

ORDINANCE No. 113466

Law Department

COUNCIL BILL No. 106146

The City of Seattle--Legis

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.04 to the Seattle Municipal Land Use Code to establish the shoreline environments, land use regulations and development standards of the new Seattle Shoreline Master Program; amending the Official Land Use Map to implement the new Program; repealing Chapter 24.60; and amending Chapter 23.04 by adding a new section 23.04.030.

REPORT OF COM

Honorable President:

Your Committee on _____
to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully

COMPTROLLER FILE No. _____

Introduced: MAY 18 1987	By: <i>Street</i>
Referred: MAY 18 1987	To: <i>Committee of the Whole</i>
Referred: MAY 18, 1987	To: <i>Land Use</i>
Referred:	To:
Reported: JUN 1 1987	Second Reading: JUN 1 1987
Third Reading: JUN 1 1987	Signed: JUN 1 1987
Presented to Mayor: JUN 9 1987	Approved:
Returned to City Clerk:	Published:
Vetoed by Mayor:	Veto Published:
Passed and Voted:	Veto Sustained:

JUN 5 1987

Pas as amended with

5/22/87

5/26/87 Hold

Committee

Law Department

The City of Seattle--Legislative Department

Date Reported
and adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

Pass as amended with divided reports.

5/22/87

5/26/87 Held

the Whole

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Committee

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5/11/87
7:ORLJ.

ORDINANCE 113466

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3 AN ORDINANCE relating to land use and zoning; adding a new
4 Chapter 23.60 to the Seattle Municipal (Land Use) Code to
5 establish the shoreline environments, land use regulations
6 and development standards of the new Seattle Shoreline
7 Master Program; amending the Official Land Use Map to
8 implement the new Program; repealing Chapter 24.60; and
9 amending Chapter 23.04 by adding a new section 23.04.030.

10 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

11 Section 1. Chapter 24.60 of the Seattle Municipal (Zoning
12 Ordinance) Code is hereby repealed.

13 Section 2. There is added to Title 23 of the Seattle
14 Municipal Code the following chapter:

15 CHAPTER 23.60
16 SHORELINE DISTRICT

17 SUBCHAPTER I: Purpose and Policies

18 23.60.002 Title and Purpose

19 A. Title

20 This Chapter shall be known as the Seattle Shoreline Master
21 Program.

22 B. Purpose

23 It is the purpose of this chapter to implement the policy
24 and provisions of the Shoreline Management Act of 1971,
25 the Shoreline Goals and Policies of Resolution 25173 and
26 the Shoreline Implementation Guidelines of Resolution
27 25618 by regulating development of the shorelines of the
28 City in order to: (1) protect the ecosystems of the shore-
line areas, (2) encourage water-dependent uses,
(3) provide for maximum public use and enjoyment of the
shorelines of the City and (4) preserve, enhance and
increase views of the water and access to the water.

23.60.004 Shoreline Policies

2 The Shoreline Implementation Guidelines, together with
3 the Shoreline Goals and Policies, constitute the shoreline
4 element of the Land Use Policies and shall be referred to as
5 the Shoreline Policies.

6 The Shoreline Policies shall be considered in making all
7 discretionary decisions in the Shoreline District and in
8 making discretionary decisions on lands adjacent to the
9 shoreline where the intent of the Land Use Code is a criterion
10 and the proposal may have an adverse impact on the shoreline
11 district. They shall also be considered by the Director in
12 the promulgation of rules, and interpretation decisions. The
13 Shoreline Policies do not constitute regulations and shall
14 not be the basis for enforcement actions.

15 SUBCHAPTER II: Administration

16 PART 1 COMPLIANCE

17 23.60.010 Shoreline District Established

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

24 All property located within the Shoreline District shall be
25 subject to both the requirements of the applicable zone
26 classification and to the requirements imposed by this Chapter
27 except as provided in Section 23.60.014.
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23.60.012 Liberal Construction

This Chapter shall be exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes of Chapter 90.58 RCW, the State Shoreline Management Act of 1971. This Chapter shall not be used when construing other chapters of this Title or Title 24 except for shoreline development or as stated in Sections 23.60.014 and 23.60.022.

23.60.014 Regulations Supplemental

The regulations of this Chapter shall be superimposed upon and modify the underlying land use zones in the Shoreline District. The regulations of this Chapter supplement other regulations of this Title and Title 24 in the following manner:

A. Uses

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

B. Development Standards

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

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

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3. The floor area ratio (FAR) of the underlying zone may not be exceeded, regardless of whether or not the maximum height and lot coverage permitted in the shoreline environment can be achieved.
 4. Where view corridors are required in the Shoreline District, yards and/or setbacks of the underlying zoning may be reduced or waived by the Director. Where view corridors are not required by the Shoreline District, yards and/or setbacks of the underlying zoning shall be required.
 5. Development standards for which there are regulations in the underlying zoning but not in this Chapter shall apply to developments in the Shoreline District. Such standards include but shall not be limited to parking, open space, street level location, facade treatments, building depth, width and modulation, and vehicular access. In the case of irreconcilable conflict between a shoreline regulation and a requirement of the underlying zoning, the shoreline regulation shall apply, unless otherwise provided in subsections B2 and B3 above.
 6. Measurements in the Shoreline District shall be as regulated in this Chapter, Subchapter XVII, Measurements.

23.60.016 Inconsistent Development Prohibited

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No development shall be undertaken and no use shall be established in the Shoreline District unless the Director has determined that it is consistent with the policy of the Shoreline Management Act of 1971 and the regulations of this

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Chapter. This restriction shall apply even if no substantial development permit is required.

23.60.018 Nonregulated Actions

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

23.60.020 Permit Required for Substantial Development

A. No substantial development shall be undertaken in the Shoreline District without first obtaining a substantial development permit from the Director. A substantial development permit shall not be required where the Director determines that a development proposed on the shorelines is not a "substantial development" as defined in this Chapter.

B. Developments proposed in the Shoreline District may require permits from other governmental agencies.

23.60.022 Application when Development Partly Out of Shoreline District

Where a substantial development is proposed which would be partly within and partly without the Shoreline District, a shoreline substantial development permit shall be required for the entire development. The use and development standards of this Chapter shall apply only to that part of the development

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1 which occurs within the Shoreline District unless the
2 underlying zoning requires the entire development to comply
3 with all or part of this Chapter. The use and development
4 standards including measurement techniques for that portion of
5 the development outside of the Shoreline District shall be as
6 provided by the underlying zoning.

7 **23.60.024 Development of Lots Split into Two or More Shoreline
8 Environments**

9 If a shoreline lot is split by a shoreline environ-
10 ary line, each portion of the lot shall be regulated by the
11 shoreline environment covering that portion. Where the lot
12 coverage requirements differ for portions of the lot governed
13 by different environments the lot coverage restrictions must
14 be met on each separate portion of the lot.

15 **23.60.026 Phasing of Developments**

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

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

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

1 PART 2 CRITERIA FOR APPLICATION REVIEW

2 23.60.030 Criteria for Substantial Development Permits

3 A substantial development permit shall be issued only when the
4 development proposed is consistent with:

- 5 A. The policies and procedures of Chapter 90.58 RCW;
6 B. The regulations of this Chapter; and
7 C. The provisions of Chapter 173-14 WAC.

8 23.60.032 Criteria for Special Use Approvals

9 Uses which are identified as requiring special use approval in

10 a particular environment may be approved, approved with

11 conditions or denied by the Director. The Director may

12 approve or conditionally approve a special use only if the

applicant can demonstrate all of the following:

- 13 A. That the proposed use will be consistent with the policies
14 of RCW 90.58.020 and the Shoreline Policies;
15 B. That the proposed use will not interfere with the normal
16 public use of public shorelines;
17 C. That the proposed use of the site and design of the
18 project will be compatible with other permitted uses
19 within the area;
20 D. That the proposed use will cause no unreasonably adverse
21 effects to the shoreline environment in which it is to be
22 located; and
23 E. That the public interest suffers no substantial detrimental
24 effect.

25 23.60.034 Criteria for Shoreline Conditional Use Approvals

26 Uses or developments which are identified in this Chapter as

27 requiring shoreline conditional use approval, and other uses

28 which, although not expressly mentioned in lists of permitted

uses, are permitted in the underlying zones and are not

1 prohibited in the Shoreline District, may be approved,
2 approved with conditions or denied by the Director in specific
3 cases based on the criteria in WAC 173-14-140, as now consti-
4 tuted or hereafter amended, and any additional criteria given
5 in this Chapter. Upon transmittal of the Director's approval
6 to the Department of Ecology (DOE), the permit may be
7 approved, approved with conditions or denied by DOE.

23.60.036 Criteria for Shoreline Variances

8 In specific cases the Director with approval of DOE may
9 authorize variances from certain requirements of this Chapter
10 if the request complies with WAC 173-14-150, as now consti-
11 tuted or hereafter amended.

23.60.038 Criteria for Council Conditional Use Approvals

12 Uses which are identified in this Chapter as requiring Council
13 conditional use approval may be approved only if the use as
14 conditioned meets the criteria set forth for each Council con-
15 ditional use in the applicable environment, and any additional
16 criteria given in this chapter.

PART 3 PROCEDURES

23.60.060 Procedures for Shoreline Environment Redesignations

19 A. Shoreline environment designations may be amended
20 according to the procedure provided for land use map
21 amendments in Chapter 23.76. A shoreline environment
22 redesignation is a Shoreline Master Program amendment
23 which must be approved by the State Department of Ecology
24 (DOE) according to State procedures before it becomes
25 effective.
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1 B. A request for a shoreline environment redesignation shall
2 be evaluated against the criteria in Implementation
3 Guideline A5: Shoreline Environment Redesignations.

4 23.60.062 Procedures for Obtaining Exemptions from Substantial
5 Development Permit Requirements

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

- 10 A. If the development requires other authorization from the
11 Director, the determination as to consistency shall be
12 made with the submitted application for that authorization.
- 13 B. If the development requires a Section 10 Permit under the
14 Rivers and Harbors Act of 1899 or a Section 404 permit
15 under the Federal Water Pollution Control Act of 1972, the
16 determination of consistency shall be made at the time of
17 review of the Public Notice from the Corps of Engineers,
18 and a Letter of Exemption as specified in WAC 173-14-115
19 shall be issued if the development is consistent.
- 20 C. If the development does not require other authorizations,
21 information of sufficient detail for a determination of
22 consistency shall be submitted to the Department and the
23 determination of consistency shall be made prior to any
24 construction.

25 23.60.064 Procedures for Obtaining Substantial Development
26 Permits, Shoreline Variance Permits, Shoreline
27 Conditional Use Permits and Special Use
28 Authorizations

- A. Procedures for application, notice of application and
notice of decision for a shoreline substantial development
permit, shoreline variance permit or shoreline conditional

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use permit shall be as required for a Master Use Permit in Chapter 23.76.

- B. The burden of proving that a substantial development, conditional use, special use, or variance meets the applicable criteria shall be on the applicant. The applicant may be required to submit information or data, in addition to that routinely required with permit applications, sufficient to enable the Director to evaluate the proposed development or use or to prepare any necessary environmental documents.
- C. In evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:
 - 1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located;
 - 2. The development meets the general development standards and any applicable specific development standards set forth in Subchapter III, the development standards for the shoreline environment in which it is located, and any applicable development standards of the underlying zoning, except where a variance from a specific standard has been applied for; and
 - 3. If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in Sections 23.60.034, 23.60.036 or 23.60.032, respectively.
- D. If the development or use is a permitted use and meets all the applicable criteria and standards, or if it can be

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

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

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

23.60.066 Procedure for Determination of Feasible or Reasonable Alternative Locations

A. Plan Shoreline Permits

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

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a feasible or reasonable location decision and determining conditions appropriate to that decision.

- 2. The process may be used upon a determination by the Director that a proposal for a development within the Shoreline District is complex, involves the phasing of programmatic and project-specific decisions or affects more than one shoreline site.
- 3. A Plan Shoreline Permit shall require that a subsequent shoreline permit be obtained with accompanying environmental documentation prior to construction of a specific project in the Shoreline District.

B. Application Requirements for Plan Shoreline Permits

- 1. Application for a Plan Shoreline Permit shall include the scope and intent of proposed projects within the Shoreline District and the appropriate non-shoreline alternative(s) identified by the applicant or the Director.
- 2. The application shall be accompanied by the necessary environmental documentation, as determined by the Director, including an assessment of the impacts of the proposed projects and of the non-shoreline alternative(s), according to the State and local SEPA guidelines.
- 3. For projects within the Shoreline District, the application shall provide the information specified in WAC 173-14-110 and this Title. The application shall include information on the overall system which outlines the interrelationship of shoreline and nonshoreline facilities. Schematic plans outlining

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dimensions, elevations, locations on site and similar specifications shall be provided for projects within the Shoreline District and for the non-shoreline alternative(s) which may be changed at the time of the project-specific shoreline permit(s) within the limitations of subsection G.

