facilities not authorized by Section 23.60.308;
 I. Shoreline recreation uses except underwater diving areas or reefs, bicycle and pedestrian paths and viewpoints;
 J. Agricultural uses except aquaculture;
 K. The following protective structures:
 1. Bulkheads on Class I beaches, and
 2. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system; and
 L. Landfill which creates dry land except as part of wildlife or fisheries habitat.
 (Ord. 118663 § 4, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.308 Public facilities.

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

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

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.302 and 23.60.304 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

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

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.
 (Ord. 118663 § 5, 1997.)

Part 2 Development Standards

23.60.330 Development standards in the CP Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.332 Natural area protection in the CP Environment.

A. Developments in the CP Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of 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.

(Ord. 113466 § 2(part), 1987.)

23.60.334 Height in the CP Environment.

The maximum height in the CP Environment shall be fifteen (15) feet.

(Ord. 113466 § 2(part), 1987.)

**Subchapter VII The Conservancy
Recreation Environment**

Part 1 Uses

23.60.360 Uses permitted outright in the CR Environment.

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

- A. Shoreline recreation uses except auto-trailer boat launching ramps; and
 - B. Aquaculture.
- (Ord. 116325 § 3, 1992; Ord. 113466 § 2(part), 1987.)

23.60.362 Accessory uses permitted outright in the CR Environment.

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

- A. Piers and floats accessory to residences permitted by Section 23.60.360 A or to residences on adjacent land designated UR.
- (Ord. 113466 § 2(part), 1987.)

23.60.364 Special uses in the CR Environment.

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

- A. Streets necessary to serve shoreline lots;
 - B. Railroads and bridges;
 - C. Utility lines if no reasonable alternative location exists;
 - D. The following protective structures:
 - 1. Natural beach protection,
 - 2. Bulkheads to support a water-dependent or water-related use and any accessory use thereto, to enclose a permitted landfill area or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;
 - E. Dredging necessary for water-dependent uses, installation of utility lines or creation of wildlife or fisheries habitat as mitigation or enhancement; and
 - F. The following types of landfill:
 - 1. Landfill on dry land, where necessary to construct permitted uses and structures,
 - 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and
 - 3. Landfill on submerged land which does not create dry land, where necessary for the installation of utility lines.
- (Ord. 113466 § 2(part), 1987.)

23.60.365 Administrative conditional uses in the CR Environment.

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

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

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

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

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

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

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

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

- a. Small craft center,
- b. Boat launching ramp for auto-trailer boats,
- c. The following non-water-dependent commercial uses:

- (1) Sale of boat parts or accessories,
- (2) Personal and household retail sales and services, and
- (3) Eating and drinking establishments;

- 2. Community yacht, boat and beach clubs when:

- a. No eating and drinking establishments are included in the use,
- b. No more than one (1) pier or float is included in the use, and

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

(Ord. 118793 § 23, 1997; Ord. 118663 § 6, 1997; Ord. 116325 § 4, 1992.)

23.60.368 Prohibited uses in the CR Environment.

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

- A. Residential uses except those permitted by Section 23.60.365 A;
 - B. Commercial uses except those specifically permitted by Section 23.60.365 C;
 - C. Utility uses except utility lines;
 - D. Salvage and recycling uses;
 - E. Manufacturing uses;
 - F. High-impact uses;
 - G. Institutional uses except community clubs meeting the criteria of Section 23.60.365 C;
 - H. Public facilities not authorized by Section 23.60.370;
 - I. Open space uses except shoreline recreation uses permitted by Section 23.60.360 B;
 - J. Agricultural uses except aquaculture;
 - K. The following shoreline protective structures:
 - 1. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system, and
 - 2. Bulkheads on Class I beaches; and
 - L. Landfill which creates dry land except as part of habitat mitigation or enhancement.
- (Ord. 118663 § 8, 1997; Ord. 117571 § 3, 1995; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.370 Public facilities.

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

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

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.360 through 23.60.365 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

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

the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 9, 1997.)

Part 2 Development Standards

23.60.390 Development standards in the CR Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.392 Natural area protection in the CR Environment.

A. All developments in the CR Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of 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. (Ord. 113466 § 2(part), 1987.)

23.60.394 Height in the CR Environment.

A. The maximum height permitted outright in the CR Environment shall be fifteen (15) feet except as modified by subsections C through E of this section.

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B. The maximum height permitted as an administrative conditional use shall be thirty (30) feet except as modified in subsections C through E.

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend five (5) feet above the height permitted in subsection A or B above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles and chimneys may extend ten (10) feet above the maximum height limit.

2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

E. Bridges. Bridges may extend above the maximum height limits.

(Ord. 116325 § 5, 1992; Ord. 113466 § 2(part), 1987.)

23.60.396 Lot coverage in the CR Environment.

A. Lot Coverage Regulations. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot located in the CR Environment except as modified by subsection B.

B. Lot Coverage Exceptions. On single-family zoned lots, the maximum lot coverage 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.

(Ord. 113466 § 2(part), 1987.)

23.60.398 View corridors in the CR 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 except those developed with single-family dwellings.

(Ord. 113466 § 2(part), 1987.)

23.60.400 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 property whether leased to private lessees or not, except where the property is submerged land which does not abut 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. Multifamily residential developments containing more than four (4) units with more than one hundred (100) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development; and

b. Other nonresidential non-water-dependent developments.

2. Water-dependent uses and water-related uses located on private property are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter VIII The Conservancy Management Environment

Part 1 Uses

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

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

A. Utilities:

1. Utility lines, and

2. Utility service uses whose operations require a shoreline location;

B. Existing yacht, boat and beach clubs;

C. Shoreline recreation;

D. Aquaculture.

(Ord. 113466 § 2(part), 1987.)

23.60.422 Accessory uses permitted outright in the CM Environment.

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

A. Piers and floats accessory to residential uses permitted on adjacent UR land.
(Ord. 113466 § 2(part), 1987.)

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

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

- A. The following commercial uses:
1. Sale or rental of large boats,
 2. Marine service station,
 3. Vessel repair, minor,
 4. Recreational marina,
 5. Dry storage of boats,
 6. Water-dependent passenger terminals, provided that the impact of terminal operation on adjacent residential neighborhoods and streets can be mitigated, and
 7. Airports, water-based;
- B. Streets;
- C. Bridges;
- D. Expansion of existing sewage treatment plants, not including expansion for additional treatment capacity or the addition of a new treatment level;
- E. Public facilities, water-dependent or water-related;
- F. The following institutional uses:
1. New yacht, boat and beach clubs,
 2. Institute for advanced study, water-dependent or water-related,
 3. Museum, water-dependent or water-related,
 4. Shoreline recreation accessory to a school, college or university;
- G. The following shoreline protective structures:
1. Natural beach protection,
 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;
- H. Dredging, when the dredging is necessary for a water-dependent or water-related use;
- I. The following types of landfill:
1. Landfill on submerged lands which does not create dry land, if necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,
 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and
 3. Landfill on submerged land which creates dry land:
 - a. When the dry land is necessary for a water-dependent or water-related use, and

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

- (1) No reasonable alternative to the landfill exists,
- (2) The development provides a clear public benefit, and
- (3) The landfill site is not located in Lake Union or Portage Bay.
(Ord. 113674 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.426 Conditional uses permitted in the CM Environment.

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

- A. Non-water-dependent commercial uses associated with a recreational marina:
1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A2:
 - a. Sale of boat parts or accessories, and
 - b. Eating and drinking establishments;
 2. a. The use is associated with a recreational marina with at least nine thousand (9,000) lineal feet of moorage,
 - b. The size and location of the use will not restrict efficient use of the site for water-dependent recreation or public access, and
 - c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty (50) feet and a dry land location is not feasible;
- B. Non-water-dependent commercial uses on historic ships:
1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:
 - a. Sale of boat parts or accessories,
 - b. Personal and household retail sales and services, and
 - c. Eating and drinking establishments;
 2. a. The use is located on a ship designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places,
 - b. The use is compatible with the existing design and/or construction of the ship without significant alteration,
 - c. Other uses permitted outright or as special uses are not practical because of ship design or such uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,
 - d. A Certificate of Approval has been obtained from the Landmarks Preservation Board, and
 - e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site;

23.60.426 LAND USE CODE

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

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

a. Sale of boat parts or accessories,
b. Personal and household retail sales and services, and

c. Eating and drinking establishments;

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

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

(Ord. 118793 § 25, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.428 Council conditional uses in the CM Environment.

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

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

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

C. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and manmade environment are required. (Ord. 118793 § 26, 1997; Ord. 113466 § 2(part), 1987.)

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

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

A. Residential uses;

B. The following commercial uses:

1. Vessel repair, major,
2. Commercial moorage,
3. Tugboat services,
4. Sale of boat parts or accessories except when permitted as a conditional use,

5. Personal and household retail sales and services except when permitted as a conditional use,

6. Medical services,

7. Animal services,

8. Automotive retail sales and services,

9. Eating and drinking establishments except when permitted as a conditional use,

10. Lodging,

11. Mortuary services,

12. Nonhousehold sales and services,

13. Parking, principal use,

14. Offices,

15. Entertainment uses,

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See ordinances creating and amending sections for complete text and tables and to confirm accuracy of this source file.

- 16. Wholesale showrooms,
 - 17. Mini-warehouses,
 - 18. Warehouses,
 - 19. Outdoor storage,
 - 20. Personal transportation services,
 - 21. Passenger terminals, non-water-dependent,
 - 22. Cargo terminals,
 - 23. Transit vehicle bases,
 - 24. Helistops and heliports,
 - 25. Airports, land-based,
 - 26. Research and development laboratories, and
 - 27. Food processing and craft work uses;
 - C. Salvage and recycling uses;
 - D. Railroads;
 - E. The following utilities:
 - 1. Communication utilities,
 - 2. Solid waste transfer stations,
 - 3. Power plants, and
 - 4. New sewage treatment plants;
 - F. Manufacturing uses;
 - G. High-impact uses;
 - H. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;
 - I. Public facilities not authorized by Section 23.60.436 and those that are non-water-dependent;
 - J. Open space uses except shoreline recreation;
 - K. Agricultural uses except aquaculture; and
 - L. The following shoreline protective structures:
 - 1. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system, and
 - 2. Bulkheads on Class I beaches.
- (Ord. 118663 § 10, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.432 Permitted uses on upland lots in the CM Environment.

- A. Uses Permitted Outright.
 - 1. All uses permitted on waterfront lots shall also be permitted on upland lots;
 - 2. Additional uses permitted outright:
 - a. Institutional uses, and
 - b. Open space uses.
 - B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.
 - C. Conditional Uses. Uses permitted as conditional uses on waterfront lots are permitted as conditional uses on upland lots.
- (Ord. 113466 § 2(part), 1987.)

23.60.434 Prohibited uses on upland lots in the CM Environment.

All uses prohibited on waterfront lots are also prohibited on upland lots unless specifically permitted in Section 23.60.432.
(Ord. 113466 § 2(part), 1987.)

For current SMC, contact the Office of the City Clerk

23.60.436 Public facilities.

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

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

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, accessory use requirements, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as an accessory use, permitted as a special use, or permitted as a conditional use under Sections 23.60.420 through 23.60.428 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as an accessory use, permitted as a special use, or permitted as a conditional use under Sections 23.60.420 through 23.60.428 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology may waive or modify development standards, accessory use requirements, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 11, 1997.)

Part 2 Development Standards**23.60.450 Development standards for the CM Environment.**

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

(Ord. 113466 § 2(part), 1987.)

23.60.452 Critical habitat protection in the CM Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.454 Height in the CM Environment.

