ORDINANCE No. 111028

Law Department

COUNCIL BILL No. 103475 WP

AN ORDINANCE relating to land use and zoning, adding Sections 24.60.046, 24.60.086, 24.60.106, 24.60.126, 24.60.127, 24.60.131, and 24.60.266 to the Seattle Municipal Code, amending Sections 24.60.090, 24.60.100-110, 24.60.265, 24.60.310-315, 24.60.350-355, 24.60.380-410, 24.60.420, 24.60.440, 24.60.460-465, 24.60.475-480, 24.60.525-540, 24.60.550-560, 24.60.580, 24.60.590-600, 24.60.615, 24.60.635-640, 24.60.650-660, 24.60.670-690, 24.60.705, 24.60.715-730, and 24.60.740-765 of the Seattle Municipal Code, and repealing Sections 24.60.375, 24.60.490-515, 24.60.585 and 24.60.710 of the Seattle Municipal Code relating to the Seattle Shoreline Master Program.

COMPTROLLER FILE No. _____

Introduced: JAN 10 1983	By: EXECUTIVE REQUEST
Referred: JAN 10 1983	To: Land Use
Referred: MAR 21 1983	To: LAND USE
Referred:	To:
Reported:	Second Reading:
Third Reading:	Signed:
Presented to Mayor:	Approved:
Returned to City Clerk:	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Original

Beforehand

-LAW-

LIGHT ___ HEALTH
___ ENG ___ PARKS
___ DCLU ___ L & CA
___ DCD Council—Chair
___ LAW

O-111078

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

February 24, 1986

Gregory Dudiak
Book Publishing Company
201 Westlake Avenue North
Seattle, WA 98109

Re: Seattle Municipal Code

Dear Gregory:

A. This letter is in response to your letter of February 13, 1986:

1. This question was answered in my letter of February 18, 1986, Part D.

2. Please correct the typographical error appearing in Ordinance 112334, Section 2, page 7 line 7/8 (Section 20.46.095 G). "20.46.060 B" should be "20.46.080 B", so that line 7/8 should read: "when consistent with this section, subsection 20.46.080 B and Section"

3. The language contained in Ordinance 112342, Section 3(H) on pages 3 and 4 is correct.

4. With regard to Ordinance 112383, Section 7A, page 5, line 8/9, please correct the internal references as follows:
"Section 4.02 through 4.16" should be "Section 22.206.020 through Section 22.206.160.", so that line 8/9 reads:
"requirements of Sections 22.206.020 through 22.206.160 of the Housing Code"

5. With regard to Ordinance 112383, Section 9, which established the Downtown Housing Maintenance Account, this account should be listed in Chapter 5.76 as a subaccount to the General Donations and Gift Trust Fund.

B. The following are typgraphical errors which were found in the republished Code which need to be corrected. As per our telephone converstion of this morning, the City will not be charged for these corrections.

1. On page 24-121, Section 24.60.615 D4, please conform this section with Ordinance 111078 Section 44, and thus, make the correction to the typographical error as follows:

"4. Parking lots shall be located at least fifty feet (50') ((~~500'~~)) from the water's edge, unless no reasonable alternative exists."

2. On page 6-12, Section 6.02.280, please correct the typographical error by deleting the hyphen at the end of line 4 after the word "Director".

Thank you for your attention to these matters.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By
ANN KELSON
Paralegal

MAK:bb

cc: Judy Barbour
Rodney Eng
Dorothy McFarlane

L4

REPORT TO SEATTLE CITY COUNCIL
FINE-TUNING AMENDMENTS
SEATTLE SHORELINE MASTER PROGRAM

INTRODUCTION

The Fine-tuning amendments to the SSMP are intended to make the existing SSMP a better and more understandable document. The emphasis of the amendments is on bringing the SSMP up to date with decisions by the Shorelines Hearings Board and the Court and with changes in the Department of Ecology guidelines; on improving wording to eliminate ambiguities and contradictions; on loosening restrictions on upland lots; and on permitting some projects outright which now require conditional use and variance approval. In drafting these amendments every effort was made to follow the intent of the City Council in adopting the SSMP and to carry out the purpose of the Shoreline Management Act of 1971.

THE PROPOSAL

The following description of the amendments is not meant to give a detailed list of all proposed ordinance changes but to describe the scope and intent of the amendments. Because of the complexity of the SSMP, a minor change in one section often requires changes in several other sections. The amendments are discussed as nearly as possible in the order they would appear in the Shoreline Master Program.

Definitions

Definitions of dry boat storage, landfill, transient moorage, and moorage walkway are added. New definitions of lot, upland lot, and waterfront lot are included for consistency with the new Land Use Code. A definition describing the concept of upland through lot is also proposed as part of the upland lot provisions described below.

Water-Dependent and Water-Related Uses

The existing SSMP classifies some water-related uses with water-dependent uses and omits other water-related uses entirely. The definition of water-dependent uses in the existing SSMP is contrary to Shorelines Hearing Board decisions, which have differentiated between water-dependent and water-related uses.

The proposed amendment would adopt definitions of water-dependent and water-related uses consistent with those of the Shoreline Hearings Board. To be classified as water-dependent, a use would have to be intrinsically dependent, not just economically dependent on the water. The amendment would give preference first to water-dependent uses, second to water-related uses, and third to nonwater-dependent and nonwater-related uses, but would treat water-related uses the same as water-dependent uses in terms of view corridor and public access provisions. These amendments are consistent with interpretations DCLU has made on recent shoreline applications.

Developments Partly In and Partly Out of the Shoreline District

This amendment would remove the requirement that a part of a development that is outside the shoreline district be governed by the shoreline regulations if any part of the development is within the shoreline district. Developments partly in and partly out of the shoreline district would still be required to obtain shoreline permits for the total development but only that part of the development within the shoreline district would be subject to the SSMP regulations. However, the City would still have conditioning authority over the entire project through the shoreline permit process.

Nonconforming Use

The existing SSMP incorporates by reference the Zoning Code sections pertaining to nonconforming uses and structures. Incorporation by reference is unacceptable to the Department of Ecology and the Shorelines Hearings Board. The proposed amendments would adopt specific language governing nonconforming uses and structures. The language is written to correspond as closely as possible to the language in the new Land Use Code.

Table 1 and Table 2A

These tables oversimplify and are therefore misleading. The text contains all the information needed. The amendments would eliminate these two tables entirely and renumber the present Tables 2 and 3 to Tables 1 and 2.

Bulk Regulations - Heights of Structure

The present program exempts chimneys from the height restrictions only if they are accessory to a water-dependent use. The Department of Ecology's Guidelines (WAC 173-14) exempt all chimneys whether accessory to a water-dependent use or not. The proposed amendment would be consistent with the WAC and would exempt all chimneys from height requirements.

The amendments recognize the importance of the new height instructions set by the new Land Use Code. Heights in the UR environment would be governed by the Single Family and Multi-Family Codes.

In those areas of the UD environment where heights are governed by a Floor Area Ratio rather than a specific height limit (such as along the Ship Canal), a footnote to the bulk requirement table would be added to prohibit the use of submerged land in calculating Gross Floor Area for buildings on dry land. This amendment would limit the height of office structures but not the height of manufacturing plants which can to be as much as 55 ft. tall, but only one or two stories.

Bulk Regulations - Lot Coverage

The amendments would clearly state the Department's interpretation that piers and floats are included in lot coverage, a provision which is necessary to protect the fisheries resource.

Lot coverage for multi-family residences in the UR environment would be governed by setbacks, yards, view corridor, and the open space provisions in the multi-family code rather than by a set percentage. Submerged lands would not count as open space.

Floats on Central Waterfront

Many of the existing developments along the Central Waterfront area, from Bay Street to Washington Street, are not water-dependent uses, and over 50 percent of the piers are nonconforming as to bulk. The present Seattle Shoreline Master Program Section 24.60.395 restricts lot coverage in this area to a maximum of 50 percent. Because of the nonconforming (as to bulk - lot coverage) status of many of these existing piers, there have been three lot coverage variance applications since 1980 for commercial and tourist float additions.

This amendment would permit any existing nonconforming (as to bulk - lot coverage) pier, in the Central Waterfront which currently does not have a float, to have a float up to an area of 1800 square feet for open wet moorage without variance. This proposed amendment would save time and cost for the applicant and would be consistent with the purpose and intent of the US/CW environment as expressed in Section 24.60.355 B and C. The content of these subsections emphasizes that "...new development over water and the recycling and refurbishing of existing piers will be permitted which will: (b) strengthen water-oriented recreation tourist activity, related business, and public areas open to the water" and (c) "maintain a full complement of water-dependent uses."

View Corridors

The new view corridor provisions would provide additional guidelines for determining how much view corridor shall be provided and where it shall be located on the site. The section would allow for some modification of the view corridor requirements if either the intent to preserve views could not be met by a strict application of the requirements or certain specific property conditions exist which make strict application impractical or ineffective; the section would provide criteria for making the decision of whether the requirement can be modified.

The view corridor amendments would also more clearly state what can be located in view corridors. DCLU's policy, which has been upheld by the Shoreline Hearings Board, has been that cars could not be parked in view corridors unless the parking area was depressed enough below street level so that views would not be blocked. This policy would become part of the code. The amendments would further relax restriction against parking in view corridors by permitting required parking for water-dependent and water-related uses to be located in view corridors. The amendments would also permit boats undergoing repair to be located in view corridors. These latter amendments recognize the fact that nonwater-dependent uses such as restaurants and apartments benefit from landscaped open spaces, while water-dependent uses such as shipyards do not.

Upland Lots

Upland lots are lots within 200 ft. of the shoreline but separated from the water by a street or railway right-of-way. The existing SSMP does not differentiate between waterfront lots and upland lots in requirements for height, lot coverage, or uses permitted. In industrial, manufacturing, and business areas this lack of differentiation has reduced the permitted lot coverage on upland lots from that required by the underlying zoning without the corresponding public benefit of improved views of the water resulting from reduced lot coverage on waterfront lots. Because upland lots cannot logically be used for water-dependent or water-related uses the actual range of uses available to upland lots is less than that available to waterfront lots. The situation is especially critical along parts of Westlake Avenue N. on the west side of Lake Union where the combination of zoning and shoreline regulations leave retail and restaurants as the only permitted uses.

The proposed amendments would permit additional uses and additional lot coverage on some (mostly non-residential) upland lots by amending the bulk provisions table and the permitted uses table. This proposal would not remove upland lots from shoreline control nor would it apply all of the provisions of the underlying zoning.

A new column for upland lot coverage would be added to bulk regulations table. Areas where lot coverage would be substantially increased are Lake Union along Westlake Avenue (up to 100% from 50%) and the Central Waterfront from Pier 86 to S. Washington Street (up to 100% from existing 50-75%). There are also a number of small business areas along Lake Washington and in West Seattle where greater lot coverage would be permitted.

The lot coverage permitted in the underlying zoning was used as a basis for the new upland lot coverage limits. Where the underlying zoning lot coverage appeared inappropriate for the shoreline (such as along Fairview Avenue north of Newton Street), the waterfront lot coverage was retained on the uplands.

The proposed amendments would permit additional uses on upland lots in the US, US/LU, US/CW, and UD environments. No additional uses would be permitted in the CN, CM, or UR environments. New uses on upland lots would only occur if the uses were also permitted by the underlying zoning. The additional uses on upland lots would be as follows:

PERMITTED USES ON UPLAND LOTS ONLY

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Residential Uses									
Multi-family								A	
Artist Studio Dwellings							A	A	A
Retirement and other group homes								A	
Business and Commercial Uses									
Offices							C	A	
Hotels								A	
Transportation Facilities									
Principal Use Parking	615					A	A	A	A
Industrial and Manufacturing Uses									
Non-waterdependent manufacturing uses						A	A	A	
Principal use warehousing and wholesaling						A	A	A	A

Many of the new uses proposed for upland lots have the potential to provide support services for water-dependent and other permitted uses on waterfront lots. For example, principal use warehousing and wholesaling could serve marine terminal facilities. Nonwater-dependent manufacturing includes uses such as propellor manufacturing, fishing gear manufacturing, and marine electronics production which support water-dependent uses.

Regulated Public Access

The proposed amendments would modify all sections of the code on regulated public access into an improved format which is more explicit for interpretation and enforcement. The fact that regulated public access is required for all public waterfront land even when leased to a private corporation would be clearly stated. Minimum standards for public access and criteria for making exception to the access requirements are described.

The proposed amendment would also specify the option and processes of large shoreline developments to provide regulated public access in terms of the entire project site instead of for each project component.

Revisions to Substantial Development Permits

The amendments would adopt the Department of Ecology's revision criteria as described in WAC 173-140-064. DCLU has been using these criteria already.

Recission

The amendments would apply the criteria for recission of a Master Use Permit to recission of a shoreline substantial development permit in a manner consistent with the State Shoreline Management Act.

Accessory Uses

The new provision would specifically allow accessory uses which are necessary to a permitted use even if the accessory use would be prohibited as a principal use. This provision would allow a few accessory use which cannot be authorized under the present program. For example, strict interpretation of the present program would not permit a shipyard to have an electrical substation or a marina in the US/LU to have an accessory office; the new provisions would allow such accessory uses. Non-waterdependent accessory uses would not be permitted over water unless no feasible alternative existed. DCLU has been interpreting the present code liberally to allow accessory uses in some cases and this change in wording formalizes that interpretation.

Variance and Conditional Use Criteria

The proposed amendment would incorporate the Department of Ecology's (DOE) amendments to criteria for shoreline variances and conditional uses, thus bringing Seattle's program into conformance with state law.

There are two major differences between DOE's new criteria and those of the present SSMP: (1) Seattle criteria permit use variances whereas DOE's do not, and (2) DOE's criteria are less strict for bulk variances.

During 1981 DCLU was using DOE's criteria for all bulk variances, but the DOE has since determined that only the Seattle criteria can be used for Seattle variances.

Historic Ships

The proposed amendment would permit restaurants and retail over water in historic ships as a conditional use if the applicant could show that permitted uses could not provide adequate financial support. The wording is similar to that for historic structures in the new Land Use Code.

Elimination of the Shoreline Planned Unit Development

The shoreline PUD provisions in the existing SSMP permit additional bulk, height (up to 150 ft.) and the uses of hotel, motel, and boatel on properties of two acres or more, at least 50% of which has to be within the inner harbor area of the US/CW as of September 1975. Only one such site exists on the Central Waterfront, Piers 50 and 51 which is now designated for an expanded ferry terminal. A Final EIS has been prepared by the State Department of Transportation for the terminal project which would not use the PUD.

The proposed amendments would eliminate the PUD provisions because they cannot be used except on Piers 50 and 51 and only serve to confuse both developers and citizens as to what is really permitted on the Central Waterfront.

Elimination of the PUD at the time of the adoption of the proposed upland lot provisions is a logical step because the upland lot provisions permit hotels and motels and greater bulk on the uplands, thereby removing some of the need for greater development on the waterfront itself.

Over-Water Houses

Seattle has a number of vacant lots on Lake Washington, on Rainier Avenue and Riviera Place N.E., which have less than 30 ft. of dry land. These lots are all zoned single family and the water portion is designated Conservancy Management (CM). The Zoning Code prohibits anything but single family residences on these lots but the shoreline program prohibits residences being built over-water or in the CM environment. In the past, use variances have been granted for these lots, but DOE's new variance criteria would prohibit that procedure. The proposed amendment would permit residences over-water on these few lots, in a manner similar to neighboring lots which were developed before the adoption of the present Master Program or under the old variance criteria.

Criteria for Housing in the Urban Stable and Urban Stable/Lake Union Environments

The proposed amendments would incorporate into the shoreline program the protection given by the Zoning Code to manufacturing and commercial areas from inappropriate housing development.

The present shoreline program permits housing outright in the Urban Stable and Urban Stable/Lake Union Environments while the underlying zoning (Manufacturing and General Commercial) in those areas permits housing only as a Council conditional use. Housing and floating home moorages are permitted as conditional uses only if there are no nearby commercial uses which would adversely affect the quality of the housing environment and only if the housing would not usurp

land better suited to commercial and manufacturing uses. In practice this conditional use process allows DCLU to consider whether permitting housing would be contrary to the intent of the shoreline program to promote water-dependent industry.

It appears likely that the protection given by requiring conditional use approval for housing will be lost when the new Land Use Code for business and commercial areas is written. Although elimination of the conditional use may be appropriate inland, it appears contrary to the intent of the shoreline program. The proposed amendment would incorporate the conditional use criteria, but not the procedure of Council review, into the shoreline program.

Floating Homes

The proposed changes should eliminate the need for continuous interpretation of confusing and ambiguous provisions by providing specific criteria which must be met to remodel existing floating homes at existing floating home moorages and by clarifying the provisions which restrict floating homes between the pierhead line and construction limit line. The general requirements and the requirements for new floating homes would not be changed. Specific requirements for remodeling, replacing, and relocating floating homes would be added.

The new section would establish different yard requirements for existing moorages; floating homes at existing moorages would have to provide the minimum yards required by the Building Code for fire and life safety. While the basic existing restrictions of not increasing the float area or exceeding 16 feet in height would be maintained, the new section would allow slightly more flexibility. In order to be consistent with the general code provisions concerning nonconforming structures, remodeling would be allowed if the amount of nonconformity is not increased even if another part of the existing floating home is over 16 feet high. Relocation is specifically addressed and would be allowed if the views from adjacent floating homes would not be adversely affected and the minimum yards can be provided even if the floating homes being exchanged were over 16 feet and did not have identical float areas.

Business and Commercial Uses

The proposed amendments would clearly prohibit nonwater-dependent accessory uses from being located overwater when dry land is available. The limit on non-water-dependent overwater development is changed from 40% of the floor area of a structure to 40% of permitted lot coverage to insure the provision can be applied to developments such as marinas which are not single pier structures.

Utilities

In dealing with utilities the Seattle Shoreline Master Program does not recognize that facilities may already exist in shoreline environments where the Program now prohibits them. Alterations, improvements and additions to these facilities are often preferred over other feasible alternatives. The utility sections would be revised to recognize existing facilities.

Parking

The proposed amendments would permit the Director of DCLU to waive parking requirements when sufficient on-street as well as offstreet parking exists. This amendment recognizes that parking is not the best use for shoreline lots.

Bicycle Ways

The text is amended to permit bicycle ways as a special use in the CN environment. This amendment would permit the bicycle path proposed by the Seattle Engineering Department through the Arboretum.

Moorage, Marinas, and Yacht and Boat Clubs

The present text treats moorage solely as a principal use and does not recognize the different requirements of moorage for large commercial boats and small recreational boats.

The proposed amendment would classify principal use wet moorage as a marina and would place the requirements for restrooms, sewage pumpout, transient moorage, and public viewing areas with the marina rather than with the moorage. Accessory moorage serving boat repair facilities, and residential uses would not be subject to these requirements. Moorage accessory to a residential use in the UR environment would be subject to the development standards of residential piers and would be only for the use of residences of the single-family house or multi-family structure.

The requirement for transient moorage which now applies only to marinas in the CM environment would be extended to marinas over a certain size in all environments. Other special requirements in the text for marinas in CM environments would be dropped because they repeat the requirements stated in Tables 2 and 3.

The requirement for public viewing areas would be applied only to marinas of about 100 boats or more. Transient moorage would be required for marinas in the US/CW and for all marinas of about 300 boats or more.

The text on covered moorage would be modified to eliminate confusing wording about bulk requirements. Stacked dry moorage would be permitted in the US/CW environment if within enclosed buildings.

Yacht and boat clubs providing wet moorage would also be required to provide restrooms and sewage pumpout. Boat clubs serving small boats without toilet facilities would not be required to provide sewage pumpout facilities.

The text regulating yacht and boat clubs is expanded to include beach clubs. To be consistent with the new Land Use Code, these clubs would be permitted in the CM environment only when also permitted by the underlying zoning.

Residential Piers

The new provisions would allow greater flexibility in the placement of residential piers by allowing finger piers to extend to within five feet of a side lot line. The requirement that the primary pier must be 15 feet from side lot lines

would not be changed. Existing piers which are too close to a lot line would be allowed to expand if the amount of nonconformity is not increased; allowing such expansion would eliminate the need for a pier to be jogged a few feet away from a lot line in order to be extended to deeper water. Greater coverage of extensions from shared piers would be allowed than are allowed from single family piers; this provision may give neighboring property owners an incentive to build joint piers. The new provisions would also specifically permit diving boards, boat lifts and launching ramps as accessory uses.

Recreational Floats

The present program is inconsistent in its treatment of floats. A marina in any environment can have the square footage of floats up to the percent of lot coverage indicated in the bulk requirements Table, but a boat club which qualifies as a community recreation facility is limited to 500 sq. ft. of floats.

The 500 sq. ft. limit does not permit floats large enough for the safe launching of a rowing shell or other small boat. Such floats need to be wide enough to support the entire crew on one side of the float and long enough to accommodate the full length of the boat.

The proposed amendments would treat recreational floats no differently than marina floats. The square footage would be limited by the lot coverage restrictions. Additionally, the proposed amendments would allow the Director of DCLU to designate the location or reduce the coverage of any proposed float if it is found that the float would damage the fisheries resource.

The proposed amendments would also clearly state DCLU's practice of counting floats in lot coverage.

Bulkheads and Similar Protective Structures

Experience has shown that properly designed, natural beach protection, such as gravel berms, drift sills and other beach enhancement measures can replace expensive wooden, steel or concrete bulkheads, which are subject to consistent failure and may unnecessarily disrupt the dynamic shore system.

The present program states that natural beach protection is preferred over other methods, but then requires lengthy variance or conditional use permits for this method in the Conservancy Natural and Conservancy Management Environment. This situation has caused delays in the restoration of eroded beaches at City parks.

The proposed amendment would permit natural beach protection outright in all environments and would exempt natural beach protection used in place of a bulkhead at a single family residence from the requirement of obtaining a shoreline permit.

The proposed amendments would also state that bulkheads would be permitted for single family residences only where natural beach protection was not practical. The amendments would give the criteria which DCLU has been using to determine if bulkheads are exempt. Property owners would be forewarned that bulkheads which create dry land would not be permitted.

Dredging

The proposed amendments would permit dreding in the US/LU and US/CW environments in recognition of the fact that dredging is frequently necessary for water-dependent and water-related uses.

Landfill

The present program does not differentiate adequately between placement of fill on land and placement of fill in water to create new dry land. The environmental impacts of fill on dry land in Seattle are generally much less than fill in water.

The proposed amendments would define fill and set different criteria for fill on dry and submerged lands. Any fill in water would be a special use and fill which creates new dry land would be permitted only for water-dependent uses and only if the applicant could demonstrate a clear public benefit. Fill on dry land is permitted outright up to varying amounts in the different environments except CN and then as a special use if it exceeds those amounts. Fill in any amount in CN is prohibited except as part of natural beach protection.

The proposed amendment would permit fill as part of natural beach protection systems outright in all environments.

Offshore Facilities

The contradiction between the use table which permitted offshore facilities in the CN environment as a special use and the text which prohibited them entirely would be eliminated. They would be permitted in the CN environment in both text and table as a conditional use if necessary for the operation of a water-dependent or water-related principal use.

Miscellaneous Changes

In revising the shoreline program, the entire program has been checked for internal consistency. There are a number of places in the program where a table contradicts the text or two text sections contradict each other. Examples are a missing footnote in Table 3 which would explain that warehousing is permitted only as accessory to a water-dependent use, and the text which lists accessory parking in the Conservancy Management Environment as a conditional use while the table lists it as a special use.

PUBLIC REVIEW

The City Planning Commission held a public hearing on the proposed amendments on June 3, 1982. The Commission's recommendation and a summary of the hearing are attached.

DCLU also met with the following shoreline interest groups: Seattle Shorelines Coalition, Downtown Seattle Development Association, North Pacific Fishing Vessel Owner's Association, the Lake Union Association, the Floating Homes Association, and the League of Women Voters. Many of the comments and suggestions of these groups were used in drafting specific text changes.

OTHER AGENCY REVIEW

Copies of the proposed amendments were sent to the following agencies for their review and comment:

Port of Seattle
METRO
State Department of Natural Resources
State Department of Fisheries
State Department of Game
Department of Ecology
King County Building and Land Development

Copies of the proposed amendments were also sent to the following City departments:

Department of Community Development
Seattle Parks and Recreation
Seattle Fire Department
Seattle Police Department
Law Department
Seattle Engineering Department
City Light
Land Use and Transportation Project
Administrative Services

Comments were received from the State Department of Natural Resources and from the City departments of Community Development, Parks and Recreation, Fire, Law, Engineering, City Light and the Land Use and Transportation Project.

Following public and agency review, the amendments were modified to reconcile as many differences as possible. Although some minor differences remain, we do not anticipate objections from any of these departments. The points of discrepancy are explained below:

State Department of Natural Resources (DNR)

This department would like to see the amendments go further towards reconciling the differences between the DNR's guildelines for harbor development and the SSMP regulations for the Central Waterfront. Elimination of the PUD, since added to the Fine-tuning amendments, may be viewed as a step in the right direction. However, DCLU believes that no major changes should be made on the Central Waterfront without an EIS and moreover, it may be desirable to change the DNR guidelines to accommodate the SSMP rather than vice versa.

Land Use and Transportation Project

LUTP has requested that DCLU pursue on amendment to the Shoreline Management Act to permit Seattle to use the height measurement in the new Land Use Code. DCLU prefers to postpone such an amendment until we have more experience in using the new measurement technique.

Department of Community Development

DCD recommends that we not remove hotel, motel and boatels as permitted uses (under a PUD) on the Central Waterfront, but deal with such changes after study of the downtown plan.

Seattle Engineering Department

This department objects to our proposal that the Director be permitted to waive required parking when either off-street or on-street parking is available nearby. They would prefer the waiver be limited to off-street parking. DCLU believes that shoreline land, especially waterfront lots, is too valuable a resource to tie up with parking if it is not necessary. Moreover, many shoreline areas are unique in having large areas of undeveloped street right-of-way for parking (such as Westlake Avenue N.)

CONCLUSION

DCLU recommends that the proposed Fine-tuning Amendments to the Seattle Shoreline Master Program be adopted.

EH:lw
LU18/MU15

ORD. 111078 - AMENDMENTS & RE TO .....

Ord. 111257 -Amends Sec. 21A.40 of Ord. 86300 as amended by 0-106200 & ... re to the Shoreline Master Program, re to restaurants on waterfront lots in the US/LU environment & to business signs in the CM & UR environments.

INDEX TO FINE-TUNING AMENDMENTS

Subject	Ordinance Section	SMC Section	Page
Access, regulated public			
Public property	22	400	20
Private property	23	405	21
General	24	410	22-24
Accessory uses	25,35	420,540	26,48
Bicycle paths	45	635	55
Bulk table			16-19
Bulkheads	55	705	67
Clubs - other than yacht clubs	63	750	72
Commercial piers	52	680	63
Conditional uses	29	475	37-38
Dredging	58,59	715,720	68-69
Floating homes	33A, 34	530,535	42-48
Floats	53	685	64
Height regulations	19	385	10-11
Historic ships	29	475	38
Hotels	36	550	49
Landfill	59,60	725,730	69-70
Lot coverage	4,20	100,390	12-13
Marinas	47,48,50	650,655,660	56-61
Moorage			
Wet moorage	47	650	56
Dry moorage	1,48	46,655	1,57
Natural beach protection	55	705	66-67
Nonconforming uses and buildings	14	315	7-8
Offshore facilities	62	745	71
Overwater houses	33B	530	43
Parking	44	615	52-55
Piling	54	690	65
PUD's	31	490-515	40
Rescission	26	465	36
Research and educational uses	37	555	49
Residences in CG and M zones	33A	530	42
Residential piers	51	675	61-63
Residential setback (waterfront lots)	21	395	15
Revisions to permits	27	460	35-36
Sewers	42,43	595,600	51-52
Transient moorage	8,50	126,660	3,61
Use table			27-34
Utilities	39,41,42,43	580,590, 595,600	50-52
Variances	30	480	39
View corridors	21	395	13-15
Warehousing	38	560	50
Water-related and water-dependent businesses	10,11,12, 18,32	131,265,266, 380,525	4-6,10, 40,41
Yacht and beach clubs	66	765	73
Yards	21	395	13

EH:js
SMP8/IN1

ORDINANCE 111078

AN ORDINANCE relating to land use and zoning, adding Sections 24.60.046, 24.60.086, 24.60.106, 24.60.126, 24.60.127, 24.60.131, and 24.60.266 to the Seattle Municipal Code, amending Sections 24.60.090, 24.60.100-110, 24.60.265, 24.60.310-315, 24.60.350-355, 24.60.380-410, 24.60.420, 24.60.440, 24.60.460-465, 24.60.475-480, 24.60.525-560, 24.60.570-580, 24.60.590-600, 24.60.615, 24.60.635-640, 24.60.650-660, 24.60.670-690, 24.60.705, 24.60.715-730, and 24.60.740-765 of the Seattle Municipal Code, and repealing Sections 24.60.375, 24.60.490-515, 24.60.585 and 24.60.710 of the Seattle Municipal Code relating to the Seattle Shoreline Master Program.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 24.60.046 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.046 Dry Boat Storage.

"Dry Boat Storage" means a lot or space on a lot on dry land or inside a building where space is rented or sold to the public or to members of a yacht or boating club for the purpose of storing boats. Sometimes referred to as dry moorage.

Section 2. Section 24.60.86 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

Section 24.60.086 Landfill.

"Landfill" means sand, soil, gravel, or other material deposited onto a wetland area, or into the water over a submerged area.

Section 3. Section 24.60.090 of the Seattle Municipal Code (Section 21A.152 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.090 Lot.

"Lot" means a platted or unplatted parcel or parcels of land ((~~unoccupied, occupied or to be occupied by a principal use or building and accessory buildings, together with such yards and open spaces as are required by this subtitle and abutting by not~~

~~less than twenty feet upon a street sufficiently improved for automotive travel or having an exclusive, unobstructed permanent access easement serving not more than two principal uses and jointly owned by the two property owners served and at least twenty feet wide and not exceeding one hundred fifty feet in length to such street; provided that lots for townhouse dwellings may abut upon a street or unobstructed permanent access easement by not less than twelve feet and the easement may be not less than fifteen feet in width and may serve up to ten townhouse dwellings~~)) 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.

Section 4. Section 24.60.100 of the Seattle Municipal Code (Section 21A.152 (part) of Ordinance 86300 as amended by Ordinance 106200) is amended to read as follows:

24.60.100 Lot coverage.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings including piers and floats, expressed as a percentage of the total lot area.

Section 5. Section 24.60.105 of the Seattle Municipal Code (Section 21A.152 of Ordinance 86300 as amended by Ordinance 106200) is amended to read as follows:

24.60.105 Lot, upland.

"Upland lot" means a lot wholly or partly within the shoreline district which is ((~~not a waterfront lot~~)) 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.

Section 6. Section 24.60.106 is hereby added as a new sec tion to Chapter 24.60 of the Seattle Municipal Code:

24.60.106 Lot, upland through

"Upland through lot" 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.

Section 7. Section 24.60.110 of the Seattle Municipal code (Section 21A.152 (part) of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.110 Lot, waterfront.

"Waterfront lot" means a lot any portion of which is offshore of or abuts upon the ((~~line of higher regulated lake level of Lake Washington, Lake Union and connecting fresh waters, or the line of ordinary high tide, or the line of ordinary high water of non-navigable lakes~~)) 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.

Section 8. Section 24.60.126 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.126 Moorage, transient

"Transient Moorage" 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.

Section 9. Section 24.60.127 is hereby added a as new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.127 Moorage walkway

"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.

Section 10. Section 24.60.131 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.131. Non-water-dependent and non-water-related uses

"Non-water-dependent and non-water-related uses" means uses which do not require access to the water or to water-dependent uses for their operation although a waterfront location may increase profitability. Examples are:

A. Restaurants

B. Hotels, motels, boatels

C. Residences

D. Retailing

E. Principal Use Offices

F. Principal Use Warehousing

G. Manufacturing plants which transport raw materials and finished products by land.

Section 11. Section 24.60.265 of the Seattle Municipal Code (Section 21A.155 (part) of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.265 Water-dependent use.

((~~"Water-dependent use" means uses which in order to exist or function require a location on or use of the shoreline. For purposes of this chapter, water-dependent uses are limited to the following:~~

~~A. Marine commercial uses:~~

~~1. Terminal and transfer facilities for transport of passengers or goods over water;~~

~~2. Moorage, fueling and servicing of commercial vessels;~~

~~3. Industries which receive or ship goods or materials by water as an essential part of their operation;~~

~~4. Marine construction, dismantling and repair;~~

~~B. Marine recreation:~~

~~1. Pleasure boat moorage and marinas, including fueling and servicing facilities;~~

~~2. Boat launch and haul out facilities;~~

~~C. Shoreline recreation:~~

~~1. Parks;~~

~~2. Bicycle and walking trails;~~

~~3. Beaches;~~

~~4. Viewpoints;~~

~~D. Aquaculture;~~

~~E. Intakes and outfalls;~~

~~F. On-site marine and limnological research and education;~~

~~G. Floating home moorages;~~

~~H. Shoreline protective structures such as but not limited to bulkheads and fixed or floating breakwaters.~~

"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. Examples are:

A. Public or private vessel terminal and transfer facilities which handle general commerce.

B. Ferry terminals.

C. Watercraft construction, repair, maintenance, service, and dismantling.

D. Marinas and mooring areas including yacht and boat club moorages.

E. Tug and barge facilities.

F. Ecological and scientific reserves and on-site limnological and oceanographic research facilities.

G. Public waterfront parks.

H. Public use beaches and fishing piers.

I. Aquariums available to the public.

J. Aquaculture and mariculture.

K. Floating home moorages.

Section 12. Section 24.60.266 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.266 Water-related use

"Water-related use" means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location. Two types of water-related uses are recognized:

A. Uses which do not service water-dependent uses but do require water transport, usually of raw materials. Examples are:

1. Lumber and plywood mills.

2. Fish-processing plants.

3. Sand and gravel companies and similar operations.

4. Petroleum handling and processing plants.

5. Log booming, rafting and storage.

B. Uses which service and require access to water-dependent uses. Examples are:

1. Marine electronics repair establishments.

2. Marine refrigeration establishments.

3. Marine plumbing establishments.

4. Boat rigging establishments.

Section 13. That Section 24.60.310 of the Seattle Municipal Code (Section 21A.16 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.310 Application when development partly out of Shoreline District.

Where a ((~~single~~)) development is proposed ((~~for a site~~)) which ((~~is~~)) would be partly within and partly without the Shoreline District, a shoreline substantial development permit shall be required for the entire development and the specific use and bulk regulations of this Article shall apply only to that ((~~where any~~)) part of the development which occurs within the Shoreline District.

Section 14. Section 24.60.315 of the Seattle Municipal Code (Section 21A.17 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.315 ((~~Application only to new development~~)) Nonconforming uses and structures.

The regulations of this chapter shall apply only to development undertaken in the Shoreline District after adoption of this chapter; provided, ((~~the limitations of Sections 24.14.030 through 24.14.070 of this subtitle shall apply to existing non-nonforming developments, and provided further,~~)) that all signs in the Shoreline District which do not conform to the provisions of this chapter shall be discontinued within a period of from three to seven years from the effective date of this chapter in accordance with an amortization schedule established by the Director pursuant to Section ((~~28 of Ordinance 1029292~~)) 4926, Seattle Building Code Supplement adopted by Section 22.100.010 of this code and based upon the age, condition, cost and remaining useful life of the sign((~~,~~)); and provided further that:

A. Any use other than a sign existing as of March 17, 1977 which does not conform to the applicable use requirements of this shoreline program may be continued. Structures or developments containing such nonconforming uses may be altered, repaired, or remodeled, provided that the structure or development is not extended beyond its existing external dimensions.

B. The change of one nonconforming use to another use not permitted in the shoreline environment may be authorized 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.

The Director may impose requirements and conditions regarding the location, character or other features of the proposed use as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

C. Structures existing as of March 17, 1977 which are conforming as to use but do not meet the bulk requirements of this program may be altered, repaired, remodeled, or expanded, provided that the amount of bulk nonconformity is not increased. 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.

D. If a nonconforming structure, use or development is destroyed by fire or other act of nature, it may be rebuilt to those configurations existing immediately prior to the time the structure was destroyed.

E. The above provisions shall not apply to any structure, improvement, dock, fill or development placed on tidelands,

shorelands, or beds of waters which is in trespass or in violation of state statutes.

Section 15. Section 24.60.350 of the Seattle Municipal Code (Section 21A.25 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.350 Purpose of Urban-Stable/Lake Union (US/LU) environment.

The purpose of the US/LU environment is similar to the purpose of the US environment, but also incorporates additional goals based on the particular characteristics of Lake Union.

A. Enhance the form and appreciation of Lake Union and environs as a major component in Seattle urban structure;

B. Preserve a maximum of open water commensurate with reasonable economic development;

C. Develop a diversity of commercial and residential activities related to the use and enjoyment of the waterfront, the service and maintenance of water-dependent and water-related activities, and public access to the water;

D. Encourage multiple use concepts having a wide range of intensity while preserving view of the water from upland and adjacent properties; and

E. Eliminate physical and visual blight from areas surrounding Lake Union and Portage Bay.

Section 16. Section 24.60.355 of the Seattle Municipal Code (Section 21A.26 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.355 Purpose of Urban-Stable/Central Waterfront (US/CW) environment.

The purpose of the US/CW environment is similar to the purpose of the US environment but also incorporates additional goals

based on the particular characteristics of the Central Waterfront. In the US/CW environment, new development over water and the recycling and refurbishing of existing piers will be permitted which will:

A. Reinforce the historic marine orientation of Seattle as a major downtown theme;

B. Strengthen water-oriented recreation tourist activity, related retail business, and public areas open to the water;

C. Maintain a full complement of water-dependent uses; and

D. Preserve and enhance views of Elliott Bay and the Olympic Mountains from upland CBD development, street corridor vistas and the street level((~~; provided, no additional coverage of the water by fixed structures shall be permitted~~)).

Section 17. Section 24.60.375 of the Seattle Municipal Code (Section 21A.31 of Ordinance 86300, as amended by Ordinance 106200) is hereby repealed.

Section 18. Section 24.60.380 of the Seattle Municipal Code (Section 21A.32 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.380 Principal uses on waterfront lots.

Unless otherwise excepted in this chapter, all principal uses on a waterfront lot shall be water-dependent or water-related or shall provide regulated public access. Preference for principal uses on waterfront lots shall be according to Section 24.60.525E.

Section 19. That Section 24.60.385 of the Seattle Municipal Code (Section 21A.33 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.385 Bulk regulations - height of structures.

A. Maximum heights of buildings and structures in the Shoreline district shall be governed by the limits set in Table 1, following Section 24.60.395, except that where the height limit of an underlying residential zone is less than the limit in Table 1, the more restrictive limit shall apply.

B. The following structures are exempt from the height limits of Table 1: ((~~No building or structure in the Shoreline District shall exceed the height limits indicated in Table 2, following Section 21A.35 except:~~))

((~~(a)~~)) 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.

((~~(b)~~)) 2. Flagpoles or masts, transmission towers, chimneys, smokestacks, aerials or stairwells. ((~~when part of a water dependent use.~~))

((~~(c)~~)) 3. Belfries, monuments, spires or steeples, transmission towers, provided such structures shall be designed to minimize view obscuration.

((~~(d)~~)) 4. Penthouses for elevator and other mechanical equipment, and monitors when less than 5% of the lot coverage and extending not more than 10 feet above roof level.

5. Architectural features such as trellises designed to accommodate landscaping on upland lots in the US/CW environment provided such features shall not protrude above the height of the building itself nor into any required setback or view corridor.

C. Height of structures shall be determined by measuring from the average grade of the lot immediately prior to the proposed development ((~~and after any permitted landfill~~)) to the highest point of the structure not otherwise excepted from the height limits.

Section 20. Section 24.60.390 of the Seattle Municipal Code (Section 21A.34 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.390 Bulk regulations - lot coverage.

Buildings or structures including floats and piers in the Shoreline District shall not occupy a greater percentage of a lot than indicated in Table ((2)) 1 following Section 24.60.395, except: ((~~that~~))

A. on the 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 do not significantly change the grade and/or are not visible above the level of adjoining properties shall not be included in lot coverage.

B. In the US/CW environment, new piers for water-dependent uses shall be permitted with a maximum lot coverage of 50 percent.

C. Existing piers in the US/CW environment which are nonconforming as to lot coverage shall be permitted 3,600 square feet of lot coverage for open wet moorage floats and 400 square feet of fixed lot coverage for access to the floats in addition to the pier's lot coverage as of March 17, 1977. Each new pier shall be permitted 3,600 square feet of lot coverage for open wet moorage floats and 400 square feet of fixed lot coverage for access to the floats in addition to the permitted 50 percent lot coverage of Table 1.

D. On single family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five percent of the lot area or one thousand seven hundred fifty square feet, whichever is greater.

E. On multi-family zoned lots, the lot coverage percentage noted in Table 1 shall not apply but view corridor, yard, and setback requirements of Section 24.60.395 and the landscaped open space requirements of the multi-family code shall apply.

Submerged lands shall not be used to satisfy open space requirements.

F. Lot coverage for residential developments on lots zoned BN, BC, CG, and M as of January 1, 1983 shall not exceed 40 percent of the dry land area.

Section 21. Section 24.60.395 of the Seattle Municipal Code (Section 21A.35 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.395 Bulk regulations - yards, view corridors and residential setbacks.

((~~A. Unless otherwise provided in this chapter, front, side and rear yards for uses other than single-family residences are not required in the Shoreline District provided that a view corridor or corridors of not less than the percentage of the width of the lot indicated in Table 2 are maintained on the lot.~~

A. Yards and Zoning Setbacks

1. Single family residences on both waterfront and upland lots shall meet the yard requirements of Chapter 23.44 of the Seattle Municipal Code.

2. Any development on an upland lot where view corridors are not required shall meet the yard and setback requirements of the underlying zoning.

3. Where the underlying zoning is multi-family, the development shall meet the additional development standards of Ch. 23.45 of the Land Use Code.

B. View corridors are required for developments other than single family residences on those upland through lots where the adjacent waterfront lot is designated CM or CN. View corridors are not required on all other upland lots.

C. ((~~The view corridor requirement of this section is not required for:~~)) A view corridor or corridors is required on all waterfront lots, except for:

1. Open wet moorage of boats;

2. Temporary storage on dry land of boats undergoing repair;

((~~2~~))3. Floating homes;

((~~3~~))4. Water-dependent or water-related uses in UD environments;

((~~4. Any development on upland lots where there is an intervening street between the property and the shoreline and the development will not obstruct the view of a substantial number of residences, and the yard requirements for the underlying zone are observed.~~)).

5. Single family residences.

D. When a view corridor is required, yards or setbacks as specified in the underlying zoning shall not be required and 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 Table 1 shall be provided and maintained.

2. 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.

3. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, parallel to existing view corridors.

4. When a lot is bounded by more than one street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the direction of the predominant view of the water, and the availability of actual views of the water.

5. Parking for motor vehicles shall not be located in view corridors except when:

(1) the parking is required parking for a water-dependent or a water-related use and no reasonable alternative

exists; or

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

6. Removal of existing landscaping shall not be required.

E. The Director may 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 of the following conditions apply:

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

2. Existing development effectively blocks any possible views from the street.

3. The shape of the lot is unusual or irregular.

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.

4. The percent of the site 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 precludes effective application of the requirements.

F. Residential structures on waterfront lots shall not be located closer to the shoreline than adjacent structures. If there is no other structure within one hundred feet, residential structures shall be located at least twenty-five feet back from the line of ((~~higher regulated lake level of Lake Washington, Lake Union and connecting fresh waters, or the line of ordinary high tide~~)) ordinary high water.