C. Type of Decision

1. The decision on a Plan Shoreline Permit for sewage treatment plants shall be made by the Council as a Council conditional use pursuant to Chapter 23.76. The decision on a Plan Shoreline Permit for Utility Lines and Utility Service Uses shall be made by the Director as a substantial development permit, pursuant to Chapter 23.76. The Council or the Director may grant the Plan Shoreline Permit with conditions, including reasonable mitigation measures, or may deny the permit.
2. The decision on a project specific-substantial development permit for a sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the Council as a Council conditional use, pursuant to Chapter 23.76.

D. Appeal of Decision

The decision of the Council for Type IV decisions, or of the Director for Type II decisions, shall be final and binding upon the City and the applicant. The decision is subject to appeal to the State Shoreline Hearings Board pursuant to Section 23.60.068. If no timely appeal is made, the Plan Shoreline Permit may not later be appealed

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1 in conjunction with an appeal of a shoreline permit issued
2 for a specific project at the approved location(s).

3 E. Criteria for Decision

4 The decision as to the feasibility or reasonableness of
5 alternatives shall be based upon the goals and policies of
6 Resolution 25173 as amended, the Shoreline Management Act
7 of 1971, as amended, and a full consideration of the
8 environmental, social and economic impacts on the community.

9 F. Developments Qualify for Process

10 Developments for which a Plan Shoreline Permit may be
11 required are:

12 Utility Service Uses, Utility Lines, and Sewage Treatment
13 Plants.

14 G. Project-specific Shoreline Permit

15 Any application for substantial development which is
16 permitted in the Shoreline District after a determination
17 that no feasible or reasonable alternative exists and
18 which relies upon a Plan Shoreline Permit shall be approved
19 only if it complies with the provisions of this Chapter,
20 provides for the reasonable mitigation of environmental
21 impacts and is in substantial conformance with the Plan
22 Shoreline Permit. Substantial conformance shall include,
23 but not be limited to, a determination that all of the
24 following standards have been met:

- 25 1. There is no increase in the amount or change in
26 location of landfill on submerged lands;
- 27 2. There is no increase in lot coverage over water;
- 28 3. There is no net substantial increase in environmental
impacts in the Shoreline District compared to the

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impacts of the proposed development allowed in the Plan Shoreline Permit; and

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

23.60.068 Procedure for Council Conditional Use Authorization
Projects required by this Chapter to obtain Council conditional use authorization shall be processed in the following manner:

- A. Application for the Council conditional use and the shoreline substantial development permit shall be made concurrently. Application for environmental review if required shall be filed with the Council conditional use application.
- B. Notice of application shall be consolidated.
- C. The Council conditional use shall be processed as required by Chapter 23.76, Procedures For Master Use Permits and Council Land Use Decisions.
- D. Upon receipt of Council's findings, conclusions and decisions from the City Clerk, the Director shall file the decision to approve, deny, or condition the shoreline substantial development permit with the State Department of Ecology as required by Chapter 173-14 WAC. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in the shoreline substantial development permit. The Council's findings, conclusions and decisions shall constitute the City report on the application.
- E. The Director's decision to approve, condition or deny the shoreline substantial development permit shall be the final City decision on the project and shall be appealable to the Shoreline Hearings Board.

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1 23.60.070 Rulings to State of Washington - Review

2 Any ruling on an application for a permit under authority of
3 this Chapter, whether it be an approval or denial shall,
4 concurrently with the transmittal of the ruling to the
5 applicant, be filed by the Director with DOE and the Attorney
6 General. Any person aggrieved by the granting or denying of a
7 substantial development permit on shorelines of the City, or
8 by the rescission of a permit pursuant to this Chapter may
9 seek review by the Shorelines Hearing Board by filing a request
10 for the same within thirty days of receipt of the final order
11 by DOE, and by concurrently filing copies of the request with
12 DOE and the Attorney General as provided in RCW 90.58.180.

13 23.60.072 Commencement of Construction

14 No construction pursuant to a substantial development permit
15 authorized by this Chapter shall begin or be authorized and no
16 building, grading or other construction permits shall be issued
17 by the Director until thirty days from the date of final
18 approval and issuance of the substantial development permit by
19 the Director or until all review proceedings are terminated if
20 such proceedings were initiated within thirty days of the date
21 of final approval by the Director. Exceptions may be made if
22 construction is authorized after a judicial hearing as
23 provided in RCW 90.58.140.

24 23.60.074 Time Limits for Permit Validity

25 The following time requirements shall apply to all substantial
26 development permits:

- 27 A. Construction or substantial progress toward construction,
28 as defined in WAC 173-14-060 as now constituted or here-
after amended, of a project for which a permit has been
granted pursuant to this Chapter must be undertaken within

1 two years after final approval of the permit or the permit
2 shall terminate; provided, that upon written request from
3 the applicant the Director may extend the two-year period
4 for a reasonable time based on factors such as the
5 inability to expeditiously obtain other governmental
6 permits, or as provided in WAC 173-14-060.

7 B. If a project for which a permit has been granted pursuant
8 to this Chapter has not been completed within five years
9 after approval of the permit, or within a shorter time
10 period required by the permit, the Director shall review
11 the permit, and upon a showing of good cause, do either of
12 the following, as provided in WAC 173-14-060:

- 13 1. Extend the permit for one year; or
- 14 2. Terminate the permit.

15 C. The Plan Shoreline Permit shall be valid for a period of
16 five years or as otherwise permitted by WAC 173-14-060.
17 Project-specific shoreline permits must be applied for
18 within that period to be considered pursuant to the
19 determination made under the Plan Shoreline Permit.
20 Development under project-specific permits shall conform
21 to the time limits outlined in subsections A and B.

22 23.60.076 Revisions to Permits

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

26 A. If the Director determines that the proposed changes are
27 within the scope and intent of the original permit as
28 defined in WAC 173-14-064(2), as now constituted or here-
after amended, the Director shall approve the revision.
Within eight days of the date of approval, the approved

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revision, along with copies of the revised site plan and text, shall be submitted by certified mail to DOE, the Attorney General, and copies provided to parties of record and to persons who have previously notified the Director of their desire to receive notice of decision on the original application.

- B. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this Chapter.
- C. If the revision to the original permit involves a conditional use or variance, either of which was conditioned by DOE, the Director shall submit the revision to DOE for DOE's approval, approval with conditions or denial, indicating that the revision is being submitted under the requirements of WAC 173-14-064(5). DOE shall transmit to the City and the applicant its final decision within fifteen days of the date of DOE receipt of the submittal by the Director, who shall notify parties of record of DOE's final decision.
- D. The revised permit is effective immediately upon final action by the Director, or when appropriate under WAC 173-14-064(5), by DOE.
- E. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the Shorelines Hearings Board within thirty days from date of DOE's receipt of the revision approved by the Director, or when appropriate under WAC 173-14-064(5), the date DOE's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of WAC 173-14-064(2). The party seeking review shall have

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1 the burden of proving the revision was not within the
2 scope and intent of the original permit.

3 **23.60.078 Rescission**

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

- 7 1. The permittee has developed the site in a manner not
8 authorized by the permit;
- 9 2. The permittee has not complied with the conditions of
10 the permit;
- 11 3. The permittee has secured the permit with false or
12 misleading information; or
- 13 4. The permit was issued in error.

14 B. Notice of the hearing shall be mailed to the permittee not
15 less than fifteen days prior to the date set for the
16 hearing and included in the general mailed release.

17 **23.60.080 Fee Schedule**

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

20 **23.60.082 Enforcement**

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

25 **SUBCHAPTER III: General Provisions**

26 **PART 1 USE STANDARDS**

27 **23.60.090 Identification of Principal Permitted Uses**

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

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1 B. Unless otherwise stated in this Chapter all principal uses
2 on waterfront lots shall be water-dependent, water-related,
3 or nonwater-dependent with public access.

4 C. Principal uses are permitted in the respective shoreline
5 environments in accordance with the lists of permitted and
6 prohibited uses in the respective environments and subject
7 to all applicable development standards. If a use is not
8 identified in this Chapter and is permitted in the under-
9 lying zone, it may be authorized as a conditional use by
10 the Director in specific cases upon approval by the
11 Department of Ecology when the criteria contained in
12 Section 23.60.034 are satisfied.

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

16 E. Principal uses which are water-dependent may be permitted
17 over water. Principal uses which are nonwater-dependent
18 shall not be permitted over water unless specifically
19 stated otherwise in the regulations for the applicable
20 shoreline environment. For purposes of this Chapter, this
21 regulation shall be considered a use standard not subject
22 to variance.

23 F. Floating structures, including vessels which do not have a
24 means of self-propulsion and steering equipment and which
25 are designed or used as a place of residence shall be
26 regulated as floating homes pursuant to this Chapter.
27 Locating other nonwater-dependent uses over water on
28 floating structures, including vessels, which do not have

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a means of self-propulsion or steering equipment is prohibited unless specifically permitted on historic ships by other sections of this Chapter.

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

H. Public facilities which are similar to other uses as determined by the Director shall be permitted outright, permitted as a special use, permitted conditionally or prohibited on the same basis as the similar use unless otherwise specified.

23.60.092 Accessory Uses

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

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

C. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses which are

1 nonwater-dependent and nonwater-related, even if accessory
2 to water-dependent or water-related uses, shall be
3 permitted over water according to subsection A above only
4 if either:

- 5 1. The over-water location is necessary for the operation
6 of the water-dependent or water-related use; or
- 7 2. The lot has a depth of less than fifty feet of dry
8 land.

9 D. Parking shall not be permitted over water unless it is
10 accessory to a water-dependent or water-related use
11 located on a lot with a depth of less than fifty feet of
12 dry land and the Director determines that adequate onsite
13 or offsite dry land parking within eight hundred feet is
14 not reasonably available.

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

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

25 PART 2 NONCONFORMING USES AND STRUCTURES

26 23.60.120 Applicability to Existing Development

27 Except as specifically stated, the regulations of this Chapter
28 shall not apply to developments legally undertaken in the
Shoreline District prior to adoption of this Chapter.

1 23.60.12 Nonconforming Uses

2 A. 1. Any nonconforming use may be continued subject to the
3 provisions of this Section.

4 2. Any nonconforming use which has been discontinued for
5 more than twelve consecutive months in the CN, CP,
6 CR, CM, CW, UR, UH and US environments or more than
7 twenty-four consecutive months in the UM, UG or UI
8 environments shall not be reestablished or recom-
9 menced. A use shall be considered discontinued when:

- 10 a. A permit to change the use of the structure or
11 property was issued and acted upon,
12 b. The structure or portion of a structure, or the
13 property is not being used for the use allowed
14 by the most recent permit, or
15 c. The structure or property is vacant, or the
16 portion of the structure or property formerly
17 occupied by the nonconforming use is vacant.

18 The use of the structure shall be considered
19 discontinued even if materials from the former use
20 remain or are stored on the property. A multi-family
21 structure with one or more vacant dwelling units
22 shall not be considered unused unless the total
23 structure is unoccupied.

24 3. Any sign in the Shoreline District which does not
25 conform to the provisions of this Chapter shall be
26 discontinued within seven years from the effective
27 date of this Chapter, unless designated a landmark
28 pursuant to Chapter 25.12, the Landmark Preservation
Ordinance.

B. A structure or development containing a nonconforming use
or uses may be maintained, repaired, renovated or struc-
turally altered but shall not be expanded or extended

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1 beyond its existing external dimensions except as provided
2 in subsection E below, as otherwise required by law, as
3 necessary to improve access for the elderly and disabled,
4 or to provide regulated public access.

5 C. A nonconforming use which is destroyed by fire or other
6 act of nature, including normal deterioration of struc-
7 tures in or over the water, may be resumed provided that
8 any structure occupied by the nonconforming use may be
9 rebuilt to the same or smaller configuration existing
10 immediately prior to the time the structure was destroyed;
11 provided that action toward replacement must be commenced
12 within twelve months after demolition or destruction in
13 the CN, CP, CR, CM, CW, UR, UH and US environments or
14 within twenty-four months after demolition or destruction
15 in the UM, UG or UI environments. A rebuilt structure
16 housing a nonconforming eating and drinking establishment
17 use in an Urban Stable environment may consolidate other
18 existing nonconforming uses on the property, provided that
19 no cumulative expansion or intensification of the
20 nonconforming use and no increase in overwater coverage
21 occurs and the Director finds that the reconfiguration
22 will allow removal of structures housing other noncon-
23 forming uses, resulting in improved view corridors or
24 regulated public access.