A. Maximum Height. The maximum height in the CM Environment shall be thirty (30) feet, except on Lake Washington where the maximum height for structures over water, including existing single-family residences, shall be fifteen (15) feet, and except as modified in subsections B through E of this section.

B. Pitched Roofs. The ridge of pitched roofs on principal structures may extend up to five (5) feet above the maximum height limit. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

C. Water-dependent Uses. Cranes, mobile conveyers and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, chimneys and spires for religious institutions, are exempt from height limits, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, skylights, clerestories, monitors, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height limit.

23.60.436 LAND USE CODE

E. Bridges. Bridges may extend above the maximum height limit.
(Ord. 113466 § 2(part), 1987.)

23.60.456 Lot coverage in the CM Environment.

A. Structures, including floats and piers, shall not occupy more than thirty-five (35) percent of a waterfront lot or an upland lot except as modified by subsection B.

B. Lot Coverage Exceptions. On single-family zoned lots, the maximum lot coverage 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.
(Ord. 113466 § 2(part), 1987.)

23.60.458 View corridors in the CM Environment.

A. 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 and on any upland through lot 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.

(Ord. 113466 § 2(part), 1987.)

23.60.460 Regulated public access in the CM 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 whether leased to private lessees or not, except when the property is submerged land which does not abut 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. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred (100) feet in length measured at the upland street frontage generally parallel to the water edge and which abut upon a street or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses located on private property are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

**Seattle Municipal Code
June, 1998 code update file
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**See ordinances creating and amending
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and tables and to confirm accuracy of
this source file.**

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the Office of the City Clerk**

**Subchapter IX The Conservancy
Waterway Environment**

Part 1 Uses

23.60.480 General provisions.

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

B. Uses permitted in the CW Environment shall also meet the use standards of abutting waterfront shoreline environments. Uses may also require separate approval from the Washington Department of Natural Resources. (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.482 Uses permitted outright in the CW Environment.

The following uses shall be permitted outright in the CW Environment:

None.
(Ord. 113466 § 2(part), 1987.)

23.60.484 Special uses in the CW Environment.

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

- A. Community yacht, boat and beach clubs;
- B. Shoreline recreation;
- C. The following commercial uses:
 - 1. Vessel repair, minor,
 - 2. Commercial moorage,
 - 3. Tugboat services,
 - 4. Rental of boats, and
 - 5. Airport, water-based;
- D. Museum, water-dependent;
- E. Public facilities, water-dependent or water-related;
- F. Shoreline protective structures;
- G. Utility lines;
- H. Dredging necessary to maintain or improve navigation channels, to install utility lines or for a water-dependent or water-related use; and
- I. Landfill which does not create dry land.
(Ord. 113466 § 2(part), 1987.)

23.60.486 Conditional uses in the CW Environment.

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

- A. Commercial uses:
 - 1. Vessel repair, major, of historic ships;
- B. Non-water-dependent commercial uses on historic ships:
 - 1. The following uses may be permitted on a historic ship when meeting the criteria in subsection B2:
 - a. Sale of boat parts and accessories,

b. Personal and household retail sales and services, and

c. Eating and drinking establishments;

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

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

c. Other uses permitted outright are impractical because of ship design or such uses cannot provide adequate financial support to sustain the ship in a reasonably good physical condition,

d. A certificate of approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site.
(Ord. 118793 § 27, 1997; Ord. 113466 § 2(part), 1987.)

23.60.488 Prohibited uses.

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

- A. The following commercial uses:
 - 1. Marine service station,
 - 2. Sale of large boats,
 - 3. Sale of boat parts and accessories,
 - 4. Dry boat storage,
 - 5. Recreational marina,
 - 6. All non-water-dependent commercial uses except those permitted on historic ships, and
 - 7. Vessel repair, major, except of historic ships;
- B. Residential uses;
- C. Institutional uses not permitted above;
- D. Salvage and recycling uses;
- E. Manufacturing uses;
- F. Agricultural uses;
- G. Utility uses, except utility lines;
- H. High-impact uses; and
- I. Landfill on submerged land which creates dry land.
(Ord. 113466 § 2(part), 1987.)

23.60.490 Public facilities.

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

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

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

23.60.490 LAND USE CODE

23.60.486 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted as a special use or permitted as a conditional use under Sections 23.60.484 through 23.60.486 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 12, 1997.)

Part 2 Development Standards

23.60.510 Development standards in the CW Environment.

All developments in the Conservancy Waterway Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

23.60.512 Temporary structures.

A. All structures in waterways shall be floating except as permitted in subsections B and C of this section.

B. Piling and dolphins may be permitted in waterways to secure floating structures only if the structures cannot be safely secured with anchors, or with pilings or dolphins located outside of the waterway.

C. Public access improvements including structures may be permitted on dry land portions of waterways. (Ord. 113466 § 2(part), 1987.)

23.60.514 Height.

The height of structures permitted in waterways shall be fifteen (15) feet. (Ord. 113466 § 2(part), 1987.)

23.60.516 Lot coverage.

Structures shall not occupy more than thirty-five (35) percent of the entire waterway nor more than forty (40) percent of the width of the waterway. (Ord. 113466 § 2(part), 1987.)

23.60.518 View corridors.

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. (Ord. 113466 § 2(part), 1987.)

23.60.520 Public access.

A. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all waterways.

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. (Ord. 113466 § 2(part), 1987.)

Subchapter X The Urban Residential Environment

Part 1 Uses

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

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

- A. The following residential uses:
 - 1. Floating home moorage in Lake Union or Portage Bay,
 - 2. Single-family and multifamily residences, and
 - 3. Congregate residences and nursing homes;
- B. Streets;
- C. Bridges;
- D. Railroads;
- E. The following utilities:
 - 1. Utility lines, and

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2. Utility service uses whose operations require a shoreline location; and
 F. Shoreline recreation uses.
 (Ord. 118793 § 28, 1997; Ord. 113466 § 2(part), 1987.)

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

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

- A. The following institutional uses:
1. Community center that provides shoreline recreation, and
 2. Community yacht, boat, and beach clubs;
- B. The following shoreline protective structures:
1. Natural beach protection, and
 2. Bulkheads to support a water-dependent or water-related use, to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;
- C. Dredging when necessary for water-dependent or water-related uses;
- D. The following types of landfill:
1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
 2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,
 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement, and
 4. Landfill on submerged land which creates dry land where necessary for a water-dependent or water-related use, provided that if more than two (2) square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
 - a. No reasonable alternative to the landfill exists,
 - b. The landfill provides a clear public benefit, and
 - c. The landfill site is not located in Lake Union or Portage Bay.
- (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.544 Prohibited uses on waterfront lots in the UR Environment.

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

- A. Commercial uses;
- B. The following utilities:
 1. Communication utility,
 2. Solid waste transfer stations,
 3. Power plants, and
 4. Sewage treatment plants;
- C. Salvage and recycling uses;
- D. Manufacturing uses;
- E. High-impact uses;
- F. The following institutional uses:

1. Institutions, nonwater-dependent,
 2. Private yacht, boat and beach clubs;
- G. Public facilities not authorized by Section 23.60.550;
- H. Agricultural uses;
- I. Open space uses except shoreline recreation;
- J. The following shoreline protective structures:
1. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system, and
 2. Bulkheads on Class I beaches.
- (Ord. 118663 § 13, 1997; Ord. 118415 § 2, 1996; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.546 Permitted uses on upland lots in the UR Environment.

- A. Uses permitted outright in the UR Environment:
1. Uses permitted outright on waterfront lots are permitted outright on upland lots;
 2. Additional uses permitted outright:
 - a. Institutional uses, and
 - b. Open space uses.
- B. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots unless permitted outright.
 (Ord. 113466 § 2(part), 1987.)

23.60.548 Prohibited uses on upland lots in the UR Environment.

All uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.546.
 (Ord. 113466 § 2(part), 1987.)

23.60.550 Public facilities.

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

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

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards or special use requirements for those uses in public facilities that are similar to uses permitted outright or permitted as a special use under Sections 23.60.540 through 23.60.542 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

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

the concurrence of the Department of Ecology, may waive or modify development standards or special use requirements according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 14, 1997.)

Part 2 Development Standards

23.60.570 Development standards for the UR Environment.

All development in the Urban Residential Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

23.60.572 Height in the UR Environment.

A. Maximum Height. The maximum height in the UR Environment shall be thirty (30) feet except as modified by subsections B through E of this section.

B. The maximum height on upland lots on Harbor Avenue Southwest and Alki Avenue Southwest from Southwest Leon Place to 59th Avenue Southwest shall be sixty (60) feet.

C. Pitched Roofs. The ridge of pitched roofs on principal structures may extend five (5) feet above the maximum height established in subsection A or B above. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from

the height limit, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

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;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five (5) feet from the roof edge; and

d. Chimneys.

E. Bridges. Bridges may extend above the maximum height limit.

(Ord. 113466 § 2(part), 1987.)

23.60.574 Lot coverage in the UR Environment.

A. Structures including floats and piers shall not occupy more than thirty-five (35) percent of a waterfront lot or an upland lot except as modified in subsection B.

B. Lot Coverage Exceptions.

1. Floating home moorages shall meet the lot coverage provisions in Section 23.60.196, Floating homes.

2. On single-family zoned lots the maximum lot coverage 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.

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. On multifamily zoned lots, the lot coverage percentage of the underlying zone shall apply.

(Ord. 118793 § 29, 1997: Ord. 113466 § 2(part), 1987.)

23.60.576 View corridors in the UR Environment.

A. 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 and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CH by a street or railroad right-of-way.

B. View corridors are not required for single-family dwelling units.

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 of subsection B3 of Section 23.60.162, View corridors.

(Ord. 113466 § 2(part), 1987.)

23.60.578 Regulated public access.

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 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. Multifamily residential developments of more than four (4) units with more than seventy-five (75) feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;

b. Other nonwater-dependent uses except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway provides public access; and

c. Marinas, except as exempted by Section 23.60.200 E.

2. The following uses are not required to provide public access on private lots:

- a. Water-dependent uses other than marinas and water-related uses; and
- b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

structure containing nonresidential uses on the ground floor,

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

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

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

- a. Located in Lake Union or Portage Bay,
- b. Occupied solely by no more than two

(2) existing floating homes as defined in subsection A4 of Section 23.60.196, under any of the following conditions:

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

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

Subchapter XI The Urban Stable Environment

Part 1 Uses

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

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

A. The following residential uses:

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

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Seattle Municipal Code

June, 1998 code update file

Text provided for historic reference only.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

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Seattle Municipal Code
June, 1998 code update
Text provided for historical purposes only.

See ordinances creating amendments and tables and to confirm accuracy of this source file.