TABLE ((~~2~~))1

BASIC SHORELINE BULK REQUIREMENTS ((~~FOR NON-PUD DEVELOPMENT~~))

Area	View Corridor (percent) of lot width (10)	Lot Coverage (percent) of area (4) Water-front lots	Up-land lots	Maximum Height (1) On Land	Over Water
A. Puget Sound					
1. North city limits to Chittenden Locks					
a. North of N.W. 65th St.	35%	35%	35%	35'	35'
b. South of N.W. 65th St.	35%	35%	100%	35'	35'
2. Magnolia					
a. Chittenden Locks to West Ruffner St.	35%	35%	35%	35'	35'
b. West Ruffner St. to west boundary (Pier 91)	35%	((~~30%~~))35%	35%	35'	35'
c. West boundary Pier 91 to Prospect St. extended (Pier 86)	35%	75%	100%	50'	50'
3. Elliott Bay/ Duwamish River					
a. North central waterfront Pier 86, (Prospect St.) to Pier 72, Bay St.	30%	60%	100%	50'	15'(2)
b. Central waterfront Bay St. to Wash. St. (~~(5)~~)	30%	50%(9)	100%	50'	50'(3)
c. South waterfront Pier 48 to Bronson Way S.W.	NA	100%	100%	NA(6)	NA(6)
d. Duwamish River and waterways	NA	100%	100%	NA(6)	NA(6)
4. West Seattle					
a. Bronson Way S.W. to California Ave. S.W.	35%	35%	100%	35'	35'
b. California Ave. S.W. to Alki Pt., except:	35%~~(4)~~	35%~~(4)~~	35%	35'~~(4)~~ (11)	15'(2)
(i) California Wy SW to SW Leon Place	35%	35%	100%	35'	15'(2)
(ii) 59th Ave SW to 63rd Ave SW	35%	35%	100%	35'	15'(2)

Area	View Corridor (percent) of lot width (10)	Lot Coverage (percent) of area: Water-front lots	Lot Coverage (percent) of area: Up-land lots	Maximum Height (1): On Land	Maximum Height (1): Over Water
c. Alki Pt. to south city limits, except:	35%	35%	35%	35'	15' (2)
SW Carroll St and Alki Wy SW All 4 corners, BN zoned lots	35%	35%	100%	35'	15' (2)
B. Lake Wash. Ship Canal to Aurora Bridge					
1. Chittenden Locks to 3rd Ave. N.W. (north side)	35%	100%	100%	NA (6)	NA (6)
2. 3rd N.W. to Aurora Bridge (north side)	35%	100%	100%	NA (6)	NA
3. Chittenden Locks to Ballard Bridge (south side)	35%	50%	100%	35'	35'
4. Ballard Bridge to 3rd Ave. W. (south side)	35%	100%	100%	NA (6)	NA (6)
5. 3rd Ave. West to Aurora Bridge (south side)	35%	50%	50%	35'	NA
C. Lake Union/Portage Bay					
1. Westlake Ave. Aurora Bridge to Highland Drive	35%	50%	100%	35' (8)	35'
2. Highland Drive to Yale Ave. N.	35%	50%	100%	35' (8)	35'
3. Yale Ave. N. to ((~~Waterway & Waterway & to~~)) E. Newton Street	35%	50%	100%	35' (8)	35'
~~4.~~ ((35%	~~50%~~		~~35' (8)~~	~~25'~~))
4. ((~~5.~~)) E. Newton Street to University Bridge	35%	50%	50%	35'	25'

Area			View Corridor (percent) of lot width (10)	Lot Coverage (percent) of area Water-front lots	Lot Coverage (percent) of area Up-land lots	Maximum Height (1) On Land	Maximum Height (1) Over Water
	5.((~~6.~~))	North side University Bridge to Montlake Bridge	35%	50%	100%	35' (7)	25'
	6.((~~7.~~))	South side University Bridge to Montlake Bridge, except	35%	50%	50%	35'	25'
		Lots 1-4 of Block 42 Denny-Fuhrman Addition	35%	50%	100%	35'	25'
	7.((~~8.~~))	University Bridge to Aurora Bridge	35%	50%	100%	35'	25'
D.	Lake Washington						
	North City limits to south City limits, except,		35%	35%	35%	35'	15' (2)
	((~~1. All except Madison Beach Park~~))						
	((~~2.~~ 1.	Madison Beach Park	35%	40%	40%	35'	15' (2)
	2.	E. Newton St. to E. Howe St.	35%	35%	100%	35'	15' (2)
	3.	E. Superior St. and L. Washington Blvd. to E. Yesler Wy	35%	35%	100%	35'	15' (2)
	4.	S. Director St. to Fletcher St.	35%	35%	100%	35'	15' (2)
	5.	S. Pilgrim St. to S. Perry St.	35%	35%	100%	35'	15' (2)
E.	Green Lake		NA	NA	35%	35'	15' (2)

FOOTNOTES TO TABLE ((~~2~~))1

(1) See exceptions to height limits in Section 24.60.385. Additional height restrictions are imposed by the underlying zoning in some locations.

(2) No over water construction of principal structures permitted. Height limits apply to permitted accessory structures.

(3) Gross floor area is limited to 2.0 times the lot area, including accessory parking areas. Height of buildings is measured from centerline of Alaskan Way.

((~~(4) Bulk requirements governed by Chapter 24.32 when upland lot zoned RMH 350.~~))

(4) For multi-family developments in multi-family zones see Section 24.60.390(E).

((~~(5) See Section 24.60.510 for bulk requirements in shoreline PUD.~~))

(5) (Reserved.)

(6) Gross floor area is limited to 2.5 times the lot area, including accessory parking. Submerged land shall not be included in the calculation of GFA of a building constructed on dry land.

(7) Maximum height may be increased to 60 feet by Director for water-dependent facilities when development is consistent with a long-range development plan for uplands approved by the City Council subsequent to adoption of this chapter.[1]

(8) Heights greater than 35 feet are not encouraged and may only be permitted by the Director upon a finding that such height is otherwise consistent with the policies of the Shoreline Management Act of 1971 and this Master Program and that such height will not obstruct the views from a substantial number of residences and in no event will exceed a height of 55 feet.

(9) ((~~No additional coverage of the water by fixed structures is permitted. See Section 24.60. 355.~~)) For a specific exception regarding lot coverage by floats, see Section 24.60.390.

(10) See Section 24.60.395((~~B~~)) for exceptions and regulations governing view corridors. (Ord. 106200 § 1(part), 1977: Ord. 86300 § 21A.35, 1957.)

(11) Permitted height on upland lots between S.W. Leon Place to 59th Avenue S.W. is 60 feet. Permitted height on waterfront lots is 35 feet.

Section 22. Section 24.60.400 of the Seattle Municipal Code (Section 21A.36 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.400 Regulated public access - Public waterfront property.

((A. ~~Regulated public access shall be provided to the shore-lines of all public property.~~))

((~~B.~~)) A. Unless otherwise provided in this chapter, regulated public access shall be provided for developments on all publicly owned and public-controlled waterfront property, whether leased to private lessees or not, and whether developed with a water-dependent or water-related use or not, except ((~~as follows:~~))

((~~1. H~~))harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land ((~~other than in the Central Waterfront,~~)) leased from ((~~the state~~)) a government agency and completely occupied by water-dependent or water-related uses((~~;~~)).

((~~2. Street ends and waterways occupied by water-dependent uses under permit or lease.~~))

((~~C. Where a large shoreline development requires a number of substantial development permits, the requirement of regulated public access shall be applied in the context of the entire development.~~

((~~D.~~)) B. Regulated public access shall be provided for all developments in the US/CW environment whether leased from the state or not, and whether developed with water-dependent or water-related uses or not. The amount of public access shall be ((~~N~~))not less than fifteen percent of the submerged portion of a lot which is covered by structures ((~~in the US/CW environment~~)) or at least five thousand square feet, whichever is greater ((~~, shall be devoted to regulated public access~~)).

Section 23. Section 24.60.405 of the Seattle Municipal Code (Section 21A.37 of Ordinance 86300 as amended by Ordinance 106200) is amended to read as follows:

24.60.405 Regulated public access - Private Waterfront property.

A. Unless otherwise provided in this chapter, regulated public access shall be provided for all non-water-dependent or non-water related uses on waterfront lots which are:

1. Nonresidential; or

((~~2. Developed as a planned unit development; or~~))

((~~3.~~)) 2. Exclusively residential developments containing four or more units and having one hundred or more feet of shoreline, provided that no such regulated public access shall be required on salt water shorelines where public access to the shoreline from a street is available within six hundred feet of the proposed development.

B. Waterfront ((~~l~~)) lots in the Shoreline District ((~~which are~~)) proposed for rezone((~~d~~)) to the ((~~RM-1600~~)) Lowrise 1 or more intensive zone from a less intensive zone shall be rezoned only upon agreement by the property owner that upon development, a minimum setback from the shoreline of twenty feet shall be provided and that regulated public access along the entire length of the shoreline shall also be provided.

C. Not less than fifteen percent of the submerged portion of a lot which is covered by structures in the US/CW environment shall be devoted to regulated public access, or at least five thousand square feet, whichever is greater.

D. Regulated public access shall not be required in the US/LU environment on private lots which abut a street end or waterway which provides public access, and which have a front lot line less than one hundred feet in length, measured at the upland street frontage generally parallel to the water's edge.

Section 24. Section 24.60.410 of the Seattle Municipal Code (Section 21A.38 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.410 Regulated public access - General conditions((~~,~~)) applicable to Public and Private Properties.

A. Access to a shoreline may be denied to any person who creates a nuisance or engages in illegal conduct on the property, and the Director may authorize such regulated public access to be temporarily or permanently closed if he finds that such offensive conduct cannot otherwise be reasonably controlled.

B. Regulated public access shall be appropriately indicated by signs((~~, and insofar as possible shall have easy and direct access from street level and shall provide unimpeded views of the water and water activites.~~)) provided by the applicant, of standard design and materials prescribed by the Director.

C. Regulated public access shall be a physical improvement in the form of any one or combination of the following: walkway, bikeway, corridor, plaza, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorages, 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.

D. Regulated public access may be limited in its location and area. However, the minimum regulated public access shall consist of a walkway at least three feet wide, leading from the street or from a public walkway directly to the water, or to a point 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.

E. Regulated public access may be limited as to hours of availability and types of activities permitted. However, it

shall be available to the public on a regularly scheduled basis, and shall allow water activities appropriate to the site.

F. Where extreme irregularity in topography, shape of the lot, location of existing structures or other circumstances present practical design difficulties, the Director shall determine the type and location of the public access.

G. Regulated public access shall be open to the public at the time of occupancy of the proposed development.

H. Regulated public access for a large shoreline development, under one ownership, which accommodates a terminal or a similar facility shall be required in the context of the entire terminal or facility as follows:

1. Where such development requires a number of substantial development permits, separate regulated public access need not be provided for each permit, but shall be provided in terms of the entire development. Each terminal or facility, however, shall provide separate public access.

2. A comprehensive development plan for the total terminal or facility shall be submitted with the first shoreline permit application. The plan shall include all project components intended, the public access, and a development schedule. The level of detail of the public access plans shall be similar to that of the project proposal.

3. The regulated public access shall maximize views of the water and water activities. A viewpoint or tower shall provide a minimum 120-degree view angle of the shoreline or water activities.

I. General Exceptions

((~~C.~~)) Regulated public access shall not be required where:

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;

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

5. Public access at the particular location cannot be ((~~designed or~~)) developed to satisfy the public interest in providing a ((~~provide a pleasant view or~~)) recreational ((~~experience~~)) historical, cultural, scientific, or educational opportunity or view.

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

((~~D. Regulated public access shall not be required in the US/LD environment on private lots abutting a street end or waterway which provides public access, which have a front lot line less than one hundred feet in length, measured at the upland street frontage generally parallel to the water's edge.~~

~~E. The following Table 2A illustrates the requirements of this chapter for regulated public access.~~))

((~~TABLE 2A~~

~~Regulated Public Access Requirements~~

~~Type of Property~~	~~Regulated Public Access~~
~~1. Public property - use(s)~~	~~Required~~
~~2. Public property leased or rented for private, non-water-dependent use(s)~~	~~Required~~
~~3. Central Waterfront - public and private property~~	~~15% of total water area covered by structure(s), or 5,000 square feet, whichever is greater~~
~~4. Public property leased or rented for private, 100% water dependent use(s)~~	~~Not required~~
~~5. Public or private property, 100% water dependent use(s)~~	~~Not required~~
~~6. Private property, non-water-dependent use~~	~~Required, if four or more residential units and 100 feet or more of water-frontage, shoreline PUD, or commercial or industrial use, unless exclusively residential development on salt water shoreline and public access to shoreline from street is available within 600 feet~~
~~7. Private residential development on salt water~~	~~Required if not within 600 feet of public access to water~~))

Section 25. Section 24.60.420 of the Seattle Municipal Code (Section 21A.40 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

Subchapter V Permitted Uses

24.60.420 Permitted uses in Shoreline District environments

A. Uses are permitted in the seven Shoreline District environments in accordance with the following table, subject to the provisions of this chapter and the criteria for evaluating applications for substantial development permits in Section 24.60.520 et seq. The symbol "X" opposite a use means the use is prohibited, the symbol "A" means the use is a permitted shoreline use, the symbol "C" means the use may be permitted as a shoreline conditional use in accordance with the procedures for authorizing such uses established in this chapter, and the symbol "S" means the use may be permitted as a shoreline special use if the additional conditions of Section 24.60.525H are satisfied. Cross-references to definitions and to specific text sections are intended to assist in understanding Table ((3)) 2 and are not intended to exclude the application of other provisions.

B. Shoreline uses are permitted by this chapter only when also permitted by the underlying zoning.

C. Accessory uses customarily incidental to a use permitted in Table ((3)) 2 and not expressly prohibited are also permitted. Accessory uses which would be prohibited as principal uses may be permitted only if clearly incidental and necessary for the operation of a permitted principal use. (See also Section 24.60.540).

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

Table ((3)) 2
A. PERMITTED USES ON WATERFRONT LOTS

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Residential Uses									
Single-family		530	X	X(6)	A	A(18)	A(18)	X	X
Multi-family		530	X	X	A	A(18)	A(18)	X	X
Artist studio dwelling		530	X	X	A	A(18)	A(18)	X	X
Floating homes	060	535 530	X	X	S (4)	((S))X (4,18)	A (18)	X	X
Existing floating home((s)) moorages	((060)) 065	535; ((650))	X	((X)) A	A(4)	A	A	X	X
Retirement and other group homes			X	X	A	A	A	X	A(18)
Swimming pools		750	X	A	A	A	A	A	A
Business and Commercial Uses		540							
Offices		540	X	X	X	A	X	A(17)	A
Retail shops and services		540	X	X	X	A	A	A	A
Restaurants		545	X	X	X	A	((A)) C	A	A
Hotels, motels, boatels	080	550	X	X	X	X	X	((A(1))) X	X
Commercial boating, Private Clubs and Public Boating Facilities									
Marine sales			X	((X)) A	X	A	A	A	A
Open wet moorage	125	650 670	X	A	A	A	A	A	A
Covered wet moorage	120	((655))650 670	X	X	X	A	X	X	A
Open dry boat storage	46	655	X	S	X	A	A	X	A
Stacked moorage		655	X	((X5)) S	X	A	A	((X)) A	A
Launching ramps		660	X	S	S	A	A	X	A
Tug and barge facilities			X	X(19)	X	A	A	A	A

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Haul-out facilities		660	X	S	S	A	A	A	A
Marine construction repair and dismantling			X	X	X	A	A	X	A
Marine service stations		665	X	X	X	A	A	A	A
((~~Public~~ m)) Marinas		((~~670~~)) 650 655	X	A ((~~5~~))	((~~X~~)) A	A	A	A	A
((~~Private nonprofit~~)) New yacht, boat, and beach clubs		765	X	((~~X~~)) S	((~~A(16)~~)) S	A	A	((~~X~~)) A	A
Existing yacht clubs		765	X	A	A	A	A	A	A
Transportation Facilities		620							
Accessory parking		615	X	S	A	A	A	A	A
Principal use parking		615	X	X	X	X	X	X	X
Cargo terminal		((~~645~~))565	X	X	X	A	A	A	A
Passenger and auto ferry terminal		645	X	A	X	A	A	A	A
Highways, freeways and major arterials		625	X	X	S(7)	S(7)	S(7)	S(7)	S
Railroads, spurs and rail transit		630	X	X	S(8)	S(8)	S(8)	S	S
Bicycle and pedestrian ways		635	((~~X~~)) S	A	A	A	A	A	A
Streets, scenic roads and auto-oriented viewpoints		625	X	A	A	A	A	A	A
Land-based aircraft facilities		640	X	X	X	X	X	X	X
Water-based aircraft facilities		640	X	X	X	S	S	S	S
Utilities									
Overhead		580; 585; 590	X(9)	X(9)	X(9)	A	X(9)	X(9)	A
Underwater		595	S	S	S	A	A	A	A
Intakes and outfalls		590 600	S	S	A	A	A	A	A
Sewer lines (storm, sanitary, combined)		600	X(2)	X(2)	A	A	A	A	A
Sewage treatment facilities		610	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)

Note: This table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Industrial and Manufacturing Uses									
Log storage and rafting		735	X	X	X	A	A	A	A
Sand, gravel and concrete mix and cement plants			X	X	X	S	S	X	A
Cargo handling and water-((~~dependent~~)) related (((~~265~~)) 266) manufacturing		565	X	X	X	A	A	X	A
Other industrial or manufacturing uses (including refuse transfer and salvage stations, mills and refineries)			X	X	X	X	X	X	A
Warehousing and wholesaling		560	X	X	X	(~~A~~) X(15)	(~~A~~) X(15)	X (~~A~~)	(~~A~~) X(15)
Shoreline Structures and Alteration									
Sanitary landfill			X	X	X	X	X	X	X
Dredging		715; 720	C	A(10)	A(10)	A(10)	A(10)	(~~X~~) A(10)	A(11)
Landfill on submerged lands		725; 730	C (16)	S	S	S	X	X	S
Landfill on wetlands		725; 730	C (12)	A(12)	A(12)	A(12)	X	X	A(13)
Piling		690	X	S	A	A	A	A	A
Floating dolphins			C	S	X	A	A	A	A
Floats		685	X	A	A	A	A	A	A
Single-family, multi-family community recreation piers and launching ramps	150	675; 685	X	A	A	A	A	X	A
Commercial piers	150	680	X	X	X	A	A	A(3)	A
Public recreational piers	150	680	X	A	A	A	A	A(3)	A
Groins	075	700	X	S	A	A	A	A	A
Breakwaters		695	X	S	A	A	A	A	A
Bulkheads and shoreline protective structures		705((~~,~~))	X	A	A	A	A	A	A

Note: This table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Natural Beach Protection		((~~710~~)) 705 745	S	S	S	S	S	S	S
Offshore facilities	135		((~~S~~)) C	X	X	X	X	X	X
Signs									
Business signs	220	((~~520 525~~)) 570; 575	X	((~~X~~)) A	((~~X~~)) A	A	A	A	A
Outdoor advertising signs	215	((~~520 525~~)) 570; 575	X	X	X	X	X	X	A
Miscellaneous									
Aquaculture-structures	020	740	S	S	A	A	A	A	A
Public parks		760	S	A	A	A	A	A	A
Research and educational uses		555	X	A	A	A	A	A	A
Nonprofit fraternal and social clubs((~~, multiple residence recreational facilities other than moorage~~))		750	X	X	((~~A~~)) S	A	A	((~~A~~)) X	A
Community facilities		755	X	A	A	A	A	((~~A~~)) X	A
Multiple residence(s) recreational facilities		750	X	S	A	A	X	X	A

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

Table 2
B. PERMITTED USES ON UPLAND LOTS

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Residential Uses									
Single-family		530	X	X	A	A(18)	A(18)	X	X
Multi-family		530	X	X	A	A(18)	A(18)	A	X
Artist studio dwelling		530	X	X	A	A(18)	A(18)	A	A(18)
Retirement and other group homes			X	X	A	A(18)	A(18)	A	A(18)
Swimming pools		750	X	A	A	A	A	A	A
Business and Commercial Uses		540							
Offices		540	X	X	X	A	C	A	A
Retail shops and services		540	X	X	X	A	A	A	A
Restaurants		545	X	X	X	A	A	A	A
Hotels, motels,	80	550	X	X	X	X	X	A	X
Commercial boating, Private Clubs and Public Boating Facilities									
Marine sales			X	A	X	A	A	A	A
Dry boat storage		655	X	S	X	A	A	X	A
Stacked moorage		655	X	X	X	A	A	X	A
Marine construction repair and dismantling facilities			X	X	X	A	A	X	A
Yacht and boat clubs		765	X	S	S	A	A	A	A
Transportation Facilities		620							
Accessory parking		615	X	S	A	A	A	A	A
Principal use parking		615	X	X	X	A	A	A	A
Highways, freeways and major arterials		625	X	X	S(7)	S(7)	S(7)	S(7)	S

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LO	US/CW	UD
Railroads, spurs and rail transit		630	X	X	S(8)	S(8)	S(8)	S	S
Bicycle and pedestrian ways		635	S	A	A	A	A	A	A
Streets, scenic roads and auto-oriented viewpoints		625	X	A	A	A	A	A	A
Land-based aircraft facilities		640	X	X	X	X	X	X	X
Utilities									
Overhead		580; 585; 590	X(9)	X(9)	X(9)	A	X(9)	X(9)	A
Sewer lines (storm, sanitary, combined)		600	X(2)	X(2)	A	A	A	A	A
Sewage treatment facilities		610	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)
Industrial and Manufacturing Uses									
Log storage		735	X	X	X	A	A	A	A
Sand, gravel and concrete mix and cement plants			X	X	X	S	S	X	A
Non-water-dependent manufacturing	265	565	X	X	X	A	A	A	A
Other industrial or manufacturing uses (including refuse transfer and salvage stations, mills and refineries)			X	X	X	X	X	X	A
Warehousing and wholesaling		560	X	X	X	A	A	A	A
Storage for uses permitted in same environment on waterfront lots			A	A	X	A	A	A	A
Shoreline Structures and Alteration									
Sanitary landfill			X	X	X	X	X	X	X
Landfill on wetlands		725; 730	C	A(12)	A(12)	A(12)	X	X	A(12

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LO	US/CW	UD
Signs									
Business signs	220	570; 575	X	A	A	A	A	A	A
Outdoor advertising signs	215	570; 575	X	X	X	X	X	X	A
Miscellaneous									
Public parks		760	S	A	A	A	A	A	A
Research and educational uses		555	X	A	A	A	A	A	A
Nonprofit fraternal and social clubs		750	X	X	S	A	A	A	A
Community facilities		755	X	A	A	A	A	A	A
Multiple residence recreational facilities			X	S	A	A	A	A	A

Footnotes to Table ((~~3~~)) 2

(1) ((~~Permitted only as part of a shoreline planned unit development. See Section 24.60.500 (Central Waterfront).~~)) Reserved.

(2) Unless no feasible alternative exists. See Sections 24.60.600, 24.60.610.

(3) Permitted south of Bay Street only. See Section 24.60.680.

(4) Permitted on Portage Bay only. See Section 24.60.535 and 24.60.530(c).

(5) ((~~Subject to provisions of Sections 24.60.650B and 24.60.655.~~)) Reserved.

(6) ((~~(Reserved)~~)) Permitted when located on a privately owned residentially zoned lot of record as of March 1, 1977 having less than 30 ft. of dry land between a right-of-way and the line of Ordinary High Water, as described in Sec. 24.60.530.

(7) New facilities parallel and adjacent to shoreline are prohibited. See Section 24.60.625.

(8) New facilities parallel and adjacent to shoreline are prohibited. See Section 24.60.630.

(9) Except lines carrying ((~~230~~)) 115 KV or more, which are permitted. See Section 24.60.590.

(10) Dredging of 500 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.715.

(11) Dredging of 1000 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.715.

(12) Landfill on wetlands of 500 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.725. Landfill on wetlands in CN environment for natural beach protection is permitted as a special use.

(13) Landfill on wetlands of 1000 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.725.

(14) Except as permitted in Section 24.60.745.

(15) ((~~(Reserved)~~)) Permitted as accessory use to a water-dependent or water-related principal use only, subject to Section 24.60.420.

(16) ((~~Permitted only where underlying zoning is RW. See Section 24.60.765.~~)) Landfill on submerged lands in CN environment for natural beach protection is permitted as a special use.

(17) Permitted above first floor only and not more than 30% of gross floor area or 100,000 square feet south of Bay Street. See Section 24.60.540.

(18) Where the underlying zoning is CG, M, IG, or IH as of January 1, 1983 SEE Section 24.60.530A.

(19) Open wet moorage for tugs and barges is permitted in the CM environment on Lake Union when adjacent to tug and barge facilities in the US/LU.

Section 26. Section 24.60.440 of the Seattle Municipal Code (Section 21A.53 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.440 Public hearing.

As a part of the process of reviewing an application for a substantial development permit, the Director, at his discretion, may provide for a public hearing on the application, particularly where:

A. The proposed development has broad public significance;

B. Fifty or more interested persons file a written request for such hearing not later than the thirtieth day following the date of final publication of notice of the application;

C. The cost of the proposed development, exclusive of land, will exceed Five Hundred Thousand Dollars ($500,000); or

D. The proposed development will require a shoreline conditional use or a variance from the provisions of this chapter, or other extraordinary relief from the provisions of this subtitle or state or federal shoreline regulations.

Public hearing shall be conducted by the Director or his designee after not less than twenty days' notice given in the manner provided in ((~~Sections 24.64.120 and 24.64.130~~)) Section 23.34.10B for amendments to the Official Zoning Map, and written notice of such hearing shall be mailed to persons requesting the same at least seven days prior to the date of the hearing.

Section 27. Section 24.60.460 of the Seattle Municipal Code (Section 21A.57 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is amended to read as follows:

24.60.460 Revisions to substantial development permits.

When an applicant seeks to revise a substantial development 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 comply with WAC 173-14-064, as now constituted or herein after amended(1), ((~~are within the scope and intent of the original permit, do not substantially change the uses or increase the bulk, change the essential features of the development, or otherwise increase the impact of the development on the shoreline,~~)) he shall approve the revision. The revised permit shall become effective immediately. The approved revision, along

with copies of the revised site plan and text, shall be submitted by certified mail to the appropriate Department of Ecology Regional Office, the Attorney General, and to persons who have previously notified the Director relative to the original application. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within fifteen days from date of certified mailing. The party seeking review shall have the burden of proving the revision was not within the scope and intent of the original permit.

B. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new substantial development permit in a manner provided for in this chapter.

(1) A copy of WAC 173-14-064 as now constituted is attached for easy reference.

Section 28. Section 24.60.465 of the Seattle Municipal Code (Section 21A.58 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.465 Rescission.

The Director may rescind a substantial development permit after hearing if ((~~he finds that the permittee has not complied with conditions of the permit.~~)) any of the following conditions are found:

1. The permittee has developed the site in a manner not authorized by the permit; or

2. The permittee has not complied with the conditions of the permit; or

3. The permittee has secured the permit with false or misleading information; or

4. The permit was issued in error.

Notice of the hearing shall be mailed to the permittee not

less than fourteen days prior to the date set for the hearing and included in the general mailed release.

Section 29. Section 24.60.475 (Section 21A.60 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

Section 24.60.475 Shoreline Conditional Uses.

A. Uses which are identified in this ((~~Article~~)) Chapter as shoreline conditional uses, and other uses which, although not expressly mentioned in Table ((~~3~~)) 2, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be authorized by the Director in specific cases upon approval of the Department of Ecology if ((~~he finds that:~~)) the request complies with the criteria set forth by the Department of Ecology in WAC 173-14-140, as now constituted or hereafter amended.(1)

((~~(a) the use will not have a significant adverse effect upon the environment or other adjacent or nearby uses, or that such adverse effects can be mitigated, or that the benefits of permitting such use outweight such adverse effects;~~

~~(b) the use will not interfere with public use of public shorelines;~~

~~(c) design and appearance of the development will be compatible with the design and appearance of surrounding uses; and~~

~~(d) the use will not be contrary to the general intent of the Shoreline Master Program of The City of Seattle.~~))

In authorizing a shoreline conditional use, the Director may impose requirements and conditions in addition to those expressly set forth in this Article with respect to location, installation, construction, maintenance and operation and extent of open spaces

as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

B. Uses permitted within ships designated as Seattle landmarks or National Historic Sites. The Director may authorize a restaurant or retail use as a conditional use within a ship designated as a landmark by the Landmarks Preservation Board or listed on the National Register of Historical Places and located in the CM, US, US/LU, US/CW environments even if such use is not otherwise permitted in the environment or over water. Such authorization shall be subject to the following conditions:

1. The use shall be compatible with the existing design and/or construction of the ship without significant alteration; and

2. The use shall be allowed only when it is demonstrated that permitted uses in the shoreline environment or over water are impractical because of the ship design and/or that no such permitted use can provide adequate financial support necessary to sustain the landmark or historic site in a reasonably good physical condition; and

3. The use shall obtain a certificate of approval from the Landmarks Preservation Board; and

4. No other historic ships containing restaurant or retail uses are located within one-half mile of the proposed site; and

5. Such use meets the conditional use criteria of WAC 173-14-140.

(1) A copy of the criteria of WAC 173-14-140, as presently constituted, is attached for easy reference.

Section 30. That Section 24.60.480 of the Seattle Municipal Code (Section 21A.61 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.480 Shoreline variances.

In specific cases the Director with approval of the Department of Ecology may authorize variances from specific requirements of this Article if the request complies with WAC 173-14-150, as now constituted or hereinafter amended.(1) ((~~when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the shoreline master program. A shoreline variance will be granted only after the applicant can demonstrate the following:~~

(~~a~~) ~~That if he complies with the provisions of the master program, he cannot make any reasonable use of this property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for a variance.~~

(~~b~~) ~~That the hardship results from the application of the requirements of the Act and shoreline master programs, and not, for example, from deed restrictions or the applicant's own actions.~~

(~~c~~) ~~That the variance granted will be in harmony with the general purpose and intent of the shoreline master program.~~

(~~d~~) ~~That the public welfare and interest will be preserved.~~))

Variances may not be sought to allow a use permitted in subtable B of Table 2 but prohibited in subtable A of Table 2 to be located on a waterfront lot.

In authorizing a shoreline variance, the Director may attach thereto such conditions regarding the location, character or

other features of a proposed structure or use as may be deemed necessary to carry out the spirit and purpose of this Article and in the public interest.

(1) A copy of WAC 173-14-150, as presently constituted, is attached for easy reference.

Section 31. Sections 24.60.490, 24.60.495, 24.60.500, 24.60.505, 24.60.510 and 24.60.515 of the Seattle Municipal Code (Sections 21A.63 through 21A.69 of Ordinance 86300, as amended by Ordinance 106200), relating to planned unit development in the US/CW environment are hereby repealed.

Section 32. Section 24.60.525 of the Seattle Municipal Code (Section 21A.71 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.525 General.

A. All proposed developments shall be consistent with the requirements of the Shoreline Master Program and the provisions of the Shoreline Management Act of 1971, as amended, expressed in RCW 90.58.

B. All proposed developments must conform to permit requirements of all other agencies having shoreline jurisdiction or responsibility, and authority to proceed under a substantial development permit may be conditioned upon the applicant's obtaining such other permits.

C. All proposed developments must conform with applicable federal, state and local regulations relating to air and water quality and noise pollution.

D. The proposed development must satisfy any substantive requirements of the State Environmental Policy Act.

E. Uses shall be preferred in the following order:

1. Water-dependent;

2. Water-related;

((~~2~~))3. Non-water-dependent or non-water related with regulated public access;

((~~3~~))4. Non-water-dependent or non-water-related without regulated public access.

F. Applications for substantial development permits on shorelines of statewide significance shall be evaluated in accordance with the principles outlined below in order of preference, and in accordance with the development guidelines for shorelines of statewide significance in WAC 173-16-040(5):

1. Recognize and protect the statewide interest over local interest;

2. Preserve the natural character of the shoreline;

3. Result in long-term over short-term benefit;

4. Protect the resources and ecology of shorelines;

5. Increase public access to publicly owned areas of the shorelines;

6. Increase recreational opportunities for the public on the shorelines.

G. Uses which cause or result in significant concentrations of harmful pollutants and materials subject to blowing which may enter runoff waters shall provide means to insure that such pollutants will not enter the water or air. Uses not connected to a storm drain shall provide means acceptable to the Director capable of containing and providing for the slow release of surface runoff, provided such requirement shall not apply to sites where the applicant can clearly demonstrate that surface runoff from shoreline uses will not create or significantly contribute to a flood, erosion or pollution hazard.

H. Uses which are identified in Table ((~~3~~)) 2, Section 24.60.420 as special uses in a particular environment may be

authorized by the Director when the following additional conditions are satisfied:

1. The use will not have a significant adverse effect upon the environment or other adjacent or nearby uses, or such adverse effects can be mitigated, or the benefits of permitting such use outweigh such adverse effects;

2. The use will not interfere with public use of public shorelines;

3. Design and appearance of the development will be compatible with the design and appearance of surrounding uses; and

4. The use will not be contrary to the general intent of the Shoreline Master Program of the city.

The burden of proof that all of the foregoing facts and conditions exist shall be on the applicant.

In authorizing a shoreline special use, the Director may impose requirements and conditions in addition to those expressly set forth in this chapter with respect to location, installation, construction, maintenance and operation and extent of open spaces as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

Section 33. That Section 24.60.530 of the Seattle Municipal Code (Section 21A.72 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.530 Residential uses.

A. In the US, US/LU, and UD environments where the underlying zoning is General Commercial (CG), Manufacturing (M), or Industrial (IG, IH), as of January 1, 1983, residential uses may be permitted as indicated in Table 2 only as

a conditional use as authorized by Section 24.60.475 and the following additional conditions:

1. After considering the nature and condition of nearby structures and uses, it is determined that the immediate environs are not of the type to create a nuisance for the residential dwellers.

2. The residential use will not usurp land needed for and better suited to water-dependent, water-related, and associated industry and commerce uses.

B. ((~~Except for floating homes, n~~)) New residential structures completely or partially constructed over water are prohibited((~~.~~)) except for floating homes where permitted by Table 3A, and except for single family residences in the CM and UR environments when located on a residentially zoned and privately owned lot established as a separate building site 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 30 feet of dry land between an abutting dry land right of way and the line of ordinary high water or mean Higher High Water. Residential uses over water accessory to a principal use are also prohibited, except for caretaker quarters.

((~~B. New apartment houses (four units or more) will be permitted on land only and then only with regulated public access to and along the water's edge as provided in Section 24.60.405.~~))

C. When located on a waterfront lot, new multi-family residences of four or more units shall be required to provide regulated public access to and along the water's edge (see Section 22.60.405 and Section 24.60.410).

Section 34. Section 24.60.535 of the Seattle Municipal Code (Section 21A.73 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.535 Floating homes.

A. General.

1. Floating homes and floating home moorages are water-dependent uses and as such are preferred uses to occupy the surface of the water. Such uses shall comply with ((~~the Floating Homes Ordinance (No. 96821)~~1)) Title 22 of the Seattle Municipal Code (Seattle Building Code Supplement, Chapter 74 - Houseboats) and the requirements of this chapter.

2. Floating homes and floating home moorages are a permitted use only in the US/LU, US, and UR environments as provided in Table ((~~3~~)) 2 and Section 24.60.530(A) and only on Lake Union and Portage Bay.

((~~3. Floating homes shall not exceed twenty-one feet at the highest point measured from the surface of the water.~~

~~4. Floating homes shall not cover in excess of one thousand two hundred square feet of water area, inclusive of float, decks, and roof overhang.~~))

((~~5.~~)) 3. Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of the dock or walkway. In the location and the design of new or remodeled floating homes, views of the water for moorage tenants and the public shall be opened up and enhanced.

((~~6.~~)) 4. New ((~~F~~))floating home((~~s~~)) moorages shall not be located between the combined pierhead/harbor line and the Seattle Construction Limit Line in Lake Union.

((~~B. Replacement and Remodeling. The replacement, remodeling or new construction of a floating home at an existing moorage not meeting the lot coverage, open water, site area,~~

~~yard, or location provisions of this chapter shall be permitted if it results in no increase in the total float area as of the effective date of the adoption of this chapter,4 and the height of the floating home does not exceed sixteen feet.~~))

((~~c.~~))B. New Floating Homes and Floating Home Moorages.

1. Floating homes shall not exceed twenty-one feet at the highest point measured from the surface of the water.

2. Floating homes shall not cover in excess of one thousand two hundred square feet of water area, inclusive of float, decks, roof overhang, and accessory floats.

((~~1.~~))3. Minimum site area for an individual floating home shall be two thousand square feet.

((~~2.~~))4. Total water coverage of all floating homes and all moorage walkways (fixed or floating) shall not exceed forty-five percent of the submerged portion of the moorage lot area.

((~~3.~~))5. Yards.

a. The minimum distance between adjacent floating home floats or walls shall be ten feet of open water.

b. The minimum distance beween floating homes on opposite sides of a moorage walkway shall be ten feet, wall-to-wall.

c. The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five feet except when adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway (fixed or floating) may abut upon the lot line.

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

e. Each floating home in a floating home moorage shall abut upon open water at least twenty feet wide and open continuously to navigable waters.

((~~4.~~))6. Public Access. Usable open space shall be provided on the upland portion of the site for regulated public access and shall be located so as to provide substantial visual access to the water.

7. The remodeling, replacement, rebuilding, or placement of a floating home at a moorage which meets the criteria for new moorages shall be subject to the requirements of this subsection.

C. Nonconforming Floating Home Moorages.

The remodeling, replacement, rebuilding, or relocation of a floating home at a moorage existing as of March 1, 1977 and not satisfying the lot coverage, open water, site area, yard, or location provisions for new floating home moorages shall be permitted subject to the following provisions.

1. Remodeling and Replacement.

An existing floating home may be remodeled, replaced or rebuilt if

a. The total float area of the floating home float as of March 1, 1977 is not increased; and

b. The height of the remodeled floating home or remodeled portion of the floating home is not increased beyond 16 feet from the water if the floating home is being remodeled; or the height does not exceed 16 feet if the floating home is being replaced or rebuilt; and

c. The minimum distance between adjacent floating home walls is not decreased to less than six feet if the floating home is being remodeled or is no less than six feet if the floating home is being rebuilt or replaced; and

d. The minimum distance between any floating home wall and any floating home site line is not decreased to less

than three feet if the floating home is being remodeled, or is less than three feet if the floating home is being rebuilt or replaced; and

e. No part of the floating home is further extended overwater beyond the edge of the float if the floating home is being remodeled, or does not extend overwater beyond the edge of the float if the floating home is being rebuilt or replaced.

2. Relocation.

Floating homes may be exchanged, either within a nonconforming moorage or between nonconforming moorages, if

a. Both floating homes are under 16 feet in height; or both floating homes are the same height; or the relocation will not result in a floating home which is over 16 feet in height and higher than the floating home being replaced being located seaward of floating homes which are 16 feet or less in height; and

b. The minimum distance between adjacent floating home walls will be no less than six feet; and

c. The minimum distance between any floating home wall and any floating home site line will be no less than three feet; and

d. Any floating home located in part in the public waters of any street or street end may be replaced only with a floating home which can be located entirely on private property pursuant to Section 7402 of the Seattle Building Code Supplement; and

e. The requirements of Chapter 7.20 of the Seattle Municipal Code (Equity Ordinance) have been met.

3. Accessory Floats

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 is not increased. Such an accessory float may not be transferred from one floating home to another. New accessory floats are prohibited.

D. Moorage Plan.

Any proposal to replace, remodel, rebuild, or relocate a floating home must be accompanied by an accurate, fully dimensioned moorage site plan, at a scale of not less than 1" = 20', unless such plan is already on file with the Department.

Section 35. Section 24.60.540 of the Seattle Municipal Code (Section 21A.74 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.540 Business and commercial uses.

A. ((~~Generally.~~)) Principal ((~~B~~))business and commercial uses which are not water-dependent or water-related ((~~or not clearly accessory to a water-dependent use~~)) shall provide regulated public access and unless expressly authorized in this chapter shall not be constructed over water.

B. ((~~Unless otherwise provided in this chapter, business and commercial u~~)) Uses which are accessory to a water-dependent or water-related use, although not water-dependent or water-related themselves, may be located over water if an overwater location of the accessory use is necessary for the operation of the principal use or if no reasonable dry land location exists on site. Overwater structures for such accessory uses shall not occupy more than forty percent of the ((~~floor area of any structure constructed over water~~)) permitted overwater coverage.

C. ((~~B.~~)) US/CW Environment. Recreational and tourist-oriented business and commercial uses such as restaurants, fast-food service, seafood and vegetable and fruit markets, retail

Section 37. Section 24.60.555 of the Seattle Municipal Code (Section 21A.77 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.555 Research and educational uses.

A. As indicated in Table ((3)) 2, research and educational uses or facilities are permitted in all environments of the Shoreline District other than CN. All such uses must be water-dependent or water-related when located on a waterfront lot.

B. Educational and research uses or facilities which have a significant adverse impact upon the surrounding neighborhood by reason of the bulk or type of materials, heavy equipment or machinery, noise, odor, traffic, or other such characteristics are prohibited in the CM and UR environments.

Section 38. Section 24.60.560 of the Seattle Municipal Code (Section 21A.78 of Ordinance 86300, as amended by Ordinance

shops including gift, import and souvenir shops, bars, taverns, cabarets, theaters, marine and fishing supply, fish processing, water-oriented scientific, educational or historic center such as aquariums or museums, water-oriented recreational facilities open to the public, yacht clubs, and offices within existing structures not exceeding thirty percent of the gross floor area, or one hundred thousand square feet, whichever is less shall be permitted over water in the US/CW environment. New piers in the US/CW environment shall be permitted for water-dependent uses only.

Section 35a. Section 24.60.545 of the Seattle Municipal Code (Section 21A.75 of Ordinance 086300, as amended by Ordinance 106200, is amended to read as follows:

24.60.545 Restaurants

Restaurants shall be permitted only when a traffic generation study and a parking plan consistent with the requirements of this chapter are provided. While restaurants are not dependent upon a shoreline location, waterfront restaurants do provide members of the public with an opportunity to view and at times gain access to the water. Except as otherwise provided in this chapter, restaurants in the Shoreline District shall provide regulated public access and shall not be constructed over water.

Restaurants on the dry land portion of waterfront lots in the US/LU environment shall be permitted as a conditional use as authorized by Section 24.60.475 when the restaurant use shall not usurp land needed for and better suited to water-dependent and water-related industrial and commercial uses.

Section 36. Section 24.60.550 of the Seattle Municipal Code (Section 21A.76 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.550 Hotels, motels and boatels.

((~~Unless otherwise provided in this chapter, h~~))Hotels, motels, and boatels are prohibited in the Shoreline District except on upland lots in the US/CW environment.

106200) is amended to read as follows:

24.60.560 Wholesaling and/or warehousing.

When located on a waterfront lot, ((~~W~~))wholesaling and/or warehousing are permitted only as an accessory use serving a water-dependent or water-related principal use.

Section 38a. Section 24.60.570 of the Seattle Municipal Code (Section 21A.80) of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.570 Signs in CN ((~~and CM~~)) environment((~~s~~)).

Signs are prohibited in the CN ((~~and CM~~)) environment((~~s~~)), except informational or interpretive signs and signs necessary to protect health and safety, or to explain a natural phenomenon, historical event or other special aspect of the environment.

Section 38b. Section 24.60.575 of the Seattle Municipal Code (Section 21A.81 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.575 Signs in all environments other than CN ((~~and CM~~)).

A. Advertising signs are prohibited in all shoreline environments except the UD environment.

B. All signs permitted in the Shoreline District shall conform to all other regulations pertaining to signs within the City of Seattle ((~~the requirements or of Ordinance 901381 (relating to signs along scenic view and/or landscaped sections of the City's freeways, expressways, etc.) and to Ordinance 102929 (Comprehensive Sign Ordinance),2~~)) and in addition:

1. Views of the water from vistas and viewpoints shall not be impaired by the placement of business and advertising signs.

2. Advertising signs shall be located only on the upland side of public transportation routes which parallel and are adjacent to shorelines,

unless views will not be substantially obstructed.

3. Signs shall be constructed against buildings to minimize visual obstruction of the shoreline.

4. Signs in the UR and CM environments shall identify the name of the business only and not the products sold.

Section 39. Section 24.60.580 of the Seattle Municipal Code (Sections 21A.82 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.580 Utilities - General requirements.

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

B. To the extent practicable and commensurate with public safety, regulated public access shall be provided to utility owned or controlled property within the Shoreline District and such access on new public and private utility developments shall be required.

C. Screening of completed abovegrade utilities shall be required where compatible with view preservation and protection of the public.

D. New ((~~U~~))utility exchanges, substations and similar facilities shall not be located ((~~are prohibited~~)) in the Shoreline District unless no ((~~feasible~~)) reasonable alternative exists.

E. Utility installation and construction shall be conducted in such a manner as to:

1. Restore the shoreline areas affected as nearly as practicable to their preexisting condition;

2. Prevent degradation, contamination or pollution of the air or water; and

3. Prevent adverse impacts from the construction or

installation upon the adjacent properties, water quality, vegetation, and resident or migratory aquatic life and/or wildlife.

Section 40. That Section 24.60.585 of the Seattle Municipal Code (Section 21A.83 of Ordinance 86300, as amended by Ordinance 106200) is hereby repealed.

Section 41. Section 24.60.590 of the Seattle Municipal Code (Section 21A.84 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.590 Underground and overhead location of utilities.

A. The installation of new electrical, telephone, other utility lines in areas where no such lines exist, or the substantial expansion of existing electrical, telephone or other utility lines in CN, CM and UR, US, US/LU and US/CW environments shall be accomplished underground, or under water, except for lines carrying ((~~230~~)) 115 KV or more. Location of utilities in CN areas at existing designated cable crossing areas shall be preferred.

B. Overhead installation of utility lines shall be permitted in UD environments, where there are no significant impacts on upland views or scenic values. Placing, location and design shall minimize visibility of overhead utilities and preserve and enhance views.

Section 42. Section 24.60.595 of the Seattle Municipal Code (Section 21A.85 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.595 Underwater location of utilities.

A. 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 shut-off facilities at each end of the underwater segments.

B. All development work shall be timed to avoid interference with major migratory fish runs.

C. All dredging shall conform to the requirements of this chapter.

Section 43. Section 24.60.600 of the Seattle Municipal Code (Section 21A.86 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.600 Intakes, outfalls and sewer lines.

A. Intakes, outfalls and sewer lines are permitted in UD, US, US/LU, US/CW and UR environments, as provided in Table ((3)) 2.

B. New ((1))intakes, outfalls and sewer lines shall not be located in CM and CN environments unless no ((~~feasible~~)) reasonable alternative exists. If permitted, permits for such installations shall be conditioned upon adequate measures to mitigate adverse impacts.

C. All intakes and outfalls shall be located so they will not be visible at ((~~least one foot below~~)) mean lower low water ((~~or equipped with a flap valve or best available technology~~)).

D. All intakes and outfalls shall be equipped with a flap valve or best available technology.

Section 44. Section 24.60.615 of the Seattle Municipal Code (Section 21A.89 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.615 Off-street parking - principal and accessory.

A. General Parking Policies.

1. Required parking spaces and loading berths as accessory uses shall be provided for principal uses in the Shoreline District as required by Chapter 24.64 or Title 23 of the Seattle Municipal Code except that such

requirements may be waived or modified at the discretion of the Director if alternative means of transportation will adequately serve the proposed development in lieu of such off-street parking and loading requirements. Accessory parking requirements ((~~shall~~)) may be waived ((~~in the US/CW environment~~)) where ((~~off-street~~)) parking to serve the proposed uses is available within eight hundred feet of the proposed development.

2. If the number of parking spaces for a proposed substantial development which are required by Chapter 24.64 or Title 23 Seattle Municipal Code or which are 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 such adverse effect.