25 D. The change of one nonconforming use to another use not
26 permitted in the shoreline environment may be authorized
27 as a conditional use by the Director with the concurrence
28 of the Department of Ecology if the Director determines
that the new use is no more detrimental to the property in

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10 immediately prior to the time the structure was destroyed;
11 provided that action toward replacement must be commenced
12 within twelve months after demolition or destruction in
13 the CN, CP, CR, CM, CW, UR, UH and US environments or
14 within twenty-four months after demolition or destruction
15 in the UM, UG or UI environments. A rebuilt structure
16 housing a nonconforming eating and drinking establishment
17 use in an Urban Stable environment may consolidate other
18 existing nonconforming uses on the property, provided that
19 no cumulative expansion or intensification of the
20 nonconforming use and no increase in overwater coverage
21 occurs and the Director finds that the reconfiguration
22 will allow removal of structures housing other noncon-
23 forming uses, resulting in improved view corridors or
24 regulated public access.

25 D. The change of one nonconforming use to another use not
26 permitted in the shoreline environment may be authorized
27 as a conditional use by the Director with the concurrence
28 of the Department of Ecology if the Director determines
that the new use is no more detrimental to the property in

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the shoreline environment and vicinity than the existing use and the existing development is unsuited for a use permitted in the environment, and if the criteria for conditional uses in WAC 173-14-140 are satisfied. The new use shall retain its nonconforming use status for the purposes of subsections A through C above.

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

23.60.124 Nonconforming Structures

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

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B. A nonconforming structure or development which is destroyed by fire or other act of nature, including normal deterioration of structures constructed in or over the water, may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed; provided that action toward replacement must be commenced within twelve months after demolition or destruction of a structure in the CN, CP, CR, CM, CW, UR, UH and US environments or within twenty-four months after demolition or destruction of a structure in the UM, UG, or UI environments. A rebuilt nonconforming structure housing a nonconforming eating and drinking establishment use in an Urban Stable environment may consolidate other existing nonconforming structures on the property, provided that no increase in height or cumulative expansion of the area of nonconforming structures and no increase in overwater coverage occurs, and provided that the Director finds that the reconfiguration will allow removal of other nonconforming structures, resulting in improved view corridors or regulated public access.

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

D. The Director may require compliance with Section 23.60.160, Standards for Regulated Public Access, as a condition of a substantial development permit for expansion or alteration of a development nonconforming as to public access requirements.

23.60.126 Structures in Trespass

The above provisions for nonconforming uses and structures, Sections 23.60.122 through 23.60.124 shall not apply to any structure, improvement, dock, fill or development placed on tidelands, shorelands, or beds of waters which is in trespass or in violation of state statutes.

PART 3 DEVELOPMENT STANDARDS

23.60.150 Applicable Development Standards

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

23.60.152 General Development

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

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- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
 - B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
 - C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of 10,500 gallons or more.
 - D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
 - E. All shoreline developments and uses shall minimize any increases in surface runoff and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to,

1 dikes, catch basins or settling ponds, interceptor drains
2 and planted buffers.

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

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

8 H. All shoreline developments and uses shall be located,
9 designed, constructed and managed to avoid disturbance of
10 and to minimize adverse impacts to fish and wildlife
11 resources, including spawning, nesting, rearing and
12 habitat areas and migratory routes. Habitat losses shall
13 be replaced in a manner sufficient to assume that there
14 will be no net loss of habitat value. Mitigation shall be
15 monitored and shortcomings replaced.

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

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

25 K. Land clearing, grading, filling and alteration of natural
26 drainage features and landforms shall be limited to the
27 minimum necessary for development. Surfaces cleared of
28 vegetation and not to be developed shall be replanted.
Surface drainage systems or substantial earth modifications

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shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.

- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32 or except where authorized by this Chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.
- Q. Submerged public right-of-way shall be subject to the following standards:
 - 1. All structures shall be floating except as permitted in 2 below;
 - 2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;

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3. The maximum height of structures shall be fifteen feet;
4. Structures shall not occupy more than thirty-five percent of the right-of-way and shall not occupy more than forty percent of the width of the right-of-way;
5. A view corridor or corridors of not less than fifty percent of the width of the right-of-way shall be provided and maintained; and
6. An open channel, unobstructed by vessels or structures, for access to and from the water for public navigation and for access to adjacent properties shall be maintained.

23.60.154 Design Review

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

23.60.156 Parking Requirements

A. Required parking spaces and loading berths shall be provided for uses in the Shoreline District as specified by Chapter 23.54 or Title 24 except that the requirements may be waived or modified at the discretion of the Director: (1) if alternative means of transportation will meet the parking demand of the proposed development in lieu of such off-street parking and loading requirements or (2) if parking to serve the proposed uses is available

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1 within eight hundred feet of the proposed development and
2 if pedestrian facilities are provided. Waivers shall not
3 be granted if they encourage the use of scarce, on-street
4 parking in the neighborhood surrounding the development.

- 5 B. New off-street parking areas or structures of more than
6 five spaces shall be located at least fifty feet from the
7 water's edge. The Director may modify this requirement
8 for lots with insufficient space between the ordinary high
9 water mark and the lot line furthest upland from the
10 water's edge. In such cases the parking shall be located
11 as far upland from the water's edge as feasible.
- 12 C. If the number of parking spaces for a proposed substantial
13 development which is required by Chapter 23.54 or Title 24
14 or which is proposed by the applicant will adversely
15 affect the quality of the shoreline environment, the
16 Director shall direct that the plans for the development
17 be modified to eliminate or ameliorate the adverse effect.

18 **23.60.158 Drive-In Businesses**

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

23 **23.60.160 Standards for Regulated Public Access**

- 24 A. 1. Regulated public access shall be a physical
25 improvement in the form of any one or combination
26 of the following: walkway, bikeway, corridor,
27 viewpoint, park, deck, observation tower, pier,
28 boat-launching ramp, transient moorage or other
areas serving as a means of view and/or physical
approach to public waters for the public. Public
access may also include, but not be limited to,

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interpretive centers and displays explaining maritime history and industry.

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

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

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

1. The location of the access on the lot shall be chosen to:
 - a. Maximize the public nature of the access by locating adjacent to other public areas including street-ends, waterways, parks, other public access and connecting trails;
 - b. Maximize views of the water and sun exposure; and
 - c. Minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor

1 private open spaces or by screening or other
2 separation techniques.

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

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

11 C. Regulated public access may be limited as to hours of
12 availability and types of activities permitted. However,
13 24-hour availability is preferable and the access must be
14 available to the public on a regularly scheduled basis.

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

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

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

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

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1. A shoreline development which requires more than one substantial development permit need not provide separate regulated public access for each permit, but public access shall be provided in the context of the entire development.
2. A comprehensive development plan for the entire project shall be submitted with the first shoreline permit application. The plan shall include all project components intended, plans for the public access and a development schedule. The level of detail of the plans for the public access shall be equal to that of the project proposal.
3. If a public access area for the development has previously been agreed upon during a street vacation process, then the Director shall not require a greater land area for access, but may require development of physical improvements.
4. A minimum of one public access site shall be provided for each three thousand five hundred lineal feet of shoreline unless public access standards are met elsewhere as part of a public access plan approved by the City Council or public access is not required for the development.

H. General Exceptions

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

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

3. Regulated public access shall not be required where:

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

b. The site is not located in an area covered by a public access plan approved by the Council and one of the following conditions exist:

(1) Unavoidable hazards to the public in gaining access exist;

(2) Inherent security requirements of the use cannot be satisfied;

(3) Unavoidable interference with the use would occur; or

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

The exceptions in subsection H3.b above apply only if the Director has reviewed all reasonable alternatives for public access. The alternatives shall include the provision of access which is physically separated

1 from the potential hazard or interference through
2 barriers such as fencing and landscaping and provi-
3 sion of access at a site geographically separated
4 from the development site but under the control of
5 the applicant.

- 6 4. Access to a shoreline may be denied to any person who
7 creates a nuisance or engages in illegal conduct on
8 the property. The Director may authorize regulated
9 public access to be temporarily or permanently closed
10 if it is found that offensive conduct cannot other-
wise be reasonably controlled.

11 **23.60.162 View Corridors**

- 12 A. View corridors shall be provided for uses and developments
13 in the Shoreline District as required in the development
14 standards of the environment in which the use or develop-
15 ment is located.
- 16 B. When a view corridor is required the following provisions
shall apply:
- 17 1. A view corridor or corridors of not less than the
18 percentage of the width of the lot indicated in the
19 Development Standards for the applicable shoreline
20 environment shall be provided and maintained.
- 21 2. Structures may be located in view corridors if the
22 slope of the lot permits full, unobstructed view of
23 the water over the structures.
- 24 3. Unless provided otherwise in this Chapter, parking
25 for motor vehicles shall not be located in view cor-
ridors except when:

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- a. The parking is required parking for a water-dependent or a water-related use and no reasonable alternative exists; or
 - b. The area of the lot where the parking would be located is four or more feet below street level.
4. Removal of existing landscaping shall not be required.
- C. The Director may waive or modify the view corridor requirements if it is determined that the intent to preserve views cannot be met by a strict application of the requirements or one of the following conditions applies:
- 1. There is no available clear view of the water from the street;
 - 2. Existing development or topography effectively blocks any possible views from the street; or
 - 3. The shape of the lot or topography is unusual or irregular.
- D. In making the determination of whether to modify the requirement, the Director shall consider the following factors:
- 1. The direction of predominant views of the water;
 - 2. The extent of existing public view corridors, such as parks or street ends in the immediate vicinity;
 - 3. The availability of actual views of the water and the potential of the lot for providing those views from the street;
 - 4. The percent of the lot which would be devoted to view corridor if the requirements were strictly applied;
 - 5. Extreme irregularity in the shape of the lot or the shoreline topography which precludes effective application of the requirements; and

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

5 **PART 4 DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES**

6 The following uses shall meet the additional development
7 standards provided below as well as the General Development
8 Standards of Part 3 of this Subchapter and any applicable
9 development standards for the environment in which the use
10 is located.

11 **23.60.180 Sign Standards**

12 **A. General Standards for all signs**

- 13 1. Roof signs shall not be permitted in the Shoreline
14 District.
15 2. Signs mounted on buildings shall be wall-mounted
16 except for projecting signs mounted on the street
17 front facade of a building facing a street running
18 generally parallel to the shoreline and located at a
19 distance from the corner of the building so as not to
20 obstruct views of the water.
21 3. Pole signs shall be permitted only on piers or floats
22 which lack buildings for wall-mounted signs and only
23 to provide visibility from fairways (publicly owned
24 navigable waters) for water-dependent or water-related
25 uses. Pole signs shall not be located in view
26 corridors required by this Chapter or so as to
27 obstruct views through view corridors required by
28 this Chapter or of a substantial number of residents.
The Director may modify proposed signs to prevent
such view obstruction.

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- 4. Ground signs are permitted when not located in required view corridors or in an area which impairs visual access to view corridors.
- 5. The size, height and number of permitted signs and the determination as to whether a sign may be flashing, illuminated, rotating, or portable shall be as regulated in the underlying zoning except as follows:
 - a. any sign which is visible from a fairway (publicly owned navigable water) shall be limited to only the name and nature of the use, and each letter shall be limited to no more than sixteen inches in height;
 - b. signs on piers shall be limited to forty square feet in area, and
 - c. Freestanding signs on piers shall not exceed twelve feet in height.

B. Types of signs.

- 1. Signs permitted in the CN, CP, CR, CM, CW and UR environments shall be limited to identification signs, on-premise directional signs, and interpretive signs.
- 2. Signs permitted in the US, UH, UM, and UG environments shall be limited to identification signs, on-premise directional signs, interpretive signs and business signs.
- 3. Signs permitted in the UI environment shall be limited to identification signs, on-premise directional signs, interpretive signs, business signs, and off-premise

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1 directional signs. Advertising signs may be permitted
2 only on upland lots in the UI environment.

3 **23.60.182 Dredging Standards**

- 4 A. Dredging and dredged material disposal shall be designed to
5 include reasonable mitigating measures to protect aquatic
6 habitats and to minimize adverse impacts such as turbidity,
7 release of nutrients, heavy metals, sulfides, organic
8 materials or toxic substances, dissolved oxygen depletion,
9 disruption of food chains, loss of benthic productivity
10 and disturbance of fish runs and important biological
11 communities.
- 12 B. Dredging shall be timed so that it does not interfere with
13 migrating aquatic life, as prescribed by state and federal
14 requirements.
- 15 C. Open water disposal of dredged material shall be permitted
16 only at designated disposal sites.
- 17 D. Stockpiling of dredged material in or under water is
18 prohibited.
- 19 E. Dredging of material that does not meet the Environmental
20 Protection Agency and Department of Ecology criteria for
21 open water disposal shall be permitted only if:
- 22 1. The dredging would not cause long term adverse
23 impacts to water sediment quality, aquatic life
24 or human health in adjacent areas, and
 - 25 2. A dry land or contained submerged disposal site has
26 been approved by the Environmental Protection Agency
27 (EPA) and the Director of the Seattle/King County
28 Department of Public Health, or any successor agency.