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

d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of the effective date of the ordinance codified in this chapter¹;

B. The following commercial uses:

1. Marine retail sales and services,
2. Food processing, water-related,
3. Wholesale showroom, mini-warehouse, warehouse and open storage, water-related, and
4. Passenger terminals, water-dependent;

C. 1. The following non-water-dependent commercial uses on dry land when the requirements of subsection C2 are met:

- a. Personal and household retail sales and services,
- b. Eating and drinking establishments,
- c. Offices outside the Lake Union area,
- d. Offices in the Lake Union area above the ground floor of a structure when permitted uses other than office or residential uses occupy the ground-floor level, and parking on the ground-floor level is limited to required parking,

e. Entertainment uses, and

f. Custom and craft work,

2. The uses listed in subsection C1 shall be permitted when a water-dependent use occupies forty (40%) percent of the dry-land portion of the lot or the development provides one (1) or more of the following facilities or amenities in addition to regulated public access:

a. Facilities for the moorage, restoration, or reconstruction of one (1) or more historic vessels,

b. Terminal facilities for one (1) or more cruise ships, harbor tour boats, or foot passenger ferries,

c. More than five hundred (500) lineal feet of moorage for commercial fishing vessels at rates equivalent to that charged at public moorage facilities,

d. Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization existing at time of application,

e. More than one thousand five hundred (1,500) lineal feet of saltwater moorage for recreational vessels,

f. A major public open space, occupying at least one-third (1/3) of the dry-land lot area, which includes a public walkway with benches and picnic tables along the entire water frontage, and connecting public walkways to adjacent sites and any nearby public parks or other public facilities. The Director shall require adequate signed parking for the open space, or

g. Other facilities or amenities similar to those listed above which provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director;

D. Streets, railroads and bridges;

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location;

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

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

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

1. The dry-land portion of the lot is less than fifty (50) feet in depth,
2. Location of such facilities on the dry-land portion of the lot is not feasible, and
3. The facilities or amenities required by Section 23.60.600 C are provided;

- I. Public facilities, water-dependent or water-related;
 - J. Open space uses; and
 - K. Aquaculture.
- (Ord. 113466 § 2(part), 1987.)

1.Editor's Note: Chapter 23.60, the Seattle Shoreline Master Program, became effective on December 31, 1987.

23.60.602Special uses on waterfront lots in the US Environment.

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

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

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

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23.60.604Conditional uses on waterfront lots in the US Environment.

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

A. Residential uses:

1. New single-family and multi-family dwelling units and artist studio dwellings on the dry land portion of the lot when:

- a. Not located near uses which are normally incompatible with residential use because of factors such as noise, air and water pollutants, or aesthetic values protected by this chapter,

- b. Located above the ground floor of a structure containing nonresidential uses on the ground floor, except that single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street may be located on the ground floor,

- c. Located near other residences on waterfront lots,

- d. Not located on a lot or in an area which would make the lot suitable for use by water-dependent or water-related use by having any of the following characteristics:

- (1) Existing piers or other structures suitable for use by a water-dependent use,
- (2) Adequate amounts of submerged and dry lands, or
- (3) Adequate water depth and land slope,

2. Single-family dwelling units other than floating homes, over water in the shoreline area along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 57th Street when located on a lot established in the public records of the County or City prior to March 1, 1977 by deed, contract of sale, mortgage, platting, property tax segregation or building permit, and having less than thirty (30) feet of dry land calculated as provided in Section 23.60.956, Calculation of lot depth,

3. Floating home moorages in Lake Union or Portage Bay when:

- a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use,

- b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses,

- c. The structural bulk of the floating home development will not adversely affect surrounding development, and

- d. When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent nonresidential uses and vacant lots;

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

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1. Eating and drinking establishments meeting the criteria of subsection C2 of Section 23.60.600,
2. Marine retail sales and services,
3. Personal and household retail sales and service uses,
4. Entertainment uses, and
5. Custom and craft work;

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

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

- a. Sale of boat parts or accessories,
 - b. Personal and household retail sales and services, and
 - c. Eating and drinking establishments,
2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places,
- b. The use is compatible with the existing design and/or construction of the ship without significant alteration,
- c. Uses permitted outright are impractical because of the ship design and/or the permitted uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,
- d. A certificate of approval has been obtained from the Landmarks Preservation Board, and
- e. No other historic ship containing restaurant or retail uses is located within one-half (½) mile of the proposed site.
(Ord. 118793 § 30, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.606 Prohibited uses on waterfront lots in the US Environment.

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

- A. New residences over water and residential uses at or below the ground floor, except as permitted as conditional uses by Section 23.60.604;
- B. The following commercial uses:
 1. Medical services,
 2. Animal services,
 3. Automotive retail sales and services,
 4. Lodging,
 5. Mortuary services,
 6. Parking, principal use,
 7. Nonhousehold sales and services,
 8. Ground-level offices in the Lake Union area,

9. Non-water-dependent wholesale showroom, mini-warehouse, warehouse and outdoor storage uses,
 10. Off-premises signs,
 11. Personal transportation services,
 12. Passenger terminals, non-water-dependent,
 13. Cargo terminals,
 14. Transit vehicle bases,
 15. Helistops and heliports,
 16. Airports, land-based,
 17. Food processing, non-water-dependent, and
 18. Research and development laboratory;
- C. Salvage and recycling uses;
- D. The following manufacturing uses:
1. Light and general manufacturing, non-water-dependent, and
 2. Heavy manufacturing uses;
- E. High-impact uses;
- F. The following utilities:
1. Communication utilities,
 2. Solid waste transfer stations,
 3. Power plants; and
 4. Sewage treatment plants;
- G. Public facilities not authorized by Section 23.60.612 and those that are non-water-dependent;
- H. Institutional uses, non-water-dependent;
- I. Agricultural uses except aquaculture; and
- J. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system.

(Ord. 118663 § 15, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.608 Permitted uses on upland lots in the US Environment.

- A. Uses Permitted Outright.
 1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirements of Section 23.60.600 C to provide special public benefits.
 2. Additional uses permitted outright on upland lots:
 - a. The following residential uses:
 - (1) Single-family and multifamily residences, and
 - (2) Congregate residences and nursing homes;
 - b. The following commercial uses:
 - (1) Medical services,
 - (2) Animal services,
 - (3) Automotive retail sales and service,
 - (4) Parking, principal use,
 - (5) Lodging,
 - (6) Mortuary services,
 - (7) Nonhousehold sales and service,
 - (8) Wholesale showroom, miniwarehouse, warehouse and outdoor storage uses, non-water-dependent,

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- (9) Research and development laboratories, and
- (10) Ground-level offices in the Lake Union area;
- c. Recycling collection stations;
 - d. Light and general manufacturing uses;
 - e. Institutional uses; and
 - f. Public facilities.

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

(Ord. 118793 § 31, 1997; Ord. 113466 § 2(part), 1987.)

23.60.610 Prohibited uses on upland lots in the US Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.612 Public facilities.

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

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

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.600 through 23.60.604 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

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

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

(Ord. 118663 § 16, 1997.)

Part 2 Development Standards

23.60.630 Development standards for the US Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.632 Height in the US Environment.

A. Maximum Height. The maximum heights in the US Environment shall be as follows, as modified in subsections B through E of this section:

1. The maximum height shall be thirty (30) feet in all locations except those listed in subsections A2 through A4;

2. The maximum height on upland lots along Westlake Avenue North shall be as follows:

a. Fremont Bridge to Newton Street — forty (40) feet,

b. South of Newton Street — sixty-five (65) feet.

3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way shall be sixty-five (65) feet.

4. The maximum height on upland lots along Seaview Avenue Northwest between Northwest 61st Street and Northwest 62nd Street shall be forty (40) feet.

B. Height Exemptions for Water-Dependent Uses.

1. Floating structures accessory to a water-dependent or water-related use that, by reason of intended use, require additional height may be authorized up to thirty-five (35) feet, with or without a flat roof, by the Director when:

a. Not more than twenty-five (25) percent of the lot area would be at an increased height; and

b. The views of a substantial number of upland residences would not be blocked by the increased height.

2. Water-dependent Uses. Cranes, mobile conveyors, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

C. Pitched Roofs. In areas with a maximum height limit of thirty (30) or forty (40) feet, the ridge of pitched roofs on principal structures may extend up to five (5) feet above the height permitted. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features.

1. Radio and television receiving aerials, smokestacks, chimneys, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from any side or rear lot line.

2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen (15) feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty (20) percent of the roof area or twenty-five (25) percent of the roof area if the total includes screened mechanical equipment:

- a. Solar collectors;
- b. Stair and elevator penthouses;
- c. Mechanical equipment; and
- d. Play equipment and open-mesh fencing

which encloses it, so long as the fencing is at least fifteen (15) feet from the roof edge.

E. Bridges. Bridges may extend above the maximum height limits.

(Ord. 113466 § 2(part), 1987.)

23.60.633 Maximum size limits in the US Environment.

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

(Ord. 117571 § 4, 1995; Ord. 116398 § 1, 1992.)

23.60.634 Lot coverage in the US Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged land of any lot.

2. Structures shall not occupy more than fifty (50) percent of the dry land of any lot.

B. Upland Lots.

23.60.640 LAND USE CODE

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 an average of fifty (50) feet of dry land between the ordinary high water mark and the street right-of-way, a maximum lot coverage of sixty-five (65) percent is permitted on the dry-land portion of the lot.

2. On single-family zoned lots the maximum lot coverage 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.

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 are less than eighteen (18) inches above original grade shall not be included in lot coverage. (Ord. 113466 § 2(part), 1987.)

23.60.636 View corridors in the US Environment.

A. 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 and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN, by a street or railroad right-of-way.

B. View corridors are not required for single-family residential development.

C. The following 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.

D. The required view corridor width shall be reduced to twenty-five (25) percent of the width of the lot when water-dependent or water-related uses occupy more than forty (40) percent of the dry land area of the lot.

E. A view corridor or corridors of not less than sixty-five (65) percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street. The following may be located in the required view corridors:

1. Open wet moorage;
2. Dry storage of boats; and
3. Parking for both water-dependent and non-water-dependent uses.

(Ord. 113466 § 2(part), 1987.)

23.60.638 Regulated public access.

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. Multifamily residential developments of more than four (4) units with more than one hundred (100) feet of shoreline, except when uses located on salt water shorelines where public access from a street is available within six hundred (600) feet of the proposed development;

b. Developments containing non-water-dependent offices in the Lake Union area;

c. Other non-water-dependent uses, except those on private lots in the Lake Union area with a front lot line of less than one hundred (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;

d. Marinas, except as exempted by Section 23.60.200 E; and

e. Yacht, boat and beach clubs which have non-water-dependent facilities over water.

2. The following uses are not required to provide public access on private lots:

a. Water-dependent and water-related uses, except yacht, boat and beach clubs which have non-water-dependent facilities over water, and marinas; and

b. Residential uses of fewer than five (5) units.

C. Utilities. Regulated public access shall be provided on utility owned or controlled property within the Shoreline District.

(Ord. 116398 § 2, 1992; Ord. 113466 § 2(part), 1987.)

23.60.640 Location of uses.

A. When a use is permitted only above the ground-floor level,

1. Permitted uses other than residential or office uses shall occupy no less than fifty (50) percent of the ground-floor level;

2. Parking on the ground floor is limited to required parking, and shall not occupy more than fifty (50) percent of the ground-floor level; and

3. All uses located on the ground floor shall be located and designed, as determined by the Director, to encourage public access to the shoreline.

B. Calculation of Ground-floor Level. The ground-floor level shall be that level of a structure having the closest floor level to the average grade of the structure. For a sloping lot, the Director shall determine what constitutes the ground floor, taking into consideration the purpose of subsection A3.

(Ord. 113466 § 2(part), 1987.)

23.60.642 Development between the Pierhead Line and the Construction Limit Line in the US Environment in Lake Union and Portage Bay.

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks and existing floating homes at existing floating home moorages. (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

Subchapter XII Urban Harborfront Environment

Part 1 Uses

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

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

- A. The following commercial uses:
 1. Personal and household retail sales and services,
 2. Marine retail sales and services,
 3. Eating and drinking establishments,
 4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,
 5. Parking over water when accessory to a water-dependent or water-related use,
 6. Parking on dry land when accessory to a permitted use,
 7. Offices when located above wharf level,
 8. Entertainment uses,
 9. Passenger terminals, water-dependent,
 10. Breakbulk cargo terminals,
 11. Research and development laboratories, water-dependent, and
 12. Food processing and craft work uses;
- B. Light manufacturing uses, water-dependent or water-related;
- C. Streets, railroads and bridges;
- D. The following institutions:
 1. Institutes for advanced study, water-dependent or water-related,
 2. Maritime museums,
 3. Colleges that have water-dependent or water-related facilities,
 4. Community centers,
 5. Vocational schools, water-dependent or water-related,
 6. Community yacht, boat, and beach clubs, and
 7. Day care centers when located above wharf level;
- E. The following public facilities:

1. Public facilities, water-dependent or water-related, and
 2. Public facilities that are part of an approved public improvement plan for the Harbor-front adopted by the Council;
 - F. Shoreline Recreation; and
 - G. Aquaculture.
- (Ord. 113466 § 2(part), 1987.)