B. Prohibited Parking.

1. As indicated in Table ((~~3~~)) 2, parking facilities are prohibited in CN environments, and also prohibited in CM environments except as a shoreline ((~~conditional~~)) special use accessory to a water-dependent or water-related principal use and subject to Section 24.60.420C. Off-street parking as a principal use is prohibited in all environments on waterfront lots.

2. Except as provided in this chapter, parking over water is prohibited in all environments except as an accessory use to a water-dependent or water-related principal use as permitted in Section 24.60.540B and then only if enclosed within a structure and screened from public view.

C. Existing Parking Lots. Existing nonaccessory parking lots shall be provided with screening substantially as is required for accessory parking areas in ((~~R Zones by Section 24.64.160A, within three years of the effective date of adoption of this chapter~~)) D below.

D. Parking Design Requirements. Except as otherwise provided in this chapter, new off-street parking uses of more than 5 spaces shall comply with the following:

((~~1. Such parking shall be provided only as an accessory use to a shoreline principal use.~~))

((~~2. Open parking shall be screened substantially as is required for accessory parking areas in R Zones by Section 24.64.160A.~~

((~~3.~~)) 1. Open parking lots shall be screened and set back five feet from the property line adjacent to the street as follows:

(a) Screening shall be not less than four and not more than six feet in height above the grade of the parking lot surface, but in no case shall be permitted to constitute a traffic hazard or to obstruct a view corridor. Such screening shall be maintained in good condition.

(b) The setback area shall be landscaped with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.

(c) Screening and/or the required setback may be waived by the Director if he finds that no useful purpose would be served.

((~~4~~))2. Principal use ((~~0~~))open parking lots of 30 spaces or more and accessory use parking lots of 50 spaces or more ((~~with a lot area exceeding twenty thousand square feet~~)) shall be provided with interior landscaping.

((~~5~~))3. A satisfactory landscaping and maintenance plan shall be submitted as a condition for issuance of the permit.

((~~6~~))4. Parking lots ((~~for boat launching facilities and marinas~~)) shall be located ((~~away~~)) at least 50 feet from the

water's edge, ((~~where feasible~~)) unless no reasonable alternative exists.

5. Parking uses on waterfront and upland through lots shall be subject to the view corridor requirements of Section 24.60.395.

Section 45. Section 24.60.635 of the Seattle Municipal Code (Section 21A.93 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.635 Bicycle and pedestrian ways.

A. Pedestrian ways designed so as to minimize environmental impact are permitted in all environments, as indicated in Table ((~~3~~)) 2.

B. Bicycle ways designed so as to minimize any environmental impact and to serve viewpoints, parks, other recreational purposes, and other activity centers, are permitted in all environments ((~~except the CN environment~~)), as indicated in Table ((~~3~~)) 2.

Section 46. Section 24.60.640 of the Seattle Municipal Code (Section 21A.94 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.640 Aircraft facilities.

A. As indicated in Table ((~~3~~)) 2, land-based aircraft facilities are prohibited in all shoreline environments.

B. Float or seaplane facilities are authorized only in US, US/LU, US/CW and UD environments and then only if the impact of the operation will be compatible with surrounding uses.

Section 47. That Section 24.60.650 of the Seattle Municipal Code (Section 21A.96 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.650 ((~~Open w~~))Wet moorage.

A. Service and minor accessory buildings may be permitted on piers other than residential piers providing ((~~open~~)) wet moorage ((~~, but~~)) when such buildings ((~~must be for~~)) are accessory to water-dependent or water-related uses, ((~~and must be~~)) are minimal in size and number, and meet the criteria of Section 24.60.540B.

B. ((~~Moorage in the CM environment shall comply with the following provisions:~~

~~1. Open wet moorage only shall be permitted;~~

~~2. Long-term parking facilities shall not be located within the Shoreline District;~~

~~3. Facilities employing the best available technology for disposal of sewage and other wastes shall be provided, located so as to be conveniently available to all boats, and discharge of untreated sewage into the water shall not be allowed;~~

~~4. At least one water closet and lavatory connected to a sanitary sewer shall be provided; and~~

~~5. Usual haul out maintenance and parking facilities are permitted accessory to the moorage.~~))

Open wet moorage is permitted in the CM, UR, US, US/LU, US/CW, and UD environments. Covered wet moorage is permitted only in the US and UD environments.

C. The location of moorage structures shall not substantially interfere with navigation to adjacent properties.

D. Open wet moorage serving residences in the UR environment must conform to the development and use standards for residential piers in Section 24.60.675.

E. Covered wet moorage is subject to the following additional conditions:

1. View corridors of not less than 35 percent of the width of the lot shall be provided except:

(a) When there is an abutting street or waterway, in which case one-half of the requirement may be satisfied by that street or waterway or;

(b) When the covered moorage is underneath an over-water structure built on submerged land.

2. The height of covered moorage structures shall not exceed 35 feet above mean higher high water in tidal waters or ordinary high water in fresh water.

3. Coverage of the submerged lands shall not exceed 60 percent.

F. Moorage as a principal use constitutes a marina and is subject to the additional requirements of Section 24.60.670.

G. ((~~C.~~)) The only uses permitted between the pierhead line and the Construction Limit Line in the CM environment in Lake Union [1] shall be open wet moorage and existing houseboat((~~s~~)) moorages.

Section 48. That Section 24.60.655 of the Seattle Municipal Code (Section 21A.97 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.655 ((~~Covered moorage - Floating or nonfloating.~~)) Dry boat storage including open storage and stacked moorage.

((~~A. As indicated in Table 3,1 covered moorage, including stacked moorage, is permitted as a principal use only in US and UD environments when any one of the following conditions exist:~~

~~1. View corridors of not less than thirty-five percent of the width of the lot shall be provided, except that one-half of such requirement may be satisfied by an abutting street or waterway; or~~

~~2. When underneath an over-water structure built on submerged land and in conformance with lot coverage standards.~~

~~B. The following bulk requirements shall apply to covered moorage:~~

~~1. Height limit, thirty-five feet above mean higher high water;~~

~~2. Lot coverage, sixty percent.~~

~~C. Covered moorage shall be designed to minimize adverse impacts upon views from the uplands and from the water.~~))

A. Open dry boat storage is permitted in the US, US/LU, and UD environments, and in the CM environment as a special use. Such dry storage shall be screened and set back five feet from abutting streets. Dry boat storage shall be permitted in the UR environment only as an accessory use to a marina owned, operated, or franchised by a governmental agency for use by the general public.

B. Covered dry boat storage and stacked moorage is permitted in the US, US/LU, US/CW and UD environments as indicated in Table 2 and is permitted as a special use in the CM environment when conforming to the bulk requirements of Table (1). Covered dry and stacked moorage in the US/CW shall meet the following conditions: 1) the small boat traffic generated from the facility shall not adversely interfere with ferry or other commercial marine traffic; and 2) the moorage shall be in an enclosed building and shall not be visible from Alaskan Way; and 3) the design and appearance of the enclosed building shall be compatible with the design and appearance of surrounding uses.

Section 49. Section 24.60.660 of the Seattle Municipal Code (Section 21A.098 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.660 Boat launching ramps, haul out facilities and minor buildings accessory to moorages.

A. Boat launching ramps may be located only where access streets are adequate to handle the traffic load generated by the facility.

B. Shared or joint use accessory parking will be preferred. Loading will be permitted only at ramps. Parking areas must be screened and located at least fifty feet from the water's edge, unless no reasonable alternative exists.

C. The impact of the accessory parking must not adversely affect the environmental quality of the site or the surrounding neighborhood.

D. Boat launching ramps and minor accessory buildings and haul out facilities must be in character and scale with the surrounding neighborhood.

Section 50. That Section 24.60.670 of the Seattle Municipal Code (Section 21A.100 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.670 ((~~Public~~ ~~m~~)) Marinas.

A. As indicated in Table ((~~3~~)) 2, marinas ((~~open~~)) renting or selling moorage to the public are permitted as a shoreline special use in the CM environment, and as a permitted shoreline use in the US, US/LU, US/CW and UD environments. Marinas are permitted in the UR environment only if owned, operated or franchised by a governmental agency for use by the general public.

B. General requirements.

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

2. Sewage pumpout facilities or the best available method of disposing of wastes shall be provided, located so as to be conveniently available to all boats. The Director may waive pumpout requirements if the applicant provides a covenant for

joint use of facilities within one-half mile of the proposed marina site.

3. Discharge of untreated sewage into the water shall not be allowed.

4. Off-street parking areas shall be provided in accordance with Section 24.60.615. Short-term loading areas may be located near berthing areas, and long-term parking areas shall be located away from berthing areas.

((~~5. Views from upland lots shall be preserved, and viewing areas for the nonboating public shall be provided.~~

~~C. When located in the CM environment, public marinas shall be subject to the following additional conditions:~~

~~1. Lot coverage over water may be one hundred percent, but no more than sixty percent over the upland portion of the lot.~~

~~2. Maximum height of any buildings or structures shall be thirty-five feet.~~

~~3. Space for transient moorage shall be provided.~~

~~4. Covered moorage shall be prohibited.~~

5. ((~~Accessory uses customarily incidental to public~~)) A marina development may include other uses customarily associated with marinas, including restaurants, fueling stations, and stacked moorage, haulout and maintenance facilities, yacht clubs, boat sales and rentals, bait and tackle stores, and boat chandleries ((~~may be permitted by the Director~~)) when consistent in scale and intensity with the marina and surrounding uses and when the criteria of Section 24.60.540B are met.

6. Viewing areas for the nonboating public shall be provided except when both of the following two conditions are met:

(a) The marina provides less than 2000 lineal feet of moorage space; and

(b) the marina development includes only water-dependent principal uses.

7. Transient moorage shall be provided at the rate of 40 lineal feet of moorage space for each 1,000 lineal feet of moorage space in the marina if one or more of the following conditions apply:

(a) the marina provides 9,000 or more lineal feet of moorage; or

(b) the marina is part of a mixed use development including restaurants or other nonwater-dependent or nonwater-related uses which operate during evening and weekend hours; or

(c) the marina is partly or entirely within the US/CW environment; or

(d) the marina is owned, operated, or franchised by a governmental agency for use by the general public.

Section 51. Section 24.60.675 of the Seattle Municipal Code (Section 21A.101 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.675 Single-family, multi-family community recreation piers.

A. Preference will be given to shared piers or moorage facilities. Such facilities may be located adjacent to or on both sides of a property line upon agreement of two or more adjacent shoreline property owners. An appropriate legal agreement shall be furnished with a joint application.

B. Size and location.

1. Piers shall be located generally parallel to side lot lines, and no pier shall be located within fifteen 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 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 feet.

2. An existing pier not meeting the location provisions of this section may be extended to the maximum permitted in (5) below.

((~~2~~))3. Piers are permitted only when the lot width at the water's edge is not less than forty-five 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 feet.

((~~3~~))4. No pier shall exceed six feet in width.

((~~4~~))5. Maximum extension of a pier from the water's edge shall be as follows, whichever is greater:

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

b. To a point where the depth of the water at the end of the pier reaches eight feet below ordinary high water in fresh water and mean lower low water in tidal waters; provided, 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 established by ((~~Ordinance 92887~~)) Chapter 24.82 or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

((~~5~~))6. No pier shall exceed five feet in height above ((~~mean~~)) ordinary high water.

C. Permanent structures on piers, such as covered moorage (either fixed or floating) are prohibited.

D. ((~~Over water projections from s~~)) Single-family, duplex, and triplex ((~~Shared~~)) piers are limited to one finger or spur pier, angled extension, float or platform per dwelling unit, not

to exceed one hundred square feet in area and not to be located closer than five feet from a side lot line. Residential piers serving multi-family residences of four or more units shall be limited to one such over water projection of no more 100 square feet per each two dwelling units.

E. A shared pier may have one extension, finger pier or float for each single-family residence not to exceed 150 square feet in area for each residence.

F. Related accessory uses such as boat lifts, diving boards, launching ramps, and marine railways shall be permitted if in scale with the pier.

G. Residential piers serving residences in the UR environment shall be used only by residents of the residential structures served by the pier and their guests.

Section 52. Section 24.60.680 of the Seattle Municipal Code (Section 21A.102 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.680 Commercial, public and other nonresidential piers.

A. Commercial and other nonresidential piers are permitted only to serve water-dependent and water-related uses.

B. Permanent structures except dolphins and piling necessary for moorage, existing houseboat((~~s~~)) moorages and other existing uses, are prohibited between the combined U.S. pierhead/bulkhead line and the Seattle Construction Limit Line in the ((~~US/LU~~))CM environment. Open moorage may be authorized in such area. Piers are permitted in the US/CW environment south of Bay Street only. 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 established by Chapter 24.82 or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Section 53. Section 24.60.685 of the Seattle Municipal Code (Section 21A.103 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.685 Floats.

Floats are permitted for water-dependent ((~~recreational~~)) uses, provided that:

A. Swimming ((~~F~~)) floats serving single ((~~or~~)), two-family, or three-family residential uses shall not exceed one hundred square feet in area per dwelling unit((~~,~~)). Swimming floats serving four or more residential units shall not exceed 50 square feet in area per dwelling unit. ((~~Multi-family and community recreation floats shall not exceed five hundred square feet.~~)) Swimming floats in public parks shall not exceed 2,500 square feet.

B. ((~~provided that f~~))Floats used in lieu of a residential pier shall be subject to the requirements for piers in Section 24.60.675.

Floats may be used in lieu of piers for wet moorage and for the launching of small recreational boats such as rowing shells and canoes.

C. The Director may designate a reasonable alternative location or reduce the coverage of any proposed float, or prohibit the placement of a proposed float, if it is found that a float at the proposed location would be detrimental to the fisheries resource or would substantially restrict navigation to adjacent properties.

D. All floats shall be constructed of non-toxic materials.

E. Floats shall not be situated so as to trap floating debris. The Director may require gaps between floats, between floats and other overwater structures, or between floats and the shore to prevent the entrapment of floating debris.

Section 54. Section 24.60.690 of the Seattle Municipal Code (Section 21A.104 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.690 Piling.

A. Piling may be permitted in CN environments only for ecological protective purposes, the protection or enhancement of natural features, and for underwater support of utility lines.

B. Piling will be authorized in other environments to enable a water-dependent or water-related use to extend over water as its functions require, and to support underwater utility lines.

C. Piling structures may be restricted when substantial littoral drift occurs or historic or significant scenic values exist. In such cases either open piling or floating structures may be required.

((~~D. All piling shall conform to the Standard Plan and Specifications of the city (9th Ed.)~~

~~E. Before any installation of piling, the Director shall approve the design and inspect piling and enforce strict quality control. Treated materials shall be~~

~~1. Without structurally significant defect or damage~~

~~2. Without toxic effects~~

~~3. Adequately protected and installed so as to realize the maximum service life~~

((~~F~~))D. All pile driving operations must be carried out as to minimize noise levels by using the best available noise reduction technology to the greatest extent possible, such as noise screens and cushioning of driving hammers, and construction must be scheduled as required by ordinance.

((~~G~~))E. All individual piles must have chemical or mechanical protection necessary to prevent leaching of pollutants into water.

Section 55. Section 24.60.705 of the Seattle Municipal Code (Section 21A.107 of Ordinance 86300, as amended by Ordinance

106200) is amended to read as follows:

24.60.705 ((~~Bulkheads and shoreline protective structures.~~)) Shoreline protective structures including bulkheads and natural beach protection.

A. ((~~Bulkheading will be authorized when:~~

~~1. Adjacent to a navigable channel; or~~

~~2. Where necessary for a water-dependent use; or~~

~~3. When necessary to check extraordinary erosion; and~~

~~4. When the construction material will be of adequate quality to meet specifications for piling in Section 24.60.685; and~~

~~5. When such bulkheading would not detrimentally redirect littoral drift, tide, waves, currents to other shore-lines.~~

~~B. Rip-rap will be preferred over bulkheading except in the UD environment. Sheet piling is permitted and will be authorized only when necessary to stablize a shoreline which, because of extraordinary erosion, cannot otherwise be retained or protected by plantings or similar organic means.~~

~~C. Rip-rap faces must be constructed to a stable slope and be of a material of sufficient size to be stable.~~))

Natural beach protection is permitted as a special use in all environments. The design and use of naturally regenerating systems for prevention and control of beach erosion is encouraged and preferred over bulkheads and other structures. Any such protection must be designed to meet the needs of the specific site where it is proposed. Design alternatives include but are not limited to:

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

2. Planting with short-term assistance, when appropriate.

B. Natural beach protection shall be "normal maintenance and repair" and exempt from the substantial development permit requirement when used in lieu of a normal protective bulkhead common to single family residences described in D below.

C. Bulkheads may be authorized when:

1. Adjacent to a navigable channel; or

2. Necessary for a water-dependent or water-related use; or

3. Necessary to prevent extraordinary erosion, but only when natural beach protection is an unreasonable alternative; and

4. When such bulkheading would not detrimentally redirect littoral drift, tide, waves, currents or sediments to other shorelines.

D. Bulkheads accessory to single family residences are "normal protective bulkheads common to single family residences" and are exempt from the substantial development permit requirement when:

1. Necessary to maintain existing land and to protect from extraordinary erosion and:

2. Additional dry land mass is not created; and

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

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

5. The existing contour of the shoreline is generally followed.

E. Rip-rap bulkheads shall be preferred over vertical wall or slab bulkheads except in the UD environment. Sheetpiling and precast concrete slabs with vertical waterward faces shall include adequate tiebacks and toe protection.

F. Rip-rap faces shall be constructed to a stable slope and shall be of a material of sufficient size to be stable.

Section 56. Section 24.60.710 of the Seattle Municipal Code (Section 21A.108 of Ordinance 86300, as amended by Ordinance 106200) is hereby repealed.

Section 57. Section 24.60.715 of the Seattle Municipal Code (Section 21A.109 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.715 Dredging - General requirements.

A. 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 mitigable impact on water quality and aquatic life.

B. Dredge spoil shall be deposited in an approved submerged site only if the spoils meet applicable federal criteria for deposit in navigable waters.

C. Dry land deposit of dredge spoil will be authorized only on shoreline sites which contain no unique, fragile or ecologically valuable resources.

D. Dredging shall be timed so that it does not interfere with migrating aquatic life, and meets state and federal requirements therefor.

E. Stockpiling of dredged material in or under water is prohibited.

F. Dredging is a permitted use if:

1. In CM, UR, US/LU, US/CW or US environments, if it involves removal of less than five hundred cubic yards;

2. In the UD environment, if it involves removal of less than one thousand cubic yards.

G. Dredging in excess of the limits of subsection F is a special use and shall be permitted only if the additional conditions of Section 24.60.525 H are satisfied.

Section 58. Section 24.60.720 of the Seattle Municipal Code (Section 21A.110 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.720 Dredging in CN environment.

Dredging is prohibited in CN environments except when done by the United States Corps of Engineers and except in those limited instances where necessary for the maintenance, improvement of navigational channels, or to provide access to a water-dependent or water-related use, or for the protection of natural environment, as a conditional use.

Section 59. Section 24.60.725 of the Seattle Municipal Code (Section 21A.111 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.725 Landfill in environments other than CN.

A. Landfill for the purpose of natural beach protection as described in Section 24.60.705 is permitted as a special use in all environments. Landfill for other than natural beach protection is permitted as described below.

((~~A.~~)) B. Landfill ((~~is permitted on wetlands or~~)) in submerged areas below the line of ordinary high water ((~~only under the following conditions:~~)) in the CM, UR, US and UD environments is a special use and shall be permitted only if the conditions of Section 24.60.525H and those below are satisfied:

1. ((~~The area of the water's surface shall not be reduced unless the applicant can demonstrate a clear public benefit for doing so.~~)) Landfill which does not reduce the area of the water's surface may be permitted only for water-dependent and water-related uses and only when no reasonable alternative exists.

2. Landfill which reduces the water's surface may be permitted only for water-dependent and water-related uses and only when no ((~~feasible~~)) reasonable alternative exists and the applicant can demonstrate a clear public benefit.

3. Landfill may be permitted to correct an otherwise adverse environmental condition or to enhance a site damaged by previous action if no reasonable alternative exists, and if the applicant can demonstrate a clear public benefit for doing so.

((~~B.~~)) C. Backfill behind a bulkhead or rip-rap may be permitted and will not be considered "landfill" if it is incidental to, and required for, the bulkhead or rip-rap and if the bulkhead does not create land.

((~~C.~~)) D. Landfill is a permitted use on wetlands if:

1. In CM, UR or US environments, less than five hundred cubic yards is placed;

2. In UD environments, less than one thousand cubic yards is placed;

((~~3. Conditions relating to type or quality of fill materials, method of placement, and stabilization imposed by the Director are observed.~~))

((~~D.~~)) E. Landfill on wetlands in excess of the limits of subsection C is a special use and shall be permitted only if the additional conditions of Section 24.60.525 H are satisfied.

((~~E.~~)) F. Landfill is prohibited in the US/CW and US/LU environments.

((~~F.~~)) G. Sanitary landfill and garbage dumps are prohibited.

((~~G.~~)) H. Solid waste such as broken concrete, building debris, appliances, car bodies, vegetation, flammable material, or water soluble and/or toxic waste are prohibited as fill material on both wetlands and submerged lands.

Section 60. Section 24.60.730 of the Seattle Municipal Code (Section 21A.112 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.730 Landfill in CN environment.

((~~Landfill in CN environment is prohibited except in those limited instances where necessary for the maintenance, improvement or protection of the natural environment, and at designated and approved dredge spoil sites, as a conditional use.~~)) Landfill for natural beach protection as described in Section 24.60.705 is permitted as a special use in the CN environment. Landfill which reduces the area of the water's surface is prohibited. All other landfill including dredge disposal is a conditional use in the CN environment. Solid waste such as broken concrete, building debris, appliances, car bodies, vegetation, flammable material, or water soluable and/or toxic waste are prohibited as fill material on both wetlands and submerged lands.

Section 61. Section 24.60.740 of the Seattle Municipal Code (Section 21A.114 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.740 Aquaculture - Structures.

Aquaculture structures may be permitted as ((~~a shoreline conditional use~~)) indicated in Table 2 if they do not significantly restrict navigation, and if the water body is capable of absorbing the wastes generated by the proposed aquaculture activities.

Section 62. Section 24.60.745 of the Seattle Municipal Code (Section 21A.115 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.745 Offshore facilities.

Offshore facilities located outside the outer harbor line (including floating docks, artificial islands or mono-buoys) as it exists on January 1, 1983, are permitted as a conditional use if necessary for the operation of a water-dependent or water-related use. ((~~are prohibited.~~))

Section 63. Section 24.60.750 of the Seattle Municipal Code (Section 21A.116 of Ordinance 86300, as amended by Ordinance 106200) is amended as follows:

24.60.750 Nonprofit fraternal and social club and multiple residence recreational facilities other than moorage.

Recreational and fraternal uses are permitted in the US, US/LO and US/CW environments as indicated in Table ((~~3~~)) 2 and in the UR environment as a special use where permitted by the underlying zone. All such uses shall provide regulated public access, and shall conform to the bulk requirements of Table ((~~2~~)) 1. Recreational facilities such as swimming pools and tennis courts are permitted accessory uses to a multiple residence.

Section 64. Section 24.60.755 of the Seattle Municipal Code (Section 21A.117 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.755 Community facilities other than moorage.

Community facilities such as churches, schools, and community ((~~clubs~~)) centers ((~~and existing nonprofit recreational clubs~~)) are permitted ((~~outright in all environments except CN, CM and UD,~~)) as indicated in Table ((~~3~~)) 2. Such uses shall provide regulated public access and shall conform to the bulk requirements of Table ((~~2~~)) 1.

Section 65. Section 24.60.760 of the Seattle Municipal Code (Section 21A.118 of Ordinance 86300, as amended by Ordinance 106200) is amended as follows:

24.60.760 Public parks and park activities.

Parks are permitted uses in all environments as indicated in Table ((~~3~~)) 2, but nonwater oriented facilities and activities such as playgrounds and playfields for active sports are not permitted in Shoreline District. Swimming pools are permitted in the Shoreline District when designed and constructed so as not to disturb existing conditions near the water's edge.

Section 66. Section 24.60.765 of the Seattle Municipal Code (Section 21A.119 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.765 ((~~Private, nonprofit y~~))Yacht, ((~~or~~)) boat, and beach clubs.

A. Buildings and facilities for yacht, ((~~or~~)) boat, and beach clubs which are ((~~incorporated, nonprofit, fraternal organizations~~)) limited to pleasure boat, ((~~and~~)) pleasure yachting, and swimming activities and not selling alcoholic beverages to the public, together with ((~~covered and non-covered~~)) moorage and other accessory uses customarily incidental thereto, ((~~as permitted in the UR environment~~)) are permitted in the US, US/LU, US/CW, and UD environments, and as a special use in the CM and UR environments where permitted by the underlying zoning. Existing yacht clubs are permitted outright in all environments except CN. Membership in yacht and boat clubs in the US/CW environment must be open to the general public. Yacht and boat clubs providing moorage are also subject to the following requirements:

1. Lavatory facilities shall be provided.

2. Sewage pumpout facilities or the best available method of disposing of wastes shall be provided, located so as to be conveniently available to all boats. Clubs providing moorage only for canoes, rowing shells, open-cockpit sailboats, and other small boats not having toilet facilities on board shall not be required to provide sewage pumpout facilities.

3. Transient moorage shall be provided as required in Section 24.60.670 (B)(7).

4. Yacht and boat clubs must show that the small boat traffic generated by the facility will not adversely interfere with ferry or other commercial marine traffic.

Section 67. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 68. This ordinance shall take effect and be in force on whichever is the later of:

the effective date of approval and adoption by the Department of Ecology; or

thirty days from and after passage and approval if approved by the Mayor, or, if not approved, at the time it shall have become a law under the provisions of the City Charter.

Passed by the City Council the 4th day of April, 1983, and signed by me in open session in authentication of its passage this 4th day of April, 1983.

Judith W. Williams
President of the City Council

Approved by me this 15th day of April, 1983.

Charles Royer
MAYOR

Filed by me this 15th day of April, 1983.

ATTEST: Jim Hill
City Comptroller and City Clerk

By: Theresa Dunbar
Deputy Clerk

(SEAL)

Published _____

83.03.30
SMP9

CS 19.2

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, adding Sections 24.60.046, 24.60.086, 24.60.106, 24.60.126, 24.60.127, 24.60.131, and 24.60.266 to the Seattle Municipal Code, amending Sections 24.60.090, 24.60.100-110, 24.60.265, 24.60.310-315, 24.60.350-355, 24.60.380-410, 24.60.420, 24.60.440, 24.60.460-465, 24.60.475-480, 24.60.525-540, 24.60.550-560, 24.60.580, 24.60.590-600, 24.60.615, 24.60.635-640, 24.60.650-660, 24.60.670-690, 24.60.705, 24.60.715-730, and 24.60.740-765 of the Seattle Municipal Code, and repealing Sections 24.60.375, 24.60.490-515, 24.60.585 and 24.60.710 of the Seattle Municipal Code relating to the Seattle Shoreline Master Program.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 24.60.046 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.046 Dry Boat Storage.

"Dry Boat Storage" means a lot or space on a lot on dry land or inside a building where space is rented or sold to the public or to members of a yacht or boating club for the purpose of storing boats. Sometimes referred to as dry moorage.

Section 2. Section 24.60.86 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

Section 24.60.086 Landfill.

"Landfill" means sand, soil, gravel, or other material deposited onto a wetland area, or into the water over a submerged area.

Section 3. Section 24.60.090 of the Seattle Municipal Code (Section 21A.152 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.090 Lot.

"Lot" means a platted or unplatted parcel or parcels of land ((~~unoccupied, occupied or to be occupied by a principal use or building and accessory buildings, together with such yards and open spaces as are required by this subtitle and abutting by not~~

CS 19.2

~~less than twenty feet upon a street sufficiently improved for automotive travel or having an exclusive, unobstructed permanent access easement serving not more than two principal uses and jointly owned by the two property owners served and at least twenty feet wide and not exceeding one hundred fifty feet in length to such street; provided that lots for townhouse dwellings may abut upon a street or unobstructed permanent access easement by not less than twelve feet and the easement may be not less than fifteen feet in width and may serve up to ten townhouse dwellings~~) 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.

Section 4. Section 24.60.100 of the Seattle Municipal Code (Section 21A.152 (part) of Ordinance 86300 as amended by Ordinance 106200) is amended to read as follows:

24.60.100 Lot coverage.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings including piers and floats, expressed as a percentage of the total lot area.

Section 5. Section 24.60.105 of the Seattle Municipal Code (Section 21A.152 of Ordinance 86300 as amended by Ordinance 106200) is amended to read as follows:

24.60.105 Lot, upland.

"Upland lot" means a lot wholly or partly within the shoreline district which is not a waterfront lot as of March 17, 1977.

Section 6. Section 24.60.106 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.106 Lot, upland through

"Upland through lot" 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 which prevents access to and use of the water on the waterfront side.

Section 7. Section 24.60.110 of the Seattle Municipal Code (Section 21A.152 (part) of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.110 Lot, waterfront.

"Waterfront lot" means a lot any portion of which is offshore of or abuts upon the ((~~line of higher regulated lake level of Lake Washington, Lake Union and connecting fresh waters, or the line of ordinary high tide, or the line of ordinary high water of non-navigable lakes~~)) 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 from the water by a street, arterial, highway, or railroad right-of-way, which was a legal right-of-way as of March 17, 1977, or by a government owned or controlled property which prevents access to and use of the water.

Section 8. Section 24.60.126 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.126 Moorage, transient

"Transient Moorage" 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.

Section 9. Section 24.60.127 is hereby added a as new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.127 Moorage Walkway

"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.

Section 10. Section 24.60.131 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.131. Non-water-dependent and non-water-related uses

"Non-water-dependent and non-water-related uses" means uses which do not require access to the water or to water-dependent uses for their operation although a waterfront location may increase profitability. Examples are:

A. Restaurants

B. Hotels, motels, boatels

C. Residences

D. Retail

E. Principal Use Offices

F. Principal Use Warehousing

G. Manufacturing plants which transport raw materials and finished products by land.

Section 11. Section 24.60.265 of the Seattle Municipal Code (Section 21A.155 (part) of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.265 Water-dependent use.

((~~"Water-dependent use" means uses which in order to exist or function require a location on or use of the shoreline. For purposes of this chapter, water-dependent uses are limited to the following:~~

~~A. Marine commercial uses:~~

~~1. Terminal and transfer facilities for transport of passengers or goods over water;~~

~~2. Moorage, fueling and servicing of commercial vessels;~~

~~3. Industries which receive or ship goods or materials by water as an essential part of their operation;~~

~~4. Marine construction, dismantling and repair;~~

~~B. Marine recreation:~~

~~1. Pleasure boat moorage and marinas, including fueling and servicing facilities;~~

~~2. Boat launch and haul out facilities;~~

~~C. Shoreline recreation:~~

~~1. Parks;~~

~~2. Bicycle and walking trails;~~

~~3. Beaches;~~

~~4. Viewpoints;~~

~~D. Aquaculture;~~

~~E. Intakes and outfalls;~~

~~F. On-site marine and limnological research and education;~~

~~G. Floating home moorages;~~

~~H. Shoreline protective structures such as but not limited to bulkheads and fixed or floating breakwaters.~~

"Water-dependent use" means a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples are:

A. Public or private vessel terminal and transfer facilities which handle general commerce.

B. Ferry terminals.

C. Watercraft construction, repair, maintenance, service, and dismantling.

D. Marinas and mooring areas including yacht and boat club moorages.

E. Tug and barge companies' facilities.

F. Ecological and scientific reserves and on-site limnological and oceanographic research facilities.

G. Public waterfront parks.

H. Public use beaches and fishing piers.

I. Aquariums available to the public.

J. Aquaculture and mariculture.

K. Floating home moorages.

Section 12. Section 24.60.266 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.266 Water-related use

"Water-related use" means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location. Two types of water-related uses are recognized:

A. Uses which do not service water-dependent uses but do require water transport, usually of raw materials. Examples are:

1. Lumber and plywood mills.

2. Fish-processing plants.

3. Sand and gravel companies and similar operations.

4. Petroleum handling and processing plants.

5. Log booming, rafting and storage.

B. Uses which service and require access to water-dependent uses. Examples are:

1. Marine electronics repair establishments.

2. Marine refrigeration establishments.

3. Marine plumbing establishments.

4. Boat rigging establishments.

Section 13. That Section 24.60.310 of the Seattle Municipal Code (Section 21A.16 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.310 Application when development partly out of Shoreline District.

Where a ((~~single~~)) development is proposed ((~~for a site~~)) which ((~~is~~)) would be partly within and partly without the Shoreline District, a shoreline substantial development permit shall be required for the entire development and the regulations of this Article shall apply only to that ((~~where any~~)) part of the development which occurs within the Shoreline District.

Section 14. Section 24.60.315 of the Seattle Municipal Code (Section 21A.17 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.315 ((~~Application only to new development~~)) Nonconforming uses and structures.

The regulations of this chapter shall apply only to development undertaken in the Shoreline District after adoption of this chapter; provided, ((~~the limitations of Sections 24.14.030 through 24.14.070 of this subtitle shall apply to existing non-nonforming developments, and provided further,~~)) that all signs in the Shoreline District which do not conform to the provisions of this chapter shall be discontinued within a period of from three to seven years from the effective date of this chapter in accordance with an amortization schedule established by the Director pursuant to Section ((~~28 of Ordinance 1029292~~)) 4926, Seattle Building Code Supplement adopted by Section 22.100.010 of this code and based upon the age, condition, cost and remaining useful life of the sign((~~.~~)); and provided further that:

A. Any use other than a sign existing as of March 17, 1977 which does not conform to the applicable use requirements of this shoreline program may be continued. Structures or developments containing such nonconforming uses may be altered, repaired, or remodeled, provided that the structure or development is not extended beyond its existing external dimensions.

B. The change of one nonconforming use to another use not permitted in the shoreline environment may be authorized 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.

The Director may impose requirements and conditions regarding the location, character or other features of the proposed use as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

C. Structures existing as of March 17, 1977 which are conforming as to use but do not meet the bulk requirements of this program may be altered, repaired, remodeled, or expanded, provided that the amount of bulk nonconformity is not increased. 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.

D. If a nonconforming structure, use or development is destroyed by fire or other act of nature, it may be rebuilt to those configurations existing immediately prior to the time the structure was destroyed.

E. The above provisions shall not apply to any structure, improvement, dock, fill or development placed on tidelands,

shorelands, or beds of waters which is in trespass or in violation of state statutes.

Section 15. Section 24.60.350 of the Seattle Municipal Code (Section 21A.25 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.350 Purpose of Urban-Stable/Lake Union (US/LU) environment.

The purpose of the US/LU environment is similar to the purpose of the US environment, but also incorporates additional goals based on the particular characteristics of Lake Union.

A. Enhance the form and appreciation of Lake Union and environs as a major component in Seattle urban structure;

B. Preserve a maximum of open water commensurate with reasonable economic development;

C. Develop a diversity of commercial and residential activities related to the use and enjoyment of the waterfront, the service and maintenance of water-dependent and water-related activities, and public access to the water;

D. Encourage multiple use concepts having a wide range of intensity while preserving view of the water from upland and adjacent properties; and

E. Eliminate physical and visual blight from areas surrounding Lake Union and Portage Bay.

Section 16. Section 24.60.355 of the Seattle Municipal Code (Section 21A.26 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.355 Purpose of Urban-Stable/Central Waterfront (US/CW) environment.

The purpose of the US/CW environment is similar to the purpose of the US environment but also incorporates additional goals

based on the particular characteristics of the Central Waterfront. In the US/CW environment, new development over water and the recycling and refurbishing of existing piers will be permitted which will:

A. Reinforce the historic marine orientation of Seattle as a major downtown theme;

B. Strengthen water-oriented recreation tourist activity, related retail business, and public areas open to the water;

C. Maintain a full complement of water-dependent uses; and

D. Preserve and enhance views of Elliott Bay and the Olympic Mountains from upland CBD development, street corridor vistas and the street level((~~; provided, no additional coverage of the water by fixed structures shall be permitted~~)).

Section 17. Section 24.60.375 of the Seattle Municipal Code (Section 21A.31 of Ordinance 86300, as amended by Ordinance 106200) is hereby repealed.

Section 18. Section 24.60.380 of the Seattle Municipal Code (Section 21A.32 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.380 Principal uses on waterfront lots.

Unless otherwise excepted in this chapter, all principal uses on a waterfront lot shall be water-dependent or water-related or shall provide regulated public access. Preference for principal uses on waterfront lots shall be according to Section 24.60.525E.

Section 19. That Section 24.60.385 of the Seattle Municipal Code (Section 21A.33 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.385 Bulk regulations - height of structures.

A. Heights of buildings and structures on dry land in the

UR environment shall be governed by the height limits of the underlying residential zone.

B. Heights of buildings and structures overwater in the UR environment and on dry land and overwater in all other environments shall be governed by the limits set in Table 1, following Section 24.60.395.

C. The following structures are exempt from the height limits of Table 1:

((~~No building or structure in the Shoreline District shall exceed the height limits indicated in Table 2, following Section 21A.35 except:~~))

((~~(a)~~)) 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.

((~~(b)~~)) 2. Flagpoles or masts, transmission towers, chimneys, smokestacks, aerials or stairwells. ((~~when part of a water dependent use.~~))

((~~(c)~~)) 3. Belfries, monuments, spires or steeples, transmission towers, provided such structures shall be designed to minimize view obscuration.

((~~(d)~~)) 4. Penthouses for elevator and other mechanical equipment, and monitors when less than 5% of the lot coverage and extending not more than 10 feet above roof level.

C. Height of structures shall be determined by measuring from the average grade of the lot immediately prior to the proposed development ((~~and after any permitted landfill~~)) to the highest point of the structure not otherwise excepted from the height limits.

Section 20. Section 24.60.390 of the Seattle Municipal Code (Section 21A.34 of Ordinance 86300, as amended by Ordi 106200) is amended to read as follows:

24.60.390 Bulk regulations - lot coverage.

Buildings or structures including floats and piers in t Shoreline District shall not occupy a greater percentage of than indicated in Table ((2)) 1 following Section 24.60.395 except: ((that)) A. on the land portion of the lot where portion of a proposed structure will be placed below the gr existing prior to construction, those portions of the struc which do not significantly change the grade and/or are not visible above the level of adjoining properties shall not b included in lot coverage.

B. In the US/CW environment, no additional coverage o water by fixed structures shall be permitted except for lan platforms serving floats permitted in C below.

C. In the US/CW environment, each pier existing as of 17, 1977 which does not have a float and which exceeds perm lot coverage shall be permitted a float for open wet moorag allowed in Section 24.60.685C. Maximum float size is 1,80(square feet with an additional 400 square feet of coverage mitted for an access ramp. Existing floats may be increase size up to this limit.

D. On single family zoned lots the maximum lot covera permitted for principal and accessory structures shall not thirty-five percent of the lot area or one thousand seven fifty square feet, whichever is greater.

E. On multi-family zoned lots, the lot coverage perc noted in Table 1 shall not apply but view corridor, yard, setback requirements of Section 24.60.395 and the landscap space requirements of the multi-family code shall apply.

Submerged lands shall not be used to satisfy open space requirements.

F. Lot coverage for residential developments on lots zoned BN, BC, CG, and M shall not exceed 40% of the dry land area.

Section 21. Section 24.60.395 of the Seattle Municipal Code (Section 21A.35 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.395 Bulk regulations - yards, view corridors and residential setbacks.

((~~A. Unless otherwise provided in this chapter, front, side and rear yards for uses other than single family residences are not required in the Shoreline District provided that a view corridor or corridors of not less than the percentage of the width of the lot indicated in Table 2 are maintained on the lot.~~

A. Yards and Zoning Setbacks

1. Single family residences on both waterfront and upland lots shall be required to meet the setback requirements of Chapter 23.44 of the Seattle Municipal Code.

2. Any development on an upland lot which is not a through lot shall meet the yard or setback requirements of the underlying zoning. Where the underlying zoning of the upland lot is multi-family, the development shall meet the development standards of Ch. 23.45 of the Land Use Code.

B. View corridors are not required on upland lots which are not upland through lots as defined in Section 24.60.106.

C. ((~~The view corridor requirement of this section is not required for:~~)) A view corridor or corridors is required on any upland through lot where the adjacent waterfront lot is designated CM or CN and on all waterfront lots, except for:

1. Open wet moorage of boats;

2. Temporary storage on dry land of boats undergoing repair;

((2))3. Floating homes;

((3))4. Water-dependent or water-related uses in UD environments;

((~~4. Any development on upland lots where there is an intervening street between the property and the shoreline and the development will not obstruct the view of a substantial number of residences, and the yard requirements for the underlying zone are observed.~~)).

5. Single family residences.

D. When a view corridor is required, yards shall not be required and 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 Table 1 shall be provided and maintained.

2. 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.

3. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, parallel to existing view corridors.

4. When a lot is bounded by more than one street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the direction of the predominant view of the water, and the availability of actual views of the water.

5. Parking for motor vehicles shall not be located in view corridors except when:

(1) the parking is required parking for a water-dependent or a water-related use and no reasonable alternative

exists; or

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

6. Removal of existing landscaping shall not be required.

E. The Director may 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 of the following conditions apply:

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

2. Existing development effectively blocks any possible views from the street.

3. The shape of the lot is unusual or irregular.

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.

4. The percent of the site 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 precludes effective application of the requirements.

F. Residential structures on waterfront lots shall not be located closer to the shoreline than adjacent structures. If there is no other structure within one hundred feet, residential structures shall be located at least twenty-five feet back from the line of ((~~higher regulated lake level of Lake Washington, Lake Union and connecting fresh waters, or the line of ordinary high tide~~)) ordinary high water.

TABLE ((2))1

BASIC SHORELINE BULK REQUIREMENTS ((~~FOR NON-PUD DEVELOPMENT~~))

Area	View Corridor (percent) of lot width (10)	Lot Coverage (percent) of area (4) Water-front lots	Lot Coverage (percent) of area (4) Up-land lots	Maximum Height (1) On Land	Maximum Height (1) Over Water
A. Puget Sound					
1. North city limits to Chittenden Locks	35%	35%	35%	35'	35'
2. Magnolia					
a. Chittenden Locks to West Ruffner St.	35%	35%	35%	35'	35'
b. West Ruffner St. to west boundary (Pier 91)	35%	((~~30%~~))35%	35%	35'	35'
c. West boundary Pier 91 to Prospect St. extended (Pier 86)	35%	75%	100%	50'	50'
3. Elliott Bay/ Duwamish River					
a. North central waterfront Pier 86, (Prospect St.) to Pier 72, Bay St.	30%	60%	100%	50'	15'(2)
b. Central waterfront Bay St. to Wash. St. (~~(5)~~)	30%	50%(9)	100%	50'	50'(3)
c. South waterfront Pier 48 to Bronson Way S.W.	NA	100%	100%	NA(6)	NA(6)
d. Duwamish River and waterways	NA	100%	100%	NA(6)	NA(6)
4. West Seattle					
a. Bronson Way S.W. to California Ave. S.W.	35%	35%	100%	35'	35'
b. California Ave. S.W. to Alki Pt., except:	35%~~(4)~~	35%~~(4)~~	35%	35'~~(4)~~	15'(2)
(i) California Wy SW to SW Leon Place	35%	35%	100%	35'	15'(2)
(ii) 57th Ave SW to 63rd Ave SW	35%	35%	100%	35'	15'(2)

Area	View Corridor (percent) of lot width (10)	Lot Coverage (percent) of area: Water-front lots	Lot Coverage (percent) of area: Up-land lots	Maximum Height (1): On Land	Maximum Height (1): Over Water
c. Alki Pt. to south city limits, except:	35%	35%	35%	35'	15' (2)
SW Carroll St and Alki Wy SW All 4 corners, BN zoned lots	35%	35%	100%	35'	15' (2)
B. Lake Wash. Ship Canal to Aurora Bridge					
1. Chittenden Locks to 3rd Ave. N.W. (north side)	35%	100%	100%	NA (6)	NA (6)
2. 3rd N.W. to Aurora Bridge (north side)	35%	100%	100%	NA (6)	NA
3. Chittenden Locks to Ballard Bridge (south side)	35%	50%	100%	35'	35'
4. Ballard Bridge to 3rd Ave. W. (south side)	35%	100%	100%	NA (6)	NA (6)
5. 3rd Ave. West to Aurora Bridge (south side)	35%	50%	50%	35'	NA
C. Lake Union/Portage Bay					
1. Westlake Ave. Aurora Bridge to Highland Drive	35%	50%	100%	35' (8)	35'
2. Highland Drive to Yale Ave. N.	35%	50%	100%	35' (8)	35'
3. Yale Ave. N. to ((~~Waterway 8~~	35%	50%	100%	35' (8)	35'
~~4. Waterway 8 to~~)) E. Newton Street	((~~35%~~	~~50%~~		~~35' (8)~~	~~25'~~))
4. ((~~5.~~)) E. Newton Street to University Bridge	35%	50%	50%	35'	25'

Area	View Corridor (percent) of lot width (10)	Lot Coverage (percent) of area: Water-front lots	Lot Coverage (percent) of area: Up-land lots	Maximum Height (1): On Land	Maximum Height (1): Over Water
5.((~~6.~~)) North side University Bridge to Montlake Bridge	35%	50%	100%	35' (7)	25'
6.((~~7.~~)) South side University Bridge to Montlake Bridge, except	35%	50%	50%	35'	25'
Lots 1-4 of Block 42 Denny-Fuhrman Addition	35%	50%	100%	35'	25'
7.((~~8.~~)) University Bridge to Aurora Bridge	35%	50%	100%	35'	25'
D. Lake Washington					
North City limits to south City limits, except,	35%	35%	35%	35'	15' (2)
((~~1. All except Madison Beach Park~~)) ((~~2.~~ 1. Madison Beach Park	35%	40%	40%	35'	15' (2)
2. E. Newton St. to E. Howe St.	35%	35%	100%	35'	15' (2)
3. E. Superior St. and L. Washington Blvd. to E. Yesler Wy	35%	35%	100%	35'	15' (2)
4. S. Director St. to Fletcher St.	35%	35%	100%	35'	15' (2)
5. S. Pilgrim St. to S. Perry St.	35%	35%	100%	35'	15' (2)
E. Green Lake	NA	NA	35%	35'	15' (2)

FOOTNOTES TO TABLE ((~~2~~))1

(1) See exceptions to height limits in Section 24.60.385. Additional height restrictions are imposed by the underlying zoning in some locations.