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

1. The existing benthos is sterile or largely degraded and shows no sign of regeneration; and
2. The dredging will have only mitigable impact on water quality and aquatic life.

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

1. It can be placed without long-term adverse impacts to water quality, sediment quality, aquatic life or human health; and
2. The environmental impacts of removing the material and relocating it to an open water disposal site are greater than the impacts of leaving the material at the original site.

23.60.184 Standards for Landfill and Creation of Dry Land

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

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

1. No significant damage to ecological values or natural resources shall occur; and
2. No alteration of local currents nor littoral drift creating a hazard to adjacent life, property or natural resources systems shall occur.

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

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- D. Fill materials shall be of a quality that will not cause problems of water quality.
- E. Shoreline fills shall not be considered for sanitary landfills or the disposal of solid waste except for the disposal of dredged material permitted in subsection I below.
- F. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat shall be considered.
- G. Deposit of fill material including dredged material shall not be permitted on lands which contain unique, fragile or ecologically valuable resources.
- H. The final location and slope of fill material on submerged lands shall meet the criteria of the State Fisheries and Game Hydraulic Code.
- I. Dredged material not meeting the Environmental Protection Agency and Department of Ecology criteria for open water disposal may be used for landfill in the shoreline only if:
 - 1. The landfill is designed to be used for future water-dependent or water-related development;
 - 2. The landfill meets the criteria for landfill in the environment in which it is located;
 - 3. Either the area in which the material is placed has similar levels of the same contaminants or the material is placed in a manner that it will not be a source of contaminants in an area cleaner than the proposed fill material;

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- 4. The landfill can be placed in the water or on the land without long term adverse impacts to water quality, sediment quality, aquatic life, or human health; and
- 5. If classified as solid waste, any required EPA or DOE approval is obtained.

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

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

- 1. The erosion pocket does not exceed one hundred feet in width as measured between adjacent revetments;
- 2. The erosion pocket is in an area characterized by continuous revetments abutting and extending in both directions along the shoreline away from the erosion pocket;
- 3. The fill will not appreciably increase interference with a system of beach accretion and erosion; and
- 4. The fill does not extend beyond a line subtended between the adjacent revetments.

23.60.186 Standards for Natural Beach Protection

A. The design and use of naturally regenerating systems for prevention and control of beach erosion is encouraged and preferred over bulkheads and other structures when the length and configuration of the beach will accommodate it,

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and the protection is a reasonable solution to the needs of the specific site where it is proposed. Design alternatives shall include the best available technology such as, but not limited to:

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

B. Natural beach protection shall not:

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

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

23.60.188 Standards for Bulkheads

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

1. The bulkhead would not detrimentally redirect littoral drift, waves, currents or sediments to other shorelines;
2. If dry land is created, the landfill complies with all standards for landfill; and
3. The bulkheads are:
 - a. Adjacent to a navigable channel;

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- b. Necessary for a water-dependent or water-related use; or
- c. Necessary to prevent extraordinary erosion, but only when natural beach protection is not a practical alternative.

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

- 1. Necessary to maintain existing land and to protect from extraordinary erosion, and when natural beach protection is not a practical alternative;
- 2. Additional dry land mass is not created, except as otherwise provided in the standards of the applicable environment;
- 3. The bulkhead does not extend waterward of ordinary high water unless necessary to protect the toe of a cliff from wave action;
- 4. The bulkhead does not extend into the water beyond adjacent bulkheads;
- 5. The bulkhead would not detrimentally redirect littoral drift, waves, currents or sediments to other shores; and
- 6. The existing contour of the natural shoreline is generally followed.

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

D. Rip-rap bulkheads shall be preferred over vertical wall or slab bulkheads except in the UM, UG, and UI environments. Sheetpiling and precast concrete slabs with vertical

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waterward faces shall include adequate tiebacks and toe protection.

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

23.60.190 Standards for Breakwaters and Jetties

- A. Breakwaters and jetties may be authorized only for protection of water-dependent uses.
- B. Where practical, floating breakwaters shall be used rather than solid landfill breakwaters or jetties in order to maintain sand movement and fish habitat.
- C. Solid breakwaters and jetties shall be constructed only where design modifications can eliminate potentially detrimental effects on the movement of sand and circulation of water.

23.60.192 Standards for Utility Lines

- A. To the extent practicable, all new utility lines shall be located or constructed within existing utility corridors.
- B. The installation of new electrical, telephone or other utility lines in areas where no such lines exist, or the substantial expansion of existing electrical, telephone or other utility lines in all environments except UI shall be accomplished underground, or under water, except for lines carrying 115 KV or more.
- C. Overhead installation of utility lines shall be permitted where there are no significant impacts on upland views. Location and design shall minimize visibility of overhead utilities and preserve views.
- D. Upon completion of utility line installation or maintenance projects, the shoreline shall be restored to preproject

1 configuration, replanted and provided maintenance care
2 until the newly planted vegetation is re-established.

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

8 **23.60.194 Standards for Intakes and Outfalls**

- 9 A. All intakes and outfalls shall be located so they will not
10 be visible at mean lower low water.
11 B. All intakes and outfalls shall be designed and constructed
12 to prevent the entry of fish.

13 **23.60.196 Floating Homes**

14 A. General Standards

- 15 1. Floating home moorages shall comply with Chapter 58,
16 Houseboats, of the Seattle Building Code Supplement
17 adopted by Chapter 22.100, SMC, and the requirements
18 of this Chapter.

19 2. Moorage Location

- 20 a. Except as provided below, every floating home
21 moorage shall be located on privately owned or
22 privately controlled premises. No floating home
23 shall be located in any waterway or fairway or
24 in the public waters of any street or street
25 end.

- 26 b. Floating homes and floating home moorages which
27 were located in the public waters or any street
28 or street end on January 1, 1974 or on property
later dedicated to the City for street purposes,
and which have continuously remained in such

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locations, comply with all other provisions of this Chapter and are authorized by a use and occupancy permit approved by the Board of Public Works shall be permitted; provided that when any such floating home so located and permitted to use such public waters is moved from its existing site the public waters shall not be reoccupied.

c. Floating homes and floating home moorages located in Portage Bay in a submerged street segment lying generally parallel to the shoreline that terminates on the north and on the south in a submerged street area when the same person owns or leases the property abutting on both sides thereof shall be permitted.

d. Floating homes are permitted when located at an existing floating home moorage and located partially on private property and partially in submerged portions of Fairview Avenue East lying generally parallel to the shoreline, when the occupant of the floating home owns or leases the private portion of the moorage site and has obtained a long-term permit from City Council to occupy the abutting street area.

3. Views

Floating homes shall not be located or relocated in such a manner as to block the view corridor from the end of a dock or walkway. In the location and the design of remodeled floating homes, views of the water for moorage tenants and the public shall be preserved.

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4. Existing Floating Homes

An existing floating home, for the purposes of this Section, shall be one assigned a King County Assessor's (KCA) number and established by that number as existing at an established moorage in Lake Union or Portage Bay as of the effective date of this Chapter.

5. Relocation

Two floating homes may exchange moorage sites, either within a moorage or between moorages, if:

- a. Both floating homes are the same height or the relocation will not result in a floating home, which is over eighteen feet in height and higher than the floating home being replaced, being located seaward of floating homes which are eighteen feet or less in height, provided that no floating home greater than eighteen feet in height shall be relocated to a non-conforming floating home moorage except to replace a floating home of equal or greater height;
- b. The minimum distance between adjacent floating home walls and between any floating home wall and any floating home site line will meet the requirements of the applicable moorage standards in subsections B or C below unless reduced for existing floating homes by the Director; and
- c. The requirements of Chapter 7.20 of the Seattle Municipal Code, Equity Ordinance, have been met.

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6. Moorage Plan

Any proposal to replace, remodel, rebuild, or relocate a floating home, or expand a floating home moorage, shall be accompanied by an accurate, fully dimensioned moorage site plan, at a scale of not less than one inch equals twenty feet, unless such plan is already on file with the Department. When the proposal is to expand a moorage, the plan shall designate individual moorage sites for the entire moorage.

B. Conforming Floating Home Moorages

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

- a. Floating homes shall not exceed twenty-one feet at the highest point measured from the surface of the water.
- b. New floating homes shall not cover in excess of one thousand two hundred square feet of water area, and existing floating homes shall not be expanded beyond one thousand two hundred square feet, inclusive of float, decks, roof overhang and accessory floats.
- c. Minimum site area for an individual floating home shall be two thousand square feet, except as provided in subsection D of this section.
- d. Total water coverage of all floating homes and all fixed or floating moorage walkways shall not exceed forty-five percent of the submerged portion of the moorage lot area.

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e. Setbacks

- (1) The minimum distance between adjacent floating home floats or walls shall be ten feet of open water.
- (2) The minimum distance between floating homes on opposite sides of a moorage walkway shall be ten feet, wall-to-wall.
- (3) The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five feet except that there shall be no minimum distance required between a floating home float or wall and a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway may abut upon the lot line.

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

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

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

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

3. Remodeling, rebuilding or relocation of a floating home shall be permitted at a conforming moorage if the provisions of subsections A and B1 are met.

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C. Nonconforming Floating Home Moorages

1. The remodeling, replacement, or rebuilding of a floating home at a moorage existing as of March 1, 1977, whether or not legally established at that time, when the moorage does not satisfy the lot coverage, open water, site area, setback, view corridor or location provisions for conforming floating home moorages shall be permitted subject to the following provisions:

- a. The total float area of the floating home float shall not be increased;
- b. The height of the remodeled floating home or of the remodeled portion of the floating home shall not be increased beyond eighteen feet from the water surface or the height shall not exceed eighteen feet from the water if the floating home is being replaced or rebuilt;
- c. The minimum distance between adjacent floating home walls shall not be decreased to less than six feet if the floating home is being remodeled or shall not be less than six feet if the floating home is being rebuilt or replaced, except as provided in subsection D of this section;
- d. The minimum distance between any floating home wall and any floating home site line shall not be decreased to less than three feet if the floating home is being remodeled or shall not be less than three feet if the floating home is being rebuilt or replaced;

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- e. No part of the floating home shall be further extended overwater beyond the edge of the float if the floating home is being remodeled or shall not be extended over water beyond the edge of the float if the floating home is being rebuilt or replaced;
 - f. Any accessory float which was attached to a floating home as of March 1, 1977, may be maintained or replaced provided that the area of the accessory float shall not be increased. An accessory float may not be transferred from one floating home to another. New accessory floats are prohibited; and
 - g. The extent of nonconformity of the floating home moorage with respect to view corridors shall not be increased.
2. The expansion of a nonconforming moorage shall be permitted if the expanded portion of the moorage meets the following provisions:
- a. No floating home in the expanded portion of the moorage is over eighteen feet in height or the height of the floating home located immediately landward in the existing moorage, whichever is greater;
 - b. New floating homes shall not cover an excess of one thousand two hundred square feet of water area, and existing floating homes shall not be expanded beyond one thousand two hundred square feet, inclusive of float, decks, roof overlay and accessory floats;

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- c. Minimum site area for an individual floating home shall be two thousand square feet except as provided in subsection D of this Section;
 - d. Total water coverage of all floating homes and all fixed or floating moorage walkways shall not exceed forty-five percent of the submerged portion of the moorage lot area;
 - e. Setbacks
 - (1) The minimum distance between adjacent floating home floats or walls shall be ten feet of open water.
 - (2) The minimum distance between floating homes on opposite sides of a moorage walkway shall be ten feet, wall-to-wall.
 - (3) The minimum distance between any floating home float or wall and any floating home moorage lot line shall be five feet except that there shall be no minimum distance required between a floating home float or wall and a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway or the fairway. A moorage walkway may abut upon the lot line;
 - f. Each floating home shall have direct access to a moorage walkway of not less than five feet of unobstructed width leading to a street;
 - g. Each floating home in a floating home moorage shall abut upon open water at least twenty feet wide and open continuously to navigable waters; and

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

4 D. "Safe Harbor" Development Standards Exceptions

5 There shall be no parking requirements or minimum site
6 area for the following:

- 7 1. In the Urban Residential environment, the addition of
8 no more than two existing floating homes as defined
9 in Section 23.60.196A.4 of this Chapter on each lot
10 developed with a recreational marina, commercial
11 moorage or floating home moorage on the effective date
12 of this ordinance and established prior to April 1,
13 1987 when the floating homes are relocated from
14 another lot after April 1, 1987; and
- 15 2. In the Urban Stable environment, no more than two
16 floating homes at each lot as permitted by Section
17 23.60.600A.4 of this Chapter when relocated from
18 another lot after April 1, 1987.