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

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

- A. Airport, water-based;
 - B. The following utilities:
 1. Communication utilities that require a shoreline location,
 2. Utility service uses that require a shoreline location, and
 3. Utility lines;
 - C. The following shoreline protective structures:
 1. Natural beach protection, and
 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;
 - D. Dredging when necessary for water-dependent and water-related uses or to install utility lines;
 - E. The following types of landfill:
 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
 2. Landfill on submerged lands which does not create dry land, where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line.
- (Ord. 113466 § 2(part), 1987.)

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

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

- A. The following commercial uses:
 1. Outdoor storage, water-related or water-dependent,
 2. Warehouses, water-related or water-dependent,
 3. Wholesale showrooms, and

23.60.666 LAND USE CODE

4. Research and development laboratories, non-water-dependent;

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

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

a. Sale of boat parts or accessories,
b. Personal and household retail sales and services,

c. Eating and drinking establishments,
2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places,

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

c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (1/2) mile of the proposed site, unless the proposed site is within the Historic Character Area;

C. Light manufacturing uses, non-water-dependent which:

1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,

2. Contribute to the maritime or tourist character of the area, and

3. Are located to accommodate water-dependent or water-related uses on site;

D. The following non-water-dependent institutions:

1. Institutes for advanced study,
2. Museums,
3. Colleges, and
4. Vocational schools.

(Ord. 118793 § 32, 1997; Ord. 118663 § 17, 1997; Ord. 116907 § 10, 1993; Ord. 116616 § 9, 1993; Ord. 113466 § 2(part), 1987.)

23.60.666 Council conditional uses permitted on waterfront lots in the UH Environment.

A. Water-dependent Incentive.

1. Developments which include major water-dependent uses may be permitted to increase height and lot coverage and to depart from the other development standards of Part 2 of this subchapter through the Council conditional use process set forth in Section 23.60.068, Procedure for Council conditional use authorization, if the Council finds that such departures would encourage the retention of existing and/or development of new water-dependent uses.

2. The following development standards shall be used as criteria in evaluating projects which include a major water-dependent use:

a. The project may be located in any area of a Downtown Harborfront 1 zone except the Historic Character Area established by Section 23.60.704.

b. Siting of project components shall be designed to facilitate the operation of the water-dependent component(s). Views from Alaskan Way of activity over water and the harbor itself are encouraged, and the frontage of the project on Alaskan Way should contribute to an interesting and inviting pedestrian environment.

c. The area of the project shall be adequate to accommodate the operations of a major water-dependent use suited to a downtown harbor area location.

(1) Area. A minimum of twenty thousand (20,000) square feet or square footage equivalent to twenty (20) percent of the developed lot area, whichever is greater, shall be dedicated to water-dependent use.

(2) Moorage. The moorage required by Section 23.60.700 shall not be calculated as part of the major water-dependent use. Moorage provided in excess of the requirement shall be credited as part of the minimum square footage requirement for water-dependent use.

(3) Lot coverage. An increase in the base lot coverage from fifty (50) percent to a maximum of sixty-five (65) percent may be permitted by the Council. Structures excluding floats permitted by Section 23.60.694 C, shall not occupy more than sixty-five (65) percent of the submerged land and sixty-five (65) percent of the dry land of any lot. To exceed the base lot coverage, development shall be modified to accomplish the following objectives:

(a) Prevent building bulk from being concentrated along the Alaskan Way frontage of the lot;

(b) Promote an overall massing of the pier superstructure to reflect some of the qualities of traditional pier development;

(c) Site view corridors and public access areas to reduce the appearance of building bulk over water; and

(d) Ensure coverage configuration that permits the water abutting the Alaskan Way seawall to be visible so that the seawall will be perceived as the edge of the water.

d. Height. The Council may permit increases in building height up to sixty (60) or seventy-five (75) feet above Alaskan Way in the areas shown on Exhibit 23.60.666. (See Exhibit 23.60.666.) Structure heights of seventy-five (75) feet shall be permitted only on dry-land portions of a lot located inside the Inner Harbor Line. Portions of the structures that are above forty-five (45) feet, as measured from Alaskan Way, shall not occupy more than forty (40) percent of the submerged land and forty (40) percent of the dry land of the lot. Heights above forty-five (45) feet shall not be permitted within one hundred (100) feet of the Outer

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SHORELINE DISTRICT 23.60.666

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Harbor Line. To exceed forty-five (45) feet, the development should accomplish the following objectives:

(1) Maintain views from upland public spaces and rights-of-way;

(2) Ensure structure heights that provide a transition to the lower pier structures in the Historic Character Area;

(3) Maintain a structure height along Alaskan Way frontage that is consistent with existing pier development, maximizes solar access to Alaskan Way and establishes a scale of development in keeping with the pedestrian character; and

(4) Provide a transition in height and scale between the waterfront and abutting upland development.

e. Public Access. Public access shall be required according to the following guidelines to ensure access to the water and marine activity without conflicting with the operation of water dependent uses:

(1) Public access shall be provided approximately equivalent to fifteen (15) percent of the lot coverage or five thousand (5,000) square feet, whichever is greater, except as provided in subsection A2e(2)(c) below.

(2) Area designated for public access shall be subject to the following conditions:

(a) Where the water-dependent use will benefit from or is compatible with public access, such as passenger terminals, ferry operations and tour boats, the access shall be provided in conjunction with the water-dependent use;

(b) Where public access would conflict with the operations of the water-dependent use, access requirements may be met on alternative portions of the lot;

(c) Where the entire lot is to be occupied by a water-dependent use, the Council may permit a partial waiver of the public access requirement;

(d) To qualify as public access, an area shall be directly accessible from Alaskan Way and clearly related to public open spaces. Efforts should also be made to physically and visually link public access areas over water with the east/west streets providing links to upland areas;

(e) The public access area shall provide the public with visual and physical access to the shoreline area. Preference shall be given to perimeter access on over-water structures providing maximum exposure to the bay and surrounding activity;

(f) Interpretive features such as displays or special viewing equipment shall be incorporated in public access areas. Maritime museum space which is fully enclosed will not count as public access space;

(g) Up to fifty (50) percent of the total public access area may be covered, provided that at least fifty (50) percent of the perimeter of any covered area is open to views of the water;

(h) A portion of the required public access area, not to exceed fifty (50) percent, may be

provided at an elevation exceeding two (2) feet above or below the grade of Alaskan Way. The area must be open to views of the water along at least fifty (50) percent of the perimeter, be easily identifiable as public space and be fully accessible to the public.

f. View Corridors. View corridors shall be provided equivalent to thirty (30) percent of the street frontage of the lot. The following conditions for view corridors shall be met:

(1) View corridors shall allow views of the water from the street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along traditional view corridors established by submerged street rights-of-way, as well as views from upland areas along east/west rights-of-way. View corridors shall provide views past pier development out into the open water of Elliott Bay and to the Olympic Mountains where possible;

(2) View corridors shall maximize opportunities for views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;

(3) View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and

(4) Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

B. Helistops may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the City Council according to the procedures of Section 23.60.068, with concurrence of the Department of Ecology, as either principal or accessory uses if both the criteria for conditional uses in WAC 173-27-160 and the following criteria are satisfied:

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

2. The helistop is located so as 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;

3. The lot is of sufficient size that operations of the helistop and flight paths of helicopters can be buffered from the surrounding area;

4. Open areas and landing pads shall be hard-surfaced; and

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

(Ord. 118663 § 18, 1997; Ord. 118415 § 3, 1996; Ord. 113466 § 2(part), 1987.)

23.60.668 Prohibited uses on waterfront lots in the UH Environment.

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

- A. Residential uses;
 - B. The following commercial uses:
 - 1. Medical services,
 - 2. Animal services,
 - 3. Automotive retail sales and service,
 - 4. Lodging, except existing hotels,
 - 5. Mortuary services,
 - 6. Offices at wharf/street level,
 - 7. Adult motion picture theaters and panorams,
 - 8. Parking, principal use,
 - 9. Nonhousehold sales and services,
 - 10. Mini-warehouses,
 - 11. Personal transportation services,
 - 12. Cargo terminals, except breakbulk,
 - 13. Transit vehicle bases,
 - 14. Heliports, and
 - 15. Airports, land-based;
 - C. Salvage and recycling uses;
 - D. The following utilities:
 - 1. Solid waste transfer stations,
 - 2. Power plants, and
 - 3. Sewage treatment plants;
 - E. General and heavy manufacturing;
 - F. The following institutional uses:
 - 1. Schools, elementary or secondary,
 - 2. Hospitals,
 - 3. Religious facilities, and
 - 4. Private yacht, boat and beach clubs;
 - G. Public facilities or projects that are nonwater-dependent except those that are part of public improvement plan for the harborfront adopted by the Council;
 - H. High-impact uses;
 - I. Agriculture uses except aquaculture;
 - J. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system; and
 - K. Landfill which creates dry land.
- (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.670 Permitted uses on upland lots in the UH Environment.

- A. Uses Permitted Outright. The following uses shall be permitted outright on upland lots as principal or accessory uses in the UH Environment:
 - 1. Uses permitted outright on waterfront lots in the UH environment;
 - 2. Additional uses permitted outright on upland lots:
 - a. Residential uses,
 - b. The following commercial uses:
 - (1) Nonhousehold retail sales and services,
 - (2) Warehouses,

- (3) Medical services,
- (4) Lodging,
- (5) Offices at street level,
- (6) Parking garages, principal use,
- (7) Surface parking areas, principal use,
- (8) Personal transportation services,
- c. Institutions, and
- d. Public facilities.

B. Uses Permitted as Special Uses. Uses permitted as special uses on waterfront in the UH Environment lots are permitted as special uses on upland lots.
(Ord. 113466 § 2(part), 1987.)

23.60.672 Prohibited uses on upland lots in the UH Environment.

Uses prohibited on waterfront lots in the UH environment are also prohibited on upland lots unless specifically permitted in Section 23.60.670.
(Ord. 113466 § 2(part), 1987.)

Part 2 Development Standards**23.60.690 Development standards for the UH Environment.**

All developments in the Urban Harborfront Environment shall meet the requirements of Part 2, except when the Water-dependent Incentive Development Standards of Section 23.60.666 apply, as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.
(Ord. 113466 § 2(part), 1987.)

23.60.692 Height in the UH Environment.

A. Waterfront Lots. The maximum height in the UH Environment shall be forty-five (45) feet except in the Historic Character Area where the maximum height shall be fifty (50) feet all as measured from Alaskan Way, except as modified by subsection C below.

B. Upland Lots. The maximum height shall be fifty-five (55) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred (100) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as determined by location on the Official Land Use Map, Chapter 23.32, except as modified by this section.

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to four (4) feet above the maximum height with unlimited rooftop coverage.

b. Solar collectors may extend up to seven (7) feet above the maximum height with unlimited rooftop coverage.