(2) No over water construction of principal structures permitted. Height limits apply to permitted accessory structures.

(3) Gross floor area is limited to 2.0 times the lot area, including accessory parking areas. Height of buildings is measured from centerline of Alaskan Way.

((~~(4) Bulk requirements governed by Chapter 24.32 when upland lot zoned RMH 350.~~))

(4) For multi-family developments in multi-family zones see Section 24.60.390(D).

((~~(5) See Section 24.60.510 for bulk requirements in shoreline PUD.~~))

(5) (Reserved.)

(6) Gross floor area is limited to 2.5 times the lot area, including accessory parking. Submerged land shall not be included in the calculation of GFA of a building constructed on dry land.

(7) Maximum height may be increased to 60 feet by Director for water-dependent facilities when development is consistent with a long-range development plan for uplands approved by the City Council subsequent to adoption of this chapter.1

(8) Heights greater than 35 feet are not encouraged and may only be permitted by the Director upon a finding that such height is otherwise consistent with the policies of the Shoreline Management Act of 1971 and this Master Program and that such height will not obstruct the views from a substantial number of residences and in no event will exceed a height of 55 feet.

(9) No additional coverage of the water by fixed structures is permitted. See Section 24.60.((~~355~~))390. For a specifc exception regarding lot coverage by floats, see Section 24.60.390(B).

(10) See Section 24.60.395((~~B~~)) for exceptions and regulations governing view corridors. (Ord. 106200 § 1(part), 1977: Ord. 86300 § 21A.35, 1957.)

Section 22. Section 24.60.400 of the Seattle Municipal Code (Section 21A.36 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.400 Regulated public access - Public waterfront property.

((A. ~~Regulated public access shall be provided to the shore-lines of all public property.~~))

((~~B.~~)) A. Unless otherwise provided in this chapter, regulated public access shall be provided for developments on all publicly owned and public-controlled waterfront property, whether leased to private lessees or not, and whether developed with a water-dependent or water-related use or not, except ((~~as follows:~~))

((~~1.~~ H))harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land ((~~other than in the Central Waterfront,~~)), leased from the ((~~s~~))State and completely occupied by water-dependent or water-related uses((~~,~~)).

((~~2. Street ends and waterways occupied by water-dependent uses under permit or lease.~~))

((~~C. Where a large shoreline development requires a number of substantial development permits, the requirement of regulated public access shall be applied in the context of the entire development.~~

((~~B.~~)) B. Regulated public access shall be provided for all developments in the US/CW environment whether leased from the state or not, and whether developed with water-dependent or water-related uses or not. The amount of public access shall be ((~~N~~))not less than fifteen percent of the submerged portion of a lot which is covered by structures ((~~in the US/CW environment~~)) or at least five thousand square feet, whichever is greater ((~~, shall be devoted to regulated public access~~)).

Section 23. Section 24.60.405 of the Seattle Municipal Code (Section 21A.37 of Ordinance 86300 as amended by Ordinance 106200) is amended to read as follows:

24.60.405 Regulated public access - Private Waterfront property.

A. Unless otherwise provided in this chapter, regulated public access shall be provided for all non-water-dependent or non-water related uses on waterfront lots which are:

1. Nonresidential; or

((~~2. Developed as a planned unit development; or~~))

((~~3.~~)) 2. Exclusively residential developments containing four or more units and having one hundred or more feet of shoreline, provided that no such regulated public access shall be required on salt water shorelines where public access to the shoreline from a street is available within six hundred feet of the proposed development.

B. Waterfront ((~~b~~)) lots in the Shoreline District ((~~which are~~)) proposed for rezone((~~d~~)) to the ((~~RM 1600~~)) Lowrise 1 or more intensive zone from a less intensive zone shall be rezoned only upon agreement by the property owner that upon development, a minimum setback from the shoreline of twenty feet shall be provided and that regulated public access along the entire length of the shoreline shall also be provided.

C. Not less than fifteen percent of the submerged portion of a lot which is covered by structures in the US/CW environment shall be devoted to regulated public access, or at least five thousand square feet, whichever is greater.

D. Regulated public access shall not be required in the US/LU environment on private lots which abut a street end or waterway which provides public access, and which have a front lot line less than one hundred feet in length, measured at the upland street frontage generally parallel to the water's edge.

Section 24. Section 24.60.410 of the Seattle Municipal Code (Section 21A.38 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.410 Regulated public access - General conditions((~~,~~)) applicable to Public and Private Properties.

A. Access to a shoreline may be denied to any person who creates a nuisance or engages in illegal conduct on the property, and the Director may authorize such regulated public access to be temporarily or permanently closed if he finds that such offensive conduct cannot otherwise be reasonably controlled.

B. Regulated public access shall be appropriately indicated by signs((~~, and insofar as possible shall have easy and direct access from street level and shall provide unimpeded views of the water and water activites.~~)) provided by the applicant, of standard design and materials prescribed by the Director.

C. Regulated public access shall be a physical improvement in the form of any one or combination of the following: walkway, bikeway, corridor, plaza, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorages, 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.

D. Regulated public access may be limited in its location and area. However, the minimum regulated public access shall consist of a walkway at least three feet wide, leading from the street or from a public walkway directly to the water, or to a point 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.

E. Regulated public access may be limited as to hours of availability and types of activities permitted. However, it

shall be available to the public on a regularly scheduled basis, and shall allow water activities appropriate to the site.

F. Where extreme irregularity in topography, shape of the lot, location of existing structures or other circumstances present practical design difficulties, the Director shall determine the type and location of the public access.

G. Regulated public access shall be open to the public at the time of occupancy of the proposed development.

H. Regulated public access for a large shoreline development, under one ownership, which accommodates a terminal or a similar facility shall be required in the context of the entire terminal or facility as follows:

1. Where such development requires a number of substantial development permits, separate regulated public access need not be provided for each permit, but shall be provided in terms of the entire development. Each terminal or facility, however, shall provide separate public access.

2. A comprehensive development plan for the total terminal or facility shall be submitted with the first shoreline permit application. The plan shall include all project components intended, the public access, and a development schedule. The level of detail of the public access plans shall be similar to that of the project proposal.

3. The regulated public access shall maximize views of the water and water activities. A viewpoint or tower shall provide a minimum 120-degree view angle of the shoreline or water activities.

I. General Exceptions

((~~C.~~)) Regulated public access shall not be required where:

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;

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

5. Public access at the particular location cannot be ((~~designed or~~)) developed to satisfy the public interest in providing a ((~~provide a pleasant view or~~)) recreational ((~~experience~~)) historical, cultural, scientific, or educational opportunity or view.

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

((~~D. Regulated public access shall not be required in the UG/LU environment on private lots abutting a street end or water-way which provides public access, which have a front lot line less than one hundred feet in length, measured at the upland street frontage generally parallel to the water's edge.~~

~~E. The following Table 2A illustrates the requirements of this chapter for regulated public access.~~))

((~~TABLE 2A~~

~~Regulated Public Access Requirements~~

~~Type of Property~~	~~Regulated Public Access~~
~~1. Public property - use(s)~~	~~Required~~
~~2. Public property leased or rented for private, non-water-dependent use(s)~~	~~Required~~
~~3. Central Waterfront - public and private property~~	~~15% of total water area covered by structure(s), or 5,000 square feet, whichever is greater~~
~~4. Public property leased or rented for private, 100% water dependent use(s)~~	~~Not required~~
~~5. Public or private property, 100% water dependent use(s)~~	~~Not required~~
~~6. Private property, non-water-dependent use~~	~~Required, if four or more residential units and 100 feet or more of water-frontage, shoreline PUD, or commercial or industrial use, unless exclusively residential development on salt water shoreline and public access to shoreline from street is available within 600 feet~~
~~7. Private residential development on salt water~~	~~Required if not within 600 feet of public access to water~~))

Section 25. Section 24.60.420 of the Seattle Municipal Code (Section 21A.40 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

Subchapter V Permitted Uses

24.60.420 Permitted uses in Shoreline District environments

A. Uses are permitted in the seven Shoreline District environments in accordance with the following table, subject to the provisions of this chapter and the criteria for evaluating applications for substantial development permits in Section 24.60.520 et seq. The symbol "X" opposite a use means the use is prohibited, the symbol "A" means the use is a permitted shoreline use, the symbol "C" means the use may be permitted as a shoreline conditional use in accordance with the procedures for authorizing such uses established in this chapter, and the symbol "S" means the use may be permitted as a shoreline special use if the additional conditions of Section 24.60.525H are satisfied. Cross-references to definitions and to specific text sections are intended to assist in understanding Table ((3)) 2 and are not intended to exclude the application of other provisions.

B. Shoreline uses are permitted by this chapter only when also permitted by the underlying zoning.

C. Accessory uses customarily incidental to a use permitted in Table ((3)) 2 and not expressly prohibited are also permitted. Accessory uses which would be prohibited as principal uses may be permitted only if clearly incidental and necessary for the operation of a permitted principal use. (See also Section 24.60.540).

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

Table ((3)) 2
A. PERMITTED USES ON WATERFRONT LOTS

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Residential Uses									
Single-family		530	X	X(6)	A	A(18)	A(18)	X	X
Multi-family		530	X	X	A	A(18)	A(18)	X	X
Artist studio dwelling		530	X	X	A	A(18)	A(18)	X	X
Floating homes	060	535 530	X	X	S (4)	((S))X (4,18)	A (18)	X	X
Existing floating home((s)) moorages	((060)) 065	535; ((650))	X	((*)) A	A(4)	A	A	X	X
Retirement and other group homes			X	X	A	A	A	X	A
Swimming pools		750	X	A	A	A	A	A	A
Business and Commercial Uses		540							
Offices		540	X	X	X	A	X	A(17)	A
Retail shops and services		540	X	X	X	A	A	A	A
Restaurants		545	X	X	X	A	A	A	A
Hotels, motels, boatels	080	550	X	X	X	X	X	((A(1))) X	X
Commercial boating, Private Clubs and Public Boating Facilities									
Marine sales			X	((*)) A	X	A	A	A	A
Open wet moorage	125	650 670	X	A	A	A	A	A	A
Covered wet moorage	120	((655))650 670	X	X	X	A	X	X	A
Open dry boat storage	46	655	X	S	X	A	A	X	A
Stacked moorage		655	X	((*5)) S	X	A	A	((*)) A	A
Launching ramps		660	X	S	S	A	A	X	A
Tug and barge facilities			X	X(19)	X	A	A	A	A

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Haul-out facilities		660	X	S	S	A	A	A	A
Marine construction repair and dismantling			X	X	X	A	A	X	A
Marine service stations		665	X	X	X	A	A	A	A
((~~Public~~ ~~m~~)) Marinas		((~~670~~)) 650 655	X	A ((~~5~~))	((~~X~~)) A	A	A	A	A
((~~Private~~ ~~nonprofit~~ ~~y~~)) Yacht, boat, and beach clubs		765	X	((~~X~~)) S	((~~A(16)~~)) S	A	A	((~~X~~)) A	A
Transportation Facilities		620							
Accessory parking		615	X	S	A	A	A	A	A
Principal use parking		615	X	X	X	X	X	X	X
Cargo terminal		((~~645~~)) 565	X	X	X	A	A	A	A
Passenger and auto ferry terminal		645	X	A	X	A	A	A	A
Highways, freeways and major arterials		625	X	X	S(7)	S(7)	S(7)	S(7)	S
Railroads, spurs and rail transit		630	X	X	S(8)	S(8)	S(8)	S	S
Bicycle and pedestrian ways		635	((~~X~~)) S	A	A	A	A	A	A
Streets, scenic roads and auto-oriented viewpoints		625	X	A	A	A	A	A	A
Land-based aircraft facilities		640	X	X	X	X	X	X	X
Water-based aircraft facilities		640	X	X	X	S	S	S	S
Utilities									
Overhead		580; 585; 590	X(9)	X(9)	X(9)	A	X(9)	X(9)	A
Underwater		595	S	S	S	A	A	A	A
Intakes and outfalls		590 600	S	S	A	A	A	A	A
Sewer lines (storm, sanitary, combined)		600	X(2)	X(2)	A	A	A	A	A
Sewage treatment facilities		610	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)

Note: This table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Industrial and Manufacturing Uses									
Log storage and rafting		735	X	X	X	A	A	A	A
Sand, gravel and concrete mix and cement plants			X	X	X	S	S	X	A
Cargo handling and water-((dependent)) related manufacturing	265 266	565	X	X	X	A	A	X	A
Other industrial or manufacturing uses (including refuse transfer and salvage stations, mills and refineries)			X	X	X	X	X	X	A
Warehousing and wholesaling		560	X	X	X	((A)) X(15)	((A)) X(15)	X ((A))	((A)) X(15)
Shoreline Structures and Alteration									
Sanitary landfill			X	X	X	X	X	X	X
Dredging		715; 720	C	A(10)	A(10)	A(10)	A(10)	((X)) A(10)	A(
Landfill on submerged lands		725; 730	C (16)	S	S	S	X	X	S
Landfill on wetlands		725; 730	C (12)	A(12)	A(12)	A(12)	X	X	A(1
Piling		690	X	S	A	A	A	A	A
Floating dolphins			C	S	X	A	A	A	A
Floats		685	X	A	A	A	A	A	A
Single-family, multi-family community recreation piers and launching ramps	150	675; 685	X	A	A	A	A	X	A
Commercial piers	150	680	X	X	X	A	A	A(3)	A
Public recreational piers	150	680	X	A	A	A	A	A(3)	A
Groins	075	700	X	S	A	A	A	A	A
Breakwaters		695	X	S	A	A	A	A	A
Bulkheads and shoreline protective structures		705((7))	X	A	A	A	A	A	A

Note: This table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Natural Beach Protection		((~~710~~)) 705 745	S	S	S	S	S	S	S
Offshore facilities	135		((~~S~~)) C	X	X	X	X	X	X
Signs									
Business signs	220	((~~520 525~~)) 570; 575	X	X	X	A	A	A	A
Outdoor advertising signs	215	((~~520 525~~)) 570; 575	X	X	X	X	X	X	A
Miscellaneous									
Aquaculture-structures	020	740	S	S	A	A	A	A	A
Public parks		760	S	A	A	A	A	A	A
Research and educational uses		555	X	A	A	A	A	A	A
Nonprofit fraternal and social clubs((~~, multiple residence recreational facilities other than moorage~~))		750	X	X	((~~A~~)) S	A	A	((~~A~~)) X	A
Community facilities		755	X	A	A	A	A	((~~A~~)) X	A
Multiple residence(s) recreational facilities		750	X	S	A	A	X	X	A

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

Table 2
B. PERMITTED USES ON UPLAND LOTS

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Residential Uses									
Single-family		530	X	X	A	A(18)	A(18)	X	X
Multi-family		530	X	X	A	A(18)	A(18)	A(18)	X
Artist studio dwelling		530	X	X	A	A(18)	A(18)	A(18)	A(18)
Retirement and other group homes			X	X	A	A(18)	A(18)	A(18)	A(18)
Swimming pools		750	X	A	A	A	A	A	A
Business and Commercial Uses		540							
Offices		540	X	X	X	A	C	A	A
Retail shops and services		540	X	X	X	A	A	A	A
Restaurants		545	X	X	X	A	A	A	A
Hotels, motels,	80	550	X	X	X	X	X	A	X
Commercial boating, Private Clubs and Public Boating Facilities									
Marine sales			X	A	X	A	A	A	A
Dry boat storage		655	X	S	X	A	A	X	A
Stacked moorage		655	X	X	X	A	A	X	A
Marine construction repair and dismantling facilities			X	X	X	A	A	X	A
Yacht and boat clubs		765	X	S	S	A	A	A	A
Transportation Facilities		620							
Accessory parking		615	X	S	A	A	A	A	A
Principal use parking		615	X	X	X	A	A	A	A
Highways, freeways and major arterials		625	X	X	S(7)	S(7)	S(7)	S(7)	S

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/IU	US/CW	UD
Railroads, spurs and rail transit		630	X	X	S(8)	S(8)	S(8)	S	S
Bicycle and pedestrian ways		635	S	A	A	A	A	A	A
Streets, scenic roads and auto-oriented viewpoints		625	X	A	A	A	A	A	A
Land-based aircraft facilities		640	X	X	X	X	X	X	X
Utilities									
Overhead		580; 585; 590	X(9)	X(9)	X(9)	A	X(9)	X(9)	A
Sewer lines (storm, sanitary, combined)		600	X(2)	X(2)	A	A	A	A	A
Sewage treatment facilities		610	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)
Industrial and Manufacturing Uses									
Log storage		735	X	X	X	A	A	A	A
Sand, gravel and concrete mix and cement plants			X	X	X	S	S	X	A
Non-water-dependent manufacturing	265	565	X	X	X	A	A	A	A
Other industrial or manufacturing uses (including refuse transfer and salvage stations, mills and refineries)			X	X	X	X	X	X	A
Warehousing and wholesaling		560	X	X	X	A	A	A	A
Storage for uses permitted in same environment on waterfront lots			A	A	X	A	A	A	A
Shoreline Structures and Alteration									
Sanitary landfill			X	X	X	X	X	X	X
Landfill on wetlands		725; 730	C	A(12)	A(12)	A(12)	X	X	A(12

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Signs									
Business signs	220	570; 575	X	X	X	A	A	A	A
Outdoor advertising signs	215	570; 575	X	X	X	X	X	X	A
Miscellaneous									
Public parks		760	S	A	A	A	A	A	A
Research and educational uses		555	X	A	A	A	A	A	A
Nonprofit fraternal and social clubs		750	X	X	S	A	A	A	A
Community facilities		755	X	A	A	A	A	A	A
Multiple residence recreational facilities			X	S	A	A	A	A	A

Footnotes to Table ((3)) 2

(1) ((~~Permitted only as part of a shoreline planned unit development. See Section 24.60.500 (Central Waterfront).~~)) Reserved.

(2) Unless no feasible alternative exists. See Sections 24.60.600, 24.60.610.

(3) Permitted south of Bay Street only. See Section 24.60.680.

(4) Permitted on Portage Bay only. See Section 24.60.535 and 24.60.530(c).

(5) ((~~Subject to provisions of Sections 24.60.650B and 24.60.655.~~)) Reserved.

(6) ((~~(Reserved)~~)) Permitted when located on a privately owned residentially zoned lot of record as of March 1, 1977 having less than 30 ft. of dry land between a right-of-way and the line of Ordinary High Water, as described in Sec. 24.60.530.

(7) New facilities parallel and adjacent to shoreline are prohibited. See Section 24.60.625.

(8) New facilities parallel and adjacent to shoreline are prohibited. See Section 24.60.630.

(9) Except lines carrying ((~~230~~)) 115 KV or more, which are permitted. See Section 24.60.590.

(10) Dredging of 500 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.715.

(11) Dredging of 1000 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.715.

(12) Landfill on wetlands of 500 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.725. Landfill on wetlands in CN environment for natural beach protection is permitted as a special use.

(13) Landfill on wetlands of 1000 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.725.

(14) Except as permitted in Section 24.60.745.

(15) ((~~(Reserved)~~)) Permitted as accessory use to a water-dependent or water-related principal use only, subject to Section 24.60.420.

(16) ((~~Permitted only where underlying zoning is RW. See Section 24.60.765.~~)) Landfill on submerged lands in CN environment for natural beach protection is permitted as a special use.

(17) Permitted above first floor only and not more than 30% of gross floor area or 100,000 square feet south of Bay Street. See Section 24.60.540.

(18) When the underlying zoning is General Commercial (CG) or Manufacturing (M), see Section 24.60.530(c).

(19) Open wet moorage for tugs and barges is permitted in the CM environment on Lake Union when adjacent to tug and barge facilities in the US/LU.

Section 26. Section 24.60.440 of the Seattle Municipal Code (Section 21A.53 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.440 Public hearing.

As a part of the process of reviewing an application for a substantial development permit, the Director, at his discretion, may provide for a public hearing on the application, particularly where:

A. The proposed development has broad public significance;

B. Fifty or more interested persons file a written request for such hearing not later than the thirtieth day following the date of final publication of notice of the application;

C. The cost of the proposed development, exclusive of land, will exceed Five Hundred Thousand Dollars ($500,000); or

D. The proposed development will require a shoreline conditional use or a variance from the provisions of this chapter, or other extraordinary relief from the provisions of this subtitle or state or federal shoreline regulations.

Public hearing shall be conducted by the Director or his designee after not less than twenty days' notice given in the manner provided in ((~~Sections 24.64.120 and 24.64.130~~)) Section 23.34.10B for amendments to the Official Zoning Map, and written notice of such hearing shall be mailed to persons requesting the same at least seven days prior to the date of the hearing.

Section 27. Section 24.60.460 of the Seattle Municipal Code (Section 21A.57 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is amended to read as follows:

24.60.460 Revisions to substantial development permits.

When an applicant seeks to revise a substantial development 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 comply with WAC 173-14-064, as now constituted or herein after amended(1), ((~~are within the scope and intent of the original permit, do not substantially change the uses or increase the bulk, change the essential features of the development, or otherwise increase the impact of the development on the shoreline,~~)) he shall approve the revision. The revised permit shall become effective immediately. The approved revision, along

with copies of the revised site plan and text, shall be submitted by certified mail to the appropriate Department of Ecology Regional Office, the Attorney General, and to persons who have previously notified the Director relative to the original application. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within fifteen days from date of certified mailing. The party seeking review shall have the burden of proving the revision was not within the scope and intent of the original permit.

B. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new substantial development permit in a manner provided for in this chapter.

(1) A copy of WAC 173-14-064 as now constituted is attached for easy reference.

Section 28. Section 24.60.465 of the Seattle Municipal Code (Section 21A.58 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.465 Rescission.

The Director may rescind a substantial development permit after hearing if ((~~he finds that the permittee has not complied with conditions of the permit.~~)) any of the following conditions are found:

1. The permittee has developed the site in a manner not authorized by the permit; or

2. The permittee has not complied with the conditions of the permit; or

3. The permittee has secured the permit with false or misleading information; or

4. The permit was issued in error.

Notice of the hearing shall be mailed to the permittee not

less than fourteen days prior to the date set for the hearing and included in the general mailed release.

Section 29. Section 24.60.475 (Section 21A.60 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

Section 24.60.475 Shoreline Conditional Uses.

A. Uses which are identified in this ((~~Article~~)) Chapter as shoreline conditional uses, and other uses which, although not expressly mentioned in Table ((~~3~~)) 2, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be authorized by the Director in specific cases upon approval of the Department of Ecology if ((~~he finds that:~~)) the request complies with the criteria set forth by the Department of Ecology in WAC 173-14-140, as now constituted or hereafter amended.(1)

((~~(a) the use will not have a significant adverse effect upon the environment or other adjacent or nearby uses, or that such adverse effects can be mitigated, or that the benefits of permitting such use outweight such adverse effects;~~

~~(b) the use will not interfere with public use of public shorelines;~~

~~(c) design and appearance of the development will be compatible with the design and appearance of surrounding uses; and~~

~~(d) the use will not be contrary to the general intent of the Shoreline Master Program of The City of Seattle.~~))

In authorizing a shoreline conditional use, the Director may impose requirements and conditions in addition to those expressly set forth in this Article with respect to location, installation, construction, maintenance and operation and extent of open spaces

as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

B. Uses permitted within ships designated as Seattle landmarks or National Historic Sites. The Director may authorize a restaurant or retail use as a conditional use within a ship designated as a landmark by the Landmarks Preservation Board or listed on the National Register of Historical Places and located in the CM, US, US/LU, US/CW environments even if such use is not otherwise permitted in the environment or over water. Such authorization shall be subject to the following conditions:

1. The use shall be compatible with the existing design and/or construction of the ship without significant alteration; and

2. The use shall be allowed only when it is demonstrated that permitted uses in the shoreline environment or over water are impractical because of the ship design and/or that no such permitted use can provide adequate financial support necessary to sustain the landmark or historic site in a reasonably good physical condition; and

3. The use shall obtain a certificate of approval from the Landmarks Preservation Board; and

4. No other historic ships containing restaurant or retail uses are located within one-half mile of the proposed site; and

5. Such use meets the conditional use criteria of WAC 173-14-140.

(1) A copy of the criteria of WAC 173-14-140, as presently constituted, is attached for easy reference.

Section 30. That Section 24.60.480 of the Seattle Municipal Code (Section 21A.61 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.480 Shoreline variances.

In specific cases the Director with approval of the Department of Ecology may authorize variances from specific requirements of this Article if the request complies with WAC 173-14-150, as now constituted or hereinafter amended.(1) ((~~when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the shoreline master program. A shoreline variance will be granted only after the applicant can demonstrate the following:~~

(~~a~~) ~~That if he complies with the provisions of the master program, he cannot make any reasonable use of this property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for a variance.~~

(~~b~~) ~~That the hardship results from the application of the requirements of the Act and shoreline master programs, and not, for example, from deed restrictions or the applicant's own actions.~~

(~~c~~) ~~That the variance granted will be in harmony with the general purpose and intent of the shoreline master program.~~

(~~d~~) ~~That the public welfare and interest will be preserved.~~))

Variances may not be sought to allow a use permitted in subtable B of Table 2 but prohibited in subtable A of Table 2 to be located on a waterfront lot.

In authorizing a shoreline variance, the Director may attach thereto such conditions regarding the location, character or

other features of a proposed structure or use as may be deemed necessary to carry out the spirit and purpose of this Article and in the public interest.

(1) A copy of WAC 173-14-150, as presently constituted, is attached for easy reference.

Section 31. Sections 24.60.490, 24.60.495, 24.60.500, 24.60.505, 24.60.510 and 24.60.515 of the Seattle Municipal Code (Sections 21A.63 through 21A.69 of Ordinance 86300, as amended by Ordinance 106200), relating to planned unit development in the US/CW environment are hereby repealed.

Section 32. Section 24.60.525 of the Seattle Municipal Code (Section 21A.71 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.525 General.

A. All proposed developments shall be consistent with the requirements of the Shoreline Master Program and the provisions of the Shoreline Management Act of 1971, as amended, expressed in RCW 90.58.

B. All proposed developments must conform to permit requirements of all other agencies having shoreline jurisdiction or responsibility, and authority to proceed under a substantial development permit may be conditioned upon the applicant's obtaining such other permits.

C. All proposed developments must conform with applicable federal, state and local regulations relating to air and water quality and noise pollution.

D. The proposed development must satisfy any substantive requirements of the State Environmental Policy Act.

E. Uses shall be preferred in the following order:

1. Water-dependent;

2. Water-related;

((~~2~~))3. Non-water-dependent or non-water related with regulated public access;

((~~3~~))4. Non-water-dependent or non-water-related without regulated public access.

F. Applications for substantial development permits on shorelines of statewide significance shall be evaluated in accordance with the principles outlined below in order of preference, and in accordance with the development guidelines for shorelines of statewide significance in WAC 173-16-040(5):

1. Recognize and protect the statewide interest over local interest;

2. Preserve the natural character of the shoreline;

3. Result in long-term over short-term benefit;

4. Protect the resources and ecology of shorelines;

5. Increase public access to publicly owned areas of the shorelines;

6. Increase recreational opportunities for the public on the shorelines.

G. Uses which cause or result in significant concentrations of harmful pollutants and materials subject to blowing which may enter runoff waters shall provide means to insure that such pollutants will not enter the water or air. Uses not connected to a storm drain shall provide means acceptable to the Director capable of containing and providing for the slow release of surface runoff, provided such requirement shall not apply to sites where the applicant can clearly demonstrate that surface runoff from shoreline uses will not create or significantly contribute to a flood, erosion or pollution hazard.

H. Uses which are identified in Table ((~~3~~)) 2, Section 24.60.420 as special uses in a particular environment may be

authorized by the Director when the following additional conditions are satisfied:

1. The use will not have a significant adverse effect upon the environment or other adjacent or nearby uses, or such adverse effects can be mitigated, or the benefits of permitting such use outweigh such adverse effects;

2. The use will not interfere with public use of public shorelines;

3. Design and appearance of the development will be compatible with the design and appearance of surrounding uses; and

4. The use will not be contrary to the general intent of the Shoreline Master Program of the city.

The burden of proof that all of the foregoing facts and conditions exist shall be on the applicant.

In authorizing a shoreline special use, the Director may impose requirements and conditions in addition to those expressly set forth in this chapter with respect to location, installation, construction, maintenance and operation and extent of open spaces as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

Section 33. That Section 24.60.530 of the Seattle Municipal Code (Section 21A.72 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.530 Residential uses.

A. Residential uses are permitted as indicated in Table 2 except that when the underlying zoning is General Commercial (CG) or Manufacturing (M), residential uses including floating homes but not including caretaker's quarters, may be permitted only as

a conditional use as authorized by Section 24.60.475 and the following additional conditions:

1. After considering the nature and condition of nearby structures and uses, it is determined that the immediate environs are not of the type to create a nuisance for the residential dwellers.

2. The residential use will not usurp land needed for and better suited to water-dependent, water-related, and associated industry and commerce uses.

B. ((~~Except for floating homes, n~~)) New residential structures completely or partially constructed over water are prohibited((~~.~~)) except for floating homes where permitted by Table 3A, and except for single family residences in the CM and UR environments when located on a residentially zoned and privately owned lot established as a separate building site 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 30 feet of dry land between an abutting dry land right of way and the line of ordinary high water or mean Higher High Water. Residential uses over water accessory to a principal use are also prohibited, except for caretaker quarters.

((~~B. New apartment houses (four units or more) will be permitted on land only and then only with regulated public access to and along the water's edge as provided in Section 24.60.405.~~))

C. When located on a waterfront lot, new multi-family residences of four or more units shall be required to provide regulated public access to and along the water's edge (see Section 22.60.405 and Section 24.60.410).

Section 34. Section 24.60.535 of the Seattle Municipal Code (Section 21A.73 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.535 Floating homes.

A. General.

1. Floating homes and floating home moorages are water-dependent uses and as such are preferred uses to occupy the surface of the water. Such uses shall comply with ((~~the Floating Homes Ordinance (No. 96821)~~)) Title 22 of the Seattle Municipal Code (Seattle Building Code Supplement, Chapter 74 - Houseboats) and the requirements of this chapter.

2. Floating homes and floating home moorages are a permitted use only in the US/LO, US, and UR environments as provided in Table ((~~3~~)) 2 and Section 24.60.530(A) and only on Lake Union and Portage Bay.

((~~3. Floating homes shall not exceed twenty-one feet at the highest point measured from the surface of the water.~~

~~4. Floating homes shall not cover in excess of one thousand two hundred square feet of water area, inclusive of float, decks, and roof overhang.~~))

((~~5.~~)) 3. Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of the dock or walkway. In the location and the design of new or remodeled floating homes, views of the water for moorage tenants and the public shall be opened up and enhanced.

((~~6.~~)) 4. New ((~~F~~))floating home((~~s~~)) moorages shall not be located between the combined pierhead/harbor line and the Seattle Construction Limit Line in Lake Union.

((~~B. Replacement and Remodeling. The replacement, remodeling or new construction of a floating home at an existing moorage not meeting the lot coverage, open water, site area,~~

~~yard, or location provisions of this chapter shall be permitted if it results in no increase in the total float area as of the effective date of the adoption of this chapter,4 and the height of the floating home does not exceed sixteen feet.~~))

((~~C.~~))B. New Floating Homes and Floating Home Moorages.

1. Floating homes shall not exceed twenty-one feet at the highest point measured from the surface of the water.

2. Floating homes shall not cover in excess of one thousand two hundred square feet of water area, inclusive of float, decks, roof overhang, and accessory floats.

((~~1.~~))3. Minimum site area for an individual floating home shall be two thousand square feet.

((~~2.~~))4. Total water coverage of all floating homes and all moorage walkways (fixed or floating) shall not exceed forty-five percent of the submerged portion of the moorage lot area.

((~~3.~~))5. Yards.

a. The minimum distance between adjacent floating home floats or walls shall be ten feet of open water.

b. The minimum distance between floating homes on opposite sides of a moorage walkway shall be ten feet, wall-to-wall.

c. The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five feet except when adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway (fixed or floating) may abut upon the lot line.

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

e. Each floating home in a floating home moorage shall abut upon open water at least twenty feet wide and open continuously to navigable waters.

((~~4.~~))6. Public Access. Usable open space shall be provided on the upland portion of the site for regulated public access and shall be located so as to provide substantial visual access to the water.

7. The remodeling, replacement, rebuilding, or placement of a floating home at a moorage which meets the criteria for new moorages shall be subject to the requirements of this subsection.

C. Nonconforming Floating Home Moorages.

The remodeling, replacement, rebuilding, or relocation of a floating home at a moorage existing as of March 1, 1977 and not satisfying the lot coverage, open water, site area, yard, or location provisions for new floating home moorages shall be permitted subject to the following provisions.

1. Remodeling and Replacement.

An existing floating home may be remodeled, replaced or rebuilt if

a. The total float area of the floating home float as of March 1, 1977 is not increased; and

b. The height of the remodeled floating home or remodeled portion of the floating home is not increased beyond 16 feet from the water if the floating home is being remodeled; or the height does not exceed 16 feet if the floating home is being replaced or rebuilt; and

c. The minimum distance between adjacent floating home walls is not decreased to less than six feet if the floating home is being remodeled or is no less than six feet if the floating home is being rebuilt or replaced; and

d. The minimum distance between any floating home wall and any floating home site line is not decreased to less

than three feet if the floating home is being remodeled, or is less than three feet if the floating home is being rebuilt or replaced; and

e. No part of the floating home is further extended overwater beyond the edge of the float if the floating home is being remodeled, or does not extend overwater beyond the edge of the float if the floating home is being rebuilt or replaced.

2. Relocation.

Floating homes may be exchanged, either within a nonconforming moorage or between nonconforming moorages, if

a. Both floating homes are under 16 feet in height; or both floating homes are the same height; or the relocation will not result in a floating home which is over 16 feet in height and higher than the floating home being replaced being located seaward of floating homes which are 16 feet or less in height; and

b. The minimum distance between adjacent floating home walls will be no less than six feet; and

c. The minimum distance between any floating home wall and any floating home site line will be no less than three feet; and

d. Any floating home located in part in the public waters of any street or street end may be replaced only with a floating home which can be located entirely on private property pursuant to Section 7402 of the Seattle Building Code Supplement; and

e. The requirements of Chapter 7.20 of the Seattle Municipal Code (Equity Ordinance) have been met.

3. Accessory Floats

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 is not increased. Such an accessory float may not be transferred from one floating home to another. New accessory floats are prohibited.

D. Moorage Plan.

Any proposal to replace, remodel, rebuild, or relocate a floating home must be accompanied by an accurate, fully dimensioned moorage site plan, at a scale of not less than 1" = 20', unless such plan is already on file with the Department.

Section 35. Section 24.60.540 of the Seattle Municipal Code (Section 21A.74 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.540 Business and commercial uses.

A. ((~~Generally.~~)) Principal ((B))business and commercial uses which are not water-dependent or water-related ((~~or not clearly accessory to a water-dependent use~~)) shall provide regulated public access and unless expressly authorized in this chapter shall not be constructed over water.

B. ((~~Unless otherwise provided in this chapter, business and commercial u~~)) Uses which are accessory to a water-dependent or water-related use, although not water-dependent or water-related themselves, may be located over water if an overwater location of the accessory use is necessary for the operation of the principal use or if no reasonable dry land location exists on site. Overwater structures for such accessory uses shall not occupy more than forty percent of the ((~~floor area of any structure constructed over water~~)) permitted overwater coverage.

C. ((~~B.~~)) US/CW Environment. Recreational and tourist-oriented business and commercial uses such as restaurants, fast-food service, seafood and vegetable and fruit markets, retail

shops including gift, import and souvenir shops, bars, taverns, cabarets, theaters, marine and fishing supply, fish processing, water-oriented scientific, educational or historic center such as aquariums or museums, water-oriented recreational facilities open to the public, yacht clubs, and offices within existing structures not exceeding thirty percent of the gross floor area, or one hundred thousand square feet, whichever is less shall be permitted over water in the US/CW environment.

Section 36. Section 24.60.550 of the Seattle Municipal Code (Section 21A.76 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.550 Hotels, motels and boatels.

((~~Unless otherwise provided in this chapter,~~ h))Hotels, motels, and boatels are prohibited in the Shoreline District except on upland lots in the US/CW environment.

Section 37. Section 24.60.555 of the Seattle Municipal Code (Section 21A.77 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.555 Research and educational uses.

A. As indicated in Table ((~~3~~)) 2, research and educational uses or facilities are permitted in all environments of the Shoreline District other than CN. All such uses must be water-dependent or water-related when located on a waterfront lot.

B. Educational and research uses or facilities which have a significant adverse impact upon the surrounding neighborhood by reason of the bulk or type of materials, heavy equipment or machinery, noise, odor, traffic, or other such characteristics are prohibited in the CM and UR environments.

Section 38. Section 24.60.560 of the Seattle Municipal Code (Section 21A.78 of Ordinance 86300, as amended by Ordinance

106200) is amended to read as follows:

24.60.560 Wholesaling and/or warehousing.

When located on a waterfront lot, ((W))wholesaling and/or warehousing are permitted only as an accessory use serving a water-dependent or water-related principal use.

Section 39. Section 24.60.580 of the Seattle Municipal Code (Sections 21A.82 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.580 Utilities - General requirements.

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

B. To the extent practicable and commensurate with public safety, regulated public access shall be provided to utility owned or controlled property within the Shoreline District and such access on new public and private utility developments shall be required.

C. Screening of completed abovegrade utilities shall be required where compatible with view preservation and protection of the public.

D. New utility exchanges, substations and similar facilities shall not be located ((~~are prohibited~~)) in the Shoreline District unless no ((~~feasible~~)) reasonable alternative exists.

E. Utility installation and construction shall be conducted in such a manner as to:

1. Restore the shoreline areas affected as nearly as practicable to their preexisting condition;

2. Prevent degradation, contamination or pollution of the air or water; and

3. Prevent adverse impacts from the construction or

installation upon the adjacent properties, water quality, vegetation, and resident or migratory aquatic life and/or wildlife.

Section 40. That Section 24.60.585 of the Seattle Municipal Code (Section 21A.83 of Ordinance 86200, as amended by Ordinance 106200) is hereby repealed.

Section 41. Section 24.60.590 of the Seattle Municipal Code (Section 21A.84 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.590 Underground and overhead location of utilities.

A. The installation of new electrical, telephone, other utility lines in areas where no such lines exist, or the substantial expansion of existing electrical, telephone or other utility lines in CN, CM and UR, US, US/LU and US/CW environments shall be accomplished underground, or under water, except for lines carrying ((~~230~~)) 115 KV or more. Location of utilities in CN areas at existing designated cable crossing areas shall be preferred.

B. Overhead installation of utility lines shall be permitted in UD environments, where there are no significant impacts on upland views or scenic values. Placing, location and design shall minimize visibility of overhead utilities and preserve and enhance views.

Section 42. Section 24.60.595 of the Seattle Municipal Code (Section 21A.85 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.595 Underwater location of utilities.

A. 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 shut-off facilities at each end of the underwater segments.

B. All development work shall be timed to avoid interference with major migratory fish runs.

C. All dredging shall conform to the requirements of this chapter.

Section 43. Section 24.60.600 of the Seattle Municipal Code (Section 21A.86 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.600 Intakes, outfalls and sewer lines.

A. Intakes, outfalls and sewer lines are permitted in UD, US, US/LU, US/CW and UR environments, as provided in Table ((3)) 2.

B. New ((I))intakes, outfalls and sewer lines shall not be located in CM and CN environments unless no ((~~feasible~~)) reasonable alternative exists. If permitted, permits for such installations shall be conditioned upon adequate measures to mitigate adverse impacts.

C. All intakes and outfalls shall be located so they will not be visible at ((~~least one foot below~~)) mean lower low water ((~~or equipped with a flap valve or best available technolog~~)).

D. All intakes and outfalls shall be equipped with a flap valve or best available technology.

Section 44. Section 24.60.615 of the Seattle Municipal Code (Section 21A.89 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.615 Off-street parking - principal and accessory.

A. General Parking Policies.

1. Required parking spaces and loading berths as accessory uses shall be provided for principal uses in the Shoreline District as required by Chapters 24.64, 23.44 or 23.54 of the Seattle Municipal Code except that such requirements may

be waived or modified at the discretion of the Director if alternative means of transportation will adequately serve the proposed development in lieu of such off-street parking and loading requirements. Accessory parking requirements ((~~shall~~)) may be waived ((~~in the US/CW environment~~)) where ((~~off-street~~)) parking to serve the proposed uses is available within eight hundred feet of the proposed development.

2. If the number of parking spaces for a proposed substantial development which are required by Chapters 24.64, 23.44 or 23.54 of the Seattle Municipal Code or which are 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 such adverse effect.

B. Prohibited Parking.

1. As indicated in Table ((~~3~~)) 2, parking facilities are prohibited in CN environments, and also prohibited in CM environments except as a shoreline ((~~conditional~~)) special use accessory to a water-dependent or water-related principal use and subject to Section 24.60.420C. Off-street parking as a principal use is prohibited in all environments on waterfront lots.

2. Except as provided in this chapter, parking over water is prohibited in all environments except as an accessory use to a water-dependent or water-related principal use as permitted in Section 24.60.540B and then only if enclosed within a structure and screened from public view.

C. Existing Parking Lots. Existing nonaccessory parking lots shall be provided with screening substantially as is required for accessory parking areas in R Zones by Section 24.64.160A((~~, within three years of the effective date of adoption of this chapter~~)).

D. Parking Design Requirements. Except as otherwise provided in this chapter, new off-street parking uses of more than 5 spaces shall comply with the following:

((~~1. Such parking shall be provided only as an accessory use to a shoreline principal use.~~))

((~~2. Open parking shall be screened substantially as is required for accessory parking areas in R Zones by Section 24.64.160A.~~))

((~~3.~~)) 1. Open parking lots shall be screened and set back five feet from the property line adjacent to the street as follows:

(a) Screening shall be not less than four and not more than six feet in height above the grade of the parking lot surface, but in no case shall be permitted to constitute a traffic hazard or to obstruct a view corridor. Such screening shall be maintained in good condition.

(b) The setback area shall be landscaped with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.

(c) Screening and/or the required setback may be waived by the Director if he finds that no useful purpose would be served.

((~~4~~))2. Principal use ((~~0~~))open parking lots of 30 spaces or more and accessory use parking lots of 50 spaces or more ((~~with a lot area exceeding twenty thousand square feet~~)) shall be provided with interior landscaping.

((~~5~~))3. A satisfactory landscaping and maintenance plan shall be submitted as a condition for issuance of the permit.

((~~6~~))4. Parking lots ((~~for boat launching facilities and marinas~~)) shall be located ((~~away~~)) at least 50 feet from the

water's edge, ((~~where feasible~~)) unless no reasonable alternative exists.

5. Parking uses on waterfront and upland through lots shall be subject to the view corridor requirements of Section 24.60.395.

Section 45. Section 24.60.635 of the Seattle Municipal Code (Section 21A.93 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.635 Bicycle and pedestrian ways.

A. Pedestrian ways designed so as to minimize environmental impact are permitted in all environments, as indicated in Table ((~~3~~)) 2.

B. Bicycle ways designed so as to minimize any environmental impact and to serve viewpoints, parks, other recreational purposes, and other activity centers, are permitted in all environments ((~~except the CN environment~~)), as indicated in Table ((~~3~~)) 2.

Section 46. Section 24.60.640 of the Seattle Municipal Code (Section 21A.94 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.640 Aircraft facilities.

A. As indicated in Table ((~~3~~)) 2, land-based aircraft facilities are prohibited in all shoreline environments.

B. Float or seaplane facilities are authorized only in US, US/LO, US/CW and UD environments and then only if the impact of the operation will be compatible with surrounding uses.

Section 47. That Section 24.60.650 of the Seattle Municipal Code (Section 21A.96 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.650 ((~~Open w~~))Wet moorage.

A. Service and minor accessory buildings may be permitted on piers other than residential piers providing ((~~open~~)) wet moorage ((~~, but~~)) when such buildings ((~~must be for~~)) are accessory to water-dependent or water-related uses, ((~~and must be~~)) are minimal in size and number, and meet the criteria of Section 24.60.540B.

B. ((~~Moorage in the CM environment shall comply with the following provisions:~~

~~1. Open wet moorage only shall be permitted;~~

~~2. Long-term parking facilities shall not be located within the Shoreline District;~~

~~3. Facilities employing the best available technology for disposal of sewage and other wastes shall be provided, located so as to be conveniently available to all boats, and discharge of untreated sewage into the water shall not be allowed;~~

~~4. At least one water closet and lavatory connected to a sanitary sewer shall be provided; and~~

~~5. Usual haul out maintenance and parking facilities are permitted accessory to the moorage.~~))

Open wet moorage is permitted in the CM, UR, US, US/LU, US/CW, and UD environments. Covered wet moorage is permitted only in the US and UD environments.

C. The location of moorage structures shall not substantantially interfere with navigation to adjacent properties.

D. Open wet moorage serving residences in the UR environment must conform to the development and use standards for residential piers in Section 24.60.675.

E. Covered wet moorage is subject to the following additional conditions:

1. View corridors of not less than 35 percent of the width of the lot shall be provided except:

(a) When there is an abutting street or waterway, in which case one-half of the requirement may be satisfied by that street or waterway or;

(b) When the covered moorage is underneath an over-water structure built on submerged land.