19 **23.60.198 Residences Other Than Floating Homes**

- 20 A. Residences shall not be constructed over water unless
21 specifically permitted in the regulations for applicable
22 shoreline environment.
- 23 B. Residences on waterfront lots shall not be located further
24 waterward than adjacent residences. If there are no other
25 residences within one hundred feet, residences shall be
26 located at least twenty-five feet back from the line of
27 ordinary high water.
- 28 Fences, freestanding walls, bulkheads and other structures
normally accessory to residences may be located in the
residential setback if views of adjacent residents are not

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obscured. The Director shall determine the permitted height of the accessory structures.

- C. Residences constructed partially or wholly over water shall not be located further waterward than adjacent overwater residences. If there are no overwater residences within one hundred feet or if this provision would not allow reasonable development, the Director shall determine the maximum distance from shore that the structure may extend. In making this determination, the Director shall find that:
 - 1. the amount of view blockage from adjacent residences is minimized;
 - 2. the use of dry land is maximized;
 - 3. the square footage of the proposed structure is comparable to residential development in the vicinity; and
 - 4. the Shoreline Policies are met.
- D. Single family residences on both waterfront and upland lots shall meet the yard requirements of the underlying zoning.
- E. Multi-family developments shall meet all development standards of the underlying zoning including modulation and structure width and depth, provided that, where view corridors are required, the Director may reduce or waive the yard and setback requirements of the underlying zoning. Where view corridors are not required, yards and setbacks of the underlying zoning shall be required.
- F. Submerged lands may not be used to satisfy landscaped open space requirements of multi-family developments.

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1 60.200 Recreational Marinas

2 General Requirements for Recreational Marinas:

- 3 A. Lavatory facilities connected to a sanitary sewer and
4 adequate to serve the marina shall be provided.
- 5 B. Self-service sewage pumpout facilities or the best
6 available method of disposing of sewage wastes and
7 appropriate disposal facilities for bilge wastes
8 shall be provided at marinas having in excess of
9 three thousand five hundred lineal feet of moorage
10 or slips large enough to accommodate boats larger
11 than twenty feet in length, and shall be located so
12 as to be conveniently available to all boats. An
13 appropriate disposal facility for removal of bilge
14 wastes shall be either a vacuum apparatus, or
15 oil-absorbent materials and waste receptacles.
- 16 C. Untreated sewage shall not be discharged into the
17 water at any time. Treated sewage shall not be dis-
18 charged while boats are moored.
- 19 D. Long-term parking areas shall be located away from
20 the water. Short-term loading areas, however, may be
21 located near berthing areas.
- 22 E. Public access shall be provided as follows:
- 23 1. The minimum public access for a marina providing
24 less than nine thousand feet of moorage space
25 shall consist of an improved walkway at least
26 five feet wide on an easement at least ten feet
27 wide leading to an area located at the water's
28 edge, which area shall be at least ten feet wide
and shall provide at least ten feet of water
frontage for every one hundred feet of the
marina's water frontage.

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2. The minimum public access for a marina providing nine thousand or more feet of moorage space shall consist of an improved walkway at least five feet wide on an easement at least ten feet wide leading to a public walkway at least five feet wide on an easement at least ten feet wide located along the entire length of the marina's water frontage.
 3. Marinas which provide less than two thousand lineal feet of moorage space and which contain only water-dependent or water-related principal uses are exempt from this public access requirement.

13 F. Transient Moorage

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1. Transient moorage shall be provided at the rate of forty lineal feet of transient moorage space for each one thousand lineal feet of moorage space in the marina if one or more of the following conditions apply:
 - a. the marina provides nine thousand or more lineal feet of moorage;
 - b. the marina is part of a development which includes restaurants or other nonwater-dependent or nonwater-related uses which operate during evening and weekend hours; or
 - c. the marina is owned, operated, or franchised by a governmental agency for use by the general public.
 2. The Director may waive the requirement for transient moorage if it is found that there is adequate transient moorage already existing in the vicinity.

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3. Transient moorage for commercial vessels may be required as part of a recreational marina providing more than nine thousand lineal feet of moorage if the site is in an area near commercial facilities generating commercial transient moorage demand.

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

23.60.202 Standards for Yacht, Boat and Beach Clubs

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

23.60.204 Piers and Floats Accessory to Residential Development

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

B. Size and Location

1. Piers may be fixed or floating. Piers shall be located generally parallel to side lot lines and perpendicular to the shoreline. If the shoreline or the lot lines are irregular, the Director shall decide the orientation of the pier. No pier shall be located within fifteen 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

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1 common side lot line, in which case the minimum dis-
2 tance between a pier and the side lot line may be
3 reduced to not less than five feet.

- 4 2. A existing pier not meeting the location provisions
5 of this Section may be extended to the maximum length
6 permitted in subsection B5 below.
- 7 3. Piers shall be permitted only when the lot width is
8 not less than forty-five feet, except where the pier
9 is shared with the owner of an adjacent lot, in which
10 case the width of the combined lots shall be not less
11 than sixty feet. No single-family lot shall have
12 more than one pier or float structure.
- 13 4. No pier shall exceed six feet in width.
- 14 5. Maximum extension of a pier from the water's edge
15 shall be the greater of the following, limited by
16 subsection B6:
- 17 a. A line subtended by the ends of adjacent exist-
18 ing piers, if within two hundred yards of the
19 proposed pier; or
 - 20 b. A line subtended by the ends of an adjacent
21 existing pier on one side within two hundred
22 yards of the proposed new pier, and the first
23 pier beyond an adjacent existing pier on the
24 opposite side and within one hundred yards of
25 the proposed new pier; or
 - 26 c. To a point where the depth of the water at the
27 end of the pier reaches eight feet below ordi-
28 nary high water in fresh water or mean lower
low water in tidal waters.
6. No pier shall extend more than one hundred feet and
no pier shall extend beyond the Outer Harbor or

1 Pierhead Line except in Lake Union where piers shall
2 not extend beyond the Construction Limit Line as
3 shown upon the Official Land Use Map of the City of
4 Seattle or except where authorized by this Chapter
5 and by the State Department of Natural Resources and
6 the U.S. Army Corps of Engineers.

7 7. No pier shall exceed five feet in height above ordi-
8 nary high water.

9 C. Piers accessory to single family, duplex or triplex devel-
10 opments may include one overwater projection in the form
11 of a finger or spur pier, angled extension, float or plat-
12 form per dwelling unit, not to exceed one hundred square
13 feet in area and not to be located closer than five feet
14 from a side lot line. Residential piers serving multi-
15 family residences of four or more units shall be limited
16 to one overwater projection of no more than one hundred
17 square feet per each two dwelling units.

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

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

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

26 G. Swimming floats not meeting the standards of subsections A
27 through F above shall be permitted in lieu of moorage
28 piers when anchored offshore and limited to one hundred
square feet per dwelling unit for single, two-family, and
three-family residential units and fifty square feet per
dwelling unit for four-or-more-family residential units.

1 **23.60.206 Streets**

2 A. Except for bridges necessary to cross a water body, new
3 streets shall be permitted in the Shoreline District only
4 if necessary to serve lots in the Shoreline District or to
5 connect to public access facilities.

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

- 8 1. Improve public visual and physical access to the
9 shoreline;
- 10 2. Conform to the topography and other natural features
11 with minimum of cut, fill, and structural elements;
- 12 3. Provide means for the public to overcome the physical
13 barrier created by the facility and gain access to
14 the shoreline; and
- 15 4. Minimize the area of upland lots and maximize the
16 area of waterfront lots.

17 **23.60.208 Railroads and Rail Transit**

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

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

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

26 D. All railroads and rail transit facilities shall provide
27 means for the public to overcome the physical barrier cre-
28 ated by the facility and gain access to the shoreline.

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23.60.210 Aquatic Weed Control

- A. The control of aquatic weeds by handpulling, mechanical harvesting, or placement of aquascreens if proposed to maintain existing water depth for navigation shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit.
- B. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a substantial development permit is required, unless proposed to maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit.
- C. The use of herbicide or other chemicals to control aquatic weeds shall be prohibited.

SUBCHAPTER IV: Shoreline Environments

23.60.220 Environments Established

A. The following shoreline environments and the boundaries of these environments are established on the Official Land Use Map as authorized in Chapter 23.32.
For the purpose of this Chapter, the Shoreline District is divided into eleven environments designated below.

ENVIRONMENT	DESIGNATION
Conservancy Navigation	CN
Conservancy Preservation	CP
Conservancy Recreation	CR

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1	Conservancy Management	CM
2	Conservancy Waterway	CW
3	Urban Residential	UR
4	Urban Stable	US
5	Urban Harborfront	UH
6	Urban Maritime	UM
7	Urban General	UG
8	Urban Industrial	UI

9 B. Submerged lands seaward of the Outer Harbor Line,
 10 Construction Limit Line or other navigational boundary
 11 which are not specifically designated or shown on the
 12 Official Land Use Map shall be designated Conservancy
 13 Navigation.

14 **SUBCHAPTER V: The Conservancy Navigation Environment**
 15 **PART 1 USES**

16 **23.60.240 Uses Permitted Outright in the CN Environment**
 17 The following uses shall be permitted outright in the
 18 Conservancy Navigation Environment as either principal or
 19 accessory uses:

20 Navigational aids including channel markers and anchor
 21 buoys.

22 **23.60.242 Special Uses in the CN Environment**

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

- 26 A. Bridges;
- 27 B. Utilities lines;
- 28 C. Underwater diving areas and reefs;
- D. Aquaculture;

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- 1 E. Natural beach protection to prevent erosion or to enhance
- 2 public access; and
- 3 F. The disposal of dredged material at authorized dredge dis-
- 4 posal sites established as a conditional use.

5 **23.60.244 Conditional Uses in the CN Environment**

6 The following uses may be authorized in the CN Environment
7 by the Director, with the concurrence of the Department of
8 Ecology, as principal or accessory uses if the criteria for
9 conditional uses of WAC 173-14-140 are satisfied:

- 10 A. The establishment of an open water dredge material dis-
- 11 posal site pursuant to WAC 332-30-166;
- 12 B. Floating dolphins necessary for a water-dependent or
- 13 water-related use;
- 14 C. Offshore facilities necessary for a water-dependent or
- 15 water-related use;
- 16 D. Bulkheads necessary to prevent extraordinary erosion
- 17 where natural beach protection is not feasible;
- 18 E. Dredging necessary to: (1) maintain or improve naviga-
- 19 tional channels, (2) provide access to a water-dependent
- 20 or water-related use, (3) protect or enhance the natural
- 21 environment, or (4) install utility lines and bridges; and
- 22 F. The following types of landfill:
 - 23 1. Landfill on submerged land which does not create dry
 - 24 land, if necessary to install utility lines and
 - 25 bridges; and
 - 26 2. Landfill for the creation of wildlife or fisheries
 - 27 habitat as mitigation or enhancement.

28 **23.60.246 Prohibited Uses in the CN Environment**

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

- 1 A. Residential uses;
2 B. Commercial uses;
3 C. Utilities except utility lines;
4 D. Salvage and recycling uses;
5 E. Manufacturing uses;
6 F. High impact uses;
7 G. Institutional uses;
8 H. Public facilities;
9 I. All shoreline recreation uses except underwater diving
10 areas and reefs;
11 J. Agricultural uses except aquaculture;
12 K. Groins and similar structures which block the flow of sand
13 to adjacent beaches; and
14 L. Landfill which creates dry land, except for wildlife
15 habitat mitigation or enhancement.

16 **PART 2 DEVELOPMENT STANDARDS**

17 **23.60.270 Development Standards in the CN Environment**

18 In addition to development standards applicable to all envi-
19 ronments contained in Subchapter III, General Provisions,
20 developments in the Conservancy Navigation Environment shall
21 be located and designed to avoid interference with navigation.
22 Buoys or other markings may be required to warn of navigation
23 hazards.

24 **SUBCHAPTER VI: The Conservancy Preservation Environment**

25 **PART 1 USES**

26 **23.60.300 Uses Permitted Outright in the CP Environment**

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

None.