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c. The following rooftop features may extend up to fifteen (15) feet above the maximum height, as long as the combined coverage of all features listed in this subsection 3C does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment:

- (1) Solar collectors;
- (2) Stair and elevator penthouses;
- (3) Mechanical equipment; and
- (4) Play equipment and open-mesh

fencing, as long as the fencing is at least fifteen (15) feet from the roof edge.

d. Radio and television receiving aerials, excluding dishes; religious symbols such as belfries or spires and that portion of the roof which supports them; transmission towers; smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height Overlay District, provided they are a minimum of ten (10) feet from all lot lines.

4. Bridges. Bridges may exceed the maximum height limits.

(Ord. 113466 § 2(part), 1987.)

23.60.694 Lot coverage in the UH Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged land of any lot, except as modified by subsection C below; and

2. Structures shall not occupy more than fifty (50) percent of the dry land of any lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of a lot, except as modified by other sections of this subchapter and/or the underlying zoning.

C. Lot Coverage Exceptions. Piers may exceed permitted lot coverage by the addition of floats for open wet moorage. Maximum float size above existing lot coverage or the lot coverage limit, whichever is greater, is thirty-six hundred (3,600) square feet or an area equivalent to twelve (12) feet times the length of the pier, whichever is greater. An additional four hundred (400) square feet of coverage shall be permitted for an access ramp. Existing floats may be increased in size up to this limit.

(Ord. 113466 § 2(part), 1987.)

23.60.696 Side setbacks in the UH Environment.

To facilitate access to moorage as required by Section 23.60.700, a side setback of fifty (50) feet from the nearest lot shall be required of all fixed pier structures, not including moorage floats. One-half ($1/2$) of an adjacent submerged street right-of-way may be used in meeting this requirement.

(Ord. 113466 § 2(part), 1987.)

23.60.698 View corridors in the UH Environment.

A. Waterfront Lots.

1. The following standards shall apply to waterfront lots:

a. A view corridor with a width of not less than thirty (30) percent of the width of the lot, measured at Alaskan Way, shall be provided and maintained;

b. The view corridor may be provided at two (2) locations, provided that each location has a minimum width of twenty (20) feet.

2. The following may be located in a required view corridor:

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- a. Storage of boats undergoing repair,
 - b. Open wet moorage, and
 - c. Outdoor storage of items accessory to water-dependent or water-related use.
3. 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. (Ord. 113466 § 2(part), 1987.)

23.60.700 Moorage requirements in the UH Environment.

A. Developments in the UH Environment shall provide moorage on a regular basis either through:

1. Using moorage as an integral part of their operation;
2. Leasing their moorage for use by commercial or recreational watercraft; or
3. Actively advertising the availability of transient moorage.

B. To facilitate moorage, developments shall provide either:

1. Cleats on the two sides of the pier sufficiently strong for the moorage of vessels one hundred (100) feet in length;
2. Floats, for moorage of smaller vessels, that are at least one thousand eight hundred (1,800) square feet with a minimum width of six (6) feet; or
3. Alternative moorage facilities providing an equivalent amount of moorage, as determined by the Director.

C. To facilitate access to moorage, developments shall provide:

1. A pier apron of a minimum width of eighteen (18) feet on each side and the seaward end of the pier or wharf; and
2. Railings and/or ramps designed to permit access to the pier apron or roadway from moored ships and boats.

D. Exception for Marinas. Marinas in the UH Environment shall meet the specific development standards outlined in Section 23.60.200 in lieu of the moorage requirements of this section, and shall provide transient moorage at the rate of forty (40) lineal feet of transient space for each one thousand (1,000) lineal feet of permanent moorage space. (Ord. 113466 § 2(part), 1987.)

23.60.702 Regulated public access in the UH Environment.

A. Waterfront Lots. The following standards shall apply to waterfront lots except as provided in subsection C below:

1. Public access meeting the criteria of Section 23.60.160 shall be provided for all developments. The amount of public access shall be not less than fifteen (15) percent of the developed lot area or five thousand (5,000) square feet, whichever is greater.

2. Developments shall provide at least a ten (10) foot wide public access walkway along two (2) edges of the pier or wharf, including as one (1) edge the seaward end of the pier or wharf. The required walkways may be located on the required eighteen (18) foot pier apron.

B. Upland Lots. Public access is not required.

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C. 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. (Ord. 113466 § 2(part), 1987.)

23.60.704 Historic Character Area review criteria.

A. Location. All developments located in the Historic Character Area, as shown on the official Land Use Map, including all lots from the southerly edge of Pier 54 to the northerly edge of Pier 59 inclusive are subject to Historic Character Area review as provided in this section.

B. Review Process. All applications for development in the Historic Character Area shall be referred to the Landmarks Preservation Board and to the Department of Neighborhoods for their review and comment prior to issuance of a permit. In order to avoid undue project delay, such review and comment shall be completed within forty-five (45) days of receipt of an application by the Landmarks Preservation Board and the Department of Neighborhoods.

C. Review Standards. New construction or modification of existing structures shall be reviewed using the following criteria:

1. The single linear form of the pier shed shall be maintained or reconstructed, regardless of the division of internal space.

2. Facades of pier ends may be expanded or treated differently from the rest of the pier shed; however, major alterations to the pier shed form are discouraged.

3. The gabled roof planes with clerestories shall be preserved or reconstructed including the unbroken roof ridge line and the symmetrical and parallel pitch of each roof plane. Major roof extensions and cutouts are discouraged.

4. The east-west orientation parallel to submerged street rights-of-way of the major axis of the pier and its pier shed shall be preserved.

5. Facades which reinforce the street edge by being generally parallel to Alaskan Way and having no front setback are preferred.

6. Windows, doors, and openings composed of small-scale panes and panels shall be preferred. Large expanses of glass or banks of skylights at roof eaves are discouraged.

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. (Ord. 116744 § 28, 1993; Ord. 113466 § 2(part), 1987.)

Subchapter XIII The Urban Maritime Environment

Part 1 Uses

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

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

A. The following commercial uses:

1. Marine retail sales and services, except marinas and sale of boat parts or accessories,

2. Tugboat services,

3. Wholesale showroom, warehouse and outdoor storage uses, water-dependent or water-related,

4. Passenger terminals, water-dependent,

5. Cargo terminals, water-dependent or water-related,

6. Food processing, water-dependent or water-related;

B. Streets, railroads and bridges;

C. The following utilities:

1. Utility lines, and

2. Utility public service uses whose operations require a shoreline location;

D. The following institutional uses:

1. Water-dependent or water-related research and education facilities of colleges and universities,

2. Shoreline recreation facilities of schools, colleges and universities, and

3. Water-dependent or water-related colleges, institutes for advanced study and vocational schools;

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

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

G. Shoreline recreation uses; and

H. Aquaculture.

(Ord. 113466 § 2(part), 1987.)

23.60.722 Special uses on waterfront lots in the UM Environment.

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

A. Water-based aircraft facilities;

B. Heavy manufacturing uses, water-dependent or water-related;

C. The following shoreline protective structures:

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

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

E. The following types of landfill:

- 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
- 2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line,
- 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement,
- 4. Landfill which creates dry land:
 - a. When the dry land is necessary for a water-dependent or water-related use, and
 - b. If more than two (2) square yards of dry land per lineal yard of shoreline is placed, the landfill meets the following additional criteria:

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

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

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

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.724 Conditional uses on waterfront lots in the UM Environment.

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

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

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

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

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

a. Shallow water depth, or

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

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

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

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

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

- a. Sale of boat parts and accessories,
- b. Personal and household retail sales and services,
- c. Eating and drinking establishments,
- d. Nonhousehold sales and services except commercial laundries,
- e. Offices,
- f. Warehouse, wholesale showroom, mini-warehouse, outdoor storage,
- g. Food processing and craft work, and
- h. Light, general and heavy manufacturing,

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

a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,

b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and

c. The uses are located on site to accommodate water-dependent or water-related uses on site,

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

a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,

b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,

c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and

d. The non-water-dependent uses are located to accommodate the water-dependent or water-related uses on site,

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

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

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

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

4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and

5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial.

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

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

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

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

a. Uses permitted outright are impractical because of the vessel design, or the permitted uses cannot provide the financial support necessary to sustain the vessel in a reasonably good physical condition,

b. The moorage is not well-suited for commercial maritime use due to water depth, shoreline configuration or other physical or environmental constraints,

c. The use is compatible with the existing design or construction of the vessel, without the necessity of significant alteration of the vessel,

d. The vessel is designated as a landmark by the Seattle Landmarks Preservation Board with a designating ordinance by City Council,

e. No other historic vessel containing entertainment uses is located within one (1) mile of the applicant vessel, and

f. The playing of music is prohibited except in enclosed spaces.

(Ord. 118793 § 33, 1997; Ord. 118408 § 10, 1996; Ord. 117230 § 1, 1994; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.728 Prohibited uses on waterfront lots in the UM Environment.

The following principal uses are prohibited on waterfront lots:

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

B. The following commercial uses:

1. Medical services,
2. Animal services,
3. Automotive retail sales and service,
4. Parking, principal use,
5. Lodging,
6. Mortuary services,
7. Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,
8. Commercial laundries,
9. Personal transportation services,
10. Passenger terminals, non-water-dependent,
11. Cargo terminals, non-water-dependent,
12. Transit vehicle bases,
13. Helistops,
14. Heliports,

- 15. Airports, land-based,
 - 16. Covered wet moorage on Lake Union and Portage Bay, and
 - 17. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;
 - C. Salvage and recycling uses;
 - D. High-impact uses;
 - E. The following utilities:
 - 1. Communication utilities,
 - 2. Solid waste transfer stations,
 - 3. Power plants,
 - 4. Sewage treatment plants;
 - F. Institutions, non-water-dependent;
 - G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;
 - H. Public facilities not authorized by Section 23.60.734 and those that are non-water-dependent;
 - I. Agricultural uses except aquaculture;
 - J. Open space uses except shoreline recreation;
 - K. Groins and similar structures which block the flow of sand to adjacent beaches, except for drift sills or other structures which are part of a natural beach protection system.
- (Ord. 118793 § 34, 1997; Ord. 118663 § 19, 1997; Ord. 117230 § 2, 1994; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.730 Permitted uses on upland lots in the UM Environment.

- A. Uses Permitted Outright.
 - 1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.
 - 2. Additional uses permitted outright on upland lots:
 - a. Commercial Uses.
 - (1) Sale of boat parts or accessories,
 - (2) Personal and household retail sales and service uses,
 - (3) Medical services,
 - (4) Animal services,
 - (5) Automotive retail sales and service,
 - (6) Eating and drinking establishments,
 - (7) Nonhousehold sales and services,
 - (8) Wholesale showroom, mini-warehouse, warehouse and outdoor storage,
 - (9) Cargo terminals, non-water-dependent,
 - (10) Personal transportation services,
 - (11) Passenger terminals, non-water-dependent,
 - (12) Transit vehicle base,
 - (13) Food processing,
 - (14) Custom and craft work,
 - (15) Offices except in the Lake Union area, and

- (16) Research and development laboratories;
 - b. Recycling centers;
 - c. Light and general manufacturing uses, non-water-dependent; and
 - d. Public facilities.
- B. Uses Permitted as Special Uses.
 - 1. Uses permitted as special uses on waterfront lots in the UM environment are permitted as special uses on upland lots.
 - 2. Additional uses permitted as special uses on upland lots:
 - a. Heavy manufacturing uses, non-water-dependent.
 - C. Uses Permitted as Conditional Uses. The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:
 - 1. Offices within the Lake Union area;
 - 2. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is not located over water, the following uses:
 - a. Non-water-dependent institutional uses,
 - b. Residential uses;
 - 3. In structures designated as Landmarks, pursuant to Chapter 25.12, Landmarks Preservation, when the structure is located over water, the following uses:
 - a. Uses otherwise permitted outright on upland lots in the UM environment as specified in subsection A of Section 23.60.730,
 - b. Offices within the Lake Union area,
 - c. Non-water-dependent institutional uses,
 - d. Residential uses,
 - e. Parking accessory to uses located within the landmark structure.