2. The height of covered moorage structures shall not exceed 35 feet above mean higher high water in tidal waters or ordinary high water in fresh water.

3. Coverage of the submerged lands shall not exceed 60 percent.

F. Moorage as a principal use constitutes a marina and is subject to the additional requirements of Section 24.60.670.

G. ((~~C.~~)) The only uses permitted between the pierhead line and the Construction Limit Line in the CM environment in Lake Union [1] shall be open wet moorage and existing houseboat((~~s~~)) moorages.

Section 48. That Section 24.60.655 of the Seattle Municipal Code (Section 21A.97 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.655 ((~~Covered moorage - Floating or nonfloating.~~)) Dry boat storage including open storage and stacked moorage.

((~~A. As indicated in Table 3,1 covered moorage, including stacked moorage, is permitted as a principal use only in US and UD environments when any one of the following conditions exist:~~

~~1. View corridors of not less than thirty-five percent of the width of the lot shall be provided, except that one-half of such requirement may be satisfied by an abutting street or waterway; or~~

~~2. When underneath an over-water structure built on submerged land and in conformance with lot coverage standards.~~

~~B. The following bulk requirements shall apply to covered moorage:~~

~~1. Height limit, thirty-five feet above mean higher high water;~~

~~2. Lot coverage, sixty percent.~~

~~C. Covered moorage shall be designed to minimize adverse impacts upon views from the uplands and from the water.~~))

A. Open dry boat storage is permitted in the US, US/LU, and UD environments, and in the CM environment as a special use. Such dry storage shall be screened and set back five feet from abutting streets. Dry boat storage shall be permitted in the UR environment only as an accessory use to a marina owned, operated, or franchised by a governmental agency for use by the general public.

B. Covered dry boat storage and stacked moorage is permitted in the US, US/LU, US/CW and UD environments as indicated in Table 2 and is permitted as a special use in the CM environment when conforming to the bulk requirements of Table (1). Covered dry and stacked moorage in the US/CW shall meet the following conditions: 1) the small boat traffic generated from the facility shall not adversely interfere with ferry or other commercial marine traffic; and 2) the moorage shall be in an enclosed building and shall not be visible from Alaskan Way; and 3) the design and appearance of the enclosed building shall be compatible with the design and appearance of surrounding uses.

Section 49. Section 24.60.660 of the Seattle Municipal Code (Section 21A.098 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.660 Boat launching ramps, haul out facilities and minor buildings accessory to moorages.

A. Boat launching ramps may be located only where access streets are adequate to handle the traffic load generated by the facility.

B. Shared or joint use accessory parking will be preferred. Loading will be permitted only at ramps. Parking areas must be screened and located at least fifty feet from the water's edge, unless no reasonable alternative exists.

C. The impact of the accessory parking must not adversely affect the environmental quality of the site or the surrounding neighborhood.

D. Boat launching ramps and minor accessory buildings and haul out facilities must be in character and scale with the surrounding neighborhood.

Section 50. That Section 24.60.670 of the Seattle Municipal Code (Section 21A.100 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.670 ((~~Public~~ m)) Marinas.

A. As indicated in Table ((~~3~~)) 2, marinas ((~~open~~)) renting or selling moorage to the public are permitted as a shoreline special use in the CM environment, and as a permitted shoreline use in the US, US/LU, US/CW and UD environments. Marinas are permitted in the UR environment only if owned, operated or franchised by a governmental agency for use by the general public.

B. General requirements.

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

2. Sewage pumpout facilities or the best available method of disposing of wastes shall be provided, located so as to be conveniently available to all boats. The Director may waive pumpout requirements if the applicant provides a covenant for

joint use of facilities within one-half mile of the proposed marina site.

3. Discharge of untreated sewage into the water shall not be allowed.

4. Off-street parking areas shall be provided in accordance with Section 24.60.615. Short-term loading areas may be located near berthing areas, and long-term parking areas shall be located away from berthing areas.

((~~5. Views from upland lots shall be preserved, and viewing areas for the nonboating public shall be provided.~~

~~C. When located in the CM environment, public marinas shall be subject to the following additional conditions:~~

~~1. Lot coverage over water may be one hundred percent, but no more than sixty percent over the upland portion of the lot.~~

~~2. Maximum height of any buildings or structures shall be thirty-five feet.~~

~~3. Space for transient moorage shall be provided.~~

~~4. Covered moorage shall be prohibited.~~

5. ((~~Accessory uses customarily incidental to public~~)) A marina development may include other uses customarily associated with marinas, including restaurants, fueling stations, and stacked moorage, haulout and maintenance facilities, yacht clubs, boat sales and rentals, bait and tackle stores, and boat chandleries ((~~may be permitted by the Director~~)) when consistent in scale and intensity with the marina and surrounding uses and when the criteria of Section 24.60.540B are met.

6. Viewing areas for the nonboating public shall be provided except when both of the following two conditions are met:

(a) The marina provides less than 2000 lineal feet of moorage space; and

(b) the marina development includes only water-dependent principal uses.

7. Transient moorage shall be provided at the rate of 40 lineal feet of moorage space for each 1,000 lineal feet of moorage space in the marina if one or more of the following conditions apply:

(a) the marina provides 9,000 or more lineal feet of moorage; or

(b) the marina is part of a mixed use development including restaurants or other nonwater-dependent or nonwater-related uses which operate during evening and weekend hours; or

(c) the marina is partly or entirely within the US/CW environment; or

(d) the marina is owned, operated, or franchised by a governmental agency for use by the general public.

Section 51. Section 24.60.675 of the Seattle Municipal Code (Section 21A.101 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.675 Single-family, multi-family community recreation piers.

A. Preference will be given to shared piers or moorage facilities. Such facilities may be located adjacent to or on both sides of a property line upon agreement of two or more adjacent shoreline property owners. An appropriate legal agreement shall be furnished with a joint application.

B. Size and location.

1. Piers shall be located generally parallel to side lot lines, and no pier shall be located within fifteen 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 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 feet.

2. An existing pier not meeting the location provisions of this section may be extended to the maximum permitted in (5) below.

((2))3. Piers are permitted only when the lot width at the water's edge is not less than forty-five 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 feet.

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

((4))5. Maximum extension of a pier from the water's edge shall be as follows, whichever is greater:

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

b. To a point where the depth of the water at the end of the pier reaches eight feet below ordinary high water in fresh water and mean lower low water in tidal waters; provided, 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 established by ((~~Ordinance 92087~~)) Chapter 24.82 or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

((~~5~~))6. No pier shall exceed five feet in height above ((~~mean~~)) ordinary high water.

C. Permanent structures on piers, such as covered moorage (either fixed or floating) are prohibited.

D. ((~~Over water projections from s~~)) Single-family, duplex, and triplex ((~~shared~~)) piers are limited to one finger or spur pier, angled extension, float or platform per dwelling unit, not

to exceed one hundred square feet in area and not to be located closer than five feet from a side lot line. Residential piers serving multi-family residences of four or more units shall be limited to one such over water projection of no more 100 square feet per each two dwelling units.

E. A shared pier may have one extension, finger pier or float for each single-family residence not to exceed 150 square feet in area for each residence.

F. Related accessory uses such as boat lifts, diving boards, launching ramps, and marine railways shall be permitted if in scale with the pier.

G. Residential piers serving residences in the UR environment shall be used only by residents of the residential structures served by the pier and their guests.

Section 52. Section 24.60.680 of the Seattle Municipal Code (Section 21A.102 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.680 Commercial, public and other nonresidential piers.

A. Commercial and other nonresidential piers are permitted only to serve water-dependent and water-related uses.

B. Permanent structures except dolphins and piling necessary for moorage, existing houseboat((~~s~~)) moorages and other existing uses, are prohibited between the combined U.S. pierhead/bulkhead line and the Seattle Construction Limit Line in the ((~~US/LU~~))CM environment. Open moorage may be authorized in such area. Piers are permitted in the US/CW environment south of Bay Street only. 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 established by Chapter 24.82 or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Section 53. Section 24.60.685 of the Seattle Municipal Code (Section 21A.103 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.685 Floats.

Floats are permitted for water-dependent ((~~recreational~~)) uses, provided that:

A. Swimming ((~~P~~)) floats serving single ((~~or~~)), two-family, or three-family residential uses shall not exceed one hundred square feet in area per dwelling unit((~~,~~)). Swimming floats serving four or more residential units shall not exceed 50 square feet in area per dwelling unit. ((~~Multi-family and community recreation floats shall not exceed five hundred square feet.~~)) Swimming floats in public parks shall not exceed 2,500 square feet.

B. ((~~provided that f~~))Floats used in lieu of a residential pier shall be subject to the requirements for piers in Section 24.60.675.

Floats may be used in lieu of piers for wet moorage and for the launching of small recreational boats such as rowing shells and canoes.

C. The Director may designate a reasonable alternative location or reduce the coverage of any proposed float, or prohibit the placement of a proposed float, if it is found that a float at the proposed location would be detrimental to the fisheries resource or would substantially restrict navigation to adjacent properties.

D. All floats shall be constructed of non-toxic materials.

E. Floats shall not be situated so as to trap floating debris. The Director may require gaps between floats, between floats and other overwater structures, or between floats and the shore to prevent the entrapment of floating debris.

Section 54. Section 24.60.690 of the Seattle Municipal Code (Section 21A.104 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.690 Piling.

A. Piling may be permitted in CN environments only for ecological protective purposes, the protection or enhancement of natural features, and for underwater support of utility lines.

B. Piling will be authorized in other environments to enable a water-dependent or water-related use to extend over water as its functions require, and to support underwater utility lines.

C. Piling structures may be restricted when substantial littoral drift occurs or historic or significant scenic values exist. In such cases either open piling or floating structures may be required.

((~~B. All piling shall conform to the Standard Plan and Specifications of the city (9th Ed.)~~

~~E. Before any installation of piling, the Director shall approve the design and inspect piling and enforce strict quality control. Treated materials shall be~~

~~1. Without structurally significant defect or damage~~

~~2. Without toxic effects~~

~~3. Adequately protected and installed so as to realize the maximum service life~~

((~~F~~))D. All pile driving operations must be carried out as to minimize noise levels by using the best available noise reduction technology to the greatest extent possible, such as noise screens and cushioning of driving hammers, and construction must be scheduled as required by ordinance.

((~~G~~))E. All individual piles must have chemical or mechanical protection necessary to prevent leaching of pollutants into water.

Section 55. Section 24.60.705 of the Seattle Municipal Code (Section 21A.107 of Ordinance 86300, as amended by Ordinance

106200) is amended to read as follows:

24.60.705 ((~~Bulkheads and shoreline protective structures.~~))

Shoreline protective structures including bulkheads and natural beach protection.

A. ((~~Bulkheading will be authorized when:~~

~~1. Adjacent to a navigable channel; or~~

~~2. Where necessary for a water-dependent use; or~~

~~3. When necessary to check extraordinary erosion; and~~

~~4. When the construction material will be of adequate quality to meet specifications for piling in Section 24.60.685; and~~

~~5. When such bulkheading would not detrimentally redirect littoral drift, tide, waves, currents to other shore-lines.~~

~~B. Rip-rap will be preferred over bulkheading except in the UD environment. Sheet piling is permitted and will be authorized only when necessary to stablize a shoreline which, because of extraordinary erosion, cannot otherwise be retained or protected by plantings or similar organic means.~~

~~C. Rip-rap faces must be constructed to a stable slope and be of a material of sufficient size to be stable.~~))

Natural beach protection is permitted as a special use in all environments. The design and use of naturally regenerating systems for prevention and control of beach erosion is encouraged and preferred over bulkheads and other structures. Any such protection must be designed to meet the needs of the specific site where it is proposed. Design alternatives include but are not limited to:

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

2. Planting with short-term assistance, when appropriate.

B. Natural beach protection shall be "normal maintenance and repair" and exempt from the substantial development permit requirement when used in lieu of a normal protective bulkhead common to single family residences described in D below.

C. Bulkheads may be authorized when:

1. Adjacent to a navigable channel; or

2. Necessary for a water-dependent or water-related use; or

3. Necessary to prevent extraordinary erosion, but only when natural beach protection is an unreasonable alternative; and

4. When such bulkheading would not detrimentally redirect littoral drift, tide, waves, currents or sediments to other shorelines.

D. Bulkheads accessory to single family residences are "normal protective bulkheads common to single family residences" and are exempt from the substantial development permit requirement when:

1. Necessary to maintain existing land and to protect from extraordinary erosion and:

2. Additional dry land mass is not created; and

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

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

5. The existing contour of the shoreline is generally followed.

E. Rip-rap bulkheads shall be preferred over vertical wall or slab bulkheads except in the UD environment. Sheetpiling and precast concrete slabs with vertical waterward faces shall include adequate tiebacks and toe protection.

F. Rip-rap faces shall be constructed to a stable slope and shall be of a material of sufficient size to be stable.

Section 56. Section 24.60.710 of the Seattle Municipal Code (Section 21A.108 of Ordinance 86300, as amended by Ordinance 106200) is hereby repealed.

Section 57. Section 24.60.715 of the Seattle Municipal Code (Section 21A.109 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.715 Dredging - General requirements.

A. 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 mitigable impact on water quality and aquatic life.

B. Dredge spoil shall be deposited in an approved submerged site only if the spoils meet applicable federal criteria for deposit in navigable waters.

C. Dry land deposit of dredge spoil will be authorized only on shoreline sites which contain no unique, fragile or ecologically valuable resources.

D. Dredging shall be timed so that it does not interfere with migrating aquatic life, and meets state and federal requirements therefor.

E. Stockpiling of dredged material in or under water is prohibited.

F. Dredging is a permitted use if:

1. In CM, UR, US/LU, US/CW or US environments, if it involves removal of less than five hundred cubic yards;

2. In the UD environment, if it involves removal of less than one thousand cubic yards.

G. Dredging in excess of the limits of subsection F is a special use and shall be permitted only if the additional conditions of Section 24.60.525 H are satisfied.

Section 58. Section 24.60.720 of the Seattle Municipal Code (Section 21A.110 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.720 Dredging in CN environment.

Dredging is prohibited in CN environments except when done by the United States Corps of Engineers and except in those limited instances where necessary for the maintenance, improvement of navigational channels, or to provide access to a water-dependent or water-related use, or for the protection of natural environment, as a conditional use.

Section 59. Section 24.60.725 of the Seattle Municipal Code (Section 21A.111 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.725 Landfill in environments other than CN.

A. Landfill for the purpose of natural beach protection as described in Section 24.60.705 is permitted as a special use in all environments. Landfill for other than natural beach protection is permitted as described below.

((~~A.~~)) B. Landfill ((~~is permitted on wetlands or~~)) in submerged areas below the line of ordinary high water ((~~only under the following conditions:~~)) in the CM, UR, US and UD environments is a special use and shall be permitted only if the conditions of Section 24.60.525H and those below are satisfied:

1. ((~~The area of the water's surface shall not be reduced unless the applicant can demonstrate a clear public benefit for doing so.~~)) Landfill which does not reduce the area of the water's surface may be permitted only for water-dependent and water-related uses and only when no reasonable alternative exists.

2. Landfill which reduces the water's surface may be permitted only for water-dependent uses and only when no ((~~feasible~~)) reasonable alternative exists and the applicant can demonstrate a clear public benefit.

3. Landfill may be permitted to correct an otherwise adverse environmental condition or to enhance a site damaged by previous action if no reasonable alternative exists, and if the applicant can demonstrate a clear public benefit for doing so.

((~~B.~~)) C. Backfill behind a bulkhead or rip-rap may be permitted and will not be considered "landfill" if it is incidental to, and required for, the bulkhead or rip-rap and if the bulkhead does not create land.

((~~C.~~)) D. Landfill is a permitted use on wetlands if:

1. In CM, UR or US environments, less than five hundred cubic yards is placed;

2. In UD environments, less than one thousand cubic yards is placed;

((~~3. Conditions relating to type or quality of fill materials, method of placement, and stabilization imposed by the Director are observed.~~))

((~~D.~~)) E. Landfill on wetlands in excess of the limits of subsection C is a special use and shall be permitted only if the additional conditions of Section 24.60.525 H are satisfied.

((~~E.~~)) F. Landfill is prohibited in the US/CW and US/LU environments.

((~~F.~~)) G. Sanitary landfill and garbage dumps are prohibited.

((~~G.~~)) H. Solid waste such as broken concrete, building debris, appliances, car bodies, vegetation, flammable material, or water soluble and/or toxic waste are prohibited as fill material on both wetlands and submerged lands.

Section 60. Section 24.60.730 of the Seattle Municipal Code (Section 21A.112 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.730 Landfill in CN environment.

((~~Landfill in CN environment is prohibited except in those limited instances where necessary for the maintenance, improvement or protection of the natural environment, and at designated and approved dredge spoil sites, as a conditional use.~~)) Landfill for natural beach protection as described in Section 24.60.705 is permitted as a special use in the CN environment. Landfill which reduces the area of the water's surface is prohibited. All other landfill including dredge disposal is a conditional use in the CN environment. Solid waste such as broken concrete, building debris, appliances, car bodies, vegetation, flammable material, or water soluable and/or toxic waste are prohibited as fill material on both wetlands and submerged lands.

Section 61. Section 24.60.740 of the Seattle Municipal Code (Section 21A.114 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.740 Aquaculture - Structures.

Aquaculture structures may be permitted as ((~~a shoreline conditional use~~)) indicated in Table 2 if they do not significantly restrict navigation, and if the water body is capable of absorbing the wastes generated by the proposed aquaculture activities.

Section 62. Section 24.60.745 of the Seattle Municipal Code (Section 21A.115 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.745 Offshore facilities.

Offshore facilities located outside the outer harbor line (including floating docks, artificial islands or mono-buoys) as it exists on January 1, 1983, are permitted as a conditional use if necessary for the operation of a water-dependent or water-related use. ((~~are prohibited.~~))

Section 63. Section 24.60.750 of the Seattle Municipal Code (Section 21A.116 of Ordinance 86300, as amended by Ordinance 106200) is amended as follows:

24.60.750 Nonprofit fraternal and social club and multiple residence recreational facilities other than moorage.

Recreational and fraternal uses are permitted in the US, US/LU and US/CW environments as indicated in Table ((3)) 2 and in the UR environment as a special use where permitted by the underlying zone. All such uses shall provide regulated public access, and shall conform to the bulk requirements of Table ((2)) 1. Recreational facilities such as swimming pools and tennis courts are permitted accessory uses to a multiple residence.

Section 64. Section 24.60.755 of the Seattle Municipal Code (Section 21A.117 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.755 Community facilities other than moorage.

Community facilities such as churches, schools, and community ((~~clubs~~)) centers ((~~and existing nonprofit recreational clubs~~)) are permitted ((~~outright in all environments except CN, CM and UD,~~)) as indicated in Table ((3)) 2. Such uses shall provide regulated public access and shall conform to the bulk requirements of Table ((2)) 1.

Section 65. Section 24.60.760 of the Seattle Municipal Code (Section 21A.118 of Ordinance 86300, as amended by Ordinance 106200) is amended as follows:

24.60.760 Public parks and park activities.

Parks are permitted uses in all environments as indicated in Table ((3)) 2, but nonwater oriented facilities and activities such as playgrounds and playfields for active sports are not permitted in Shoreline District. Swimming pools are permitted in the Shoreline District when designed and constructed so as not to disturb existing conditions near the water's edge.

Section 66. Section 24.60.765 of the Seattle Municipal Code (Section 21A.119 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.765 ((~~Private, nonprofit y~~))Yacht, ((~~or~~)) boat, and beach clubs.

A. Buildings and facilities for yacht, ((~~or~~)) boat, and beach clubs which are ((~~incorporated, nonprofit, fraternal organizations~~)) limited to pleasure boat, ((~~and~~)) pleasure yachting, and swimming activities and not selling alcoholic beverages to the public, together with ((~~covered and non-covered~~)) moorage and other accessory uses customarily incidental thereto, ((~~as permitted in the UR environment~~)) are permitted in the US, US/LU, US/CW, and UD environments, and as a special use in the CM and UR environments where permitted by the underlying zoning. Membership in yacht and boat clubs in the US/CW environment must be open to the general public. Yacht and boat clubs providing moorage are also subject to the following requirements:

1. Lavatory facilities shall be provided.

2. Sewage pumpout facilities or the best available method of disposing of wastes shall be provided, located so as to be conveniently available to all boats. Clubs providing moorage only for canoes, rowing shells, open-cockpit sailboats, and other small boats not having toilet facilities on board shall not be required to provide sewage pumpout facilities.

3. Transient moorage shall be provided as required in Section 24.60.670 (B)(7).

4. Yacht and boat clubs must show that the small boat traffic generated by the facility will not adversely interfere with ferry or other commercial marine traffic.

(Section 67--preprinted paragraph on last page of ordinance)

(To be used for all Ordinances except Emergency.)

Section 67. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the ..... day of ....., 19 ...,

and signed by me in open session in authentication of its passage this ..... day of

....., 19 ....

.....

President ..... of the City Council.

Approved by me this ..... day of ....., 19 ....

.....

Mayor.

Filed by me this ..... day of ....., 19 ....

Attest: .....

City Comptroller and City Clerk.

(SEAL)

Published .....

By .....

Deputy Clerk.

CSS 8.1.6

MEMORANDUM Seattle Department of Construction and Land Use

To SEPA PIC and File for Fine-tuning Amendments

From Elsie Hulsizer, Senior Environmental Specialist Date March 31, 1983

Subject Effects on the Final DNS of Modifications Made to the Fine-tuning Amendments During Land Use Committee Review

During review by the Council Land Use Committee (LUC) of the Fine-tuning amendments to the Seattle Shoreline Master Program, a number of minor changes were made to the proposed amendments in Engrossed CB 103475. DCLU has reviewed the changes and concluded that they do not change our determination of Non-Significance (no EIS required). The changes are as follows:

I. Rewordings proposed by the LUC which do not change the intent of the Mayor's proposal.

A. Changes to definitions of upland and waterfront lots. The changes make it clear that new waterfront lots can be created by street vacations or movements, but that new upland lots cannot. (P.2 and 3)

B. Addition of words "specific use and bulk" to Section on developments partly in and partly out to clarify that the portions outside of the shoreline district which are not subject to the specific use and bulk provisions are subject to the procedural regulations governing shoreline permits. (P.7)

II. Modifications to the proposal by the LUC.

A. Addition of height exemptions for landscaping trellises on the Central Waterfront (p. 11). These structures must be designed to not block views, and, therefore, will cause no significant adverse impacts.

B. The phrase "In the US/CW environment no additional coverage of the water by fixed structures shall be permitted" was stricken from p. 12 and footnote 9 of p. 19, and replaced by "In the US/CW environment, new piers for water-dependent uses shall be permitted with a lot coverage of 50 percent." on p. 12 and "New piers in the US/CW environment shall be permitted for water-dependent uses only" on p. 49. The result of this change is to allow somewhat greater lot coverage at one location (Pier 71 which now has less than 50% lot coverage) and to restrict new piers to water-dependent uses everywhere in the US/CW. Because of the limited amount of additional over water coverage this would allow, the impacts will not be significant. Moreover, the new restrictions to water-dependent uses for new piers (which would otherwise have been permitted for water-related uses as well) should result in a reduction in impacts.

C. Restaurants were changed from an allowed use on waterfront lots in the US/LU to a conditional use provided that the restaurant "Shall not usurp land needed for and better suited to water-dependent and water-related industrial and commercial uses." (p. 49)

No adverse impacts are expected from this proposal. Restaurants will remain permitted uses on upland lots, but must obtain conditional use approval on waterfront lots. The amendment will enable the City to carry out the intent of preferring water-dependent uses on waterfront lots, and, therefore, will not have an adverse impact on land use. In that it is possible some applications for restaurants would be denied, the amendment could result in continuation of existing water-dependent uses or establishment of new water-dependent uses with a greater pollution potential than restaurants. However, given the existing urban nature of Lake Union and the existing water-dependent industries already located there, no significant impacts are anticipated.

D. Signs. Business signs in the CM and UR environment were changed from prohibited uses to permitted uses with the condition that they shall "identify the name of the business only and not the products sold" (p. 50 and 50 a). Because of this restriction and the additional restrictions in the shoreline regulations and the underlying zoning on signs, no significant adverse impacts are anticipated from this amendment.

E. Existing yacht clubs. A new category of "existing yacht clubs" was created. The existing yacht clubs would be permitted outright in all environments except CN whereas, new yacht clubs would be special uses in the CM and UR environments as proposed by the Mayor. Because of the limited number of existing yacht clubs and because only minor expansions would be anticipated, no significant impacts are expected from this proposal.

F. Floats in the US/CW. The new proposal would permit 3,600 sq. ft. of float coverage per pier in the US/CW instead of 1,800 square feet in the Mayor's proposal. The 3,600 square feet would permit piers to have floats along their full length. The additional coverage would still leave adequate open water for navigation. Other provisions in the Fine-tuning amendments would permit the Director of DCLU to mitigate impacts on the fishery resources by limiting float sizes or requiring their relocation. Therefore, no significant impacts are anticipated from this proposal.

III. Corrections to language by DCLU which do not change the intent of the Mayor's proposal.

A. Clean-up of confusing language in definition of upland through lots (p. 3) and regulations of view corridors for upland through lots (p. 13).

B. Corrections to use of words yard and setback referring to underlying zoning provisions (p. 13, 14).

C. Replacement of word "state" with "government agency" in the public access exemption for totally submerged lands.

D. Residential Uses. The wording requiring conditional use approval for housing when the underlying zone is CG or M was rewritten to ensure continuance of the provision when the new neighborhood commercial code is passed.

E. Parking. References to parking requirements in specific sections of Title 23 were replaced by general references to Title 23 to accommodate future parking requirements in the new neighborhood commercial code.

F. The word "water-related" was added to "water-dependent" on page 70 for those uses permitted to have landfill. That particular reference to water-dependent uses was overlooked when the amendment splitting water-dependent uses into water-dependent and water-related uses was drafted. This change would not permit fill beyond that now permitted.

IV. Modifications by DCLU to the proposal for heights in the Urban Residential environment. At the suggestion of the State Department of Ecology the proposal to have heights in the UR environment governed by the underlying zoning was changed to have heights where the zoning is residential be governed by whichever regulation is the more restrictive. One footnote was added to permit 60 foot heights in the Midrise zone along Alki. Because the new proposal would have the sole result of a 2 foot reduction of heights in L-3 zones, no significant impacts are expected from this change.

EJH:11d

Your City, Seattle
Planning Commission

RECEIVED
JUL 30 1982
Dept. of Construction & Land Use

July 30, 1982

William J. Justen P. E.
Director
Dept. of Construction & Land Use

Dear Mr. William Justen,

On June 3, 1982, the Planning Commission in conjunction with the City's Department of Construction and Land Use held a public hearing on the proposed amendments to the Shoreline Master Program. A summary of the comments received at that hearing is attached. On July 8, 1982, after several weeks of analysis and discussion, the Planning Commission took a position with respect to several of the proposed amendments. These have been summarized and are also attached.

The Commission supports the work of DCLU to clarify the present law, correct existing errors and address inconsistencies with State requirements. We were pleased with the cooperation of DCLU and impressed with the professionalism and competence of Margaret Fleek and Elsie Hulsizer. Their patience in explaining the proposed amendments to Commission members over a long series of working sessions was appreciated. Although the public may not agree with every proposed amendment, DCLU staff should be applauded for their conscientious attempt to balance the various Shoreline interests. If you wish further information, please call me at 4451.

Sincerely,

Mitchell

Mitchell Baker, Executive Secretary
Planning Commission

cc: Carol Lewis, Mayor's Office

Planning Commission's Recommendations:

Proposed Shoreline Amendments

Listed below are five proposed Shoreline Amendments that the Planning Commission analyzed and discussed. These issues are summarized along with the Commission's vote taken on July 8, 1982.

Summary

The Commission supported parking in view corridores with a 4ft. depression. A 6ft. depression advocated by two Commissioners would have required an extensive amount of grading. Permitting Historic Ships to contain restaurants and retail uses was supported, however, the Commission did register concern over parking and encourages DCLU to minimize areas on the Shoreline allocated for parking and to explore innovative ways of reducing required off-street parking. The present status for covered moorage was supported by the Commission. The Commission felt that the City Council made this difficult decision some years ago and that it should not be re-examined at this time. The Commission unanimously endorsed DCLU's efforts to reduce over the water coverage by limiting finger piers and swim floats. DCLU's proposal for Upland Lots was also supported. However, the Commission's support was conditioned as discussed below.

1. Parking in view corridores

Present Status: Parking is prohibited in view corridores

Proposal: Parking for motor vehicles shall not be located in view corridores except when the area of the lot where the parking would be located is depressed 4ft. or more below street level. Parking does not have to be depressed if it is required parking for a water dependent use.

DCLU Rationale: 4ft. is the average height of an automobile thus parked cars would not obstruct views.

Planning Commission Recommendation:

	Vote
Support DCLU proposal	8
Oppose DCLU proposal (favored a 6ft. depression)	2
Abstain	1

2. Historic Ships

Present Status: Historic Ships are not permitted to have restaurants or retail businesses on board.

Proposal: Permit Historic Ships as a conditional use with a ½ mile dispersion criteria to contain restaurants and retail business.

DCLU Rationale: Historic Ships require funds to exist and restaurants and retail uses would supply such a source of funding.

Planning Commission Recommendation:

	Vote
Support DCLU proposal	9
Oppose DCLU proposal	1
Abstain	1

3. Covered Moorage

Present Status: Permitted in Urban Stable, US.
Prohibited in Urban Stable Lake Union US/LU.

Proposal: No Change at this time

DCLU Rationale: Issue has been dealt with by City Council.

Planning Commission Recommendation:

	Vote
Support DCLU proposal	10
Oppose DCLU proposal	0
Abstain	1

4. Finger Piers and Swim Floats

Present Status: Allow one pier and float per dwelling unit.

Proposal: Allow one pier and float for every 2 dwelling units in developments with 4 or more units.

DCLU Rationale: Reduce over the water coverage.

Planning Commission Recommendation:

	Vote
Support DCLU proposal	11
Oppose DCLU proposal	0
Abstain	0

5. Upland Lots

Present Status: Upland lots are restricted in their use and lot coverage depending on their location and shoreline designation. Present program makes little distinction between upland and waterfront bulk and use requirements.

Proposal: Increase number of uses permited in some environments and in some areas increase the amount of lot coverage.

DCLU Rationale: The intent of the program was to restrict non-water-dependent uses and to encourage water-dependent uses. However, upland lots cannot have water-dependent uses because they do not have water access. The result was that the present program permits very few economically viable uses on upland lots in some environments.

Planning Commission Recommendation: The Commission supported DCLU's Upland Lot proposal with the understanding that DCLU will also propose 1) eliminating the PUD provisions for the Central Waterfront in the existing Shoreline Master Program, 2) making offices a conditional use for upland lots along Lake Union and 3) eliminating submerged lands from floor area calculations along the Ship Canal and the Duwamish.

	Vote
Support DCLU proposal	9
Oppose DCLU proposal	1
Abstain	1

PROPOSED SHORELINE MASTER PROGRAM AMENDMENTS
JUNE 3, 1982 PUBLIC HEARING

INTRODUCTION

The City Planning Commission in conjunction with the Department of Land Use and Construction held a public hearing on the proposed Shoreline Master Program amendments on Thursday, June 3, 1982 in the City Council Chambers. What follows is a summary of comments made by private individuals and representatives from various groups. Organizations represented included: Seattle Shorelines Coalition, North Pacific Fishing Vessel Owners' Association, CH2M Hill, Fremont Community Council, League of Women Voters of Seattle, Cornerstone Development Company, Downtown Seattle Development Association, Lake Union Dry Dock Company, North Queen Anne Community Club, Pier 66 Corporation, and the Fremont Dock Company.

The comments are organized into five categories.

I. General Comments

II. Upland Lots

III. Central Waterfront

IV. Lake Union/Portage Bay

V. Ship Canal/Duwamish

In addition numerous comments were made about the lack of proper and timely notification for the hearing. The City was urged to notify all property owners affected by these amendments including owners in the midst of the permitting process. Also, several citizens spoke of various problems with the current Shoreline Program as it relates to their specific piece of property. Further information regarding the names and addresses of these property owners is available through the Planning Commission.

I. GENERAL COMMENTS

--clarify accessory use definition

--make goals and terms less vague, e.g. what is visual blight?

--include (1) lumber and plywood mills; (2) fish-processing plants (3) sand and gravel companies (4) petroleum handling and processing plants and (5) log booming, rafting and storage as water-dependent uses not water-related. We need more jobs and industries on our waterways and less trendy shops and condominiums.

--do not propose any changes that result in restricting access to the shorelines

--do not determine who uses the Shorelines by a profit criterion

--include provisions for handicapped access along the Shorelines

--clarify waterfront lot definition

--emphasize policy and administration and not definitions in the present effort to amend the program

--give property owners a say when proposals are made to further restrict existing uses

--hold a series of hearings and seminars on the proposed amendments

--proceed more slowly with the amendment process

--delete proposed amendments where new definitions would allow parking for water-related uses

--create a citizen Shoreline Advisory Board to review the Shoreline Master Program amendments and administration, and to hear appeals

--prohibit uses on the Shoreline which cater to tourists

--wave minimum setbacks and give special attention to odd shaped and smaller sized lots

--support additional recreational uses on the waterfront

--do not permit living aboard ships or boats and address this more

cont.

I. GENERAL COMMENTS (continued)

completely in the proposed amendments

--do not subject development of lots which are neither a waterfront nor an upland lot to the regulations of the Shoreline Master Program

--permit "Trade Center" as a use in the zoning code because it is quite distinct from retail, wholesale, exhibition areas or other uses permitted in the code

--add an additional category of uses, perhaps labeled "water-benefitted" or "water-oriented" which do not require access to the water or to water-dependent uses for their operation, but which afford a greater level of enjoyment for members of the public using them if they are located in close proximity to the water, e.g. restaurants, hotels, etc.

--do not differentiate between "water-dependent" and "water-related" uses. Saying there is a business which is "not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location "is doubletalk.

--commenting on the proposed amendments is difficult when DCLU and the libraries are not able to supply current copies of the Shoreline Master Program

--do not extehd planning efforts for the dry land into the shoreline districts as these efforts fly in the face of the Shoreline Management Act

--the inclusion of a MacDonald's Hamburger restaurant in historic vessels is a quid pro for the contribution of funds to the Northwest Seaport. Should zoning regulations contain these provisions or should this come under the requirements of the City to accept open bidding for concessions in public services?

--attempts have not been made to draft regulations which support the Goals and Policies of the Shoreline Master Program

--add a footnote 20 (page 35, line 14) with the following language "enclosing ground floor or deck areas existing as of March 17, 1977 and using the roof of such enclosed areas as a replacement deck is a special use in particular environments. Permitted only if additional conditions of Section 24.60.525H are satisfied. See section 24.60.545."

II. UPLAND LOTS

--support distinctions between waterfront lots and upland lots

--support expanded uses in upland lots

--support proposed part in/out provisions. Proposed amendments greatly clarify the existing provisions.

--request 100% lot coverage for upland lots if height limits remain and view corridors are preserved

--clarify view corridor requirements on upland lots

--ease present height restrictions for upland property owners

--do not take areas out of the shorelines district in the name of "upland" lots. This is hardly "housekeeping" but represents a major action by DCLU. This major action would have significant impacts on the environment of the shorelines district.

III. CENTRAL WATERFRONT

--expand the type of permitted uses on existing piers to allow hotels, motels, and residential developments

--exclude public access when calculating over water coverage

--exclude floats from lot coverage calculations

--remove PUD provisions for piers 50/51

--allow more waterfront coverage

--proposed changes on the Central Waterfront ignore the port's unique position and the fact that the existing maritime industry needs to grow

--allow more than 30 percent of the floor space of a building to be office space, e.g. at pier 69 which has more levels than do most piers, it is not possible to fill 70% of the space with other uses

--contact the present or potential maritime businesses using the Central Waterfront

IV. LAKE UNION/PORTAGE BAY

--change provisions to allow greater lot coverage and height

--eliminate covered moorage restrictions on Lake Union

--do not include floats and moorage in lot coverage calculations

--allow accessory uses over water

--proposed transient moorage requirements are unneccessary and an added burden

--do not require existing parking areas to provide new landscaping and screening because parking is presently at a premium in all areas around Lake Union

--oppose the Henry Pier on Lake Union because it would displace maritime-commercial industries which depend entirely on a shoreline location for their existence. The Shoreline Master Program states that preference will be given to "water-dependent uses--all uses that cannot exist in any other location and are dependent on the water by reason of the intrinsic nature of their operations."

--prohibit covered moorages in Portage Bay

V. SHIP CANAL/DUWAMISH

--include height limits for the Ship Canal

--increase public access to the Ship Canal

--create more visible access to the Canal

--prohibit residences from locating over water

--provide additional controls along the Duwamish. The present uses are not appropriate to the shoreline.

--In its quests for "beauty" and "cosmopolitan living", Seattle may end up sacrificing its heritage of maritime commerce. In providing living and recreational facilities for a few, Seattle may be eliminating long-term employment opportunities for many. Condominiums and restaurants can exist without water and shoreline sites. But without support services situated in these areas, the fishing fleet will eventually have to look to other ports such as Tacoma, for its needs.

FINAL DECLARATION OF NON-SIGNIFICANCE

Proponent CITY OF SEATTLE, DEPARTMENT OF CONSTRUCTION AND LAND USE

Location of Proposal THE SHORELINES OF SEATTLE

Lead Agency CITY OF SEATTLE, DEPARTMENT OF CONSTRUCTION AND LAND USE

DESCRIPTION OF PROPOSAL

SEATTLE SHORELINE MASTER PROGRAM - "Fine-Tuning" Amendments

The Department of Construction and Land Use is proposing a series of text amendments to the Seattle Shoreline Master Program (SSMP). The amendments are of limited scope and of non-project nature. The emphasis is on bringing the SSMP up to date with decisions by the Shorelines Hearings Board and the Court and with changes in the Department of Ecology guidelines; on improving wording to eliminate ambiguities and contradictions; on loosening restrictions on upland lots; and on permitting some projects outright which now require conditional use and variance approval.

A comprehensive description of the amendments to be proposed is given in Attachment A. Analysis of the impacts is given in the body of the checklist.

In filling out the environmental impacts section of the checklist, the "maybe" column was checked rather than the "yes" column whenever impacts to the physical environment were identified. This is because the proposed amendments themselves would not cause the impacts, but rather any future projects that might result from the amendments would cause impacts. Thus, "maybe" indicates doubt that the impacts will occur, not doubt that they could occur. Whether the impacts occur depends on the plans of property owners and other factors, such as the state of the economy.

Proposed amendments which could result in later impacts on the environment include: (1) modified bulk and use provisions for upland lots, (2) requiring that only that part of a development within the shoreline district be regulated by the SSMP, (3) allowing greater movement of floating homes in and between existing moorage, (4) allowing natural beach protection as an outright permitted use in all environments, (5) permitting residential piers now built too close to the lot line to extend out to their limit, (6) allowing greater coverage for recreational floats and for moorage floats on the central waterfront, (7) permitting restaurants and retail use on historic ships, (8) exempting chimneys from height requirements, (9) permitting offshore facilities and floating dolphins as conditional uses, and (10) adopting the Department of Ecology's variance and conditional use criteria.

A proposed Declaration of Non-Significance was issued on March 9, 1982 and sent to the State Department of Ecology which concurred with our findings of Non-Significance. A draft of the proposed amendments was issued for public review on May 11, 1982. The City Planning Commission held a hearing on the proposed amendments on June 3, 1982.

Copies of the proposed amendments were also sent to the State Departments of Ecology, Natural Resources, Fisheries, Game, and Transportation; to the Municipality of Metropolitan Seattle, the Port of Seattle, and to all City Departments. Comments were received from the State Department of Natural Resources, and from the City Departments of Community Development, Engineering, Parks and Recreation, City Light, and the Land Use and Transportation Project. The proposed amendments (Attachment B) were modified to incorporate many of the changes suggested by the other departments as well as modifications requested by the City Planning Commission and by the public. A brief description highlighting the changes since the May 11, 1982 draft is attached (Attachment C).

Further analysis of environmental impacts is contained in the checklist which is part of the file.

[X] This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

[ ] This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C. 030(2)(c).

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department.

The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA. This document is not a permit, nor does it constitute a decision or recommendation to grant or deny a permit.

Director or Authorized Representative Elsie Hulsizer

Position/Title Senior Environmental Specialist

Date July 30, 1982 Signature Elsie J Hulsizer

SMP8/SMP2

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

A. Name of Proponent:

Department of Construction and Land Use (DCLU)

B. Address and Phone Number of Proponent:

408 Municipal Building, Seattle, Washington 98104
For information, call: Elsie Hulsizer, 625-4509 or Judy Talman, 625-2781

C. Date Checklist Submitted:

D. Agency Requiring Checklist:

Department of Construction and Land Use

E. Name of Proposal, if applicable:

Seattle Shoreline Master Program "Fine-tuning" Amendments

F. Nature and Brief Description of the Proposal (including but not limited to its size, general design elements, and other factors that will give an accurate understanding of its scope and nature):

Amendments to the Seattle Shoreline Master Program (SSMP) or chapter 24.60 of the Seattle Municipal Code.

All amendments are of a non-project nature. Any projects which result from these amendments would require permits and separate environmental review.

The scope of the amendments is limited. Substantive policy issues are left for a later date. The major emphasis is on bringing the SSMP up to date with recent court and Shorelines Hearing Board cases and changes in the Department of Ecology Guidelines, on improving wording to eliminate ambiguities, and on loosening restrictions on upland lots (lots without water access). Additionally some types of projects which the City now routinely approves through the variance or conditional use procedures would be permitted outright.

See Attachment A for a complete Project Description and Attachment B for a copy of the proposed amendments.

G. Location of Proposal (describe the physical setting of the proposal, as well as the extent of the land area affected by any environmental impacts, including any other information needed to give an accurate understanding of the environmental setting of the proposal):

The Seattle Shoreline Master Program governs portions of the waters of Puget Sound, the Duwamish River, Lake Washington, Lake Union, and Green Lake and the wetlands from the shoreline landward for 200 feet.

H. Estimated Date of Completion of the Proposal:

Fall 1982.

I. List of all Permits, Licenses, or Government Approvals Required for the Proposal (federal, state and local-including rezones):

Approval by the Seattle City Council and the State Department of Ecology.

J. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:

1. The City is rewriting its Zoning Code of which the SSMP is a chapter. The SSMP will eventually be rewritten in the same format as and be included in the new Land Use Code.

2. DCLU is doing a comprehensive study and inventory of the City's Shorelines to determine the need for further amendments to the SSMP and as background information for the Environmental Impact Statement for the Downtown Policies being formulated by the Mayor's Land Use and Transportation Project. Future amendments resulting from this study would focus on policy issues such as the revitilization of the Central Waterfront and preservation of water-dependent industry in Lake Union.

K. Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:

The Seattle Land Use and Transportation Project is preparing policies for the Downtown and for Neighborhood Business and Commercial districts throughout the City including the shorelines. Where appropriate these plans will be incorporated into the policy amendments described in J(2) above.

L. Attach any other application form that has been completed regarding the proposal; if none has been completed but is expected to be filed at some future date, describe the nature of such application form:

None.

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required).

	Yes	Maybe	No
A. Earth. Will the proposal result in:			
1. Unstable earth conditions or in changes in geologic substructures?	___	___	x
2. Disruptions, displacements, compaction, or overcovering of the soil?	___	x	___
3. Change in topography or ground surface relief features?	___	x	___
4. The destruction, covering, or modification of any unique geologic or physical features?	___	___	x
5. Any increase in wind or water erosion of soils, either on or off the site?	___	___	x
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	___	x	___

Explanation:

2. The amendments will permit additional lot coverage on many upland lots (See Attachment A and Table 2 of the proposed amendments) and on some lots partly out of the shoreline. If owners choose to develop those lots, disruptions, displacements, compaction, or overcovering of the soil could occur.

3. Construction which might occur as a result of the natural beach protection and upland lot provisions may result in minor changes in topography or ground surface relief features.

6. The amendments would clearly permit natural beach protection and would encourage natural beach protection over bulkheading for single family lots. This could increase deposition of beach sands on affected beaches and decrease erosion.

   Changes in the language of the landfill section should have no impact since the change merely clarifies the interpretation DCLU has been making of this section.

	Yes	Maybe	No
B. Air. Will the proposal result in:			
1. Air emissions or deterioration of ambient air quality?	___	x	___
2. The creation of objectionable odors?	___	x	___
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	___	x	___

Explanation:

1. In that the proposed amendment would allow greater development on upland lots and to a lesser extent on some waterfront lots through the new variance criteria, additional traffic might be generated which would in turn generate additional air emissions. The areas most affected by the new upland lot provisions would be the Central Waterfront, Lake Union, Harbor Avenue S. W., and isolated business areas on Lake Washington and in West Seattle.

2. In that the proposed amendment would allow greater development on upland lots including nonwater-dependent manufacturing uses, some objectionable odors might be produced.

3. The additional development on upland lots may result in localized alterations of air movement around new buildings.

	Yes	Maybe	No
C. Water. Will the proposal result in:			
1. Changes in currents, or the course of direction of water movements, in either marine or fresh water?	___	x	___
2. Changes in absorption rates, drainage patterns, or the amount of surface water run-off?	___	x	___
3. Alterations to the course or flow of flood waters?	___	___	x
4. Change in the amount of surface water in any water body?	___	___	x

	Yes	Maybe	No
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?	___	___	x
6. Alteration of the direction or rate of flow of ground waters?	___	___	x
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavation?	___	___	x
8. Deterioration in ground water quality, either through direct injection or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters?	___	___	x
9. Reduction in the amount of water otherwise available for public water supplies:	___	___	___

Explanation:

1. Permitting greater coverage by floats in the Central Waterfront and elsewhere may result in some minor changes in water currents around those floats. However, the Director would have the authority to designate the location of floats or to order a reduction in lot coverage to mitigate any significant adverse impacts.