1 **23.60.302 Special Uses in the CP Environment**

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

5 A. Utility lines if no reasonable alternative location
6 exists;

7 B. The following shoreline recreation uses:

8 1. Underwater diving areas and reefs;

9 2. Bicycle and pedestrian paths;

10 3. Viewpoints;

11 C. Aquaculture; and

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

14 **23.60.304 Conditional Uses in the CP Environment**

15 The following uses may be authorized in the CP Environment by
16 the Director, with the concurrence of the Department of
17 Ecology, as either principal or accessory uses if the criteria
18 for conditional uses of WAC 173-14-140 are satisfied;

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

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

24 C. The following types of landfill:

25 1. Landfill on dry land if necessary to construct
26 permitted uses and structures;

27 2. Landfill for the creation of wildlife or fisheries
28 habitat as mitigation or enhancement; and

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

 D. Streets, railroads and bridges.

1 23.60.306 Prohibited Uses in the CP Environment

2 The following uses shall be prohibited as principal or acces-
3 sory uses in the CP Environment:

- 4 A. Residential uses;
- 5 B. Commercial uses including accessory parking;
- 6 C. Utility uses except utility lines;
- 7 D. Salvage and recycling uses;
- 8 E. Manufacturing Uses;
- 9 F. High impact uses;
- 10 G. Institutional uses except permitted shoreline recreational
11 uses;
- 12 H. Public facilities;
- 13 I. Shoreline recreation uses except underwater diving areas
14 or reefs, bicycle and pedestrian paths and viewpoints;
- 15 J. Agricultural uses except aquaculture;
- 16 K. The following protective structures:
- 17 1. Bulkheads on Class I beaches; and
- 18 2. Groins and similar structures which block the
19 flow of sand to adjacent beaches; and
- 20 L. Landfill which creates dry land except as part of wildlife
21 or fisheries habitat.

22 PART 2 DEVELOPMENT STANDARDS

23 23.60.330 Development Standards in the CP Environment

24 All developments in the Conservancy Protection Environment
25 shall meet the requirements of this Part as well as the devel-
26 opment standards applicable to all environments contained in
27 Subchapter III, General Provisions.
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23.60.332 Natural Area Protection in the CP Environment

- A. Developments in the CP Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas.
- B. Development in critical natural areas shall be minimized. Critical areas include: salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and other habitats.

23.60.334 Height in the CP Environment

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

SUBCHAPTER VII: The Conservancy Recreation Environment

PART 1 USES

23.60.360 Uses Permitted Outright in the CR Environment

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

- A. Single family dwelling units constructed partially or wholly over water if located on a residentially zoned and privately owned lot established in the public records of the County or City prior to March 1, 1977 by deed, contract of sale, mortgage, platting, property tax segregation or building permit, and having less than thirty feet of dry land calculated as provided for in measurements Section 23.60.956;
- B. Shoreline recreation uses except auto-trailer boat launching ramps; and
- C. Aquaculture.

1 23.60.362 Accessory Uses Permitted Outright in the CR
2 Environment

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

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

8 23.60.364 Special Uses in the CR Environment

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

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

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

23.60.366 Council Conditional Uses in CR Environment

A. The following uses may be authorized in the CR Environment by the Council according to the procedures of Section 23.60.068 as either principal or accessory uses:

1. The following uses when associated with a public park:
 - a. Small craft center;
 - b. Boat launching ramp for auto-trailer boats;
 - c. The following nonwater-dependent commercial uses:
 - (1) Sale of boat parts or accessories;
 - (2) Personal and household retail sales and services; and
 - (3) Eating and drinking establishments.

2. Community yacht, boat and beach clubs when:
 - a. No eating and drinking establishments are included in the use;
 - b. No more than one pier or float is included in the use; and
 - c. Any accessory pier or float meets the standards of Section 23.60.204 for piers and floats accessory to residential development.

B. The uses identified in subsection A may be permitted only when the Council determines that the uses as conditioned would be consistent with the purposes of the CR Environment, the Shoreline Policies and the Shoreline Management Act of 1971.

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1 **23.60.368 Prohibited Uses in the CR Environment**

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

- 4 A. Residential uses except those permitted by Section
5 23.60.360A;
- 6 B. Commercial uses except those specifically permitted by
7 Section 23.60.366;
- 8 C. Utility uses except utility lines;
- 9 D. Salvage and recycling uses;
- 10 E. Manufacturing uses;
- 11 F. High impact uses;
- 12 G. Institutional uses except community clubs meeting the
13 criteria of Section 23.60.366;
- 14 H. Public facilities;
- 15 I. Open space uses except shoreline recreation uses permitted
16 by Section 23.60.360B;
- 17 J. Agricultural uses except aquaculture;
- 18 K. The following shoreline protective structures:
- 19 1. Groins and similar structures which block the flow of
20 sand to adjacent beaches; and
- 21 2. Bulkheads on Class I beaches; and
- 22 L. Landfill which creates dry land except as part of habitat
23 mitigation or enhancement.

24 **PART 2 DEVELOPMENT STANDARDS**

25 **23.60.390 Development Standards in the CR Environment**

26 All developments in the Conservancy Recreation Environment
27 shall meet the requirements of this Part as well as the devel-
28 opment standards applicable to all environments contained in
 Subchapter III, General Provisions.

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1 **23.60.392 Natural Area Protection in the CR Environment**

2 A. All developments in the CR Environment shall be located
3 and designed to minimize adverse impacts to natural areas
4 of biological or geological significance and to enhance
5 the enjoyment by the public of those natural areas.

6 B. Development in critical natural areas shall be minimized.
7 Critical areas include: salt or fresh water marshes,
8 swamps, bogs, eel grass areas, kelp beds, streams, fish
9 spawning areas and other habitats.

9 **23.60.394 Height in the CR Environment**

10 A. The maximum height permitted outright in the CR Environment
11 shall be fifteen feet except as modified by subsections C
12 through E.

13 B. The maximum height permitted as a Council conditional use
14 shall be thirty feet except as modified in subsections C
15 through E.

15 C. Pitched Roofs

16 The ridge of pitched roofs on principal structures may
17 extend five feet above the height permitted in subsection
18 A or B above. All parts of the roof above the height
19 limit must be pitched at a rate of not less than three to
20 twelve. No portion of a shed roof shall be permitted to
21 extend beyond the height limit under this provision.

21 D. Rooftop Features

22 1. Radio and television receiving aerials, flagpoles
23 and chimneys may extend ten feet above the maximum
24 height limit.

25 2. Open railings, planters, skylights, clerestories,
26 monitors, greenhouses, solar collectors, parapets
27 and firewalls may extend four feet above the maximum
28 height limit.

1 E. Bridges

2 Bridges may extend above the maximum height limits.

3 23.60.396 Lot Coverage in the CR Environment

4 A. Lot Coverage Regulations

5 Structures, including floats and piers, shall not occupy
6 more than thirty-five percent of a waterfront lot located
7 in the CR Environment except as modified by subsection B.

8 B. Lot Coverage Exceptions

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

13 23.60.398 View Corridors in the CR Environment

14 A view corridor or corridors of not less than thirty-five
15 percent of the width of the lot shall be provided and maintained
16 on all waterfront lots except those developed with single-family
17 dwellings.

18 23.60.400 Regulated Public Access in the CR Environment

19 A. Public Property

20 Public access meeting the criteria of Section 23.60.160
21 shall be provided and maintained on all publicly owned and
22 publicly controlled waterfront property whether leased to
23 private lessees or not, except where the property is
24 submerged land which does not abut dry land.

25 B. Private Property

- 26 1. Public access meeting the criteria of Section
27 23.60.160 shall be provided and maintained on
28 privately owned waterfront lots for the following
developments:

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1 a. Multi-family residential developments containing
2 more than four units with more than one hundred
3 feet of shoreline, except when located on salt
4 water shorelines where public access from a
5 street is available within six hundred feet of
6 the proposed development; and

7 b. Other nonresidential nonwater-dependent
8 developments.

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

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

15 **SUBCHAPTER VIII: The Conservancy Management Environment**

16 **PART 1 USES**

17 **23.60.420 Uses Permitted Outright on Waterfront Lots in the**
18 **CM Environment**

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

- 22 A. Utilities:
 - 23 1. Utility lines;and
 - 24 2. Utility service uses whose operations require a
25 shoreline location;
- 26 B. Existing yacht, boat and beach clubs;
- 27 C. Shoreline recreation;
- 28 D. Aquaculture.

1 23.60.422 Accessory Uses Permitted Outright in the
2 CM Environment

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

5 Piers and floats accessory to residential uses permitted
6 on adjacent UR land.

7 23.60.424 Special Uses Permitted on Waterfront Lots in the CM
8 Environment

9 The following uses may be authorized by the Director on water-
10 front lots in the CM Environment as either principal or
11 accessory uses if the special use criteria in Section
12 23.60.032 are satisfied:

13 A. The following commercial uses:

- 14 1. Sale or rental of large boats;
- 15 2. Marine service station;
- 16 3. Vessel repair, minor;
- 17 4. Recreational marina;
- 18 5. Dry storage of boats;
- 19 6. Water-dependent passenger terminals, provided that
20 the impact of terminal operation on adjacent residen-
21 tial neighborhoods and streets can be mitigated; and
- 22 7. Airports, water-based;

23 B. Streets;

24 C. Bridges;

25 D. Expansion of existing sewage treatment plants, not includ-
26 ing expansion for additional treatment capacity or the
27 addition of a new treatment level;

28 E. Public facilities, water-dependent or water-related;

F. The following institutional uses:

1. New yacht, boat and beach clubs;
2. Institute for advanced study, water-dependent or
water-related;
3. Museum, water-dependent or water-related;

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4. Shoreline recreation accessory to a school, college or university;
- G. The following shoreline protective structures:
1. Natural beach protection;
 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;
- H. Dredging, when the dredging is necessary for a water-dependent or water-related use;
- I. The following types of landfill:
1. Landfill on submerged lands which does not create dry land, if necessary for a water-dependent or water-related use or for the installation of a bridge or utility line;
 2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and
 3. Landfill on submerged land which creates dry land:
 - a. When the dry land is necessary for the operation of a water-dependent or water-related use; and
 - b. If more than two square yards of dry land per linear yard of shoreline is created, the landfill meets the following additional criteria:
 - (1) No reasonable alternative to the landfill exists;
 - (2) The development provides a clear public benefit; and

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

23.60.426 Conditional Uses Permitted in the CM Environment

The following uses may be authorized in the CM Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

A. Nonwater-Dependent commercial uses associated with a recreational marina

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A.2:

- a. Sale of boat parts or accessories, and
- b. Eating and drinking establishments.

2. a. The use is associated with a recreational marina with at least nine thousand lineal feet of moorage;

b. The size and location of the use will not restrict efficient use of the site for water-dependent recreation or public access; and

c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty feet and a dry land location is not feasible.

B. Nonwater-Dependent commercial uses on historic ships:

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- b. Personal and household retail sales and services; and
- c. Eating and drinking establishments.
- 2. a. The use is associated with a public park;
- b. The use is located on a lot which does not exceed two thousand four hundred square feet in area; and
- c. All personal and household goods sold or rented are for use on the lot or immediate adjacent waters.

D. Landfill for nonwater-dependent uses

Landfill may be placed to create land for nonwater-dependent uses accessory to or associated with water-dependent or water-related uses when:

- 1. Development of the water-related or water-dependent use would not be feasible without the accessory or associated nonwater-dependent uses;
- 2. No reasonable alternative to landfill exists including over water or offsite location of the uses;
- 3. The total development provides a clear public benefit; and
- 4. If located in Lake Union or Portage Bay, the landfill does not exceed two square yards of dry land per lineal yard of shoreline.

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

1 A. A determination has been made, according to the process
2 established in Section 23.60.066, Procedure for
3 Determination of Feasible or Reasonable Alternative
4 Locations, that no feasible alternative exists to expand-
5 ing the plant in the CM environment. The determination as
6 to feasibility shall be based upon the Shoreline Goals and
7 Policies, the Shoreline Management Act of 1971, as
8 amended, and a full consideration of the environmental,
9 social and economic impacts on the community;

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

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

18 **23.60.430 Prohibited Principal Uses on Waterfront Lots in the
19 CM Environment**

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

22 A. Residential uses;

23 B. The following commercial uses:

24 1. Vessel repair, major;

25 2. Commercial moorage;

26 3. Tugboat services;

27 4. Sale of boat parts or accessories except when
28 permitted as a conditional use;

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

- 1 6. Medical services;
- 2 7. Animal services;
- 3 8. Automotive retail sales and services;
- 4 9. Eating and drinking establishments except when
5 permitted as a conditional use;
- 6 10. Lodging;
- 7 11. Mortuary services;
- 8 12. Non-household sales and services;
- 9 13. Parking, principal use;
- 10 14. Offices;
- 11 15. Entertainment uses;
- 12 16. Wholesale showrooms;
- 13 17. Mini-warehouses;
- 14 18. Warehouses;
- 15 19. Outdoor storage;
- 16 20. Personal transportation services;
- 17 21. Passenger terminals, nonwater-dependent;
- 18 22. Cargo terminals;
- 19 23. Bus bases;
- 20 24. Helistops and heliports;
- 21 25. Airports, land-based;
- 22 26. Research and development laboratories; and
- 23 27. Food processing and craft work uses.
- 24 C. Salvage and recycling uses;
- 25 D. Railroads;
- 26 E. The following utilities:
- 27 1. Communication utilities;
- 28 2. Solid waste transfer stations;
3. Power plants; and
4. New sewage treatment plants;

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- F. Manufacturing uses;
- G. High impact uses;
- H. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;
- I. Public facilities, nonwater-dependent;
- J. Open space uses except shoreline recreation;
- K. Agricultural uses except aquaculture; and
- L. The following shoreline protective structures:
 - 1. Groins and similar structures which block the flow of sand to adjacent beaches; and
 - 2. Bulkheads on Class I beaches.