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

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

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

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

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

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

(Ord. 118793 § 35, 1997; Ord. 116907 § 11, 1993; Ord. 116616 § 10, 1993; Ord. 115135 § 2, 1990; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.732 Prohibited uses on upland lots in the UM Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.734 Public facilities.

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

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

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.720 through 23.60.724 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

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

(Ord. 118663 § 20, 1997.)

Part 2 Development Standards

23.60.750 Development standards for the UM Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.752 Height in the UM Environment.

A. Maximum Height. The maximum height in the UM Environment shall be thirty-five (35) feet, except as modified in subsections B through D of this section.

B. Equipment. 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.

C. Structures. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five (55) feet by the Director when:

1. Not more than twenty-five (25) percent of the lot area would be covered by a structure with the increased height;

2. The views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop Features.

1. Radio and television receiving aerials, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

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 of twenty (20) percent of the roof area if the total includes screened mechanical equipment:

- a. Stair and elevator penthouses;
- b. Mechanical equipment.

E. Bridges. Bridges may exceed the maximum height limit.

(Ord. 113466 § 2(part), 1987.)

23.60.754 Lot coverage in the UM Environment.

A. Waterfront Lots.

1. Structures, including floats and piers, shall not occupy more than fifty (50) percent of the submerged portion of a waterfront lot, except as modified by subsection C.

2. Structures shall not occupy more than seventy-five (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.

C. Lot Coverage Exceptions.

1. Structures, including floats and piers, may occupy up to sixty-five (65) percent of the submerged portion of a waterfront lot which has a depth of less than fifty (50) feet of dry land.

2. Drydocks may cover up to an additional twenty-five (25) percent of submerged land for a maximum lot coverage of seventy-five (75) percent.

(Ord. 113466 § 2(part), 1987.)

23.60.756 View corridors in the UM Environment.

A. A view corridor or corridors of not less than fifteen (15) percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use.

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 waterfront lots occupied by a non-water-dependent use.

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 of subsection B3 of Section 23.60.162, View corridors; and
4. Open storage accessory to a water-dependent or water-related use.

D. View Corridor Reductions. The required percent of the width of the lot may be reduced by five (5) percent for each of the following conditions provided that such

reduction does not result in a view corridor of less than fifteen (15) feet:

1. The required view corridor is provided entirely in one (1) location;

2. A view corridor of at least half ($1/2$) the required width abuts a lot line which separates the lot from a street, waterway, or public park;

3. A view corridor of at least half ($1/2$) the required width abuts a view corridor provided on the adjacent property.

E. Viewing Area Substitution. In lieu of the required view corridor, developments which are not required to provide public access may provide a public viewing area as follows:

1. The viewing area shall be either an observation tower or a designated portion of the lot which is easily accessible;

2. The viewing area shall provide a clear view of the activities on the lot and the water;

3. The viewing area shall have a minimum dimension of one hundred fifty (150) square feet; and

4. The conditions of Section 23.60.160 for public access relating to accessibility, signs, and availability shall apply.

(Ord. 113466 § 2(part), 1987.)

23.60.758 Regulated public access in the UM 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. Marinas, except as exempted in Section 23.60.200 E,

b. Yacht, boat and beach clubs that have non-water-dependent facilities over water,

c. Non-water-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access;

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 water are not required to provide public access.

C. Utilities. Regulated public access shall be provided on utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

23.60.760 Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay.

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks, and existing floating homes at existing floating home moorages.

(Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

Subchapter XIV The Urban General Environment

Part 1 Uses

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

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

- A. Existing dwelling units;
- B. The following commercial uses:
 - 1. Personal and household retail sales and services,
 - 2. Medical services,
 - 3. Animal services,
 - 4. Marine retail sales and services,
 - 5. Eating and drinking establishments,
 - 6. Nonhousehold sales and service uses,
 - 7. Office uses,
 - 8. Entertainment uses,
 - 9. Wholesale showroom, mini-warehouse, warehouse and outdoor storage,
 - 10. Passenger terminals, water-dependent or water-related,
 - 11. Cargo terminals, water-dependent or water-related, and
 - 12. Research and development laboratories;
- C. Streets;
- D. Bridges;
- E. Railroads;
- F. The following utilities:
 - 1. Utility lines,
 - 2. Utility service uses whose operations require a shoreline location; and
 - 3. Solid waste transfer stations that are water-related;
- G. Manufacturing uses;
- H. Institutional uses;
- I. Public Facilities;
- J. Open space uses;
- K. Aquaculture; and
- L. Food processing and craft work uses.

(Ord. 113466 § 2(part), 1987.)

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

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

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

(Ord. 113466 § 2(part), 1987.)

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

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

- A. Artist studio/dwellings.
(Ord. 118793 § 36, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

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

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

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

4. Parking, principal uses,
 5. Personal transportation services,
 6. Passenger terminals, non-water-dependent,
 7. Cargo terminals, non-water-dependent,
 8. Transit vehicle bases,
 9. Heliports,
 10. Heliports, and
 11. Airports, land-based;
 - C. Salvage and recycling uses;
 - D. The following utilities:
 1. Communication utility,
 2. Solid waste transfer stations, non-water-dependent,
 3. Power plants, and
 4. Sewage treatment plants;
 - E. Agricultural uses except aquaculture; and
 - F. Groins and similar structures which block the flow of sand to adjacent beaches, except for drift sills or other structures which are part of a natural beach protection system.
- (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.788 Permitted uses on upland lots in the UG Environment.

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

- A. Uses Permitted Outright.
 1. Uses permitted outright on waterfront lots are permitted outright on upland lots.
 2. Additional commercial uses permitted outright:
 - a. Automotive retail sales and services; and
 - b. Parking, principal use.
 - B. Uses Permitted as Special Uses.
 1. Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.
 2. Additional uses permitted as special uses:
 - a. Artist studio/dwelling.
- (Ord. 113466 § 2(part), 1987.)

23.60.790 Prohibited uses on upland lots in the UG Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.795 Public facilities.

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

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

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.780 through 23.60.784 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

D. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities. (Ord. 118663 § 21, 1997.)

Part 2 Development Standards

23.60.810 Development standards for the UG Environment.

All developments in the Urban General Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

23.60.812 Height in the UG Environment.

A. Maximum Height. The maximum height in the UG Environment shall be thirty-five (35) feet, except as modified in subsections B through D of this section.

B. Equipment. 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.

C. Structures. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five (55) feet by the Director when the views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or
b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four (4) feet above the maximum height.

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.

E. Bridges. Bridges may exceed the maximum height limit. (Ord. 113466 § 2(part), 1987.)

23.60.814 Lot coverage in the UG Environment.

Structures may occupy up to one hundred (100) percent of the lot area for either a waterfront lot or an upland lot. (Ord. 113466 § 2(part), 1987.)

23.60.816 View corridors in the UG Environment.

A. 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.

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
3. Parking, which meets the criteria in subsection B3 of Section 23.60.162, View corridors. (Ord. 113466 § 2(part), 1987.)

23.60.818 Regulated public access in the UG 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. Marinas, except as exempted in Section 23.60.200 E;

b. Non-water-dependent developments except those located on private lots in the Lake Union area with a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses on private lots are not required to provide public access.

C. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter XV The Urban Industrial Environment

Part 1 Uses

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

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

A. Existing dwelling units;

B. The following commercial uses:

1. Marine retail sales and services except marinas and sale of boat parts or accessories,

2. Tugboat services,

3. Research and development laboratories,
 4. Wholesale showroom, warehouse and outdoor storage uses,
 5. Passenger terminals, water-dependent or water-related,
 6. Cargo terminals, water-dependent or water-related, and
 7. Food processing and craft work, water-dependent or water-related;
 - C. Salvage and recycling uses, water-dependent or water-related;
 - D. Streets, railroads and bridges;
 - E. The following utilities:
 1. Utility lines,
 2. Solid waste transfer stations, water-related, and
 3. Utility service uses whose operations require a shoreline location;
 - F. Manufacturing uses;
 - G. The following institutional uses:
 1. Water-dependent or water-related research and education facilities of colleges and universities,
 2. Shoreline recreation facilities of colleges and universities, and
 3. Water-dependent or water-related colleges, institutes for advanced study, and vocational schools;
 - H. High-impact uses, water-dependent or water-related;
 - I. Public facilities, water-dependent or water-related;
 - J. Shoreline recreation uses; and
 - K. Aquaculture.
- (Ord. 113466 § 2(part), 1987.)

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

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

- A. Airports, water-based;
- B. The following shoreline protective structures:
 1. Natural beach protection,
 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;
- D. The following types of landfill:
 1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
 2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line, and
 3. Landfill which creates dry land:
 - a. When the dry land is necessary for a water-dependent or water-related use, and
 - b. Food processing and craft work.

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

- (1) No reasonable alternative to the landfill exists,
 - (2) The landfill provides a clear public benefit, and
 - (3) The landfill site is not located in Lake Union or Portage Bay.
- (Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.844 Conditional uses on waterfront lots in the UI Environment.

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

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

1. a. Not located where frequent interference with the turning basins or navigational areas of large vessels or other conflict with shipping is likely to occur, and

- b. Not located where likely to conflict with manufacturing uses because of dust, noise or other environmental factors, or parking and loading access requirements or other safety factors, and

2. If located outside the Duwamish area, the yacht, boat or beach club or marina is located on a lot not suitable for a water-dependent or water-related manufacturing use, or for permitted water-dependent commercial uses because of:

- a. Shallow water depth, or
- b. An inadequate amount of dry land;

provided:

Yacht, boat or beach clubs may have non-water-dependent facilities over water only when:

1. The dry-land portion of the lot is less than fifty (50) feet in depth, and
2. The location of such facilities on the dry-land portion of the lot is not feasible.

B. Non-water-dependent Commercial Uses.

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

- a. Sale of boat parts or accessories;
- b. Personal and household retail sales and services;
- c. Eating and drinking establishments;
- d. Nonhousehold sales and services except commercial laundries;
- e. Offices;
- f. Mini-warehouse; and

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

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

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

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

(Ord. 118793 § 37, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

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

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

1. Located in the Duwamish area;

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

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

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

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

(Ord. 118793 § 38, 1997; Ord. 113466 § 2(part), 1987.)

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

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

A. Residential uses;

B. The following commercial uses:

1. Medical services,
2. Animal services,
3. Automotive retail sales and service,
4. Parking, principal use,
5. Lodging,
6. Mortuary services,
7. Heavy commercial services,
8. Entertainment uses,
9. Personal transportation services,
10. Passenger terminal, non-water-dependent,
11. Cargo terminal, non-water-dependent,
12. Transit vehicle bases,
13. Heliports, and

14. Heliports;

C. Salvage and recycling uses, non-water-dependent;

D. The following utilities:

1. Communication utilities,

2. Solid waste transfer stations, non-water-dependent,

3. Power plants, and

4. Sewage treatment plants, located outside of the Duwamish area;

E. High-impact uses, non-water-dependent;

F. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;

G. Public facilities not authorized by Section 23.60.854 and those that are non-water-dependent or non-water-related;

H. Agricultural uses except aquaculture;

I. All open space uses except shoreline recreation; and

J. Groins and similar structures which block the flow of sand to adjacent beaches, except for drift sills or other structures which are part of a natural beach protection system.

(Ord. 118663 § 22, 1997; Ord. 113764 § 1(part), 1987; Ord. 113466 § 2(part), 1987.)