   Allowing somewhat greater finger pier area for shared residential piers may also result in more water coverage than by a single pier now. Or, it may result in less water coverage totally, if the permitted increase results in one shared pier rather than two separate piers.

2. Increased permissible lot coverage on upland lots could change absorption rates and increase amount of surface water runoff. Compliance with the Seattle Grading and Drainage Ordinances would mitigate these impacts.

   Areas where increased lot coverage could occur are the Central Waterfront, Lake Union on Westlake, Harbor Avenue, and isolated business districts along Lake Washington and in West Seattle.

	Yes	Maybe	No
D. Flora. Will the proposal result in:			
1. Change in the diversity of species, or numbers of any species of flora (including trees, shrubs, grass, crops, micro-flora and aquatic plants)?	___	x	___
2. Reduction of the numbers of any unique, rare or endangered species of flora?	___	___	x
3. Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species?	___	___	x
4. Reduction in acreage of any agricultural crop?	___	___	x

Explanation:

1. Permitting increased lot coverage of upland lots could result in the destruction of some existing planting, including natural vegetation. Areas where existing vegetation is most apt to be affected are along Westlake Avenue North on Lake Union and along Harbor Avenue S.W. in West Seattle. The landscape standards of Seattle's SEPA ordinance would be available to partially mitigate these impacts.

   Allowing increased float area and increased finger pier area for shared piers could result in a minor decrease in the amount of sunlight entering the water causing a decrease in photosynthesis and extremely localized reduction in some aquatic plants. On the Central Waterfront, coverage is already high, and the small amount of additional coverage permitted would not be significant.

E. Fauna. Will the proposal result in:			
1. Changes in the diversity of species, or numbers of any species of fauna (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, or micro-fauna)?	___	x	___
2. Reduction of the numbers of any unique, rare or endangered species of fauna?	___	___	x

	Yes	Maybe	No
3. Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna?	___	x	___
4. Deterioration of existing wildlife habitat?	___	x	___

Explanation:

1. and 4. The increased lot coverage permitted on upland lots, particularly, may result in the destruction of natural vegetation which in turn would reduce existing wildlife habitat.

Increased float coverage on the Central Waterfront and elsewhere, if built, would favor shade-loving fish species over salmonids. On the Central Waterfront the increase in shaded area would be small in comparison to existing coverage and would not be significant.

3. Permitting increased float area and possibly increased shared finger pier area, if built, could result in minor barriers to the migration of fish. However, the Director of DCLU would have the authority to designate the location or reduce the proposed coverage if the floats were found to significantly interfere with fish migration. Floats are also subject to hydraulic permits issued by the state Departments of Fisheries and Game.

F. Noise: Will the proposal increase existing noise levels?	___	x	___

Explanation:

The proposed increased lot coverage and increased range of uses on upland lots could result in increased development which would generate more noise from traffic, construction, and possible manufacturing machinery. Any development would be subject to the Seattle Noise Ordinance.

G. Light and Glare. Will the proposal produce new light or glare?	___	x	___

Explanation:

Because the proposed amendments would allow greater lot coverage and therefore more development, additional light and glare may result. These impacts may be mitigated to some extent by the light and glare policies of Seattle's SEPA ordinance.

	Yes	Maybe	No
H. Land Use. Will the proposal result in the alteration of the present or planned land use of an area?	x	___	___

Explanation:

The proposed amendments would permit a number of uses on upland lots that are prohibited by the existing SSMP. All new uses are those already permitted by the underlying zoning. In many cases, the proposed amendment would convert existing uses made legally nonconforming by the existing SSMP into conforming uses.

Attachment A lists permitted uses on upland lots only. The major changes will occur in the Central Waterfront, along Lake Union and on Harbor Avenue where the narrow depth of waterfront lots have created many more upland lots than elsewhere. A few properties along Lake Washington, the Duwamish and West Seattle will also be affected.

The environments with new uses permitted on upland lots are US, US/LU, US/CW and UD. No new uses are proposed for upland lots designated UR, CM or CN. Principal use parking, principal use warehousing and nonwater-dependent manufacturing will all be allowed in the US, US/LU, US/CW and UD environment. Principal use offices will be permitted on upland lots in the US/LU and in the US/CW. Hotels will be permitted as conditional uses on upland lots in the US/CW. Multifamily dwellings will be permitted in the US/CW where they are also permitted by the underlying zoning. Artist studio dwellings will be permitted in the US/LU, US/CW and UD environments.

Permitting hotels and housing on upland lots in the US/CW may serve to accelerate the existing trend in the Central Waterfront District away from warehousing and manufacturing towards commercial/residential uses by encouraging property owners to ask for rezones from the underlying zoning to permit housing where it is now prohibited. Those properties which are not rezoned may also undergo redevelopment or further development because of the reinstatement of warehousing and manufacturing as permitted use and because 100% lot coverage would be permitted.

The viability of water-dependent uses in the US/LU may be strengthened because non-water-dependent support services such as propellor manufacturer will be permitted to expand or to become established on upland lots.

The proposed amendment could also change the land use on lots that are divided by the 200-foot line. Development outside the shoreline on such lots would no longer be subject to the shoreline regulations, although a shoreline permit would still be required for the entire development.

	Yes	Maybe	No

Elimination of the Shoreline Planned Unit Development would have no impact on land use in the Central Waterfront because plans to build the expanded Ferry Terminal on the one site to which the PUD applies have already been developed without the use of the PUD provisions.

I. Natural Resources. Will the proposal result in:

1. Increase in the rate of use of any natural resources?	___	___	x
2. Depletion of any nonrenewable natural resource?	___	___	x

Explanation:

J. Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? ___ x ___

Explanation:

The proposed amendments would allow non water-dependent manufacturing uses on upland lots in the US, US/LU, US/CW, and UD environments. Such uses could result in a risk of upset if they were to include the use of hazardous substances.

K. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area? ___ x ___

Explanation:

The proposed amendments could alter the population slightly in Seattle by (1) permitting more development on upland lots which could in turn generate more jobs and (2) permitting housing on upland lots in the US/CW where it is now prohibited.

	Yes	Maybe	No
L. Housing. Will the proposed affect existing housing or create demand for additional housing?	___	x	___

Explanation:

The proposed amendments might create some limited demand for additional housing in Seattle by permitting more development on upland lots which could create more jobs.

The proposed amendments could also affect housing supply because they would permit housing to be built on upland lots in the US/CW environment. However, the increase would be minor or not immediate because there are now only limited sites in the US/CW where the underlying zoning permits housing.

The proposed amendments would permit more movement of floating homes in and between existing floating home moorages. It would also allow more remodeling and replacement of existing floating homes between the pierhead and construction limit line.

In the long run the proposed amendments could decrease (or prevent an increase in) housing opportunities in the US and US/LU environments because the amendments would incorporate the conditional use criteria now in the zoning code for Manufacturing and General Commercial Zones but slated to be removed when the new land use code for business and commercial areas is adopted.

	Yes	Maybe	No
M. Transportation/Circulation. Will the proposal result in:			
1. Generation of additional vehicular movement?	___	x	___
2. Effects on existing parking facilities, or demand for new parking?	___	x	___
3. Impact upon existing transportation systems?	___	x	___
4. Alterations to present patterns of circulation or movement of people and/or goods?	___	x	___
5. Alterations to waterborne, rail, or air traffic?	___	x	___

	Yes	Maybe	No
6. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	___	x	___

Explanation:

1, 2, 3, 4, 6. The proposed amendments would permit more development primarily on upland lots and to a limited extent on waterfront lots, which if built would generate more traffic, parking demand, and use of public transit. The additional development with its additional traffic would place demands on existing transportation systems and increase traffic hazards to motor vehicles, bicyclists, or pedestrians. Areas where these impacts would be greatest would be the Central Waterfront and Lake Union along Westlake and Fairview Avenues, and isolated neighborhood business districts along Lake Washington and in West Seattle. Seattle's SEPA ordinance has a policy on traffic and parking which would be used to mitigate these impacts.

The proposed amendments might also generate more small boat traffic. Charter, cruise, and tour boats would find it easier to obtain permits for floats for open wet moorage in the US/CW. This minor increase in small boat traffic could lead to some conflicts with larger vessels such as ferries. Boat clubs would find it easier to obtain permits for floats to launch their small canoes and rowboats. However, the actual increase in this small boat traffic would be negligible in comparision to what it would be without the amendments since all applicants to date have obtained such floats through the variance procedure. This impact would also be mitigated by the requirements of the proposed amendments that boat clubs show that their small boat traffic would not materially interfere with large vessel traffic.

N. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

	Yes	Maybe	No
1. Fire protection?	___	x	___
2. Police protection?	___	x	___
3. Schools?	___	x	___
4. Parks or other recreational facilities?	___	x	___
5. Maintenance of public facilities, including roads?	___	x	___
6. Other governmental services?	___	x	___

	Yes	Maybe	No

Explanation:

The proposed amendments would permit greater development on upland lots and to a very limited extent on waterfront lots. If built, this development would generate more demand for public services.

O. Energy. Will the proposal result in:

1. Use of substantial amounts of fuel or energy?	___	___	X
2. Demand upon existing sources of energy, or require the development of new sources of energy?	___	___	X

Explanation:

The only increase in energy demand would be from construction and new development that might result from the upland lot provision and less strict variance criteria.

P. Utilities. Will the proposal result in a need for new systems, or alterations to the following utilities:

1. Power or natural gas?	___	___	X
2. Communications systems?	___	___	X
3. Water?	___	___	X
5. Sewer or septic tanks?	___	___	X
5. Storm water drainage?	___	___	X
6. Solid waste and disposal?	___	___	X

Explanation:

Any new development resulting from the proposed amendments would be in areas with existing utilities.

Q. Human Health. Will the proposal result in the creation of any health hazard or potential health hazard (excluding mental health)?	___	___	X

Explanation:

	Yes	Maybe	No
R. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	___	x	___

Explanation:

The proposed amendments would exempt chimneys from the height requirements, thus permitting new buildings to be built several feet higher than under the existing SSMP. This additional height could result in some minor view blockage.

The proposed amendments would regulate height of residential structure in the UR environment by the underlying residential zoning instead of Table 2 of the SSMP. Where the zoning is SF, L_1, or L_2, permitted heights would be decreased from 35 ft. to 30 ft. and some views would be preserved that otherwise might be blocked. Where the zoning is L_3, the height limit would increase to 37 ft. from 35 ft. and some minor view blockage may occur. There are no highrise zoned properties in the shoreline. The one midrise zoned area, on upland lots along Alki, now has height governed by the RMH zone and therefore permitted height will decrease. Heights of residential structures in business and commercial zones would continue to be regulated by Table 2.

The proposed amendments would also permit greater lot coverage on some upland lots in the Central Waterfront, in some areas of Lake Union and Portage Bay, on Harbor Avenue, and in isolated business districts along Lake Washington and in West Seattle. This greater lot coverage could result in some view blockage. The greater range of uses on upland lots could also cause more development which would result in more view blockage.

S. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	___	x	___

Explanation:

The proposed amendments modify all sections of the code on regulated public access into an improved format which is more explicit for interpretation and enforcement. It also delineates minimum design standards. As such, improved shoreline recreational opportunities for the public can be anticipated.

The proposed amendments may also increase recreation opportunities by permitting greater float area for small boats such as canoes and rowing shells and for fishing charter and tour boats.

	Yes	Maybe	No
T. Archaeological/Historical. Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?	___	x	___

Explanation:

The proposed amendments would permit restaurants and retail uses in historic ships as a conditional use. Such uses would require some interior modifications of the ships.

II I, the undersigned, state that to the best of my knowledge the above information is true and complete. It is understood that the lead agency may withdraw any declaration of non-significance that it might issue in reliance upon this checklist should there be any willful misrepresentation or willful lack of full disclosure on my part.

Proponent: Elsie J. Hutchinson

Date: July 30, 1982

EH:lw
SMPB/CK14

REPORT ON THE PROPOSED FINE-TUNING AMENDMENTS TO THE SEATTLE SHORELINE MASTER PROGRAM

This report is designed to explain the intent, scope, and content of the proposed fine-tuning amendments to the Seattle Shoreline Master Program.

The report is not meant to give a detailed list of all proposed ordinance changes. Because of the complexity of the SSMP, a minor change in one section often requires changes in several other sections. The amendments are discussed as nearly as possible in the order they would appear in the Shoreline Master Program.

Definitions

Definitions of dry boat storage, landfill, transient moorage, and moorage walkway are added. New definitions of lot, upland lot, and waterfront lot are included for consistency with the new Land Use Code. A definition describing the concept of upland through lot is also proposed as part of the upland lot provisions described below.

Water-Dependent and Water-Related Uses

The existing SSMP classifies some water-related uses with water-dependent uses and omits other water-related uses entirely. The definition of water-dependent uses in the existing SSMP is contrary to Shorelines Hearing Board decisions, which have differentiated between water-dependent and water-related uses.

The proposed amendment would adopt definitions of water-dependent and water-related uses consistent with those of the Shoreline Hearings Board. To be classified as water-dependent, a use would have to be intrinsically dependent, not just economically dependent on the water. The amendment would give preference first to water-dependent uses, second to water-related uses, and third to nonwater-dependent and nonwater-related uses, but would treat water-related uses the same as water-dependent uses in terms of view corridor and public access provisions. These amendments are consistent with interpretations DCLU has made on recent shoreline applications.

Developments Partly In and Partly Out of the Shoreline District

This amendment would remove the requirement that a part of a development that is outside the shoreline district be governed by the shoreline regulations if any part of the development is within the shoreline district. Developments partly in and partly out of the shoreline district would still be required to obtain shoreline permits for the total development but only that part of the development within the shoreline district would be subject to the SSMP regulations. However, the City would still have conditioning authority over the entire project through the shoreline permit process.

Nonconforming Use

The existing SSMP incorporates by reference the Zoning Code sections pertaining to nonconforming uses and structures. Incorporation by reference is unacceptable to the Department of Ecology and the Shorelines Hearings Board. The proposed amendments would adopt specific language governing nonconforming uses and structures. The language is written to correspond as closely as possible to the language in the new Land Use Code.

Table 1 and Table 2A

These tables oversimplify and are therefore misleading. The text contains all the information needed. The amendments would eliminate these two tables entirely.

Bulk Regulations - Heights of Structure

The present program exempts chimneys from the height restrictions only if they are accessory to a water-dependent use. The Department of Ecology's Guidelines (WAC 173-14) exempt all chimneys whether accessory to a water-dependent use or not. The proposed amendment would be consistent with the WAC and would exempt all chimneys from height requirements.

The amendments recognize the importance of the new height instructions set by the new Land Use Code. Heights in the UR environment would be governed by the Single Family and Multi-Family Codes.

In those areas of the UD environment where heights are governed by a Floor Area Ratio rather than a specific height limit (such as along the Ship Canal), a footnote to Table 2 would be added to prohibit the use of submerged land in calculating Gross Floor Area for buildings on dry land. This amendment would serve to limit office structure height but not the height of manufacturing plants which tend to be one or two stories but as much as 55 ft. tall.

Bulk Regulations - Lot Coverage

The amendments would clearly state the Department's interpretation that piers and floats are included in lot coverage, a provision which is necessary to protect the fisheries resource.

Lot coverage for multi-family residences in the UR environment would be governed by setbacks, yards, view corridor, and the open space provisions in the multi-family code rather than by a set percentage. Submerged lands would not count as open space.

Floats on Central Waterfront

Many of the existing developments along the Central Waterfront area, from Bay Street to Washington Street, are not water-dependent uses, and over 50 percent of the piers are nonconforming as to bulk. The present Seattle Shoreline Master Program Section 24.60.395, Table 2 restricts lot coverage in this area to a maximum of 50 percent. Because of the nonconforming (as to bulk - lot coverage)

status of many of these existing piers, there have been three lot coverage variance applications since 1980 for commercial and tourist float additions.

This amendment would permit any existing nonconforming (as to bulk - lot coverage) pier, in the Central Waterfront which currently does not have a float, to have a float up to an area of 1800 square feet for open wet moorage without variance. This proposed amendment would save time and cost for the applicant and would be consistent with the purpose and intent of the US/CW environment as expressed in Section 24.60.355 B and C. The content of these subsections emphasizes that "...new development over water and the recycling and refurbishing of existing piers will be permitted which will: (b) strengthen water-oriented recreation tourist activity, related business, and public areas open to the water" and (c) "maintain a full complement of water-dependent uses."

View Corridors

The new view corridor provisions would provide additional guidelines for determining how much view corridor shall be provided and where it shall be located on the site. The section would allow for some modification of the view corridor requirements if either the intent to preserve views could not be met by a strict application of the requirements or certain specific property conditions exist which make strict application impractical or ineffective; the section would provide criteria for making the decision of whether the requirement can be modified.

The view corridor amendments would also more clearly state what can be located in view corridors. DCLU's policy, which has been upheld by the Shoreline Hearings Board, has been that cars could not be parked in view corridors unless the parking area was depressed enough below street level so that views would not be blocked. This policy would become part of the code. The amendments would further relax restriction against parking in view corridors by permitting required parking for water-dependent and water-related uses to be located in view corridors. The amendments would also permit boats undergoing repair to be located in view corridors. These latter amendments recognize the fact that nonwater-dependent uses such as restaurants and apartments benefit from landscaped open spaces, while water-dependent uses such as shipyards do not.

Upland Lots

Upland lots are lots within 200 ft. of the shoreline but separated from the water by a street or railway right-of-way. The existing SSMP does not differentiate between waterfront lots and upland lots in requirements for height, lot coverage, or uses permitted. In industrial, manufacturing, and business areas this lack of differentiation has reduced the permitted lot coverage on upland lots from that required by the underlying zoning without the corresponding public benefit of improved views of the water resulting from reduced lot coverage on waterfront lots. Because upland lots cannot logically be used for water-dependent or water-related uses the actual range of uses available to upland lots is less than that available to waterfront lots. The situation is especially critical along parts of Westlake Avenue N. on the west side of Lake Union where the combination of zoning and shoreline regulations leave retail and restaurants as the only permitted uses.

The proposed amendments would permit additional uses and additional lot coverage on some (mostly non-residential) upland lots by amending Table 2 (bulk provisions) and Table 3 (permitted uses). This proposal would not remove upland lots from shoreline control nor would it apply all of the provisions of the underlying zoning.

A new column for upland lot coverage would be added to Table 2. Areas where lot coverage would be substantially increased are Lake Union along Westlake Avenue (up to 100% from 50%) and the Central Waterfront from Pier 86 to S. Washington Street (up to 100% from existing 50-75%). There are also a number of small business areas along Lake Washington and in West Seattle where greater lot coverage would be permitted.

The lot coverage permitted in the underlying zoning was used as a basis for the new upland lot coverage limits. Where the underlying zoning lot coverage appeared inappropriate for the shoreline (such as along Fairview Avenue north of Newton Street), the waterfront lot coverage was retained on the uplands.

The proposed amendments would permit additional uses on upland lots in the US, US/LU, US/CW, and UD environments. No additional uses would be permitted in the CN, CM, or UR environments. New uses on upland lots would only occur if the uses were also permitted by the underlying zoning. The additional uses on upland lots would be as follows:

PERMITTED USES ON UPLAND LOTS ONLY

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Residential Uses									
Multi-family								A	
Artist Studio Dwellings							A	A	A
Retirement and other group homes								A	
Business and Commercial Uses									
Offices							C	A	
Hotels								A	
Transportation Facilities									
Principal Use Parking	615					A	A	A	A
Industrial and Manufacturing Uses									
Non-waterdependent manufacturing uses						A	A	A	A
Principal use warehousing and wholesaling						A	A	A	A

Many of the new uses proposed for upland lots have the potential to provide support services for water-dependent and other permitted uses on waterfront lots. For example, principal use warehousing and wholesaling could serve marine terminal facilities. Nonwater-dependent manufacturing includes uses such as propellor manufacturing, fishing gear manufacturing, and marine electronics production which support water-dependent uses.

Regulated Public Access

The proposed amendments would modify all sections of the code on regulated public access into an improved format which is more explicit for interpretation

and enforcement. The fact that regulated public access is required for all public waterfront land even when leased to a private corporation would be clearly stated. Minimum standards for public access and criteria for making exception to the access requirements are described.

The proposed amendment would also specify the option and processes of large shoreline developments to provide regulated public access in terms of the entire project site instead of for each project component.

Revisions to Substantial Development Permits

The amendments would adopt the Department of Ecology's revision criteria as described in WAC 173-140-064. DCLU has been using these criteria already.

Recission

The amendments would apply the criteria for recission of a Master Use Permit to recission of a shoreline substantial development permit.

Accessory Uses

The new provision would specifically allow accessory uses which are necessary to a permitted use even if the accessory use would be prohibited as a principal use. This provision would allow a few accessory use which cannot be authorized under the present program. For example, strict interpretation of the present program would not permit a shipyard to have a electrical substation or a marina in the US/LU to have an accessory office; the new provisions would allow such accessory uses. Non-waterdependent accessory uses would not be permitted over water unless no feasible alternative existed. DCLU has been interpreting the present code liberally to allow accessory uses in some cases and this change in wording formalizes that interpretation.

Variance and Conditional Use Criteria

The proposed amendment would incorporate the Department of Ecology's (DOE) amendments to criteria for shoreline variances and conditional uses, thus bringing Seattle's program into conformance with state law.

There are two major differences between DOE's new criteria and those of the present SSMP: (1) Seattle criteria permit use variances whereas DOE's do not, and (2) DOE's criteria are less strict for bulk variances.

During 1981 DCLU was using DOE's criteria for all bulk variances, but the DOE has since determined that only the Seattle criteria can be used for Seattle variances.

Historic Ships

The proposed amendment would permit restaurants and retail over water in historic ships as a conditional use and only if the applicant could show that permitted uses could not provide adequate financial support. The wording is similar to that for historic structures in the new Land Use Code.

Elimination of the Shoreline Planned Unit Development

The shoreline PUD provisions in the existing SSMP permit additional bulk, height (up to 150 ft.) and the uses of hotel, motel, and boatel on properties of two acres or more, at least 50% of which has to be within the inner harbor area of the US/CW as of September 1975. Only one such site exists on the Central Waterfront, Piers 50 and 51 which is now designated for an expanded ferry terminal. A Final EIS has been prepared by the State Department of Transportation which does not require use of the PUD.

The proposed amendments would eliminate the PUD provisions because they cannot be used except on Piers 50 and 51 and only serve to confuse both developers and citizens as to what is really permitted on the Central Waterfront.

Elimination of the PUD at the time of the adoption of the proposed upland lot provisions is a logical step because the upland lot provisions permit hotels and motels and greater bulk on the uplands, thereby removing some of the need for greater development on the waterfront itself.

Over-Water Houses

Seattle has a number of vacant lots on Lake Washington, on Rainier Avenue and Riviera Place N.E., which have less than 30 ft. of dry land. These lots are all zoned single family and the water portion is designated Conservancy Management (CM). The Zoning Code prohibits anything but single family residences on these lots but the shoreline program prohibits residences being built over-water or in the CM environment. In the past, use variances have been granted for these lots, but DOE's new variance criteria would prohibit that procedure. The proposed amendment would permit residences over-water on these few lots, in a manner similar to neighboring lots which were developed before the adoption of the present Master Program or under the old variance criteria.

Criteria for Housing in the Urban Stable and Urban Stable/Lake Union Environments

The proposed amendments would incorporate into the shoreline program the protection given by the Zoning Code to manufacturing and commercial areas against inappropriate housing development.

The present shoreline program permits housing outright in the Urban Stable and Urban Stable/Lake Union Environments while the underlying zoning (Manufacturing and General Commercial) in those areas permits housing only as a Council conditional use. Housing and floating home moorages are permitted as conditional uses only if there are no nearby commercial uses which would adversely affect the quality of the housing environment and only if the housing would not usurp land better suited to commercial and manufacturing uses. In practice this conditional use process allows DCLU to consider whether permitting housing would be contrary to the intent of the shoreline program to promote water-dependent industry.

It appears likely that the protection given by requiring conditional use approval for housing will be lost when the new Land Use Code for business and commercial areas is written. Although elimination of the conditional use may be appropriate inland, it appears contrary to the intent of the shoreline program in the shorelines. The proposed amendment would incorporate the conditional use criteria, but not the procedure of Council review, into the shoreline program.

Floating Homes

The proposed changes should eliminate the need for continuous interpretation of confusing and ambiguous provisions by providing specific criteria which must be met to remodel existing floating homes at existing floating home moorages and by clarifying the provisions which restrict floating homes between the pierhead line and construction limit line. The general requirements and the requirements for new floating homes would not be changed. Specific requirements for remodeling, replacing, and relocating floating homes would be added.

The new section would establish different yard requirements for existing moorages; floating homes at existing moorages would have to provide the minimum yards required by the Building Code for fire and life safety. While the basic existing restrictions of not increasing the float area or exceeding 16 feet in height would be maintained, the new section would allow slightly more flexibility. In order to be consistent with the general code provisions concerning nonconforming structures, remodeling would be allowed if the amount of nonconformity is not increased even if part of the existing floating home is over 16 feet high. Relocation is specifically addressed and would be allowed if the views from adjacent floating homes would not be adversely affected and the minimum yards can be provided even if the floating homes being exchanged were over 16 feet and did not have identical float areas.

Business and Commercial Uses

The proposed amendments would clearly prohibit nonwater-dependent accessory uses from being located overwater when dry land is available. The limit on nonwater-dependent overwater development is changed from 40% of the floor area of a structure to 40% of permitted lot coverage to insure the provision can be applied to developments such as marinas which are not single pier structures.

Utilities

In dealing with utilities the Seattle Shoreline Master Program does not recognize that facilities may already exist in shoreline environments where the Program now prohibits them. Alterations, improvements and additions to these facilities are often preferred over other feasible alternatives. The utility sections would be revised to recognize existing facilities.

Parking

The proposed amendments would permit the Director of DCLU to waive parking requirements when sufficient on-street as well as offstreet parking exists. This amendment recognizes that parking is not the best use for shoreline lots.

Bicycle Ways

The text is amended to permit bicycle ways as a special use in the CN environment. This amendment would permit the bicycle path proposed by the Seattle Engineering Department through the Arboretum.

Moorage, Marinas, and Yacht and Boat Clubs

The present text treats moorage solely as a principal use and does not recognize the different requirements of moorage for large commercial boats and small recreational boats.

The proposed amendment would classify principal use wet moorage as a marina and would place the requirements for restrooms, sewage pumpout, transient moorage, and public viewing areas with the marina rather than with the wet moorage. Accessory wet moorage serving boat repair facilities, and residential uses would not be subject to these requirements. Moorage accessory to a residential use in the UR environment would be subject to the development standards of residential piers and would be only for the use of residences of the single-family house or multi-family structure.

The requirement for transient moorage which now applies only to marinas in the CM environment would be extended to marinas over a certain size in all environments. Other special requirements in the text for marinas in CM environments would be dropped because they repeat the requirements stated in Tables 2 and 3.

The requirement for public viewing areas would be applied only to marinas of 100 boats or more. Transient moorage would be required for marinas in the US/CW and for all marinas of about 300 boats or more.

The text on covered moorage would be modified to eliminate confusing wording about bulk requirements. Stacked dry moorage would be permitted in the US/CW environment if within enclosed buildings.

Yacht and boat clubs providing wet moorage would also be required to provide restrooms and sewage pumpout. Boat clubs serving small boats without toilet facilities would not be required to provide sewage pumpout facilities.

The text regulating yacht and boat clubs is expanded to include beach clubs. To be consistent with the new Land Use Code, these clubs would be permitted in the CM environment only when also permitted by the underlying zoning.

Residential Piers

The new provisions would allow greater flexibility in the placement of residential piers by allowing finger piers to extend to within five feet of a side lot line. The requirement that the primary pier must be 15 feet from side lot lines would not be changed. Existing piers which are too close to a lot line would be allowed to expand if the amount of nonconformity is not increased; allowing such expansion would eliminate the need for a pier to be jogged a few feet away from

a lot line in order to be extended to deeper water. Greater coverage of extensions from shared piers would be allowed than are allowed from single family piers; this provision may give neighboring property owners an incentive to build joint piers. The new provisions would also specifically permit diving boards, boat lifts and launching ramps as accessory uses.

Recreational Floats

The present program is inconsistent in its treatment of floats. A marina in any environment can have the square footage of floats up to the percent of lot coverage indicated in the bulk requirements Table (Table 2), but a boat club which qualifies as a community recreation facility is limited to 500 sq. ft. of floats.

The 500 sq. ft. limit does not permit floats large enough for the safe launching of a rowing shell or other small boat. Such floats need to be wide enough to support the entire crew on one side of the float and long enough to accommodate the full length of the boat.

The proposed amendments would treat recreational floats no differently than marina floats. The square footage would be limited by the lot coverage restrictions of Table 2. Additionally, the proposed amendments would allow the Director of DCLU to designate the location or reduce the coverage of any proposed float if it is found that the float would damage the fisheries resource.

The proposed amendments would also clearly state DCLU's practice of counting floats in lot coverage.

Bulkheads and Similar Protective Structures

Control of shoreline erosion through shore compatible means can allow shorelands to remain or become aesthetically "natural" in preference to an alien, artificial structure. Experience has shown that properly designed, natural beach protection, such as gravel berms, drift sills and other beach enhancement measures can replace expensive wooden, steel or concrete bulkheads, which are subject to consistent failure and may unnecessarily disrupt the dynamic shore system.

The present program states that natural beach protection is preferred over other methods, but then requires lengthy variance or conditional use permits for this method in the Conservancy Natural and Conservancy Management Environment. This situation has caused delays in the restoration of eroded beaches at City parks.

The proposed amendment would permit natural beach protection outright in all environments and would exempt natural beach protection used in place of a bulkhead at a single family residence from the requirement of obtaining a shoreline permit.

The proposed amendments would also state that bulkheads would be permitted for single family residences only where natural beach protection was not practical. The amendments would give the criteria which DCLU has been using to determine if bulkheads are exempt. Property owners would be forewarned that bulkheads which create dry land would not be permitted.

Dredging

The proposed amendments would permit dreding in the US/LU and US/CW environments in recognition of the fact that dredging is frequently necessary for water-dependent and water-related uses.

Landfill

The present program does not differentiate adequately between placement of fill on land and placement of fill in water to create new dry land. The environmental impacts of fill on dry land in Seattle are generally much less than fill in water.

The proposed amendments would define fill and set different criteria for fill on dry and submerged lands. Any fill in water would be a special use and fill which creates new dry land would be permitted only for water-dependent uses and only if the applicant could demonstrate a clear public benefit. Fill on dry land is permitted outright up to varying amounts in the different environments except CN and then as a special use if it exceeds those amounts. Fill in any amount in CN is prohibited except as part of natural beach protection.

The proposed amendment would permit fill as part of natural beach protection systems outright in all environments.

Offshore Facilities

The contradiction between Table 3 which permitted offshore facilities in the CN environment as a special use and the text which prohibited them entirely would be eliminated. They would be permitted in the CN environment in both text and table as a conditional use if necessary for the operation of a water-dependent or water-related principal use.

Miscellaneous Changes

In revising the shoreline program, the entire program will be checked for internal consistency. There are a number of places in the program where a table contradicts the text or two text sections contradict each other. Examples are a missing footnote in Table 3 which would explain that warehousing is permitted only as accessory to a water-dependent use, and the text which lists accessory parking in the Conservancy Management Environment as a conditional use while the table lists it as a special use.

Other miscellaneous changes include adding some definitions of common term used in the shoreline program, and changing some definitions to conform to the new Land Use Code.

EH:lw
SMP8/
CK15-25

ATTACHMENT C

CHANGES TO SEATTLE SHORELINE MASTER PROGRAM FINE-TUNING AMENDMENTS

The attached proposed amendments to the Seattle Shoreline Master Program are substantially those proposed by the DCLU on May 11, 1982 plus modifications, deletions, and additions resulting from the public hearing, the City Planning Commission's recommendations, and recommendations from other departments and agencies which reviewed the May 11 draft.

The changes consist of those described below plus numerous minor rewordings which do not change the intent.

Upland Lots

Because of concerns that the proposed upland lot provision would have created significant environmental impacts, the following reductions were made:

1. Hotels and motels have been removed as permitted uses in the US/LU.

2. Offices in the US/LU have been changed from allowed outright to allowed as conditional uses.

3. The proposed 100% lot coverage north of Newton Street along Fairview Avenue North has been reduced to 50% in recognition of the narrowness of the street and potential traffic problems resulting from development at 100% lot coverage.

4. The concept of an upland through lot which can provide views of the water even though separated from the water by a street or railroad right-of-way has been developed.

   Additionally, the definition of waterfront lot has been changed to exclude those lots along the ship canal which are separated from the water by federally owned property which precludes use of the water.

Elimination of the PUD

These amendments propose elimination of the Shoreline PUD on the central waterfront. The PUD is not usable in its present form and therefore its removal will have no effect on development of the Central Waterfront. Moreover, the upland lot provision would permit the hotels and greater bulk originally contemplated as part of the PUD to be built on the uplands, east of the Viaduct instead of overwater. Permitting greater lot coverage on the uplands rather than overwater is consistent with the intent of the Shoreline Management Act to preserve the environment and protect views.

Definitions

Definitions of transient moorage, moorage walkway, and upland through lots were added.

Overwater Coverage in the US/CW

The prohibition against additional fixed water coverage in the US/CW was moved from its present location under the purpose of the US/CW environment to the section on lot coverage.

Table 2

The column for lot coverage on upland lots no longer includes areas zoned multi-family. Instead, lot coverage in those areas will be controlled by open space, view corridor and yard requirements as described in the Multi-Family Code.

Footnote (6) would exclude submerged lands from the calculation of Gross Floor Area for a building constructed on dry land. This proposal was prompted by concerns expressed at the hearing by the Queen Anne community that very tall buildings could be built along the Ship Canal where heights are controlled by a Floor Area Ratio.

The height limit between Waterway 8 to East Newton Street would be changed from 25 ft. to 35 ft. East Newton Street is a more logical break between the 25 ft. and 35 ft. height limit than is Waterway 8.

Table 3

A new use, floating dolphins, has been added to this table. The May 11, 1982 proposal included floating dolphin as offshore facilities, but the Department of Natural Resources pointed out that their regulations do not permit floating dolphins beyond the outer harbor line. Therefore, by definition floating dolphins cannot be offshore facilities.

At the suggestion of the Land Use and Transportation Project fraternal and social clubs and community facilities have been removed as permitted uses on waterfront lots in the US/CW.

Yacht clubs have been removed as permitted uses in the UR environment to be consistent with the new Land Use Code.

Dredging has been added as a permitted use in the US/CW.

Permit Recissions and Revisions

Amendments are proposed to make these sections consistent with the Master Use Permit Ordinance and the Department of Ecology Guidelines.

Historic Ships

Because of concerns expressed by the City Planning Commission, a dispersion criteria of one-half mile was placed on historic ships developed with restaurant and retail. The CN and UD environments were removed from the environments in which such historic ships could be developed because the purposes of those two environments seemed inconsistent with such development.

Transient Moorage Requirements

The threshold size at which a marina would be required to provide transient moorage was increased after DCLU learned from the Lake Union Association that most marinas in Lake Union do not have weekend harbor masters.

Dry Moorage

A requirement that the design of dry moorage structures on the US/CW be compatible with surrounding development was added to meet the concerns of LUTP that dry moorage in the US/CW not resemble mini-warehouses.

Yacht, Boat and Beach Clubs

This section would now treat beach club in the same way as yacht and boat clubs. Because of concerns expressed by LUTP that private yacht clubs might develop in the US/CW, a requirement that yacht clubs in the US/CW have membership open to the general public has been added.

EH:lw
SMP8/
CK26-28

City of Seattle

Executive Department-Office of Management and Budget

John D. Saven, Director
Charles Royer, Mayor

November 29, 1982

COPY OF WITHIN RECEIVED

DEC 8 1982

Douglas N. Jewett
CITY ATTORNEY

4588
EDMONDS

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Construction and Land Use

SUBJECT: Ordinance amending the Seattle Shoreline Master Program.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

(X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

( ) Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By James Mallen for

John Saven
Budget Director

JS/jm/lca

Enclosure

cc: William J. Justin, Director, Construction and Land Use

Mullen

REC'D OMB NOV 10 1982

822241

Your Seattle Department of Construction and Land Use

MEMORANDUM

DATE November 8, 1982

To: Jim Mullen, OMB

From: William J. Justen, P.E., Director WJJ

Subject: Proposed Amendments to the Seattle Shoreline Master Program (Chapter 24.60. SMC)

Please forward the attached letter and ordinance for amendments to the Seattle Shoreline Master Program to Councilman Paul Kraabel, Chair, Land Use Committee. The ordinance has been reviewed and corrected by Gordon Crandall and Liz Edmonds of the Law Department.

EH:wa

Attachment

Your Seattle
Department of Construction and Land Use

MEMORANDUM

DATE: November 8, 1982

To: Councilmember Paul Kraabel, Chair
Land Use Committee

Via: OMB

From: William J. Justen, P.E., Director

Subject: Fine-tuning Amendments to the Seattle Shoreline Master Program

Enclosed are the proposed Fine-tuning Amendments to the Seattle Shoreline Master Program (SSMP). We are also transmitting a report on the amendments as required by SMC 24.72.040, the Final Declaration of Non-Significance pursuant to the State Environmental Policy Act (SEPA) and copies of comment letters from other agencies.

EH:wa

Enclosures

Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-050, filed 6/14/78; Order 73-23, § 173-14-050, filed 10/23/73; Order 71-18, § 173-14-050, filed 12/16/71.]

WAC 173-14-060 Time requirements of permit. The following time requirements shall apply to all substantial development, conditional use and variance permits:

(1) Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to the act must be undertaken within two years after the approval of the permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or uses which are inconsistent with the criteria set forth in WAC 173-14-100. In determining the running of the two-year period hereof, there shall not be included the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue: *Provided*, That local government may, at its discretion extend the two-year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

(2) If a project for which a permit has been granted pursuant to the act has not been completed within five years after the approval of the permit by local government, the local government that granted the permit shall, at the expiration of the five-year period, review the permit, and upon a showing of good cause, do either of the following:

(a) Extend the permit for one year; or

(b) Terminate the permit:

Provided, That the running of the five-year period shall not include the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue, and: *Provided further*, That nothing herein shall preclude local government from issuing permits with a fixed termination date of less than five years. [Statutory Authority: RCW 90.58.200. 80-04-027 (Order DE 80-9), § 173-14-060, filed 3/18/80; 78-07-011 (Order DE 78-7), § 173-14-060, filed 6/14/78; Order DE 75-22, § 173-14-060, filed 10/16/75; Order 71-18, § 173-14-060, filed 12/16/71.]

WAC 173-14-062 Applicability of permit system to federal agencies. The permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the Shoreline Management Act and the department for shorelines of the state.

(1) Federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government, unless the federal government grants or reserves to the state or local government, substantial jurisdiction over activities on those lands.

(2) The permit system shall apply to nonfederal activities constituting developments undertaken on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

(3) The permit system shall apply to developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the federal government.

(4) Federal agency actions shall be consistent with the approved Washington state coastal zone management program subject to certain limitations set forth in the federal coastal zone management act, 16 U.S.C. 1451 et seq. and regulations adopted pursuant thereto. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-062, filed 6/14/78; Order DE 75-22, § 173-14-062, filed 10/16/75.]

WAC 173-14-064 Revisions to substantial development, conditional use, and variance permits. When an applicant seeks to revise a substantial development, conditional use, or variance permit, local government shall request from the applicant detailed plans and text describing the proposed changes in the permit.

(1) If local government determines that the proposed changes are within the scope and intent of the original permit, local government may approve a revision.

(2) "Within the scope and intent of the original permit" shall mean the following:

(a) No additional over water construction will be involved;

(b) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit: *Provided*, That revisions involving new structures not shown on the original site plan shall require a new permit, and: *Provided further*, That any revisions authorized under this subsection shall not exceed height, lot coverage, setback or any other requirements of the master program for the area in which the project is located.

(c) Landscaping may be added to a project without necessitating an application for a new permit: *Provided*, That the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the master program for the area in which the project is located;

(d) The use authorized pursuant to the original permit is not changed;

(e) No additional significant adverse environmental impact will be caused by the project revision.

(3) If the revision or the sum of the revision and any previously approved revisions pursuant to WAC 173-14-064 will violate the terms of one or more of the provisions in WAC 173-14-064(2) above, local government

shall require that the applicant apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

(4) The revised permit shall become effective immediately. Within eight days of the date of final local government action the revised site plan, text and the approved revision shall be submitted to the appropriate regional office of the department and the attorney general for the completion of their files. In addition, local government shall submit a notice of revision approval to persons who have notified local government of their desire to receive a copy of the action on a permit pursuant to WAC 173-14-070.

(5) Appeals shall be in accordance with RCW 90.58-.180 and shall be filed within fifteen days from the date of receipt of the local governments action by the department of ecology regional office. Appeals shall be based only upon contentions of noncompliance with one or more of the provisions of WAC 173-14-064(2) above. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit shall be at the applicants own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision was not within the scope and intent of the original permit, the decision shall have no bearing on the original permit. [Statutory Authority: RCW 90.58-.200. 78-07-011 (Order DE 78-7), § 173-14-064, filed 6/14/78; Order DE 76-17, § 173-14-064, filed 7/27/76; Order DE 75-22, § 173-14-064, filed 10/16/75.]

WAC 173-14-070 Notice required. Upon receipt of a proper application for a shoreline management substantial development, conditional use, or variance permit, local government shall insure that notices thereof are published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. In addition, local government shall insure that additional notice of such application is given by at least one of the following methods:

(1) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed.

(2) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed or,

(3) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

An affidavit that the notice has been properly published, and/or as applicable, posted or deposited in the U.S. mail pursuant to this section shall be affixed to the application. All such notices shall include a statement that within thirty days of the final newspaper publication, any interested person may submit his written views upon the application to the appropriate local government or notify the local government of his desire to receive a copy of the action taken upon the application. All persons who notify the appropriate local government of their desire to receive a copy of the final order shall be notified in a timely manner of the action taken upon the application. If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at such hearing.

All notices of applications for shoreline management substantial development, conditional use, or variance permits shall contain, as a minimum, the information called for in the following form:

NOTICE OF APPLICATION FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT (use appropriate)

Notice is hereby given that (state full name) who is (describe relationship to property, such as owner, purchaser, lessee, etc.) of the below described property has filed an application for a substantial development, conditional use, or variance permit (use appropriate) for the development of (describe development, including uses) located at (give street address, if known, otherwise give distance and direction to nearest town) within ----- (quarter section) of section -- of township ----- N., Range ----- W.M., in (city or town) (County) Washington. Said development is proposed to be within (name of water area) and/or its associated wetlands. Any person desiring to express his views or to be notified of the action taken on this application should notify (name of local government official) in writing of his interest within thirty days of the final date of publication of this notice which is (date).

Written comments must be received by (date).

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-070, filed 6/14/78; Order DE 76-17, § 173-14-070, filed 7/27/76; Order DE 75-22, § 173-14-070, filed 10/16/75; Order 71-18, § 173-14-070, filed 12/16/71.]

WAC 173-14-080 Public hearings. Local governments may establish a mandatory or optional public hearing procedure to precede the issuance or denial of substantial development, conditional use, or variance permits in order to allow interested persons to present their views. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-080, filed 6/14/78; Order DE 75-22, § 173-14-080, filed 10/16/75; Order 71-18, § 173-14-080, filed 12/16/71.]

WAC 173-14-090 Filing with department and attorney general. Any ruling by local government on an application for a substantial development, conditional

DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

(Date) (Signature of Authorized Local Government Official)

THIS SECTION FOR DEPARTMENT USE ONLY IN REGARD TO A CONDITIONAL USE OR VARIANCE PERMIT.

Date received by the department .....

Approved ..... Denied .....

This conditional use/variance permit is approved/denied by the department pursuant to chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

.....

.....

(Date) (Signature of Authorized Department Official)

[Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-120, filed 6/14/78; Order DE 76-17, § 173-14-120, filed 7/27/76; Order DE 75-22, § 173-14-120, filed 10/16/75; Order 71-18, § 173-14-120, filed 12/16/71.]

WAC 173-14-130 Department review of conditional use and variance permits. After local government approval of a conditional use or variance permit, local government shall submit the permit to the appropriate regional office of the department for the departments approval, approval with conditions (with concurrence of local government), or denial. The department shall render and transmit to local government and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by local government pursuant to WAC 173-14-090. Local government shall notify those interested persons having requested notification from local government pursuant to WAC 173-14-070 of the departments final decision. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-130, filed 6/14/78; Order DE 76-17, § 173-14-130, filed 7/27/76; Order DE 75-22, § 173-14-130, filed 10/16/75.]

WAC 173-14-140 Review criteria for conditional use permits. The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020: *Provided*, That conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the master program.

(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.

(d) That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.

(e) That the public interest suffers no substantial detrimental effect.

(2) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1) above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

(3) Uses which are specifically prohibited by the master program may not be authorized.

(4) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-140, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-140, filed 6/14/78; Order DE 75-22, § 173-14-140, filed 10/16/75.]

WAC 173-14-150 Review criteria for variance permits. The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances should be

shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), except within those areas designated by the department as marshes, bogs, or swamps pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the master program.

(b) That the hardship described in WAC 173-14-150(2)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development that will be located either waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within marshes, bogs, or swamps as designated by the department pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes a reasonable use of the property not otherwise prohibited by the master program.