23.60.432 Permitted Uses on Upland Lots in the CM Environment

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

23.60.434 Prohibited Use on Upland lots in the CM Environment

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

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PART 2 DEVELOPMENT STANDARDS

23.60.450 Development Standards for the CM Environment

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

23.60.452 Critical Habitat Protection in the CM Environment

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

23.60.454 Height in the CM Environment

A. Maximum Height

The maximum height in the CM Environment shall be thirty feet, except on Lake Washington where the maximum height for structures over water including existing single-family residences shall be fifteen feet, and except as modified in subsections B through E.

B. Pitched Roofs

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

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C. Water-Dependent Uses

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

D. Rooftop Features

1. Radio and television receiving aerials, flagpoles, chimneys and spires for religious institutions, are exempt from height limits, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
2. Open railings, skylights, clerestories, monitors, solar collectors, parapets and firewalls may extend four feet above the maximum height limit.

E. Bridges

Bridges may extend above the maximum height limit.

23.60.456 Lot Coverage in the CM Environment

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

B. Lot Coverage Exceptions

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

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23.60.458 View Corridors in the CM Environment

- A. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.
- B. The following uses may be located in a required view corridor:
 - 1. Open wet moorage;
 - 2. Storage of boats undergoing repair; and
 - 3. Parking which meets the criteria of Section 23.60.162B3, View Corridors.

23.60.460 Regulated Public Access in the CM Environment

- A. Public Property
Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except when the property is submerged land which does not abut dry land.
- B. Private Property
 - 1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:
 - a. Marinas, except as exempted in Section 23.60.200E;
 - b. Nonwater-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred feet in length measured at the upland street frontage generally

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parallel to the water edge and which abut upon a street or waterway providing public access.

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

C. Utilities

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

SUBCHAPTER IX: The Conservancy Waterway (CW) Environment

PART 1 USES

23.60.480 General Provisions

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

Uses permitted in the CW Environment shall also meet the use standards of abutting waterfront shoreline environments.

23.60.482 Uses Permitted Outright in the CW Environment

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

None.

23.60.484 Special Uses in the CW Environment

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

- A. Community yacht, boat and beach clubs;
- B. Shoreline recreation;

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

23.60.486 Conditional Uses in the CW Environment

The following uses may be authorized in the CW Environment by the Director with the concurrence of the Department of Ecology as principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

- A. Commercial uses:
 - Vessel repair, major, of historic ships
- B. Nonwater-dependent commercial uses on historic ships:
 - 1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B.2:
 - a. Sale of boat parts and accessories;
 - b. Personal and household retail sales and services; and
 - c. Eating and drinking establishments.
 - 2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places;

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- b. The use is compatible with the existing design and/or construction of the ship without significant alteration;
- c. Other uses permitted outright are impractical because of ship design or such uses cannot provide adequate financial support to sustain the ship in a reasonably good physical condition;
- d. A Certificate of Approval has been obtained from the Landmarks Preservation Board; and
- e. No other historic ship containing restaurant or retail uses is located within one-half mile of the proposed site.

23.60.488 Prohibited Uses

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

- A. The following commercial uses:
 - 1. Marine service station;
 - 2. Sale of large boats;
 - 3. Sale of boat parts and accessories;
 - 4. Dry boat storage;
 - 5. Recreational marina;
 - 6. All nonwater-dependent commercial uses except those permitted on historic ships; and
 - 7. Vessel repair, major, except of historic ships;
- B. Residential uses;
- C. Institutional uses not permitted above;
- D. Salvage and recycling uses;
- E. Manufacturing uses;
- F. Agricultural uses;

- 1 G. Utility uses, except utility lines;
2 H. High impact uses; and
3 I. Landfill on submerged land which creates dry land.

4 **PART 2 DEVELOPMENT STANDARDS**

5 **23.60.510 Development Standards in the CW Environment**

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

10 **23.60.512 Temporary Structures**

- 11 A. All structures in waterways shall be floating except as
12 permitted in subsections B and C.
13 B. Piling and dolphins may be permitted in waterways to
14 secure floating structures only if the structures cannot
15 be safely secured with anchors, or with pilings or dol-
16 phins located outside of the waterway.
17 C. Public access improvements including structures may be
18 permitted on dry land portions of waterways.

18 **23.60.514 Height**

19 The height of structures permitted in waterways shall be
20 fifteen feet.

21 **23.60.516 Lot Coverage**

22 Structures shall not occupy more than thirty-five percent of
23 the entire waterway nor more than forty percent of the width
24 of the waterway.

24 **23.60.518 View Corridors**

25 A view corridor or corridors of not less than fifty percent of
26 the width of the waterway shall be provided and maintained for
27 all developments.
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1 23.60.520 Public Access

- 2 A. Public access meeting the criteria of Section 23.60.160
- 3 shall be provided and maintained on all waterways.
- 4 B. An open water area with a width of not less than fifty
- 5 feet for the length of the waterway shall be provided and
- 6 maintained on all waterways to provide access for public
- 7 navigation. The location of the open water area shall be
- 8 determined by the Director.

9 SUBCHAPTER X: The Urban Residential Environment

10 PART 1 USES

11 23.60.540 Uses Permitted Outright on Waterfront Lots in the
12 UR Environment

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

- 16 A. The following residential uses:
 - 17 1. Floating home moorage in Lake Union or Portage Bay;
 - 18 2. Single family and multi-family residences; and
 - 19 3. Special residences;
- 20 B. Streets;
- 21 C. Bridges;
- 22 D. Railroads;
- 23 E. The following utilities:
 - 24 1. Utility lines; and
 - 25 2. Utility service uses whose operations require a
 - 26 shoreline location; and
- 27 F. Shoreline recreation uses.

28 23.60.542 Special Uses Permitted on Waterfront Lots in the
UR Environment

The following uses may be authorized on waterfront lots in the
UR Environment by the Director as either principal or acces-

1 sory uses if the special use criteria in Section 23.60.032 are
2 satisfied:

3 A. The following institutional uses:

- 4 1. Community center that provides shoreline
5 recreation; and
- 6 2. Community yacht, boat, and beach clubs;

7 B. The following shoreline protective structures:

- 8 1. Natural beach protection; and
- 9 2. Bulkheads to support a water-dependent or water-
10 related use, to enclose a permitted landfill area, or
11 to prevent erosion on Class II or Class III beaches,
12 when natural beach protection is not a practical
13 alternative;

14 C. Dredging when necessary for water-dependent or water-
15 related uses;

16 D. The following types of landfill:

- 17 1. Landfill on dry land where necessary for a permitted
18 use and as part of an approved development;
- 19 2. Landfill on submerged lands which does not create dry
20 land where necessary for a water-dependent or water-
21 related use or for the installation of a bridge or
22 utility line;
- 23 3. Landfill for the creation of wildlife or fisheries
24 habitat as mitigation or enhancement; and
- 25 4. Landfill on submerged land which creates dry land
26 where necessary for the operation of a water-
27 dependent or water-related use, provided that if more
28 than two square yards of dry land per lineal yard of
shoreline is created, the landfill meets the follow-
ing additional criteria:

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- (a) No reasonable alternative to the landfill exists;
- (b) The landfill provides a clear public benefit; and
- (c) The landfill site is not located in Lake Union or Portage Bay.

23.60.544 Prohibited Uses on Waterfront Lots in the UR Environment

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

- A. Commercial uses;
- B. The following utilities:
 - 1. Communication utility;
 - 2. Solid waste transfer stations;
 - 3. Power plants; and
 - 4. Sewage treatment plants;
- C. Salvage and recycling uses;
- D. Manufacturing uses;
- E. High impact uses;
- F. The following institutional uses:
 - 1. Institutions, non water-dependent; and
 - 2. Private yacht, boat and beach clubs;
- G. Public facilities;
- H. Agricultural uses;
- I. Open space uses except shoreline recreation;
- J. The following shoreline protective structures:
 - 1. Groins and similar structures which block the flow of sand to adjacent beaches; and
 - 2. Bulkheads on Class I beaches.

1 23.60.546 Permitted Uses on Upland Lots in the UR Environment

2 A. Uses Permitted Outright in the UR Environment:

3 1. Uses permitted outright on waterfront lots are
4 permitted outright on upland lots;

5 2. Additional uses permitted outright:

6 a. Institutional uses; and

7 b. Open space uses.

8 B. Uses permitted as special uses on waterfront lots are
9 permitted as special uses on upland lots unless permitted
10 outright.

11 23.60.548 Prohibited Uses on Upland Lots in the UR
12 Environment

13 All uses prohibited on waterfront lots are prohibited on
14 upland lots unless specifically permitted in Section
15 23.60.546.

16 PART 2 DEVELOPMENT STANDARDS

17 23.60.570 Development Standards for the UR Environment

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

22 23.60.572 Height in the UR Environment

23 A. Maximum height

24 The maximum height in the UR Environment shall be thirty
25 feet except as modified by subsections B through E.

26 B. The maximum height on upland lots on Harbor Avenue

27 Southwest and Alki Avenue Southwest from Southwest Leon
28 Place to 59th Avenue Southwest shall be sixty feet.

1 C. Pitched roofs

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

9 D. Rooftop features

- 10 1. Radio and television receiving aerials, flagpoles,
11 and spires for religious institutions are exempt from
12 the height limit, except as regulated in Chapter
13 23.64, Airport Height District, provided such fea-
14 tures are (a) no closer to any adjoining lot line
15 than fifty percent of their height above existing
16 grade, or, (b) if attached only to the roof, no
17 closer to any adjoining lot line than fifty percent
18 of their height above the roof portion where attached.
- 19 2. Open railings, planters, skylights, clerestories,
20 monitors, solar greenhouses, parapets, and firewalls
21 may extend four feet above the maximum height.
- 22 3. The following rooftop features may extend ten feet
23 above the maximum height, so long as the combined
24 total coverage of all features does not exceed
25 fifteen percent of the roof area or twenty percent
26 of the roof area if the total includes screened
27 mechanical equipment:
28 (a) stair and elevator penthouses;
(b) mechanical equipment;

- 1 (c) play equipment and open mesh fencing which
2 encloses it, so long as the fencing is at least
3 five feet from the roof edge; and
4 (d) chimneys.

5 E. Bridges

6 Bridges may extend above the maximum height limit.

7 **23.60.574 Lot Coverage in the UR Environment**

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

11 B. Lot Coverage Exceptions

- 12 1. Floating home moorages shall meet the lot coverage
13 provisions in Section 23.60.196, Floating Homes.
14 2. On single-family zoned lots the maximum lot coverage
15 permitted for principal and accessory structures
16 shall not exceed thirty-five percent of the lot area
17 or one thousand seven hundred fifty square feet,
18 whichever is greater.
19 3. On the dry land portion of a lot where some portion
20 of a proposed structure will be placed below the
21 grade existing prior to construction, those portions
22 of the structure which are less than eighteen inches
23 above original grade shall not be included in lot
24 coverage.
25 4. On multi-family zoned lots, the lot coverage
26 percentage shall not apply.

27 **23.60.576 View Corridors in the UR Environment**

28 A. A view corridor or corridors of not less than thirty-five
percent of the width of the lot shall be provided and
maintained on all waterfront lots and on any upland

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through lot separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

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

C. The following may be located in a required view corridor:

- 1. Open wet moorage;
- 2. Storage of boats undergoing repair;
- 3. Parking which meets the criteria of Section 23.60.162B.3, View Corridors.

23.60.578 Regulated Public Access

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tide-lands, and beds of navigable waters not abutting dry land.