23.60.850 Permitted uses on upland lots in the UI Environment.

A. Uses Permitted Outright.

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

2. Additional uses permitted outright:

a. All commercial uses;

b. Salvage and recycling uses that are non-water-dependent;

c. Open space uses;

d. The following institutions:

(1) Vocational and fine arts schools,

(2) Uses connected to a major institution and permitted by an approved master plan;

e. All agricultural uses.

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

(Ord. 113466 § 2(part), 1987.)

23.60.852 Prohibited uses on upland lots in the UI Environment.

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

(Ord. 113466 § 2(part), 1987.)

23.60.854 Public facilities.

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

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

1. The City Council, with the concurrence of the Department of Ecology, may waive or modify applicable development standards, special use requirements or conditional use criteria for those uses in public facilities that are similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

2. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright, permitted as a special use or permitted as a conditional use under Sections 23.60.840 through 23.60.846 may be permitted by the City Council. City Council, with the concurrence of the Department of Ecology, may waive or modify development standards, special use requirements or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

C. Expansion of Uses in Public Facilities.

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

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

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

(Ord. 118663 § 23, 1997.)

Part 2 Development Standards**23.60.870 Development standards for the UI Environment.**

All developments in the Urban Industrial Environment shall meet the requirements of this Part 2 as well as the development standards applicable to all environments contained in Subchapter III, General Provisions. (Ord. 113466 § 2(part), 1987.)

23.60.872 Height in the UI Environment.

A. Maximum Height. The maximum height shall be thirty-five (35) feet, except as modified by subsections B through D of this section.

B. Exceptions.

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

2. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized by the Director up to fifty-five (55) feet in the Ship Canal and up to eighty (80) feet in the Duwamish and Elliott Bay when the views of a substantial number of upland residences would not be blocked by the increased height.

C. Rooftop Features.

1. Radio and television receiving aerials, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

- a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or
- b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four (4) feet above the maximum height set in subsections A and B of Section 23.60.632.

3. The following rooftop features may extend ten (10) feet above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 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.

D. Bridges. Bridges may exceed the maximum height limit.

(Ord. 113466 § 2(part), 1987.)

23.60.874 Lot coverage in the UI Environment.

A. Waterfront Lots. Structures may occupy up to one hundred (100) percent of both submerged and dry-land lot area of a waterfront lot.

B. Upland Lots. Structures may occupy up to one hundred (100) percent of the lot area of an upland lot. (Ord. 113466 § 2(part), 1987.)

23.60.876 View corridors in the UI Environment.

A. 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.

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.

(Ord. 113466 § 2(part), 1987.)

23.60.878 Setbacks in the UI Environment.

All nonwater-dependent uses including accessory structures and uses shall provide a sixty (60) foot setback from the water's edge on waterfront lots. This setback area shall be accessible directly from a street or from a driveway of not less than twenty (20) feet in width. (Ord. 113466 § 2(part), 1987.)

23.60.880 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 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. (Ord. 113466 § 2(part), 1987.)

23.60.882 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. Marinas, except as exempted in Section 23.60.200 E;

b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;

c. Nonwater-dependent developments except those located on private lots in the Lake Union area which have a front lot line of less than one hundred (100) feet in length, measured at the upland street frontage generally parallel to the water edge, and which 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.

3. Utilities. Regulated public access shall be provided to utility-owned or controlled property within the Shoreline District.

(Ord. 113466 § 2(part), 1987.)

Subchapter XVI Definitions

23.60.900 Definitions generally.

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapters 24.08 and 23.84, which are also applicable to this chapter. In the event that a definition in this chapter differs from a definition of the same term in Chapter 24.08 or Chapter 23.84, the definition in this chapter shall apply in the Shoreline District. (Ord. 113466 § 2(part), 1987.)

23.60.902 "A."

"Airport, water-based" means a transportation facility used exclusively by aircraft which take off and land directly on the water.

"Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods, aquatic plants or animals are cultured in fresh or salt water.

"Agriculture use" means the following uses as defined in Chapter 23.84, Definitions:

- Animal husbandry;
- Aquaculture;
- Horticultural use.

"Average grade level" means the calculation determined by averaging the elevations at the center of all exterior walls of the proposed building or structure. In the case of structures to be built over water, average grade

level shall be the elevation of ordinary high water, except in the Urban Harborfront, as provided in Section 23.60.666.

“AWDT” means the twenty-four (24) hour average weekday traffic on a street as determined by the Director of Seattle Transportation or the Director of the Department of Construction and Land Use in consultation with the Director of Seattle Transportation. (Ord. 118793 § 39, 1997; Ord. 118409 § 205, 1996; Ord. 113466 § 2(part), 1987.)

23.60.904“B.”

“Boat or Beach Club.” See “Yacht club.”

“Beach, Class I” means an accretional beach characterized by a backshore which is only wetted under extreme tide and wave conditions. It is possible to walk on a Class I beach at mean higher high water.

“Beach, Class II” means a marginal erosion beach characterized by not having a stable and dry backshore above mean higher high water. Class II beaches are usually located at the foot of gravel-containing banks and bluffs that supply the upper foreshore with beach material.

“Beach, Class III” means an erosional beach on which it is not possible to walk at mean higher high water. Class III beaches are located under banks and bluffs that are low in gravel and high in clay and have an upper foreshore which is wave-cut below to mean higher high water level.

“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, or railway 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. (Ord. 113466 § 2 (part), 1987.)

23.60.906“C.”

“Cargo, breakbulk” means cargo packed in separate packages or individual pieces of cargo and loaded, stored and unloaded individually.

“Cargo, containerized” means cargo packed in a large (typically eight (8) feet by eight (8) feet by twenty (20) feet) trunklike box and loaded, stored and unloaded as a unit.

“Cargo, neo-bulk” means cargo which has historically been classified as generalized cargo, such as grain, oil, and automobiles, but now is moved in bulk movements usually in specialized vessels.

“Cargo terminal” means a transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.

“Clerestory” means an outside wall of a room or building that rises above an adjoining roof and contains windows.

“Commercial use” means the following uses as defined in Chapter 23.84, Definitions:

- Retail sales and services;
- Principal use parking;
- Nonhousehold sales and services;
- Offices;
- Entertainment;
- Wholesale showroom;
- Warehouse;
- Mini-warehouse;
- Outdoor storage;
- Transportation facilities;
- Food processing and craft work;
- Research and development laboratories.

“Commercial moorage” means a marine retail sales and service use in which a system of piers, buoys, or floats is used to provide moorage, primarily for commercial vessels, except barges, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage, tugboat dispatch offices, and other services are also often accessory to or associated with the use.

“Conditional use” means a use identified in this chapter as requiring specific approval by either the Department of Ecology (Shoreline Conditional Use) or the City Council (Council Conditional Use). Unless specifically stated in this chapter the term “conditional use” without modification shall mean Shoreline Conditional Use. (Ord. 113466 § 2(part), 1987.)

23.60.908“D.”

“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this title at any water level.

“Development standards” means regulations pertaining to the physical modification of the environment including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum front, side and rear yards, setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public access.

“Development, Substantial.” See “Substantial development.”

“Director” means the Director of the Department of Construction and Land Use of The City of Seattle.

“Drift sill” means a structure of rocks built into a beach as part of natural beach protection used to preserve a beach by stopping the littoral sand drift but which does not protrude above the finished grade of beach sediment.

“Dry land” means land at an elevation above the line of ordinary high water or mean higher high water.

“Dry storage of boats” means a marine retail sales and service use, in which space on a lot on dry land or inside a building over-water or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

23.60.854 LAND USE CODE

(Ord. 113466 § 2(part), 1987.)

23.60.910“E.”

“Extreme low tide” means the lowest line on land reached by a receding tide.
(Ord. 113466 § 2(part), 1987.)

23.60.912“F.”

“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;
- G. All of the Lake Washington Ship Canal, including that portion which shall be under the supervision and control of the United States;
- H. All of Lake Union;
- I. All of Lake Washington lying or being within the corporate limits of the City or within the jurisdiction and control of the City;
- 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;
- 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.

“Floating home” means a single-family dwelling unit constructed on a float, which is moored, anchored or otherwise secured in waters.

“Floating home moorage” means a residential use consisting of a waterfront facility for the moorage of one (1) or more floating homes and the land and water premises on which the facility is located.

“Floating home site” means that part of a floating home moorage located over water designated to accommodate one (1) floating home.

(Ord. 118793 § 40, 1997; Ord. 113466 § 2(part), 1987.)

23.60.914“G.”

“Groin” means a wall-like structure built seaward from the shore to build or preserve an accretion beach by trapping littoral sand drift on the updrift side.
(Ord. 113466 § 2(part), 1987.)

23.60.916“H.”

“High-impact Use.” As defined in Chapter 23.84, Definitions.

“Historic ship” means a vessel, whether able to move under its own power or not, that has been designated by the Landmark Preservation Board as historic or listed on the National Register of Historic Places.

“House barge” means a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability. Historic ships which do not have a means of self-propulsion and steering equipment are regulated as vessels.
(Ord. 116051 §2, 1992; Ord. 113466 § 2(part), 1987.)

23.60.918“I.”

“Institutions” means the following uses as defined in Chapter 23.84, Definitions:

- Institute for advanced study;
- Private club;
- Day care center;
- Museum;
- School, elementary or secondary;
- College;
- Community center;
- Community club;
- Vocational or fine arts school;
- Hospital;
- Religious facility;
- University.

(Ord. 113466 § 2(part), 1987.)

23.60.920“J.”

“Jetty” means an artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves.
(Ord. 113466 § 2(part), 1987.)

23.60.922“K.”

Reserved.

(Ord. 113466 § 2(part), 1987.)

23.60.924“L.”

“Landfill” means sand, soil, gravel or other material deposited onto a shoreland area, or into the water over a submerged area.

“Lot” means a platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley.

“Lot area” means the total horizontal area within the lot lines of a lot.

“Lot coverage” means that portion of a lot occupied by the principal building and its accessory buildings including

piers, floats and drydocks, expressed as a percentage of the total lot area.

“Lot, upland” means a lot wholly or partly within the shoreline district which is separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way or government-controlled property which prevents access to and use of the water.

“Lot, upland through” means an upland lot wholly or partly within the Shoreline District which extends between a street, highway, or arterial right-of-way on the upland side and a street, highway, arterial, railway right-of-way, or government-controlled property on the waterfront side.

“Lot, waterfront” means a lot any portion of which is offshore of or abuts upon the ordinary high water mark or mean high water mark and any other lot or parcel partially or entirely within the Shoreline District which is not separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way, or government-owned or controlled property which prevents access to and use of the water. Vacation or relocation of a legal right-of-way after March 17, 1977, shall convert a lot which was an upland lot because of the existence of such right-of-way into a waterfront lot.

For purposes of determining the appropriate use and development standards applicable to developments in railroad or street rights-of-way, the railroad or street right-of-way shall be considered to be a waterfront lot unless separated from the water by another railroad or street right-of-way.

(Ord. 117789 § 6, 1995; Ord. 113466 § 2(part), 1987.)

23.60.926“M.”

“Manufacturing” means the following uses as defined in Chapter 23.84, Definitions:

- Light manufacturing;
- General manufacturing;
- Heavy manufacturing.

“Marina, recreational” means a marine retail sales and service use, in which a system of piers, buoys, or floats is used to provide moorage, primarily for pleasure craft, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage and other services are also often accessory to or associated with the use.

“Marine retail sales and service” means a retail sales and service use which includes one (1) or more of the following uses:

- Sale or rental of large boats;
- Marine service station;
- Major or minor vessel repair;
- Sale of boat parts or accessories;
- Recreational marina;
- Commercial moorage;
- Dry storage of boats;
- Tugboat services.