(b) That the hardship described in WAC 173-14-150(3)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

(f) That the public interest will suffer no substantial detrimental effect.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments in the area where similar circumstances exist the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

(5) Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses. Such requests shall be evaluated using the criteria set forth in WAC 173-14-140. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-150, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-150, filed 6/14/78; Order DE 76-17, § 173-14-150, filed 7/27/76; Order DE 75-22, § 173-14-150, filed 10/16/75.]

WAC 173-14-155 Minimum standards for conditional use and variance permits. Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-14-140 and 173-14-150 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where it exists in approved and adopted master programs. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-155, filed 2/2/81.]

WAC 173-14-180 Regulatory orders by local government or the department. (1) Local government and the department shall have the authority to serve upon a person undertaking, or about to undertake development as defined in RCW 90.58.030(3)(d), a regulatory order if:

(a) The development constitutes an integral part of a project being undertaken, or about to be undertaken, on the shorelines of the state in the absence of a substantial development, conditional use, or variance permit; or

(b) The development being undertaken, although an integral part of a project approved by an existing, valid substantial development, conditional use, or variance permit is outside the scope and intent of said permit; or

(c) The development being undertaken on the shorelines of the state is in violation of chapter 90.58 RCW, and/or one of the following:

(i) Prior to the formal adoption or approval by the department of a master program for the area, the guidelines and regulations of the department, and so far as can be ascertained, the master program being developed for the area.

(ii) Thereafter this regulation of the department and the adopted or approved master program for the area.

(2) The regulatory order shall set forth or contain:

(a) The specific nature, extent and time of violation, and the damage or potential damage;

C-365

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter refered to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 111078

was published on April 19, 1983

B. Blair

Subscribed and sworn to before me on

April 19, 1983

Notary Public for the State of Washington,
residing in Seattle.

103475

and zoning, adding
.60.106, 24.60.126,
66 to the Seattle
24.60.090,
10-315, 24.60.350-
.60.440, 24.60.460-
, 24.60.570-580,
35-640, 24.60.650-
.60.715-730, and
cipal Code, and
60.490-515, 24.60.585
cipal Code relating
rogram.

ee.
nd Use
nd Use

ading APR 4 1983
APR 4 1983
15, 1983
shed:
ined: OK

RECD OMB APR 4 1983

WP Low Lyke Insert

The City of Seattle--Legislative Department

Date Reported and Adopted
APR 4 1983

REPORT OF COMMITTEE

Honorable President:

Your Committe on Land Use

to which was referred the within Council Bill No. 103475
report that we have considered the same and respectfully recommend that the same:

be a Divided Report as follows:

Golle and Hildt — DO NOT PASS

Kraabel — PASS AS ENGROSSED

Committee Chair

COUNCIL BILL No. 103475

AN ORDINANCE relating to land use and zoning, adding Sections 24.60.046, 24.60.086, 24.60.106, 24.60.126, 24.60.127, 24.60.131, and 24.60.266 to the Seattle Municipal Code, amending Sections 24.60.090, 24.60.100-110, 24.60.265, 24.60.310-315, 24.60.350-355, 24.60.380-410, 24.60.420, 24.60.440, 24.60.460-465, 24.60.475-480, 24.60.525-560, 24.60.570-580, 24.60.590-600, 24.60.615, 24.60.635-640, 24.60.650-670, 24.60.670-690, 24.60.705, 24.60.715-730, and 24.60.740-765 of the Seattle Municipal Code, and repealing Sections 24.60.375, 24.60.490-515, 24.60.585 and 24.60.710 of the Seattle Municipal Code relating to the Seattle Shoreline Master Program.

COMPTROLLER FILE No. _____

Introduced: Jan. 10 1983	By: Exec.
Referred: Jan. 10	To: Land Use
Reported: March 24 1983	To: Land Use
Referred:	To:
Reported: APR 4 1983	Second Reading: APR 4 1983
Third Reading: APR 4 1983	Signed: APR 4 1983
Presented to Mayor: APR 5 1983	Approved: April 15, 1983
Returned to City Clerk: April 15, 1983	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: OK

RECD CMB Apr. 4 1983

The City of Seattle--Legislative D

REPORT OF COMMITTEE

Honorable President:

Your Committe on Land Use

to which was referred the within Council Bill No. 103475 report that we have considered the same and respectfully recommend t

be a Divided Report as follows:

Golbe and Hildt — DO NOT PASS

Kroabel — PASS As Engr

Committee Chair

UNIVERSAL 32040

ORDINANCE NO. 111078

AN ORDINANCE relating to land use and zoning; amending Sections 24.60.046, 24.60.085, 24.60.106, 24.60.126, 24.60.127, 24.60.131, and 24.60.266 to the Seattle Municipal Code, amending Sections 24.60.090, 24.60.100-110, 24.60.265, 24.60.310-315, 24.60.350-355, 24.60.385-410, 24.60.420, 24.60.440, 24.60.460-465, 24.60.475-480, 24.60.525-580, 24.60.570-580, 24.60.590-600, 24.60.615, 24.60.635-640, 24.60.650-660, 24.60.670-690, 24.60.705, 24.60.715-730, and 24.60.740-765 of the Seattle Municipal Code, and repealing Sections 24.60.375, 24.60.490-515, 24.60.585 and 24.60.710 of the Seattle Municipal Code relating to the Seattle Shoreline Master Program.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 24.60.046 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.046 Dry Boat Storage.

"Dry Boat Storage" means a lot or space on a lot on dry land or inside a building where space is rented or sold to the public or to members of a yacht or boating club for the purpose of storing boats. Sometimes referred to as dry moorage.

Section 2. Section 24.60.86 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

Section 24.60.086 Landfill.

"Landfill" means sand, soil, gravel, or other material deposited onto a wetland area, or into the water over a submerged area.

Section 3. Section 24.60.090 of the Seattle Municipal Code (Section 21A.152 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.090 Lot.

"Lot" means a platted or unplatted parcel or parcels of land ((~~unoccupied, occupied or to be occupied by a principal use or building and accessory buildings, together with such yards and open spaces as are required by this subtitle and abutting by not less than twenty feet upon a street sufficiently improved for automotive travel or having an exclusive, unobstructed permanent access easement serving not more than two principal uses and jointly owned by the two property owners served and at least twenty feet wide and not exceeding one hundred fifty feet in length to such street; provided that lots for townhouse dwellings may abut upon a street or unobstructed permanent access easement by not less than twelve feet and the easement may be not less than fifteen feet in width and may serve up to ten townhouse dwellings~~)) 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.

Section 4. Section 24.60.100 of the Seattle Municipal Code (Section 21A.152 (part) of Ordinance 86300 as amended by Ordinance 106200) is amended to read as follows:

24.60.100 Lot coverage.

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings including piers and floats, expressed as a percentage of the total lot area.

Section 5. Section 24.60.105 of the Seattle Municipal Code (Section 21A.152 of Ordinance 86300 as amended by Ordinance 106200) is amended to read as follows:

24.60.105 Lot, upland.

"Upland lot" means a lot wholly or partly within the shoreline district which is ((~~not a waterfront lot~~)) 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.

Section 6. Section 24.60.106 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.106 Lot, upland through

"Upland through lot" 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.

Section 7. Section 24.60.110 of the Seattle Municipal code (Section 21A.152 (part) of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.110 Lot, waterfront.

"Waterfront lot" means a lot any portion of which is offshore of or abuts upon the ((~~line of higher regulated lake level of Lake Washington, Lake Union and connecting fresh waters, or the line of ordinary high tide, or the line of ordinary high water of non-navigable lakes~~)) 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.

Section 8. Section 24.60.126 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.126 Moorage, transient

"Transient Moorage" 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.

Section 9. Section 24.60.127 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.127 Moorage walkway

"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.

Section 10. Section 24.60.131 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.131 Non-water-dependent and non-water-related uses

"Non-water-dependent and non-water-related uses" means uses which do not require access to the water or to water-dependent uses for their operation although a waterfront location may increase profitability. Examples are:

A. Restaurants
B. Hotels, motels, boatels
C. Residences
D. Retailing
E. Principal Use Offices
F. Principal Use Warehousing
G. Manufacturing plants which transport raw materials and finished products by land.

Section 11. Section 24.60.265 of the Seattle Municipal Code (Section 21A.155 (part) of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.265 Water-dependent use.

((~~"Water-dependent use" means uses which in order to exist or function require a location on or use of the shoreline. For purposes of this chapter, water-dependent uses are limited to the following:~~

~~A. Marine commercial uses:~~

~~1. Terminal and transfer facilities for transport of passengers or goods over water,~~

~~2. Moorage, fueling and servicing of commercial vessels,~~

~~3. Industries which receive or ship goods or materials by water as an essential part of their operation,~~

~~4. Marine construction, dismantling and repair;~~

~~B. Marine recreation:~~

~~1. Pleasure boat moorage and marinas, including fueling and servicing facilities,~~

~~2. Boat launch and haul out facilities;~~

~~C. Shoreline recreation:~~

~~1. Parks,~~

~~2. Bicycle and walking trails,~~

~~3. Beaches,~~

~~4. Viewpoints;~~

~~D. Aquaculture;~~

~~E. Intakes and outfalls;~~

~~F. On-site marine and limnological research and education;~~

~~G. Floating home moorages;~~

~~H. Shoreline protective structures such as but not limited to bulkheads and fixed or floating breakwaters.~~

"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. Examples are:

A. Public or private vessel terminal and transfer facilities which handle general commerce.

B. Ferry terminals.

C. Watercraft construction, repair, maintenance, service, and dismantling.

D. Marinas and mooring areas including yacht and boat club moorages.

E. Tug and barge facilities.

F. Ecological and scientific reserves and on-site limnological and oceanographic research facilities.

G. Public waterfront parks.

H. Public use beaches and fishing piers.

I. Aquariums available to the public.

J. Aquaculture and mariculture.

K. Floating home moorages.

Section 12. Section 24.60.266 is hereby added as a new section to Chapter 24.60 of the Seattle Municipal Code:

24.60.266 Water-related use

"Water-related use" means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location. Two types of water-related uses are recognized:

A. Uses which do not service water-dependent uses but do require water transport, usually of raw materials. Examples are:

1. Lumber and plywood mills.
2. Fish-processing plants.
3. Sand and gravel companies and similar operations.
4. Petroleum handling and processing plants.
5. Log booming, rafting and storage.

B. Uses which service and require access to water-dependent uses. Examples are:

1. Marine electronics repair establishments.
2. Marine refrigeration establishments.
3. Marine plumbing establishments.
4. Boat rigging establishments.

Section 13. That Section 24.60.310 of the Seattle Municipal Code (Section 21A.18 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.310 Application when development partly out of Shoreline District.

Where a ((single)) development is proposed ((for a site)) which ((is)) would be partly within and partly without the Shoreline District, a shoreline substantial development permit shall be required for the entire development and the specific use and bulk regulations of this Article shall apply only to that ((where any)) part of the development which occurs within the Shoreline District.

Section 14. Section 24.60.315 of the Seattle Municipal Code (Section 21A.17 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.315 ((Application only to new development)) Nonconforming uses and structures.

The regulations of this chapter shall apply only to development undertaken in the Shoreline District after adoption of this chapter; provided, ((the limitations of Sections 24.14.030 through 24.14.070 of this subtitle shall apply to existing non-nonforming developments, and provided further,)) that all signs in the Shoreline District which do not conform to the provisions of this chapter shall be discontinued within a period of from three to seven years from the effective date of this chapter in accordance with an amortization schedule established by the Director pursuant to Section ((20 of Ordinance 102938)) 4926, Seattle Building Code Supplement adopted by Section 22.100.010 of this code and based upon the age, condition, cost and remaining useful life of the sign((.)); and provided further that:

A. Any use other than a sign existing as of March 17, 1977 which does not conform to the applicable use requirements of this shoreline program may be continued. Structures or developments containing such nonconforming uses may be altered, repaired, or remodeled, provided that the structure or development is not extended beyond its existing external dimensions.

B. The change of one nonconforming use to another use not permitted in the shoreline environment may be authorized 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.

The Director may impose requirements and conditions regarding the location, character or other features of the proposed use as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

C. Structures existing as of March 17, 1977 which are conforming as to use but do not meet the bulk requirements of this program may be altered, repaired, remodeled, or expanded, provided that the amount of bulk nonconformity is not increased. 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.

D. If a nonconforming structure, use or development is destroyed by fire or other act of nature, it may be rebuilt to those configurations existing immediately prior to the time the structure was destroyed.

E. The above provisions shall not apply to any structure, improvement, dock, fill or development placed on tidelands, shorelands, or beds of waters which is in trespass or in violation of state statutes.

Section 15. Section 24.60.350 of the Seattle Municipal Code (Section 21A.23 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.350 Purpose of Urban-Stable/Lake Union (US/LU) environment.

2

goals based on the particular characteristics of Lake Union.

A. Enhance the form and appreciation of Lake Union and environs as a major component in Seattle urban structure;

B. Preserve a maximum of open water commensurate with reasonable economic development;

C. Develop a diversity of commercial and residential activities related to the use and enjoyment of the waterfront, the service and maintenance of water-dependent and water-related activities, and public access to the water;

D. Encourage multiple use concepts having a wide range of intensity while preserving view of the water from upland and adjacent properties; and

E. Eliminate physical and visual blight from areas surrounding Lake Union and Portage Bay.

Section 16. Section 24.60.355 of the Seattle Municipal Code (Section 21A.26 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.355 Purpose of Urban-Stable/Central Waterfront (US/CW) environment.

The purpose of the US/CW environment is similar to the purpose of the US environment but also incorporates additional goals based on the particular characteristics of the Central Waterfront. In the US/CW environment, new development over water and the recycling and refurbishing of existing piers will be permitted which will:

A. Reinforce the historic marine orientation of Seattle as a major downtown theme;

B. Strengthen water-oriented recreation taurist activity, related retail business, and public areas open to the water;

C. Maintain a full complement of water-dependent uses; and

D. Preserve and enhance views of Elliott Bay and the Olympic Mountains from upland CBD development, street corridor vistas and the street level((; provided, no additional coverage of the water by fixed structures shall be permitted)).

Section 17. Section 24.60.375 of the Seattle Municipal Code (Section 21A.31 of Ordinance 86300, as amended by Ordinance 106200) is hereby repealed.

Section 18. Section 24.60.380 of the Seattle Municipal Code (Section 21A.32 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.380 Principal uses on waterfront lots.

Unless otherwise excepted in this chapter, all principal uses on a waterfront lot shall be water-dependent or water-related or shall provide regulated public access. Preference for principal uses on waterfront lots shall be according to Section 24.60.525F.

Section 19. That Section 24.60.385 of the Seattle Municipal Code (Section 21A.33 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.385 Bulk regulations - height of structures.

A. Maximum heights of buildings and structures in the Shoreline district shall be governed by the limits set in Table 1, following Section 24.60.395, except that where the height limit of an underlying residential zone is less than the limit in Table 1, the more restrictive limit shall apply.

B. The following structures are exempt from the height limits of Table 1: ((No building or structure in the Shoreline District shall exceed the height limits indicated in Table 2, following Section 21A.36 except:))

(((a))) 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.

((((b)))) 2. Flagpoles or masts, transmission towers, chimneys, smokestacks, aerials or stairwells. ((when part of a water dependent use.))

((((c)))) 3. Belfries, monuments, spires or steeples, transmission towers, provided such structures shall be designed to minimize view obscuration.

((((d)))) 4. Penthouses for elevator and other mechanical equipment, and monitors when less than 5% of the lot coverage and extending not more than 10 feet above roof level.

5. Architectural features such as trellises designed to accommodate landscaping on upland lots in the US/CW environment provided such features shall not protrude above the height of the building itself nor into any required setback or view corridor.

C. Height of structures shall be determined by measuring from the average grade of the lot immediately prior to the proposed development ((and after any permitted landfill)) to the highest point of the structure not otherwise excepted from the height limits.

Section 20. Section 24.60.390 of the Seattle Municipal Code (Section 21A.34 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.390 Bulk regulations - lot coverage.

Buildings or structures including floats and pie[illegible] the Shoreline District shall not occupy a greater ~~percentage~~ of a lot than ~~indicated~~ in Table ~~((2))~~ 1 following Section 24.60.395, except: ~~((that))~~

A. on the 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 do not significantly change the grade and/or are not visible above the level of adjoining properties shall not be included in lot coverage.

B. In the US/CM environment, new piers for water-dependent uses shall be permitted with a maximum lot coverage of 50 percent.

C. Existing piers in the US/CM environment which are nonconforming as to lot coverage shall be permitted 3,600 square feet of lot coverage for open wet moorage floats and 400 square feet of fixed lot coverage for access to the floats in addition to the pier's lot coverage as of March 17, 1977. Each new pier shall be permitted 3,600 square feet of lot coverage for open wet moorage floats and 400 square feet of fixed lot coverage for access to the floats in addition to the permitted 50 percent lot coverage of Table 1.

D. On single family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five percent of the lot area or one thousand seven hundred fifty square feet, whichever is greater.

E. On multi-family zoned lots, the lot coverage percentage noted in Table 1 shall not apply but view corridor, yard, and setback requirements of Section 24.60.395 and the landscaped open space requirements of the multi-family code shall apply.

Submerged lands shall not be used to satisfy open space requirements.

F. Lot coverage for residential developments on lots zoned BM, BC, CG, and M as of January 1, 1983 shall not exceed 40 percent of the dry land area.

Section 21. Section 24.60.395 of the Seattle Municipal Code (Section 21A.35 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.395 Bulk regulations - yards, view corridors and residential setbacks.

~~((A. Unless otherwise provided in this chapter, front, side and rear yards for uses other than single family residences are not required in the Shoreline District provided that a view corridor or corridors of not less than the percentage of the width of the lot indicated in Table 2 are maintained on the lot.~~

A. Yards and Zoning Setbacks

1. Single family residences on both waterfront and upland lots shall meet the yard requirements of Chapter 23.44 of the Seattle Municipal

---

2.

2. Any development on an upland lot where view corridors are not ~~requ~~ired shall meet the yard and setback requirements of the underlying zone.

3. Where the underlying zoning is multi-family, the development shall meet the additional development standards of Ch. 23.45 of the Land Use Code.

B. View corridors are required for developments other than single family residences on those upland through lots where the adjacent waterfront lot is designated CM or CN. View corridors are not required on all other upland lots.

C. ~~((The view corridor requirement of this section is not required for:))~~ A view corridor or corridors is required on all waterfront lots, except for:

1. Open wet moorage of boats;

2. Temporary storage on dry land of boats undergoing repair;

~~((2))~~3. Floating homes;

~~((3))~~4. Water-dependent or water-related uses in UD environments;

~~((4. Any development on upland lots where there is an intervening street between the property and the shoreline and the development will not obstruct the view of a substantial number of residences, and the yard requirements for the underlying zone are observed.~~)).

5. Single family residences.

D. When a view corridor is required, yards or setbacks as specified in the underlying zoning shall not be required and 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 Table 1 shall be provided and maintained.

2. 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.

3. The view corridor or corridors shall be in the direction of the predominant view of the water and, when topographically possible, parallel to existing view corridors.

4. When a lot is bounded by more than one street, the Director shall determine which street front shall be used for the view corridor calculation; the determination shall be based on consideration of the relative amounts of traffic on each of the streets, the direction of the predominant view of the water, and the availability of actual views of the water.

5. Parking for motor vehicles shall not be located in view corridors except when:

(1) the parking is required parking for a water-dependent or a water-related use and no reasonable alternative exists; or

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

6. Removal of existing landscaping shall not be required.

E. The Director may 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 of the following conditions apply:

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

2. Existing development effectively blocks any possible views from the street.

3. The shape of the lot is unusual or irregular.

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.

4. The percent of the site 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 precludes effective application of the requirements.

F. Residential structures on waterfront lots shall not be located closer to the shoreline than adjacent structures. If there is no other structure within one hundred feet, residential structures shall be located at least twenty-five feet back from the line of ~~((higher regulated lake level of Lake Washington, Lake Union and connecting fresh waters, or the line of ordinary high tide))~~ ordinary high water.

TABLE ~~((2))~~1

BASIC SHORELINE BULK REQUIREMENTS ~~((FOR NON-PUD DEVELOPMENT))~~

Area	View Corridor (percent of lot width (10))	Lot Coverage (percent) of area (4) Water-front lots	Up-land lots	Maximum Height (1) On Land	Over Water
A. Puget Sound					
1. North city limits to Chittenden Locks					
a. North of N.W. 65th St.	35%	35%	35%	35'	35'
b. South of N.W. 65th St.	35%	35%	100%	35'	35'
2. Magnolia					
a. Chittenden Locks to West Ruffner St.	35%	35%	35%	35'	35'
b. West Ruffner St. to west boundary (Pier 91)	35%	((30%)) 35%	35%	35'	35'
c. West boundary Pier 91 to Prospect St. extended (Pier 86)	35%	75%	100%	50'	50'
3. Elliott Bay/ Duwamish River					
a. North central waterfront Pier 86, (Prospect St.) to Pier 72, Bay St.	30%	60%	100%	50'	15'(2)
b. Central waterfront Bay St. to Wash. St. ~~((St))~~	30%	50%(9)	100%	50'	50'(3)
c. South waterfront Pier 48 to Bronson Way S.W.	NA	100%	100%	NA(6)	NA(6)
d. Duwamish River and waterways	NA	100%	100%	NA(6)	NA(6)
4. West Seattle					
a. Bronson Way S.W. to California Ave. S.W.	35%	35%	100%	35'	35'
b. California Ave. S.W. to Alki Pt., except:	35%(4)	35%(4)	35%	35'(4) (11)	15'(2)
(1) California Wy SW to SW Leon Place	35%	35%	100%	35'	15'(2)
(ii) 59th Ave SW to 63rd Ave SW	35%	35%	100%	35'	15'(2)
c. Alki Pt. to south city limits, except:	35%	35%	35%	35'	15'(2)
SW Carroll St and Alki Wy SW All 4 corners, BN zoned lots	35%	35%	100%	35'	15'(2)
B. Lake Wash. Ship Canal to Aurora Bridge					
1. Chittenden Locks to 3rd Ave. N.W. (north side)	35%	100%	100%	NA(6)	NA(6)
2. 3rd N.W. to Aurora Bridge (north side)	35%	100%	100%	NA(6)	NA
3. Chittenden Locks to Ballard Bridge (south side)	35%	50%	100%	35'	35'

(ORDINANCE NO. 111078, Continued from Page 8)

Area	View Corridor (percent of lot width (1))	Lot Coverage (percent of area) Water-front lots	Land lots	Land	Maximum Height ((1)) Over Water
5. 3rd Ave. West to Aurora Bridge (south side)	35%	50%	50%	35'	NA
C. Lake Union/Portage Bay					
1. Westlake Ave. Aurora Bridge to Highland Drive	35%	50%	100%	35'(8)	35'
2. Highland Drive to Yale Ave. N.	35%	50%	100%	35'(8)	35'
3. Yale Ave. N. to ((Waterway 8	35%	50%	100%	35'(8)	35'
4. ~~Waterway 8 to~~) E. Newton Street	((35%	50%		35'(8)	25'))
5. ((4.)) E. Newton Street to University Bridge	35%	50%	50%	35'	25'
6.((5.)) North side University Bridge to Montlake Bridge	35%	50%	100%	35'(7)	25'
7.((6.)) South side University Bridge to Montlake Bridge, except	35%	50%	50%	35'	25'
Lots 1-4 of Block 42 Denny-Fuhrman Addition	35%	50%	100%	35'	25'
8.((7.)) University Bridge to Aurora Bridge	35%	50%	100%	35'	25'
D. Lake Washington					
North City limits to south City limits, except:	35%	35%	35%	35'	15'(2)
((1. All except Madison Beach Park)) ((2. 1. Madison Beach Park	35%	40%	40%	35'	15'(2)
2. E. Newton St. to E. Howe St.	35%	35%	100%	35'	15'(2)
3. E. Superior St. and E. Washington Blvd. to E. Yesler Wy	35%	35%	100%	35'	15'(2)
4. S. Director St. to Fletcher St.	35%	35%	100%	35'	15'(2)
5. S. Pilgrim St. to S. Perry St.	35%	35%	100%	35'	15'(2)
E. Green Lake	NA	NA	35%	35'	15'(2)

FOOTNOTES TO TABLE ((2))1

(1) See exceptions to height limits in Section 24.60.385. Additional height restrictions are imposed by the underlying zoning in some locations.

(2) No over water construction of principal structures permitted. Height limits apply to permitted accessory structures.

(3) Gross floor area is limited to 2.0 times the lot area, including accessory parking areas. Height of buildings is measured from centerline of Alaskan Way.

((4) Bulk requirements governed by Chapter 24.32 when upland lot zoned RMI 3600.)

(4) For multi-family developments in multi-family zones see Section 24.60.390(E).

((5) See Section 24.60.510 for bulk requirements in shoreline PUB.))

(5) (Reserved.)

(6) Gross floor area is limited to 2.5 times the lot area, including accessory parking. Submerged land shall not be included in the calculation of GFA of a building constructed on dry land.

(7) Maximum height may be increased to 60 feet by Director for water-dependent facilities when development is consistent with a long-range development plan for uplands approved by the City Council subsequent to adoption of this chapter.

(8) Heights greater than 35 feet are not encouraged and may only be permitted by the Director upon a finding that such height is otherwise consistent with the policies of the Shoreline Management Act of 1971 and this Master Program and that such height will not obstruct the views from a substantial number of residences and in no event will exceed a height of 35 feet.

(9) ((No additional coverage of the water by fixed structures is permitted. See Section 24.60.~~355~~.)) For a specific exception regarding lot coverage by floats, see Section 24.60.390.

(10) See Section 24.60.395((B)) for exceptions and regulations governing view corridors. (Ord. 106200 § 1(part), 1977: Ord. 86300 § 21A.35, 1957.)

(11) Permitted height on upland lots between S.W. Leon Place to 59th Avenue S.W. is 60 feet. Permitted height on waterfront lots is 35 feet.

Section 22. Section 24.60.400 of the Seattle Municipal Code (Section 21A.36 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.400 Regulated public access - Public waterfront property.

((A. Regulated public access shall be provided to the shorelines of all public property.))

((B.)) A. Unless otherwise provided in this chapter, regulated public access shall be provided for developments on all publicly owned and public-controlled waterfront property, whether leased to private lessees or not, and whether developed with a water-dependent or water-related use or not, except ((as follows:))

((1. B.)) harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land ((other than in the Central Waterfront,)) leased from ((the state)) a government agency and completely occupied by water-dependent or water-related uses((;)).

((2. Street ends and waterways occupied by water-dependent uses under permit or lease;))

((C. Where a large shoreline development requires a number of substantial development permits, the requirements of regulated public access shall be applied in the context of the entire development.))

((D.)) B. Regulated public access shall be provided for all developments in the US/CW environment whether leased from the state or not, and whether developed with water-dependent or water-related uses or not. The amount of public access shall be ((A)) not less than fifteen percent of the submerged portion of a lot which is covered by structures ((in the water environment)) or at least five thousand square feet, whichever is greater ((, shall be devoted to regulated public access)).

Section 23. Section 24.60.405 of the Seattle Municipal Code (Section 21A.37 of Ordinance 86300 as amended by Ordinanne 106200) is amended to read as follows:

24.60.405 Regulated public access - Private waterfront property.

A. Unless otherwise provided in this chapter, regulated public access shall be provided for all non-water-dependent or non-water related uses on waterfront lots which are:

((1.)) 1. Nonresidential; or

((2. Developed as a planned unit development; or))

((3.)) 2. Exclusively residential developments containing four or more units and having one hundred or more feet of shoreline, provided that no such regulated public access shall be required on salt water shorelines where public access to the shoreline from a street is available within six hundred feet of the proposed development.

B. Waterfront ((B)) lots in the Shoreline District ((which are)) proposed for rezone((d)) to the ((HH 160)) Lowrise 1 or more intensive zone from a less intensive zone shall be rezoned only upon agreement by the property owner that upon development, a minimum setback from the shoreline of twenty feet shall be provided and that regulated public access along the entire length of the shoreline shall also be provided.

C. Not less than fifteen percent of the submerged portion of a lot which is covered by structures in the US/CW environment shall be devoted to regulated public access, or at least five thousand square feet, whichever is greater.

D. Regulated public access shall not be required in the US/SD environment on private lots which abut a street end or waterway which provides public access, and which have a front lot line less than one hundred feet in length, measured at the upland street frontage generally parallel to the water's edge.

Section 24. Section 24.60.410 of the Seattle Municipal Code (Section 21A.38 of Ordinance 86300, as amended by Ordinance 104408) is amended to read as follows:

24.60.410 Regulated public access - General conditions((:))

applicable to Public and Private Properties.

A. Access to a shoreline may be denied to any person who creates a nuisance or engages in illegal conduct on the property, and the Director may authorize such regulated public access to be temporarily or permanently closed if he finds that such offensive conduct cannot otherwise be reasonably controlled.

B. Regulated public access shall be appropriately indicated by signs((, and insofar as possible shall have easy and direct access from street level and shall provide unimpeded views of the water and water activites.)) provided by the applicant, of standard design and materials prescribed by the Director.

C. Regulated public access shall be a physical improvement in the form of any one or combination of the following: walkway, bikeway, corridor, plaza, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorages, 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.

D. Regulated public access may be limited in its location and area. However, the minimum regulated public access shall consist of a walkway at least three feet wide, leading from the street or from a public walkway directly to the water, or to a point 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.

E. Regulated public access may be limited as to hours of availability and types of activities permitted. However, it shall be available to the public on a regularly scheduled basis, and shall allow water activities appropriate to the site.

F. Where extreme irregularity in topography, shape of the lot, location of existing structures or other circumstances present practical design difficulties, the Director shall determine the type and location of the public access.

G. Regulated public access shall be open to the public at the time of occupancy of any proposed development.

H. Regulated public access for a large shoreline development, under one ownership, which accommodates a terminal or a similar facility shall be required in the portion of the public terminal or facilities as follows:

~~1. Where such development requires a number of substantial development permits, separate terminal and public access need not be provided for each permit, but shall be provided in terms of the entire development. Each terminal or facility, however, shall provide separate public access.~~

~~2. A comprehensive development plan for the total terminal or facility shall be submitted with the first shoreline permit application. The plan shall include all project components intended, the public access, and a development schedule. The level of detail of the public access plans shall be similar to that of the project proposal.~~

~~3. The regulated public access shall maximize views of the water and water activities. A viewpoint or tower shall provide a minimum 120-degree view angle of the shoreline or water activities.~~

~~I. General Exceptions~~

((C.)) Regulated public access shall not be required where:

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;

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

5. Public access at the particular location cannot be ((~~designed or~~)) developed to satisfy the public interest in providing a ((~~provide a pleasant view or~~)) recreational ((~~experience~~)) historical, cultural, scientific, or educational opportunity or view.

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

~~((D. Regulated public access shall not be required in the UG/LU environment on private lots abutting a street end or water-way which provides public access, which have a front lot line less than one hundred feet in length, measured at the upland street frontage generally parallel to the water's edge.~~

~~B. The following Table 2A illustrates the requirements of this chapter for regulated public access.~~))

~~((TABLE 2A~~

~~Regulated Public Access Requirements~~

~~Type of Property~~	~~Regulated Public Access~~
~~1. Public property - use(s)~~	~~Required~~
~~2. Public property leased or rented for private, non-water-dependent use(s)~~	~~Required~~
~~3. Central Waterfront - public and private property~~	~~15% of total water area covered by structure(s), or 5,000 square feet, whichever is greater~~
~~4. Public property leased or rented for private, 100% water dependent use(s)~~	~~Not required~~
~~5. Public or private property, 100% water dependent use(s)~~	~~Not required~~
~~6. Private property, non-water-dependent use~~	~~Required, if four or more residential units and 100 feet or more of water-frontage, shoreline PUD, or commercial or industrial use, unless exclusively residential development on salt water shoreline and public access to shoreline from street is available within 600 feet~~
~~7. Private residential development on salt water~~	~~Required if not within 600 feet of public access to water))~~

Section 25. Section 24.60.420 of the Seattle Municipal Code (Section 21A.40 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

Subchapter V Permitted Uses

24.62.430 Permitted uses in Shoreline District environments

A. Uses are permitted in the seven Shoreline District environments in accordance with the following table, subject to [illegible] and the criteria for evaluating applications for substantial development permits in Section 24.60.540 et seq. The symbol "X" opposite a use means the use is prohibited, the symbol "A" means the use is a permitted shoreline use, the symbol "C" means the use may be permitted as a shoreline conditional use in accordance with the procedures for authorizing such uses established in this chapter, and the symbol "S" means the use may be permitted as a shoreline special use if the additional conditions of Section 24.60.525H are satisfied. Cross-references to definitions and to specific text sections are intended to assist in understanding Table ((~~1~~)) 2 and are not intended to exclude the application of other provisions.

B. Shoreline uses are permitted by this chapter only when also permitted by the underlying zoning.

C. Accessory uses customarily incidental to a use permitted in Table ((~~1~~)) 2 and not expressly prohibited are also permitted. Accessory uses which would be prohibited as principal uses may be permitted only if clearly incidental and necessary for the operation of a permitted principal use. (See also Section 24.60.540).

Note: this table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

Table ((~~1~~)) 2
A. PERMITTED USES ON WATERFRONT LOTS

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CM	UG
Residential Uses									
Single-family		530	X	X(6)	A	A(18)	A(18)	X	X
Multi-family		530	X	X	A	A(18)	A(18)	X	X
Artist studio dwelling		530	X	X	A	A(18)	A(18)	X	X
Floating homes	060	535 530	X	X	S (4)	((S))X (4,18)	A (18)	X	X
Existing floating home((s)) moorages	((~~060~~)) 065	535, ((~~650~~))	X	((X)) A	A(4)	A	A	X	X
Retirement and other group homes			X	X	A	A	A	X	A(18)
Swimming pools		750	X	A	A	A	A	A	A
Business and Commercial Uses		540							
Offices		540	X	X	X	A	X	A(17)	A
Retail shops and services		540	X	X	X	A	A	A	A
Restaurants		545	X	X	X	A	((A))	A	A
Hotels, motels, boatels	080	550	X	X	X	X	C X	((A(1))) X	X
Commercial boating, Private Clubs and Public Boating Facilities									
Marine sales			X	((X)) A	X	A	A	A	A
Open wet moorage	125	650 670	X	A	A	A	A	A	A
Covered wet moorage	120	((~~655~~))650 670	X	X	X	A	X	X	A
Open dry boat storage	46	655	X	S	X	A	A	X	A
Stacked moorage		655	X	((~~X~~)) S	X	A	A	((X)) A	A
Launching ramps		660	X	S	S	A	A	X	A
Tug and barge facilities			X	X(19)	X	A	A	A	A
	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CM	UG
Haul-out facilities		660	X	S	S	A	A	A	A
Marine construction repair and dismantling			X	X	X	A	A	X	A
Marine service stations		665	X	X	X	A	A	A	A
([Public m)) Marinas		((~~670~~)) 650 655	X	A ((S))	((X)) A	A	A	A	A
((~~Private nonprofit~~)) New yacht, boat, and beach clubs		765	X	((X)) S	((~~X(16)~~)) S	A	A	((X)) A	A
Existing yacht clubs		765	X	A	A	A	A	A	A
Transportation Facilities		620							
Accessory parking		615	X	S	A	A	A	A	A
Principal use parking		615	X	X	X	X	X	X	X
Cargo terminal		((~~645~~))565	X	X	X	A	A	A	A
Passenger and auto ferry terminal		645	X	A	X	A	A	A	A
Highways, freeways and major arterials		625	X	X	S(7)	S(7)	S(7)	S(7)	S
Railroads, spurs and rail transit		630	X	X	S(8)	S(8)	S(8)	S	S
Bicycle and pedestrian ways		635	((X)) S	A	A	A	A	A	A
Streets, scenic roads and auto-oriented viewpoints		625	X	A	A	A	A	A	A
Land-based aircraft facilities		640	X	X	X	X	X	X	X
Water-based aircraft facilities		640	X	X	X	S	S	S	S
Utilities									
Overhead		680, 685, 690	X(9)	X(9)	Z(9)	A	X(8)	Z(9)	A

Underwater	595 590	S	S	S	A	A	A	A
Intakes and outfalls	600	S	S	A	A	A	A	A
Sewer lines (storm, sanitary, combined)	600	X(2)	X(2)	A	A	A	A	A
Sewage treatment facilities	610	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Industrial and Manufacturing Uses									
Log storage and rafting		735	X	X	X	A	A	A	A
Sand, gravel and concrete mix and cement plants			X	X	X	S	S	X	A
Cargo handling and water-((dependent)) related ((265)) 266 manufacturing		565	X	X	X	A	A	X	A
Other industrial or manufacturing uses (including refuse transfer and salvage stations, mills and refineries)			X	X	X	X	X	X	A
Warehousing and wholesaling		560	X	X	X	((A)) X(15)	((A)) X(15)	X ((A))	((A)) X(15)
Shoreline Structures and Alteration									
Sanitary landfill			X	X	X	X	X	X	X
Dredging		715; 720	C	A(10)	A(10)	A(10)	A(10)	((A)) A(10)	A(11)
Landfill on submerged lands		725; 730	C (16)	S	S	S	X	X	S
Landfill on wetlands		725; 730	C (12)	A(12)	A(12)	A(12)	X	X	A(13)
Piling		690	X	S	A	A	A	A	A
Floating dolphins			C	S	X	A	A	A	A
Floats		685	X	A	A	A	A	A	A
Single-family, multi-family community recreation piers and launching ramps	150	675; 685	X	A	A	A	A	X	A
Commercial piers	150	680	X	X	X	A	A	A(3)	A
Public recreational piers	150	680	X	A	A	A	A	A(3)	A
Groins	075	700	X	S	A	A	A	A	A
Breakwaters		695	X	S	A	A	A	A	A
Bulkheads and shoreline protective structures		705((;))	X	A	A	A	A	A	A

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Natural Beach Protection		((710)) 705	S	S	S	S	X	S	S
Offshore facilities	135	745	((S))	X	X	X	X	X	X

Note: This table shows only where uses may be permitted. Section 24.60.520 et seq govern the conditions under which uses will be permitted.

Signs									
Business signs	220	((520 525)) 570; 575	X	((A)) A	((A)) A	A	A	A	A
Outdoor advertising signs	215	((520 525)) 570; 575	X	X	X	X	X	X	A
Miscellaneous									
Aquaculture-structures	020	740	S	S	A	A	A	A	A
Public parks		760	S	A	A	A	A	A	A
Research and educational uses		555	X	A	A	A	A	A	A
Nonprofit fraternal and social clubs((, multiple residence recreational facilities other than moorage))		750	X	X	((A)) S	A	A	((A)) X	A
Community facilities		755	X	A	A	A	A	((A)) X	A
Multiple residence(s) recreational facilities		750	X	S	A	A	X	X	A

Table 2

B. PERMITTED USES ON UPLAND LOTS

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Residential Uses		530							
Single-family		530	X	X	A	A(18)	A(18)	X	X
Multi-family		530	X	X	A	A(18)	A(18)	A	X
Artist studio dwelling		530	X	X	A	A(18)	A(18)	A	A(18)
Retirement and other group homes			X	X	A	A(18)	A(18)	A	A(18)
Swimming pools		750	X	A	A	A	A	X	A
Business and Commercial Uses		540							
Offices		540	X	X	X	A	C	A	A
Retail shops and services		540	X	X	X	A	A	A	A
Restaurants		545	X	X	X	A	A	A	A
Hotels, motels,	80	550	X	X	X	X	X	A	X
Commercial boating, Private Moorage and Public Boating Facilities									
Marine sales			X	A	X	X	A	A	A
Dry boat storage		895	X	S	X	A	A	X	A
Marine construction repair and dismantling facilities			X	X	X	A	A	X	A
Yacht and boat clubs		755	X	S	S	A	A	X	A
Transportation Facilities		620							
Accessory parking		615	X	S	A	A	A	A	A
Principal use parking		615	X	X	X	A	A	A	A
Highways, freeways and major arterials		625	X	X	S(7)	S(7)	S(7)	S(7)	S

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Railroads, spurs and rail transit		630	X	X	S(8)	S(8)	S(8)	S	S
Bicycle and pedestrian ways		635	S	A	A	A	A	A	A
Streets, scenic roads and auto-oriented viewpoints		625	X	A	A	A	A	A	A
Land-based aircraft facilities		640	X	X	X	X	X	X	X
Utilities									
Overhead		580; 585; 590	X(9)	X(9)	X(9)	A	X(9)	X(9)	A
Sewer lines (storm, sanitary, combined)		600	X(2)	X(2)	A	A	A	A	A
Sewage treatment facilities		610	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)	X(2)
Industrial and Manufacturing Uses									
Log storage		735	X	X	X	A	A	A	A
Sand, gravel and concrete mix and cement plants			X	X	X	S	S	X	A
Non-water-dependent manufacturing	265	565	X	X	X	A	A	A	A
Other industrial or manufacturing uses (including refuse transfer and salvage stations, mills and refineries)			X	X	X	X	X	X	A
Warehousing and wholesaling		560	X	X	X	A	A	A	A
Storage for uses permitted in same environment on waterfront lots			A	A	X	A	A	A	A
Shoreline Structures and Alteration									
Sanitary landfill			X	X	X	X	X	X	X
Landfill on wetlands		725; 730	C	A(12)	A(12)	A(12)	X	X	A(1

	Defined in § 24.60	Subject to § 24.60	CN	CM	UR	US	US/LU	US/CW	UD
Signs									
Business signs	220	570; 575	X	A	A	A	A	A	A
Outdoor advertising signs	215	570; 575	X	X	X	X	X	X	A
Miscellaneous									
Public parks		760	S	A	A	A	A	A	A
Research and educational uses		555	X	A	A	A	A	A	A
Nonprofit fraternal and social clubs		750	X	X	S	A	A	A	A
Community facilities		755	X	A	A	A	A	A	A
Multiple residence recreational facilities			X	S	A	A	A	A	A

Footnotes to Table ((B)) 2

(1) ((Permitted only as part of a shoreline planned unit development. See Section 24.60.500 (Central Waterfront).)) Reserved.

(2) Unless no feasible alternative exists. See Sections 24.60.600, 24.60.610.

(3) Permitted south of Bay Street only. See Section 24.60.680.

(4) Permitted on Portage Bay only. See Section 24.60.535 and 24.60.530(c).

(5) ((Subject to provisions of Sections 24.60.650B and 24.60.655.)) Reserved.

(6) ((Reserved.)) Permitted when located on a privately owned residentially zoned lot of record as of March 1, 1977 having less than 30 ft. of dry land between a right-of-way and the line of Ordinary High Water, as described in Sec. 24.60.530.

(7) New facilities parallel and adjacent to shoreline are prohibited. See Section 24.60.625.

(8) New facilities parallel and adjacent to shoreline are prohibited. See Section 24.60.630.

(9) Except lines carrying ((230)) 115 KV or more, which are permitted. See Section 24.60.590.

(10) Dredging of 500 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.715.

(11) Dredging of 1000 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.715.

(12) Landfill on wetlands of 500 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.725. Landfill on wetlands in CN environment for natural beach protection is permitted as a special use.

(13) Landfill on wetlands of 1000 cubic yards or more is special use in particular environment. Permitted only if additional conditions of Section 24.60.525H are satisfied. See Section 24.60.725.

(14) Except as permitted in Section 24.60.745.

(15) ((Reserved.)) Permitted as accessory use to a water-dependent or water-related principal use only, subject to Section 24.60.420.

(16) ((Permitted only where underlying zoning is HW. See Section 24.60.730.)) Landfill on submerged lands in CN environment for natural beach protection is permitted as a special use.

(17) Permitted above first floor only and not more than 30% of gross floor area or 100,000 square feet south of Bay Street. See Section 24.60.740.

(18) Where the underlying zoning is CG, M, IB, or IH as of January 1, 1983 see Section 24.60.150A.

(19) Open net moorage for tugs and barges is permitted in the UM environment on Lake Union when adjacent to tug and barge facilities in the US/LU.

Section 26. Section 24.60.440 of the Seattle Municipal Code (Section 21A.53 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.440 Public hearing.

As a part of the process of reviewing an application for a substantial development permit, the Director, at his discretion, may provide for a public hearing on the application, particularly where:

A. The proposed development has broad public significance;

B. Fifty or more interested persons file a written request for such hearing not later than the thirtieth day following the date of final publication of notice of the application;

C. The cost of the proposed development, exclusive of land will exceed Five Hundred Thousand Dollars ($500,000); or

D. The proposed development will require a shoreline conditional use or a variance from the provisions of this chapter, or other extraordinary relief from the provisions of this subtitle or state or federal shoreline regulations.

Public hearing shall be conducted by the Director or his designee after not less than twenty days' notice given in the manner provided in ((Sections 24.64.120 and 24.64.130)) Section 23.14.108 for amendments to the Official Zoning Map, and written notice of such hearing shall be mailed to persons requesting the same at least seven days prior to the date of the hearing.

Section 27. Section 24.60.460 of the Seattle Municipal Code (Section 21A.57 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is amended to read as follows:

24.60.460 Revisions to substantial development permits.

When an applicant seeks to revise a substantial development 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 comply with WAC 173-14-064, as now constituted or herein after amended(1), ((are within the scope and intent of the original permit, do not substantially change the uses or increase the bulk, change the essential features of the development, or otherwise increase the impact of the development on the shoreline,)) he shall approve the revision. The revised permit shall become effective immediately. The approved revision, along with copies of the revised site plan and text, shall be submitted by certified mail to the appropriate Department of Ecology Regional Office, the Attorney General, and to persons who have previously notified the Director relative to the original application. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within fifteen days from date of certified mailing. The party seeking review shall have the burden of proving the revision was not within the scope and intent of the original permit.

B. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new substantial development permit in a manner provided for in this chapter.

(1) A copy of WAC 173-14-064 as now constituted is attached for easy reference.

Section 28. Section 24.60.465 of the Seattle Municipal Code (Section 21A.58 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.465 Rescission.

The Director may rescind a substantial development permit after hearing if ((he finds that the permittee has not complied with conditions of the permit.)) any of the following conditions are found:

1. The permittee has developed the site in a manner not authorized by the permit; or

2. The permittee has not complied with the conditions of the permit; or

3. The permittee has secured the permit with false or misleading information; or

4. The permit was issued in error.

Notice of the hearing shall be mailed to the permittee not less than fourteen days prior to the date set for the hearing and included in the general mailed release.

Section 29. Section 24.60.475 (Section 21A.60 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as

Section 24.60.475 Shoreline Conditional Uses.

A. Uses which are identified in this ((Article)) Chapter as shoreline conditional uses, and other uses which, although not expressly mentioned in Table ((3)) 2, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be authorized by the Director in specific cases upon approval of the Department of Ecology if ((he finds that:)) the request complies with the criteria set forth by the Department of Ecology in WAC 173-14-140, as now constituted or hereafter amended.(1)

((~~(a) the use will not have a significant adverse effect upon the environment or other adjacent or nearby uses, or that such adverse effects can be mitigated, or that the benefits of permitting such use outweight such adverse effects;~~

~~(b) the use will not interfere with public use of public shorelines;~~

~~(c) design and appearance of the development will be compatible with the design and appearance of surrounding uses; and~~

~~(d) the use will not be contrary to the general intent of the Shoreline Master Program of the City of Seattle.~~))

In authorizing a shoreline conditional use, the Director may impose requirements and conditions in addition to those expressly set forth in this Article with respect to location, installation, construction, maintenance and operation and extent of open spaces as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

B. Uses permitted within ships designated as Seattle Landmarks or National Historic Sites. The Director may authorize a restaurant or retail use as a conditional use within a ship designated as a landmark by the Landmarks Preservation Board or listed on the National Register of Historical Places and located in the CM, US, US/LU, US/CW environments even if such use is not otherwise permitted in the environment or over water. Such authorization shall be subject to the following conditions:

1. The use shall be compatible with the existing design and/or construction of the ship without significant alteration; and

2. The use shall be allowed only when it is demonstrated that permitted uses in the shoreline environment or over water are impractical because of the ship design and/or that no such permitted use can provide adequate financial support necessary to sustain the landmark or historic site in a reasonably good physical condition; and

3. The use shall obtain a certificate of approval from the Landmarks Preservation Board; and

4. No other historic ships containing restaurant or retail uses are located within one-half mile of the proposed site; and

5. Such use meets the conditional use criteria of WAC 173-14-140.

(1) A copy of the criteria of WAC 173-14-140, as presently constituted, is attached for easy reference.

Section 30. That Section 24.60.480 of the Seattle Municipal Code (Section 21A.61 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.480 Shoreline variances.

In specific cases the Director with approval of the Department of Ecology may authorize variances from specific requirements of this Article if the request complies with WAC 173-14-150, as now constituted or hereinafter amended.(1) ((~~When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the shoreline master program. A shoreline variance will be granted only after the applicant can demonstrate the following:~~

~~(a) That if he complies with the provisions of the master program, he cannot make any reasonable use of this property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not a sufficient reason for a variance.~~

~~(b) That the hardship results from the application of the requirements of the Act and shoreline master programs, and not, for example, from deed restrictions or the applicant's own actions.~~

~~(c) That the variance granted will be in harmony with the general purpose and intent of the shoreline master program.~~

~~(d) That the public welfare and interest will be preserved.~~))

Variances may not be sought to allow a use permitted in subtable 2 of Table 2 but prohibited in subtable 1 of Table 2 to be located on a waterfront lot.

In authorizing a shoreline variance, the Director may attach thereto such conditions regarding the location, character or other features of a proposed structure or use as may be deemed necessary to carry out the spirit and purpose of this Article and in the public interest.

(1) A copy of WAC 173-14-150, as presently constituted, is attached for easy reference.

Section 31. Sections 24.60.490, 24.60.495, 24.60.500, 24.60.505, 24.60.510 and 24.60.515 of the Seattle Municipal Code (Sections 21A.63 through 21A.69 of Ordinance 86300, as amended by Ordinance 106200), relating to planned unit development in the US/CW environment are hereby repealed.

Section 32. Section 24.60.525 of the Seattle Municipal Code (Section 21A.71 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.525 General.

A. All proposed developments shall be consistent with the requirements of the Shoreline Master Program and the provisions of the Shoreline Management Act of 1971, as amended, expressed in RCW 90.58.

B. All proposed developments must conform to permit requirements of all other agencies having shoreline jurisdiction or responsibility, and authority to proceed under a substantial development permit may be conditioned upon the applicant's obtaining such other permits.

C. All proposed developments must conform with applicable federal, state and local regulations relating to air and water quality and noise pollution.

D. The proposed development must satisfy any substantive requirements of the State Environmental Policy Act.

E. Uses shall be preferred in the following order:

1. Water-dependent;
2. Water-related;

((2))3. Non-water-dependent or non-water related with regulated public access;

((3))4. Non-water-dependent or non-water-related without regulated public access.

F. Applications for substantial development permits on shorelines of statewide significance shall be evaluated in accordance with the principles outlined below in order of preference, and in accordance with the development guidelines for shorelines of statewide significance in WAC 173-16-040(5):

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long-term over short-term benefit;
4. Protect the resources and ecology of shorelines;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public on the shorelines.

G. Uses which cause or result in significant concentrations of harmful pollutants and materials subject to blowing which may enter runoff waters shall provide means to insure that such pollutants will not enter the water or air. Uses not connected to a storm drain shall provide means acceptable to the Director capable of containing and providing for the slow release of surface runoff, provided such requirement shall not apply to sites where the applicant can clearly demonstrate that surface runoff from shoreline uses will not create or significantly contribute to a flood, erosion or pollution hazard.

H. Uses which are identified in Table ((3)) 2, Section 24.60.420 as special uses in a particular environment may be authorized by the Director when the following additional conditions are satisfied:

1. The use will not have a significant adverse effect upon the environment or other adjacent or nearby uses, or such adverse effects can be mitigated, or the benefits of permitting such use outweigh such adverse effects;
2. The use will not interfere with public use of public shorelines;
3. Design and appearance of the development will be compatible with the design and appearance of surrounding uses; and
4. The use will not be contrary to the general intent of the Shoreline Master Program of the city.

The burden of proof that all of the foregoing facts and conditions exist shall be on the applicant.

In authorizing a shoreline special use, the Director may impose requirements and conditions in addition to those expressly set forth in this chapter with respect to location, installation, construction, maintenance and operation and extent of open spaces as may be deemed necessary for the protection of other properties in the shoreline environment or vicinity and the public's interest in the shoreline.

Section 33. That Section 24.60.530 of the Seattle Municipal Code (Section 21A.72 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.530 Residential uses.

A. In the US, US/LU, and UD environments where the underlying zoning is General Commercial (CG), Manufacturing (M), or Industrial (IG, IM), as of January 1, 1983, residential uses may be permitted as indicated in Table 2 only as a conditional use as authorized by Section 24.60.475 and the following additional conditions:

1. After considering the nature and condition of nearby structures and uses, it is determined that the immediate environs are not of the type to create a nuisance for the residential dwellers.
2. The residential use will not usurp land needed for and better suited to water-dependent, water-related, and associated industry and commerce uses.

B. ((~~Except for floating homes,~~ n)) New residential structures completely or partially constructed over water are prohibited((~~.~~)) except for floating homes where permitted by Table 3A, and except for single family residences in the CM and UR environments when located on a residentially zoned and privately owned lot established as a separate building site 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 30 feet of dry land between an abutting dry land right of way and the line of ordinary high water or mean Higher High Water. Residential uses over water accessory to a principal use are also prohibited, except for caretaker quarters.

((~~B. New apartment houses (four units or more) will be permitted on land only and then only with regulated public access to and along the water's edge as provided in Section 24.60.405.~~))

C. When located on a waterfront lot, new multi-family residences of four or more units shall be required to provide regulated public access to and along the water's edge (see Section 22.60.405 and Section 24.60.410).

Section 34. Section 24.60.535 of the Seattle Municipal Code (Section 21A.73 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.535 Floating homes.

A. General.

1. Floating homes and floating home moorages are water-dependent uses and as such are preferred uses to occupy the surface of the water. Such uses shall comply with ((~~the Floating Homes Ordinance (No. 95021)~~)) Title 22 of the Seattle Municipal Code /Seattle Building Code Supplement, Chapter 74 - Houseboats/ and the requirements of this chapter.

2. Floating homes and floating home moorages are a permitted use only in the US/LU, US, and UR environments as provided in Table ((3)) 2 and Section 24.60.530(A) and only on Lake Union and Portage Bay.

((~~3. Floating homes shall not exceed twenty-one feet at the highest point measured from the surface of the water.~~

~~4. Floating homes shall not cover in excess of one thousand two hundred square feet of water area, inclusive of float, decks, and roof overhang.~~))

((~~5.~~)) 3. Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of the dock or walkway. In the location and the design of new or remodeled floating homes, views of the water for moorage tenants and the public shall be opened up and enhanced.

((~~6.~~)) 4. New ((~~F~~))floating home((~~s~~)) moorages shall not be located between the combined pierhead/harbor line and the Seattle Construction Limit Line in Lake Union.

((~~B. Replacement and Remodeling. The replacement, remodeling or new construction of a floating home at an existing moorage not meeting the lot coverage, open water, site area, yard, or location provisions of this chapter shall be permitted if it results in no increase in the total float area as of the effective date of the adoption of this chapter, and the height of the floating home does not exceed sixteen feet.~~))

((~~C.~~))B. New Floating Homes and Floating Home Moorages.

1. Floating homes shall not exceed [illegible]

the highest point measured from the surface of the water.

2. Floating homes shall not cover ((an)) excess of one thousand two hundred square feet of water area, inclusive of float, decks, roof overhang, and accessory floats.

((3.)) 3. Minimum site area for an individual floating home shall be two thousand square feet.

((4.)) 4. Total water coverage of all floating homes and all moorage walkways (fixed or floating) shall not exceed forty-five percent of the submerged portion of the moorage lot area.

((5.)) 5. Yards.

a. The minimum distance between adjacent floating home floats or walls shall be ten feet of open water.

b. The minimum distance beween floating homes on opposite sides of a moorage walkway shall be ten feet, wall-to-wall.

c. The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five feet except when adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway (fixed or floating) may abut upon the lot line.

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

e. Each floating home in a floating home moorage shall abut upon open water at least twenty feet wide and open continuously to navigable waters.

((6.)) 6. Public Access. Usable open space shall be provided on the upland portion of the site for regulated public access and shall be located so as to provide substantial visual access to the water.

7. The remodeling, replacement, rebuilding, or placement of a floating home at a moorage which meets the criteria for new moorages shall be subject to the requirements of this subsection.

C. Nonconforming Floating Home Moorages.

The remodeling, replacement, rebuilding, or relocation of a floating home at a moorage existing as of March 1, 1977 and not satisfying the lot coverage, open water, site area, yard, or location provisions for new floating home moorages shall be permitted subject to the following provisions.

1. Remodeling and Replacement.

An existing floating home may be remodeled, replaced or rebuilt if

a. The total float area of the floating home float as of March 1, 1977 is not increased; and

b. The height of the remodeled floating home or remodeled portion of the floating home is not increased beyond 16 feet from the water if the floating home is being remodeled; or the height does not exceed 16 feet if the floating home is being replaced or rebuilt; and

c. The minimum distance between adjacent floating home walls is not decreased to less than six feet if the floating home is being remodeled or is no less than six feet if the floating home is being rebuilt or replaced; and

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

e. No part of the floating home is further extended overwater beyond the edge of the float if the floating home is being remodeled, or does not extend overwater beyond the edge of the float if the floating home is being rebuilt or replaced.

2. Relocation.

Floating homes may be exchanged, either within a nonconforming moorage or between nonconforming moorages, if

a. Both floating homes are under 16 feet in height; or both floating homes are the same height; or the relocation will not result in a floating home which is over 16 feet in height and higher than the floating home being replaced being located seaward of floating homes which are 16 feet or less in height; and

b. The minimum distance between adjacent floating home walls will be no less than six feet; and

c. The minimum distance between any floating home wall and any floating home site line will be no less than three feet; and

d. Any floating home located in part in the public waters of any street or street end may be replaced only with a floating home which can be located entirely on private property pursuant to Section 7412 of the Seattle Building Code Supplement; and

e. The requirements of Chapter 7.20 of the Seattle Municipal Code (Equity Ordinance) have been met.

3. Accessory Floats

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 is not increased. Such an accessory float may not be transferred from one floating home to another. New accessory floats are prohibited.

D. Moorage Plan.

Any proposal to replace, remodel, rebuild, or relocate a floating home must be accompanied by an accurate, fully dimensioned moorage site plan, at a scale of not less than 1" = 20', unless such plan is already on file with the Department.

Section 35. Section 24.60.540 of the Seattle Municipal Code (Section 21A.74 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.540 Business and commercial uses.

A. ((~~Generally,~~)) Principal ((~~,~~)) business and commercial uses which are not water-dependent or water-related ((~~(or not clearly accessory to a water-dependent use)~~)) shall provide regulated public access and unless expressly authorized in this chapter shall not be constructed over water.

B. ((~~Unless otherwise provided in this chapter, business and commercial~~ u)) Uses which are accessory to a water-dependent or water-related use, although not water-dependent or water-related themselves, may be located over water if an overwater location of the accessory use is necessary for the operation of the principal use or if no reasonable dry land location exists on site. Overwater structures for such accessory uses shall not occupy more than forty percent of the ((~~floor area of any structure constructed over water~~)) permitted overwater coverage.

C. ((~~D.~~)) OS/CW Environment. Recreational and tourist-oriented business and commercial uses such as restaurants, fast-food service, seafood and vegetable and fruit markets, retail shops including gift, import and souvenir shops, bars, taverns, cabarets, theaters, marine and fishing supply, fish processing, water-oriented scientific, educational or historic center such as aquariums or museums, water-oriented recreational facilities open to the public, yacht clubs, and offices within existing structures not exceeding thirty percent of the gross floor area, or one hundred thousand square feet, whichever is less shall be permitted over water in the US/CW environment. New piers in the US/CW environment shall be permitted for water-dependent uses only.

Section 35a. Section 24.60.545 of the Seattle Municipal Code (Section 21A.75 of Ordinance 086300, as amended by Ordinance 106200, is amended to read as follows:

24.60.545 Restaurants

Restaurants shall be permitted only when a traffic generation study and a parking plan consistent with the requirements of this chapter are provided. While restaurants are not dependent upon a shoreline location, waterfront restaurants do provide members of the public with an opportunity to view and at times gain access to the water. Except as otherwise provided in this chapter, restaurants in the Shoreline District shall provide regulated public access and shall not be constructed over water.

Restaurants on the dry land portion of waterfront lots in the US/LU environment shall be permitted as a conditional use as authorized by Section 24.60.475 when the restaurant use shall not usurp land needed for and better suited to water-dependent and water-related industrial and commercial uses.

Section 36. Section 24.60.550 of the Seattle Municipal Code (Section 21A.76 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.550 Hotels, motels and boatels.

((~~Unless otherwise provided in this chapter,~~ h))Hotels, motels, and boatels are prohibited in the Shoreline District except on upland lots in the US/CW environment.

Section 37. Section 24.60.555 of the Seattle Municipal Code (Section 21A.77 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.555 Research and educational uses.

A. As indicated in Table ((3)) 2, research and educational uses or facilities are permitted in all environments of the Shoreline District other than CN. All such uses must be water-dependent or water-related when located on a waterfront lot.

B. Educational and research uses or facilities which have a significant adverse impact upon the surrounding neighborhood by reason of the bulk or type of materials, heavy equipment or machinery, noise, odor, traffic, or other such characteristics are prohibited in the CM and UR environments.

Section 38. Section 24.60.560 of the Seattle Municipal Code (Section

21A.78 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.560 Wholesaling and/or warehousing.

When located on a waterfront lot, ((W))wholesaling and/or warehousing are permitted only as an accessory use serving a water-dependent or water-related principal use.

Section 38a. Section 24.60.570 of the Seattle Municipal Code (Section 21A.80) of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.570 Signs in CN ((and CM)) environment((S)).

Signs are prohibited in the CN ((and CM)) environment((s)), except informational or interpretive signs and signs necessary to protect health and safety, or to explain a natural phenomenon, historical event or other special aspect of the environment.

Section 38b. Section 24.60.575 of the Seattle Municipal Code (Section 21A.81 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.575 Signs in all environments other than CN ((and CM)).

A. Advertising signs are prohibited in all shoreline environments except the UD environment.

B. All signs permitted in the Shoreline District shall conform to all other regulations pertaining to signs within the City of Seattle ((the requirements of of Ordinance 90131 (relating to signs along scenic view and/or landscaped sections of the City's freeways, expressways, etc.) and to Ordinance 102929 (Comprehensive Sign Ordinance),2)) and in addition:

1. Views of the water from vistas and viewpoints shall not be impaired by the placement of business and advertising signs.

2. Advertising signs shall be located only on the upland side of public transportation routes which parallel and are adjacent to shorelines, unless views will not be substantially obstructed.

3. Signs shall be constructed against buildings to minimize visual obstruction of the shoreline.

4. Signs in the UR and CM environments shall identify the name of the business only and not the products sold.

Section 39. Section 24.60.580 of the Seattle Municipal Code (Sections 21A.82 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.580 Utilities - General requirements.

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

B. To the extent practicable and commensurate with public safety, regulated public access shall be provided to utility owned or controlled property within the Shoreline District and such access on new public and private utility developments shall be required.

C. Screening of completed abovegrade utilities shall be required where compatible with view preservation and protection of the public.

D. New ((W))utility exchanges, substations and similar facilities shall not be located ((are prohibited)) in the Shoreline District unless no ((feasible)) reasonable alternative exists.

E. Utility installation and construction shall be conducted in such a manner as to:

1. Restore the shoreline areas affected as nearly as practicable to their preexisting condition;

2. Prevent degradation, contamination or pollution of the air or water; and

3. Prevent adverse impacts from the construction or installation upon the adjacent properties, water quality, vegetation, and resident or migratory aquatic life and/or wildlife.

Section 40. That Section 24.60.585 of the Seattle Municipal Code (Section 21A.83 of Ordinance 86300, as amended by Ordinance 106200) is hereby repealed.

Section 41. Section 24.60.590 of the Seattle Municipal Code (Section 21A.84 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.590 Underground and overhead location of utilities.

A. The installation of new electrical, telephone, other utility lines in areas where no such lines exist, or the substantial expansion of existing electrical, telephone or other utility lines in CN, CM and UR, US, US/LU and US/CW environments shall be accomplished underground, or under water, except for lines carrying ((230)) 115 KV or more. Location of utilities in CN areas at existing designated cable crossing areas shall be preferred.

B. Overhead installation of utility lines shall be permitted in UD environments, where there are no significant impacts on upland views or scenic values. Siting, location and design

Section 42. Section 24.60.595 of the Seattle Municipal Code (Section 21A.85 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.595 Underwater location of utilities.

A. 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 shut-off facilities at each end of the underwater segments.

B. All development work shall be timed to avoid interference with major migratory fish runs.

C. All dredging shall conform to the requirements of this chapter.

Section 43. Section 24.60.600 of the Seattle Municipal Code (Section 21A.86 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.600 Intakes, outfalls and sewer lines.

A. Intakes, outfalls and sewer lines are permitted in UD, US, US/LU, US/CW and UR environments, as provided in Table ((3)) 2.

B. New ((I))intakes, outfalls and sewer lines shall not be located in CM and CN environments unless no ((feasible)) reasonable alternative exists. If permitted, permits for such installations shall be conditioned upon adequate measures to mitigate adverse impacts.

C. All intakes and outfalls shall be located so they will not be visible at ((least one foot below)) mean lower low water ((or equipped with a flap valve or best available technology)).

D. All intakes and outfalls shall be equipped with a flap valve or best available technology.

Section 44. Section 24.60.615 of the Seattle Municipal Code (Section 21A.89 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.615 Off-street parking - principal and accessory.

A. General Parking Policies.

1. Required parking spaces and loading berths as accessory uses shall be provided for principal uses in the Shoreline District as required by Chapter 24.64 or Title 23 of the Seattle Municipal Code except that such requirements may be waived or modified at the discretion of the Director if alternative means of transportation will adequately serve the proposed development in lieu of such off-street parking and loading requirements. Accessory parking requirements ((shall)) may be waived ((in the US/CW environment)) where ((off-street)) parking to serve the proposed uses is available within eight hundred feet of the proposed development.

2. If the number of parking spaces for a proposed substantial development which are required by Chapter 24.64 or Title 23 Seattle Municipal Code or which are 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 such adverse effect.

B. Prohibited Parking.

1. As indicated in Table ((3)) 2, parking facilities are prohibited in CN environments, and also prohibited in CM environments except as a shoreline ((conditional)) special use accessory to a water-dependent or water-related principal use and subject to Section 24.60.420C. Off-street parking as a principal use is prohibited in all environments on waterfront lots.

2. Except as provided in this chapter, parking over water is prohibited in all environments except as an accessory use to a water-dependent or water-related principal use as permitted in Section 24.60.540B and then only if enclosed within a structure and screened from public view.

C. Existing Parking Lots. Existing nonaccessory parking lots shall be provided with screening substantially as is required for accessory parking areas in ((R Zones by Section 24.64.160A, within three years of the effective date of adoption of this chapter)) D below.

D. Parking Design Requirements. Except as otherwise provided in this chapter, new off-street parking uses of more than 5 spaces shall comply with the following:

((1. Such parking shall be provided only as an accessory use to a shoreline principal use.))

((2. Open parking shall be screened substantially as is required for accessory parking areas in R Zones by Section 24.64.160A.

(3.)) 1. Open parking lots shall be screened and set back five feet from the property line adjacent to the street as follows:

(a) Screening shall be not less than four and not more than six feet in height above the grade of the parking lot surface, but in no case shall be permitted to constitute a traffic hazard or to obstruct a view corridor. Such screening shall be maintained in good condition.

(b) The setback area shall be landscaped with grass, hardy shrubs or evergreen ground cover and shall be maintained in good condition.

(c) Screening and/or the required setback may be waived by the Director if he finds that no useful purpose would be served.

(((4)))2. Principal use (((0)))open parking lots of 30 spaces or more and accessory use parking lots of 50 spaces or more ((~~with a lot area exceeding twenty thousand square feet~~)) shall be provided with interior landscaping.

((5))3. A satisfactory landscaping and maintenance plan shall be submitted as a condition for issuance of the permit.

((6))4. Parking lots ((~~for boat launching facilities and marinas~~)) shall be located ((~~away~~)) at least 50 feet from the water's edge, ((~~where feasible~~)) unless no reasonable alternative exists.

5. Parking uses on waterfront and upland through lots shall be subject to the view corridor requirements of Section 24.60.395.

Section 45. Section 24.60.635 of the Seattle Municipal Code (Section 21A.93 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.635 Bicycle and pedestrian ways.

A. Pedestrian ways designed so as to minimize environmental impact are permitted in all environments, as indicated in Table ((3)) 2.

B. Bicycle ways designed so as to minimize any environmental impact and to serve viewpoints, parks, other recreational purposes, and other activity centers, are permitted in all environments ((~~except the CM environment~~)), as indicated in Table ((3)) 2.

Section 46. Section 24.60.640 of the Seattle Municipal Code (Section 21A.94 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.640 Aircraft facilities.

A. As indicated in Table ((3)) 2, land-based aircraft facilities are prohibited in all shoreline environments.

B. Float or seaplane facilities are authorized only in US, US/LU, US/CW and UD environments and then only if the impact of the operation will be compatible with surrounding uses.

Section 47. That Section 24.60.650 of the Seattle Municipal Code (Section 21A.96 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.650 ((~~Open w~~))Wet moorage.

A. Service and minor accessory buildings may be permitted on piers other than residential piers providing ((~~open~~)) wet moorage ((~~, but~~)) when such buildings ((~~must be for~~)) are accessory to water-dependent or water-related uses, ((~~and must be~~)) are minimal in size and number, and meet the criteria of Section 24.60.640B.

B. ((~~Moorage in the CM environment shall comply with the following provisions:~~

~~1. Open wet moorage only shall be permitted.~~

~~2. Long-term parking facilities shall not be located within the Shoreline District.~~

~~3. Facilities employing the best available technology for disposal of sewage and other wastes shall be provided, located so as to be conveniently available to all boats, and discharge of untreated sewage into the water shall not be allowed.~~

~~4. At least one water closet and lavatory connected to a sanitary sewer shall be provided, and~~

~~5. Small haul out maintenance and parking facilities are permitted accessory to the moorage.~~))

Open wet moorage is permitted in the CM, UR, US, US/LU, US/CW, and UD environments. Covered wet moorage is permitted only in the US and UD environments.

C. The location of moorage structures shall not substantially interfere with navigation to adjacent properties.

D. Open wet moorage serving residences in the UR environment must conform to the development and use standards for residential piers in Section 24.60.675.

E. Covered wet moorage is subject to the following additional conditions:

1. View corridors of not less than 35 percent of the width of the lot shall be provided except:

(a) When there is an abutting street or waterway, in which case one-half of the requirement may be satisfied by that street or waterway or

over-water structure built on submerged land.

2. The height of covered moorage structures shall not exceed 15 feet above mean higher high water in tidal waters or ordinary high water in fresh water.

3. Coverage of the submerged lands shall not exceed 60 percent.

F. Moorage as a principal use constitutes a marina and is subject to the additional requirements of Section 24.60.670.

G. ((~~C.~~)) The only uses permitted between the pierhead line and the Construction Limit Line in the CM environment in Lake Union 1 shall be open wet moorage and existing houseboat((~~s~~)) mooreges.

Section 48. That Section 24.60.655 of the Seattle Municipal Code (Section 21A.97 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.655 ((~~Covered moorage - Floating or nonfloating.~~)) Dry boat storage including open storage and stacked moorage.

((~~A. As indicated in Table 3,1 covered moorage, including stacked moorage, is permitted as a principal use only in BC and BD environments when any one of the following conditions exist:~~

~~1. View corridors of not less than thirty-five percent of the width of the lot shall be provided, except that one-half of such requirement may be satisfied by an abutting street or waterway, or~~

~~2. When underneath an over-water structure built on submerged land and in conformance with lot coverage standards.~~

~~B. The following bulk requirements shall apply to covered moorage:~~

~~1. Height limit, thirty-five feet above mean higher high water;~~

~~2. Lot coverage, sixty percent.~~

~~C. Covered moorage shall be designed to minimize adverse impacts upon views from the uplands and from the water.~~))

A. Open dry boat storage is permitted in the US, US/LU, and UD environments, and in the CM environment as a special use. Such dry storage shall be screened and set back five feet from abutting streets. Dry boat storage shall be permitted in the UR environment only as an accessory use to a marina owned, operated, or franchised by a governmental agency for use by the general public.

B. Covered dry boat storage and stacked moorage is permitted in the US, US/LU, US/CW and UD environments as indicated in Table 2 and is permitted as a special use in the CM environment when conforming to the bulk requirements of Table (1). Covered dry and stacked moorage in the US/CW shall meet the following conditions: 1) the small boat traffic generated from the facility shall not adversely interfere with ferry or other commercial marine traffic; and 2) the moorage shall be in an enclosed building and shall not be visible from Alaskan Way; and 3) the design and appearance of the enclosed building shall be compatible with the design and appearance of surrounding uses.

Section 49. Section 24.60.660 of the Seattle Municipal Code (Section 21A.098 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.660 Boat launching ramps, haul out facilities and minor buildings accessory to moorages.

A. Boat launching ramps may be located only where access streets are adequate to handle the traffic load generated by the facility.

B. Shared or joint use accessory parking will be preferred. Loading will be permitted only at ramps. Parking areas must be screened and located at least fifty feet from the water's edge, unless no reasonable alternative exists.

C. The impact of the accessory parking must not adversely affect the environmental quality of the site or the surrounding neighborhood.

D. Boat launching ramps and minor accessory buildings and haul out facilities must be in character and scale with the surrounding neighborhood.

Section 50. That Section 24.60.670 of the Seattle Municipal Code (Section 21A.100 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.670 ((~~Public m~~)) Marinas.

A. As indicated in Table ((3)) 2, Marinas ((~~open~~)) renting or selling moorage to the public are permitted as a shoreline special use in the CM environment, and as a permitted shoreline use in the US, US/LU, US/CW and UD environments. Marinas are permitted in the UR environment only if owned, operated or franchised by a

~~B. General requirements.~~

~~1. Lavatory facilities connected to sanitary sewer and~~ adequate to serve the marina shall be provided.

~~2. Sewage pumpout facilities or~~ the best available method of disposing of wastes shall be provided, located so as to be conveniently available to all boats. The Director may waive pumpout requirements if the applicant provides a covenant for joint use of facilities within one-half mile of the proposed marina site.

~~3.~~ Discharge of untreated sewage into the water shall not be allowed.

~~4.~~ Off-street parking areas shall be provided in accordance with Section 24.60.615. Short-term loading areas may be located near berthing areas, and long-term parking areas shall be located away from berthing areas.

~~((5. Views from upland lots shall be preserved, and viewing areas for the nonboating public shall be provided.~~

~~C. When located in the CM environment, public marinas shall be subject to the following additional conditions:~~

~~1. Lot coverage over water may be one hundred percent but no more than sixty percent over the upland portion of the lot.~~

~~2. Maximum height of any buildings or structures shall be thirty-five feet.~~

~~3. Space for transient moorage shall be provided.~~

~~4. Covered moorage shall be prohibited.~~

~~5. ((Accessory uses customarily incidental to public))~~ A marina development may include other uses customarily associated with marinas, including restaurants, fueling stations, and stacked moorage, haulout and maintenance facilities, yacht clubs, boat sales and rentals, bait and tackle stores, and boat chandleries ((~~may be permitted by the Director~~)) when consistent in scale and intensity with the marina and surrounding uses and when the criteria of Section 24.60.540B are met.

6. Viewing areas for the nonboating public shall be provided except when both of the following two conditions are met:

(a) The marina provides less than 2000 lineal feet of moorage space; and

(b) the marina development includes only water-dependent principal uses.

7. Transient moorage shall be provided at the rate of 40 lineal feet of moorage space for each 1,000 lineal feet of moorage space in the marina if one or more of the following conditions apply:

(a) the marina provides 9,000 or more lineal feet of moorage; or

(b) the marina is part of a mixed use development including restaurants or other nonwater-dependent or nonwater-related uses which operate during evening and weekend hours; or

(c) the marina is partly or entirely within the US/CW environment; or

(d) the marina is owned, operated, or franchised by a governmental agency for use by the general public.

Section 51. Section 24.60.675 of the Seattle Municipal Code (Section 21A.101 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.675 Single-family, multi-family community recreation piers.

A. Preference will be given to shared piers or moorage facilities. Such facilities may be located adjacent to or on both sides of a property line upon agreement of two or more adjacent shoreline property owners. An appropriate legal agreement shall be furnished with a joint application.

B. Size and location.

1. Piers shall be located generally parallel to side lot lines, and no pier shall be located within fifteen 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 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 feet.

2. An existing pier not meeting the location provisions of this section may be extended to the maximum permitted in (5) below.

((2))3. Piers are permitted only when the lot width at the water's edge is not less than forty-five 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 feet.

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

((4))5. ~~Maximum~~ extension of a pier from the water's edge shall be as follows, whichever is greater:

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

b. To a point where the depth of the water at the end of the pier reaches eight feet below ordinary high water in fresh water and mean lower low water in tidal waters; provided, 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 established by ((~~Ordinance 92867.1~~)) Chapter 24.82 or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

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

C. Permanent structures on piers, such as covered moorage (either fixed or floating) are prohibited.

D. ((~~Over water projections from s~~)) Single-family, duplex, and triplex ((~~shared~~)) piers are limited to one finger or spur pier, angled extension, float or platform per dwelling unit, not to exceed one hundred square feet in area, and not to be located closer than five feet from a side lot line. Residential piers serving multi-family residences of four or more units shall be limited to one such over water projection of no more 100 square feet per each two dwelling units.

E. A shared pier may have one extension, finger pier or float for each single-family residence not to exceed 150 square feet in area for each residence.

F. Related accessory uses such as boat lifts, diving boards, launching ramps, and marine railways shall be permitted if in scale with the pier.

G. Residential piers serving residences in the UR environment shall be used only by residents of the residential structures served by the pier and their guests.

Section 52. Section 24.60.680 of the Seattle Municipal Code (Section 21A.102 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.680 Commercial, public and other nonresidential piers.

A. Commercial and other nonresidential piers are permitted only to serve water-dependent and water-related uses.

B. Permanent structures except dolphins and piling necessary for moorage, existing houseboat((s)) moorages and other existing uses, are prohibited between the combined U.S. pierhead/bulkhead line and the Seattle Construction Limit Line in the ((~~US/CW~~))CM environment. Open moorage may be authorized in such area. Piers are permitted in the US/CW environment south of Bay Street only. 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 established by Chapter 24.82 or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

Section 53. Section 24.60.685 of the Seattle Municipal Code (Section 21A.103 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.685 Floats.

Floats are permitted for water-dependent ((~~recreational~~)) uses, provided that:

A. Swimming ((F)) floats serving single ((~~or~~)), two-family, or three-family residential uses shall not exceed one hundred square feet in area per dwelling unit((~~,~~)). Swimming floats serving four or more residential units shall not exceed 50 square feet in area per dwelling unit. ((~~Multi-family and community recreation floats shall not exceed five hundred square feet.~~)) Swimming floats in public parks shall not exceed 2,500 square feet.

B. ((~~provided that f~~))Floats used in lieu of a residential pier shall be subject to the requirements for piers in Section 24.60.675.

Floats may be used in lieu of piers for wet moorage and for the launching of small recreational boats such as rowing shells and canoes.

C. The Director may designate a reasonable alternative location or reduce the coverage of any proposed float, or prohibit the placement of a proposed float, if it is found that a float at the proposed location would be detrimental to the fisheries resource or would substantially restrict navigation to adjacent properties.

(ORDINANCE text continued on Page 13, Column 1)

D. All floats shall be constructed of non-toxic materials.

E. Floats shall not be situated so as to trap floating debris. The Director may require gaps between floats, between floats and other overwater structures, or between floats and the shore to prevent the entrapment of floating debris.

Section 54. Section 24.60.690 of the Seattle Municipal Code (Section 21A.104 of Ordinance 86300, as amended by Ordinance 106200), as last amended by Ordinance 109126, is further amended to read as follows:

24.60.690 Piling.

A. Piling may be permitted in CN environments only for ecological protective purposes, the protection or enhancement of natural features, and for underwater support of utility lines.

B. Piling will be authorized in other environments to enable a water-dependent or water-related use to extend over water as its functions require, and to support underwater utility lines.

C. Piling structures may be restricted when substantial littoral drift occurs or historic or significant scenic values exist. In such cases either open piling or floating structures may be required.

((B. All piling shall conform to the Standard Plan and Specifications of the City (7th Ed.).

B. Before any installation of pilings, the Director shall approve the design and inspect piling and enforce strict quality control. Treated materials shall be

1. Without structurally significant defect or damage

2. Without toxic effects

3. Adequately protected and installed so as to realize the maximum service life

(F))D. All pile driving operations must be carried out as to minimize noise levels by using the best available noise reduction technology to the greatest extent possible, such as noise screens and cushioning of driving hammers, and construction must be scheduled as required by ordinance.

((G))E. All individual piles must have chemical or mechanical protection necessary to prevent leaching of pollutants into water.

Section 55. Section 24.60.705 of the Seattle Municipal Code (Section 21A.107 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.705 ((Bulkheads and shoreline protective structures.)) Shoreline protective structures including bulkheads and natural beach protection.

A. ((Bulkheading will be authorized when:

1. Adjacent to a navigable channel; or

2. Where necessary for a water-dependent use; or

3. When necessary to check extraordinary erosion; and

4. When the construction material will be of adequate quality to meet specifications for piling in Section 24.60.685; and

5. When such bulkheading would not detrimentally redirect littoral drift, tide, waves, currents to other shorelines.

B. Rip-rap will be preferred over bulkheading except in the UD environment. Sheet piling is permitted and will be authorized only when necessary to stabilize a shoreline which, because of extraordinary erosion, cannot otherwise be retained or protected by plantings or similar organic means.

C. Rip-rap faces must be constructed to a stable slope and be of a material of sufficient size to be stable.))

Natural beach protection is permitted as a special use in all environments. The design and use of naturally regenerating systems for prevention and control of beach erosion is encouraged and preferred over bulkheads and other structures. Any such protection must be designed to meet the needs of the specific site where it is proposed. Design alternatives include but are not limited to:

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

2. Planting with short-term assistance, when appropriate.

B. Natural beach protection shall be "normal maintenance and repair" and exempt from the substantial development permit requirement when used in lieu of a normal protective bulkhead common to single family residences described in D below.

C. Bulkheads may be authorized when:

1. Adjacent to a navigable channel; or

2. Necessary for a water-dependent or water-related use; or

3. Necessary to prevent extraordinary erosion, but only when natural beach protection is an unreasonable alternative; and

4. When such bulkheading would not detrimentally redirect littoral drift, tide, waves, currents or sediments to other shorelines.

D. Bulkheads accessory to single family residences are "normal protective bulkheads common to single family residences" and are exempt from the substantial development permit requirement when:

1. Necessary to maintain existing land and to protect from extraordinary erosion and;

2. Additional dry land mass is not created; and

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

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

5. The existing contour of the shoreline is generally followed.

E. Rip-rap bulkheads shall be preferred over vertical wall or slab bulkheads except in the UD environment. Sheetpiling and precast concrete slabs with vertical waterward faces shall include adequate tiebacks and toe protection.

F. Rip-rap faces shall be constructed to a stable slope and shall be of a material of sufficient size to be stable.

Section 56. Section 24.60.710 of the Seattle Municipal Code (Section 21A.108 of Ordinance 86300, as amended by Ordinance 106200) is hereby repealed.

Section 57. Section 24.60.715 of the Seattle Municipal Code (Section 21A.109 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.715 Dredging - General requirements.

A. 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 mitigable impact on water quality and aquatic life.

B. Dredge spoil shall be deposited in an approved submerged site only if the spoils meet applicable federal criteria for deposit in navigable waters.

C. Dry land deposit of dredge spoil will be authorized only on shoreline sites which contain no unique, fragile or ecologically valuable resources.

D. Dredging shall be timed so that it does not interfere with migrating aquatic life, and meets state and federal requirements therefor.

E. Stockpiling of dredged material in or under water is prohibited.

F. Dredging is a permitted use if:

1. In CM, UR, US/LO, US/CW or OS environments, if it involves removal of less than five hundred cubic yards;

2. In the UD environment, if it involves removal of less than one thousand cubic yards.

G. Dredging in excess of the limits of subsection F is a special use and shall be permitted only if the additional conditions of Section 24.60.525 H are satisfied.

Section 58. Section 24.60.720 of the Seattle Municipal Code (Section 21A.110 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.720 Dredging in CN environment.

Dredging is prohibited in CN environments except when done by the United States Corps of Engineers and except in those limited instances where necessary for the maintenance, improvement of navigational channels, or to provide access to a water-dependent or water-related use, or for the protection of natural environment, as a conditional use.

Section 59. Section 24.60.725 of the Seattle Municipal Code (Section 21A.111 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.725 Landfill in environments other than CN.

A. Landfill for the purpose of natural beach protection as described in Section 24.60.705 is permitted as a special use in all environments. Landfill for other than natural beach protection is permitted as described below.

14

((A.)) B. Landfill ((is permitted on wetlands or in submerged areas below the line of ordinary high water only under the following conditions:)) in the CM, UR, US and UD environments is a special use and shall be permitted only if the conditions of Section 24.60.525M and those below are satisfied:

1. ((The area of the water's surface shall not be reduced unless the applicant can demonstrate a clear public benefit for doing so.)) Landfill which does not reduce the area of the water's surface may be permitted only for water-dependent and water-related uses and only when no reasonable alternative exists.

2. Landfill which reduces the water's surface may be permitted only for water-dependent and water-related uses and only when no ((feasible)) reasonable alternative exists and the applicant can demonstrate a clear public benefit.

3. Landfill may be permitted to correct an otherwise adverse environmental condition or to enhance a site damaged by previous action if no reasonable alternative exists, and if the applicant can demonstrate a clear public benefit for doing so.

((B.)) C. Backfill behind a bulkhead or rip-rap may be permitted and will not be considered "landfill" if it is incidental to, and required for, the bulkhead or rip-rap and if the bulkhead does not create land.

((C.)) D. Landfill is a permitted use on wetlands if:

1. In CM, UR or US environments, less than five hundred cubic yards is placed;

2. In UD environments, less than one thousand cubic yards is placed;

((3. Conditions relating to type or quality of fill materials, method of placement, and stabilization imposed by the Director are observed;))

((D.)) E. Landfill on wetlands in excess of the limits of subsection C is a special use and shall be permitted only if the additional conditions of Section 24.60.525 M are satisfied.

((E.)) F. Landfill is prohibited in the US/CW and US/LU environments.

((F.)) G. Sanitary landfill and garbage dumps are prohibited.

((G.)) H. Solid waste such as broken concrete, building debris, appliances, car bodies, vegetation, flammable material, or water soluble and/or toxic waste are prohibited as fill material on both wetlands and submerged lands.

Section 60. Section 24.60.730 of the Seattle Municipal Code (Section 21A.112 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.730 Landfill in CN environment.

((Landfill in CN environment is prohibited except in those limited instances where necessary for the maintenance, improvement or protection of the natural environment, and at designated and approved dredge spoil sites, as a conditional use.)) Landfill for natural beach protection as described in Section 24.60.705 is permitted as a special use in the CN environment. Landfill which reduces the area of the water's surface is prohibited. All other landfill including dredge disposal is a conditional use in the CN environment. Solid waste such as broken concrete, building debris, appliances, car bodies, vegetation, flammable material, or water soluable and/or toxic waste are prohibited as fill material on both wetlands and submerged lands.

Section 61. Section 24.60.740 of the Seattle Municipal Code (Section 21A.114 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.740 Aquaculture - Structures.

Aquaculture structures may be permitted as ((a shoreline conditional use)) indicated in Table 2 if they do not significantly restrict navigation, and if the water body is capable of absorbing the wastes generated by the proposed aquaculture activities.

Section 62. Section 24.60.745 of the Seattle Municipal Code (Section 21A.115 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.745 Offshore facilities.

Offshore facilities located outside the outer harbor line (including floating docks, artificial islands or mono-buoys) as it exists on January 1, 1983, are permitted as a conditional use if necessary for the operation of a water-dependent or water-related use. ((are prohibited.))

Section 63. Section 24.60.750 of the Seattle Municipal Code (Section 21A.116 of Ordinance 86300, as amended by Ordinance

is amended as follows:

24.60.750 Moorage ... and social club and multiple resi-

in the UR environment as a special use where permitted by the underlying zone. All ... uses shall provide regulated public access, and shall conform to the bulk requirements of Table ((2)) 1.

1. Recreational facilities such as swimming pools and tennis courts are permitted accessory uses to a multiple residence.

Section 64. Section 24.60.755 of the Seattle Municipal Code (Section 21A.117 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.755 Community facilities other than moorage.

Community facilities such as churches, schools, and community ((clubs)) centers ((and existing nonprofit recreational clubs)) are permitted ((outright in all environments except CN, CM and UD$_T$)) as indicated in Table ((3)) 2. Such uses shall provide regulated public access and shall conform to the bulk requirements of Table ((2)) 1.

Section 65. Section 24.60.760 of the Seattle Municipal Code (Section 21A.118 of Ordinance 86300, as amended by Ordinance 106200) is amended as follows:

24.60.760 Public parks and park activities.

Parks are permitted uses in all environments as indicated in Table ((3)) 2, but nonwater oriented facilities and activities such as playgrounds and playfields for active sports are not permitted in Shoreline District. Swimming pools are permitted in the Shoreline District when designed and constructed so as not to disturb existing conditions near the water's edge.

Section 66. Section 24.60.765 of the Seattle Municipal Code (Section 21A.119 of Ordinance 86300, as amended by Ordinance 106200) is amended to read as follows:

24.60.765 ((Private, nonprofit y))Yacht, ((or)) boat, and beach clubs.

A. Buildings and facilities for yacht, ((or)) boat, and beach clubs which are ((incorporated, nonprofit, fraternal organizations)) limited to pleasure boat, ((and)) pleasure yachting, and swimming activities and not selling alcoholic beverages to the public, together with ((covered and non-covered)) moorage and other accessory uses customarily incidental thereto, ((as permitted in the UR environment)) are permitted in the US, US/LU, US/CW, and UD environments, and as a special use in the CM and UR environments where permitted by the underlying zoning. Existing yacht clubs are permitted outright in all environments except CN. Membership in yacht and boat clubs in the US/CW environment must be open to the general public. Yacht and boat clubs providing moorage are also subject to the following requirements:

1. Lavatory facilities shall be provided.

2. Sewage pumpout facilities or the best available method of disposing of wastes shall be provided, located so as to be conveniently available to all boats. Clubs providing moorage only for canoes, rowing shells, open-cockpit sailboats, and other small boats not having toilet facilities on board shall not be required to provide sewage pumpout facilities.

3. Transient moorage shall be provided as required in Section 24.60.670 (B)(7).

4. Yacht and boat clubs must show that the small boat traffic generated by the facility will not adversely interfere with ferry or other commercial marine traffic.

Section 67. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 68. This ordinance shall take effect and be in force on whichever is the later of:

the effective date of approval and adoption by the Department of Ecology; or

thirty days from and after passage and approval if approved by the Mayor, or, if not approved, at the time it shall have become a law under the provisions of the City Charter.

Passed by the City Council the 4th day of April, 1983, and signed by me in open session in authentication of its passage this 4th day of April, 1983.

President of the City Council

Approved by me this 15th day of April, 1983.

Charles Royer
MAYOR

Filed by me this 18th day of April