“Marine service station” means a marine retail sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

“Master Program.” See “Shoreline Master Program.”

“Mean higher high water (MHHW)” means the tidal elevation determined by averaging the higher of each day's

two (2) high tides at a particular location over recorded history.

“Mean lower low water (MLLW)” means the 0.0 tidal elevation. It is determined by averaging the lower of each day's two (2) low tides, at a particular location over recorded history.

“MHHW.” See “Mean higher high water.”

“MLLW.” See “Mean lower low water.”

“Monitor” means a raised, central portion of a roof having low windows or louvers for light and air.

“Moorage, covered” means a pier or system of floating or fixed accessways covered with a roof, to which boats on water may be secured.

“Moorage, open” means an uncovered pier or system of floating or fixed accessways to which boats on water may be secured.

“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.

“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 moorage. Ramps which provide access to individual floating homes are not moorage walkways.

(Ord. 113466 § 2(part), 1987.)

23.60.928“N.”

“Natural beach protection” means naturally regenerating systems designed and used to prevent and control beach erosion.

“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.

“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 included:

Eating and drinking establishments, lodging, retail sales and services, medical services, funeral services, offices, religious facilities, schools, principal use parking, tennis courts, health clubs, and residential uses on land.

(Ord. 113466 § 2(part), 1987.)

23.60.930“O.”

“Offshore facilities” means any facilities, seaward of the outer harbor line, floating or supported on a pier or piers, used to transfer or assemble materials or for construction purposes, except aquacultural facilities and structures, research and scientific monitoring facilities.

“Open space” means land and/or water area with its surface open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreational opportunities, conserving natural resources and structuring urban development and form.

“Ordinary high water mark” means, on all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual,

and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter or as it may change thereafter in accordance with permits issued by the Director or the Department of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.
(Ord. 113466 § 2(part), 1987.)

23.60.932“P.”

“Pier” means a structure extending into the water for use as a landing place or promenade or to protect or form a harbor.

“Pier, accessory to residential structures” means a structure for swimming or for landing and open wet moorage of watercraft accessory to single-family or multifamily residential structures.

“Pier, finger or spur” means a minor extension from a primary pier.

“Public facility” means a facility owned, operated or franchised by a unit of general or special purpose government for public purposes.
(Ord. 118793 § 41, 1997; Ord. 113466 § 2(part), 1987.)

23.60.934“R.”

“Railroad” means a public or private right-of-way on which tracks for trains are constructed. Railroad yards and stations shall be classified as cargo or passenger terminals.

“Regulated public access” means provision to the public by an owner, by easement, covenant or similar legal agreement, of substantial walkways, corridors, parks, transient moorage or other areas serving as a means of view and/or physical approach to public waters, and limited as to hours of availability, types of activity permitted, location and area.

“Residential use” means the following uses as defined in Chapter 23.84, Definitions:

- Artist's studio/dwelling;
- Boarding house;
- Caretaker's quarters;
- Floating home;
- Mobile home park;
- Multifamily structure;
- Single-family dwelling unit;
- Congregate residence.

“Riprap” means a foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.

“Retail sales and service use” means the following uses, as defined in Chapter 23.84, Definitions:

- Personal and household retail sales and service;
- Medical services;
- Animal services;
- Automobile retail sales and service;
- Marine retail sales and service;
- Eating and drinking establishments;
- Lodging;
- Mortuary services.

(Ord. 118793 § 42, 1997; Ord. 113466 § 2(part), 1987.)

23.60.936“S.”

“Sale and/or rental of large boats” means a marine retail sales and service use in which boats sixteen (16) feet or more in length are rented or sold. The sale or rental of smaller boats shall be defined as a major durables sales and service use.

“Sale of boat parts or accessories” means a marine retail sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines, and boats less than sixteen (16) feet in length.

“Salvage and recycling” means the following uses, as defined in Chapter 23.84, Definitions:

- Recycling collection station;
- Recycling center;
- Salvage yard.

“Shorelands” or “shoreland areas” means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of this title; the same to be designated as to location by the Department of Ecology.

“Shoreline conditional use” means uses identified as such in this chapter which may be authorized by the Director and approved by the Department of Ecology in specific cases where certain stated facts and conditions are found to exist.

“Shoreline Master Program” means the comprehensive use plan for the shorelines of the city which consists of the Shoreline Goals and Policies of the Seattle Comprehensive Plan and the specific regulations of this chapter.

“Shoreline protective structures” means a bulkhead, riprap, groin, revetment, natural beach protection or other structure designed to prevent destruction of or damage to the existing shoreline by erosion or wave action.

“Shoreline recreation” means an open-space use which consists of a park or parklike area which provides physical or visual access to the water. The following and similar uses are included: fishing piers, swimming areas, underwater diving areas or reefs, boat launching ramps, bicycle and pedestrian paths, viewpoints, concessions without permanent structures, floats and bathhouses.

“Shoreline special use” means uses identified as such in this chapter which may be authorized by the Director in specific cases where the facts and conditions stated in Section 23.60.032 are found to exist.

“Shoreline variance” means a modification of the regulations of this chapter when authorized by the Director and approved by the Department of Ecology after a finding that the literal interpretation and strict application of the provisions of this chapter would cause undue and unnecessary hardship in view of specific facts and conditions applying to a lot in the Shoreline District.

“Shorelines” means all the water areas of the City and their associated shorelands, together with the lands underlying them, except:

- A. Shorelines of statewide significance;
- B. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and
- C. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

“Shorelines of Statewide Significance.” The following shorelines of the City are identified in RCW 90.58.030(2)(e) as shorelines of statewide significance:

- A. Those areas of Puget Sound and adjacent salt waters lying seaward from the line of extreme low tide;
- B. Lake Washington;
- C. The Duwamish River;
- D. Those shorelands associated with subdivisions B and C of this subsection.

“Shorelines of the City” means the total of all “shorelines” and “shorelines of statewide significance” within the City.

“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), except as otherwise provided in Section 23.60.020 C7b, or any development which materially interferes with the normal public use of the water or shorelines of the City.

“Submerged land” means all lands waterward of the ordinary high water or mean higher high water, whichever is higher.

(Ord. 118793 § 43, 1997; Ord. 118408 § 11, 1996; Ord. 117789 § 7, 1995; Ord. 116325 § 6, 1992; Ord. 113466 § 2(part), 1987.)

23.60.938“T.”

“Transportation facilities” means the following uses as defined in Chapter 23.84, Definitions:

- Airport, land-based;
- Cargo terminal;
- Heliport;
- Helistop;
- Passenger terminal;
- Personal transportation services;
- Transit vehicle base.

“Tugboat services” means a retail sales and service use which consists of moorage for more than one (1) tugboat and dispatch offices. Uses which include barge moorage and loading and unloading facilities for barges as well as tugboat moorages shall be classified as cargo terminals.

(Ord. 113466 § 2(part), 1987.)

23.60.940“U.”

“Use” means the 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.

“Use, accessory” means a use which is incidental and intrinsic to the function of a principal use and is not a separate business establishment unless a home occupation.

“Use, principal” means any use, whether a separate business establishment or not, which has a separate and distinct purpose and function from other uses on the lot.

“Use, Water-dependent.” See “Water-dependent use.”

“Utilities” means the following uses as defined in Chapter 23.84, Definitions:

- Communication utility;
- Utility service use;
- Solid waste transfer station;
- Sewage treatment plant;
- Power plant;
- Solid waste processing facility;
- Solid waste incineration facility.

“Utility extension, limited” means the extension of a utility service that: (1) is categorically exempt under Chapter 43.21C RCW for one (1) or more of the following: natural gas, electricity, telephone, water, or sewer; (2) will serve an existing use in compliance with this chapter; and (3) will not extend more than two thousand five hundred (2,500) linear feet within the shoreline areas subject to this chapter.

“Utility lines” means pipes, cables or other linear conveyance systems used to transport power, water, gas, oil, wastewater or similar items. Utility lines include outfalls and intakes.

(Ord. 118793 § 44, 1997; Ord. 113466 § 2(part), 1987.)

23.60.942“V.”

“Vessel” means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships which do not have a means of self-propulsion and steering equipment.

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“Vessel repair, major” means a marine retail sales and service use in which one (1) or more of the following activities take place:

1. Repair of ferrous hulls;
2. For ships or boats one hundred twenty (120) feet in length, any one (1) or more of the following activities:

- a. Repair of nonferrous hulls,
- b. Conversion,
- c. Rebuilding,
- d. Dismantling, and
- e. Exterior painting.

“Vessel repair, minor” means a marine retail sales and service use in which one (1) or more of the following activities takes place:

1. General boat engine and equipment repair;
2. The replacement of new or reconditioned parts;
3. Repair of nonferrous boat hulls under one hundred twenty (120) feet in length;
4. Painting and detailing; and
5. Rigging and outfitting;

but not including any operation included in the definition of “Vessel repair, major.”

“View corridor” means an open-air space on a lot affording a clear view across the lot to the water from the abutting street.

(Ord. 113466 § 2(part), 1987.)

23.60.944“W.”

“Water-dependent use” means a use which cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses, and similar uses, are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, marinas, floating home moorages, tour boats, cruise ships, tug and barge operations, shoreline recreation, moorage, yacht clubs, limnological or oceanographic research facilities.

“Water-related use” means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site. The construction, maintenance and use of facilities such as docks, piers, wharves or dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement plants, water pollution control services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses, and boat rigging operations.

“Watershed restoration plan” means a plan developed or sponsored by the State Department of Fish and Wildlife, the State Department of Ecology, the State Department of Natural Resources, the State Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character and ecology of a stream, stream segment, drainage area, or watershed for which agency

and public review has been conducted pursuant to Chapter 43.21 RCW, the State Environmental Policy Act.

“Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or part of the plan and consists of one (1) or more of the following activities:

A. A project that involves less than ten (10) miles of streamreach, in which less than twenty-five (25) cubic yards of sand, gravel or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

B. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

C. 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 instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

“Waterway” means a public highway for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation.

“Wetlands” means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (The method for delineating wetlands shall follow the most current version of the “Washington State Wetlands Identification and Delineation Manual” as adopted by the State Department of Ecology.)

23.60.944 LAND USE CODE

“Wildlife” means living things that are neither human nor domesticated, including but not limited to mammals, birds and fishes.
(Ord. 118793 § 45, 1997; Ord. 117789 § 8, 1995; Ord. 113466 § 2(part), 1987.)

23.60.946“Y.”

“Yacht, boat and beach clubs” means institutional uses classified as either private clubs or community clubs which consist of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating and/or swimming, the use of which is primarily restricted to members and their guests. Membership may be either open to the public through a membership fee only (community clubs) or by initiation and election according to qualifications in the club's Charter or bylaws (private clubs).
(Ord. 113466 § 2(part), 1987.)

Subchapter XVII Measurements

23.60.950Measurements in the Shoreline District.

Measurements of height, view corridors, lot coverage, and other shoreline requirements in the Shoreline District shall be as described in this subchapter. These measurement regulations supplement other regulations of this title as described in Section 23.60.014. When a development is partly within and partly without the Shoreline District, measurement techniques for that portion of the development outside of the Shoreline District shall be as required in the underlying zoning.
(Ord. 118793 § 46, 1997; Ord. 113466 § 2(part), 1987.)

23.60.952Height.

Height of structures shall be determined by measuring from the average grade of the lot 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, except in the Urban Harborfront, as provided in Section 23.60.666.
(Ord. 118793 § 47, 1997; Ord. 113466 § 2(part), 1987.)

23.60.954View corridors.

When a view corridor is required, it shall be provided according to the development standards set forth in Section 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;

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