B. Private Property

- 1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately-owned waterfront lots for the following developments:
 - a. Multifamily residential developments of more than four units with more than seventy-five feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred feet of the proposed development;
 - b. Other nonwater-dependent uses except those located on private lots in the Lake Union area

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1 with a front lot line of less than one hundred
2 feet in length, measured at the upland street
3 frontage generally parallel to the water edge,
4 that abut a street and/or waterway provides pub-
5 lic access; and

6 c. Marinas, except as exempted by Section
7 23.60.200E.

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

10 a. Water-dependent uses other than marinas and
11 water related uses; and

12 b. Residential uses of fewer than five units.

13 C. Utilities

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

16 SUBCHAPTER XI: The Urban Stable Environment

17 PART 1 USES

18 23.60.600 Uses Permitted Outright on Waterfront Lots in the 19 US Environment

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

23 A. The following residential uses:

- 24 1. Residences on dry land when the underlying zoning is
25 Residential Commercial (RC) and when the residential
26 use is located above the ground floor of a structure
27 containing nonresidential uses on the ground floor;
- 28 2. Existing residences on dry land provided there is no
increase in the number of units;

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- 3. Existing overwater single-family residences provided there is no additional water coverage; and
- 4. Floating home moorages or the expansion of floating home moorages, when:
 - a. Located in Lake Union or Portage Bay;
 - b. Occupied solely by no more than two existing floating homes as defined in Section 23.60.196A.4, under any of the following conditions:
 - (1) The floating homes have been evicted from other moorage pursuant to the provisions of subsections E, G or H of Section 7.20.040, Seattle Municipal Code; or
 - (2) The floating homes have been relocated from other moorage pursuant to a settlement agreement entered into prior to April 1, 1987 between a moorage owner and a tenant floating home owner arising out of a legal action for eviction;
 - c. No more than one such moorage or moorage expansion is permitted per lot established as of April 1, 1987; and
 - d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of the effective date of this ordinance;

- B. The following commercial uses:
 - 1. Marine retail sales and services;
 - 2. Food processing, water-related;

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3. Wholesale showroom, miniwarehouse, warehouse and open storage, water-related; and
 4. Passenger terminals, water-dependent.
- C. 1. The following nonwater-dependent commercial uses on dry land when the requirements of subsection C.2 are met:
- a. Personal and household retail sales and services;
 - b. Eating and drinking establishments;
 - c. Offices outside the Lake Union area;
 - d. Offices in the Lake Union area above the ground floor of a structure when permitted uses other than office or residential uses occupy the ground floor level, and parking on the ground floor level is limited to required parking;
 - e. Entertainment uses; and
 - f. Custom and craft work.
2. The uses listed in subsection C.1 shall be permitted when a water-dependent use occupies forty percent of the dry land portion of the lot or the development provides one or more of the following facilities or amenities in addition to regulated public access:
- a. Facilities for the moorage, restoration, or reconstruction of one or more historic vessels;
 - b. Terminal facilities for one or more cruise ships, harbor tour boats, or foot passenger ferries;

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- c. More than five hundred lineal feet of moorage for commercial fishing vessels at rates equivalent to that charged at public moorage facilities;
 - d. Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization existing at time of application;
 - e. More than fifteen hundred lineal feet of saltwater moorage for recreational vessels;
 - f. A major public open space, occupying at least one-third of the dry land lot area, which includes a public walkway with benches and picnic tables along the entire water frontage, and connecting public walkways to adjacent sites and any nearby public parks or other public facilities. The Director shall require adequate signed parking for the open space; or
 - g. Other facilities or amenities similar to those listed above which provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director.
- D. Streets, railroads and bridges;
- E. The following utilities:
- 1. Utility lines;
 - 2. Utility service uses whose operations require a shoreline location;
- F. Light and general manufacturing uses, water-dependent or water-related;

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- G. Water-dependent or water-related institutions or facilities of institutions, except nonwater-dependent facilities of yacht, boat and beach clubs;
- H. Yacht, boat or beach clubs which have nonwater-dependent facilities, provided that such facilities may be located over water only when:
 - 1. The dry land portion of the lot is less than fifty feet in depth;
 - 2. Location of such facilities on the dry land portion of the lot is not feasible; and
 - 3. The facilities or amenities required by Section 23.60.600C are provided.
- I. Public facilities, water-dependent or water-related;
- J. Open space uses; and
- K. Aquaculture.

23.60.602 Special Uses on Waterfront Lots in the US Environment

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

- A. Airport, water-based;
- B. The following shoreline protective structures:
 - 1. Natural beach protection;
 - 2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- C. Dredging, when the dredging is:

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

1 23.60.604 Conditional Uses on Waterfront Lots in the US
2 Environment

3 The following uses may be authorized on waterfront lots in
4 the US Environment by the Director, with the concurrence of
5 the Department of Ecology, as either principal or accessory
6 uses if the criteria for conditional uses in WAC 173-14-140
are satisfied:

7 A. Residential uses

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

11 a. Not located near uses which are normally
12 incompatible with residential use because of
13 factors such as noise, air and water pollutants,
14 or aesthetic values protected by this Chapter;

15 b. located above the ground floor of a structure
16 containing non-residential uses on the ground
17 floor, except that single-family residences
18 along Seaview Avenue Northwest between 34th
19 Avenue Northwest and Northwest 60th Street may
be located on the ground floor;

20 c. Located near other residences on waterfront lots;

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

24 (1) existing piers or other structures
25 suitable for use by a water-dependent use;

26 (2) adequate amounts of submerged and dry
27 lands; or

28 (3) adequate water depth and land slope.

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2. Single-family dwelling units other than floating homes, over water in the shoreline area along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 57th Street when located on a lot established in the public records of the County or City prior to March 1, 1977 by deed, contract of sale, mortgage, platting, property tax segregation or building permit, and having less than thirty feet of dry land calculated as provided in Section 23.60.956, Calculation of Lot Depth;
 3. Floating home moorages in Lake Union or Portage Bay when:
 - a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use;
 - b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses;
 - c. The structural bulk of the floating home development will not adversely affect surrounding development; and
 - ✓ d. When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent non-residential uses and vacant lots.
 - B. The following nonwater-dependent uses located over water on lots with a depth of less than fifty feet of dry land:
 1. Eating and drinking establishments meeting the criteria of subsection 23.60.600C.2;
 2. Marine retail sales and services;

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- 3. Personal and household retail sales and service uses;
- 4. Entertainment uses; and
- 5. Custom and craft work.

C. Nonwater-dependent commercial uses on historic ships

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C.2 below:

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

D. Landfill which creates dry land for nonwater-dependent uses which are accessory to or associated with

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1 water-dependent or water-related uses, when the following
2 criteria are met:

- 3 1. Development of the water-related or water-dependent
4 use would not be feasible without the accessory or
5 associated nonwater-dependent uses;
- 6 2. No reasonable alternative to landfill exists
7 including overwater or offsite location of the uses;
- 8 3. The total development provides a clear public
9 benefit; and
- 10 4. If more than two square yards of dry land per lineal
11 yard of shoreline is created, the landfill site is
12 not located in Lake Union or Portage Bay.

13 **23.60.606 Prohibited Uses on Waterfront Lots in the US
14 Environment**

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

- 17 A. New residences over water and residential uses at or below
18 the ground floor, except as permitted as conditional uses
19 by Section 23.60.604;
- 20 B. The following commercial uses:
 - 21 1. Medical services;
 - 22 2. Animal services;
 - 23 3. Automotive retail sales and services;
 - 24 4. Lodging;
 - 25 5. Mortuary services;
 - 26 6. Parking, principal use;
 - 27 7. Non-household sales and services;
 - 28 8. Ground level offices in the Lake Union area;
 9. Nonwater-dependent wholesale showroom, miniwarehouse,
warehouse and outdoor storage uses;
 10. Off-premise signs;
 11. Personal transportation services;

- 1 12. Passenger terminals, nonwater-dependent;
2 13. Cargo terminals;
3 14. Bus bases;
4 15. Helistops and heliports;
5 16. Airports, land-based;
6 17. Food processing, nonwater-dependent; and
7 18. Research and development laboratory;
8 C. Salvage and recycling uses;
9 D. The following manufacturing uses:
10 1. Light and general manufacturing, nonwater-dependent;
11 and
12 2. Heavy manufacturing uses;
13 E. High impact uses;
14 F. The following utilities:
15 1. Communication utilities;
16 2. Solid waste transfer stations;
17 3. Power plants; and
18 4. Sewage treatment plants;
19 G. Public facilities, nonwater-dependent;
20 H. Institutional uses, nonwater-dependent;
21 I. Agricultural uses except aquaculture; and
22 J. Groins and similar structures which block the flow of sand
23 to adjacent beaches.
24 **23.60.608 Permitted Uses on Upland Lots in the US Environment**
25 A. Uses Permitted Outright
26 1. Uses permitted outright on waterfront lots in the US
27 Environment are permitted outright on upland lots
28 and are not subject to the requirement of Section
23.60.600C to provide special public benefits.
2. Additional uses permitted outright on upland lots:

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- a. The following residential uses:
 - (1) Single family and multi-family residences;
and
 - (2) Special residences;
- b. The following commercial uses:
 - (1) Medical services;
 - (2) Animal services;
 - (3) Automotive retail sales and service;
 - (4) Parking, principal use;
 - (5) Lodging;
 - (6) Mortuary services;
 - (7) Non-household sales and service;
 - (8) Wholesale showroom, miniwarehouse, warehouse and outdoor storage uses, nonwater-dependent;
 - (9) Research and development laboratories; and
 - (10) Ground level offices in the Lake Union area;
- c. Recycling collection stations;
- d. Light and general manufacturing uses;
- e. Institutional uses; and
- f. Public facilities.

B. Uses Permitted as Special Uses

Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.

23.60.610 Prohibited Uses on Upland Lots in the US Environment

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

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1 PART 2 DEVELOPMENT STANDARDS

2 23.60.630 Development Standards for the US Environment

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

7 23.60.632 Height in the US Environment

8 A. Maximum Height

9 The maximum heights in the US Environment shall be as
10 follows, as modified in subsections B through E:

- 11 1. The maximum height shall be thirty feet in all
12 locations except those listed in subsections A2
13 through 4.
- 14 2. The maximum height on upland lots along Westlake
15 Avenue North shall be as follows:
 - 16 a. Fremont Bridge to Newton Street -- forty feet,
 - 17 b. South of Newton Street -- sixty-five feet.
- 18 3. The maximum height on upland lots along Harbor Avenue
19 Southwest between California Way Southwest and
20 Southwest Bronson Way shall be sixty-five feet.
- 21 4. The maximum height on upland lots along Seaview
22 Avenue Northwest between Northwest 61st Street and
23 Northwest 62nd Street shall be forty feet.

24 B. Height Exemptions for Water-dependent Uses

- 25 1. Floating structures accessory to a water-dependent or
26 water-related use that, by reason of intended use,
27 require additional height may be authorized up to
28 thirty-five feet, with or without a flat roof, by
the Director when:
 - a. Not more than twenty-five percent of the lot
area would be at an increased height; and

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

2. Water-Dependent Uses

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

C. Pitched Roofs

In areas with a maximum height limit of thirty or forty feet, the ridge of pitched roofs on principal structures may extend up to five feet above the height permitted. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features

1. Radio and television receiving aerials, smokestacks, chimneys, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet from any side or rear lot line.
2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four feet above the maximum height limit with unlimited rooftop coverage.
3. The following rooftop features may extend up to fifteen feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty percent of

1 the roof area or twenty-five percent of the roof area
2 if the total includes screened mechanical equipment:

- 3 a. Solar collectors;
4 b. Stair and elevator penthouses;
5 c. Mechanical equipment; and
6 d. Play equipment and open mesh fencing which
7 encloses it, so long as the fencing is at least
8 fifteen feet from the roof edge.

9 E. Bridges

Bridges may extend above the maximum height limits.

10 23.60.634 Lot Coverage in the US Environment

11 A. Waterfront Lots

- 12 1. Structures, including floats and piers, shall not
13 occupy more than fifty percent of the submerged land
14 of any lot.
15 2. Structures shall not occupy more than fifty percent
16 of the dry land of any lot.

17 B. Upland Lots

- 18 1. Structures are permitted to occupy one hundred
19 percent of an upland lot except as modified in
20 subsection B2 or C below.
21 2. On Fairview Avenue East between East Newton Street
22 and the University Bridge, upland lots developed with
23 residential uses and nonwater-dependent commercial
24 uses shall not exceed a lot coverage of fifty
25 percent.

26 C. Lot Coverage Exceptions

- 27 1. On waterfront lots with less than an average of fifty
28 feet of dry land between the ordinary high water mark
and the street right-of-way, a maximum lot coverage

of sixty-five percent is permitted on the dry land portion of the lot.

2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five percent of the lot area or seventeen hundred fifty square feet, whichever is greater.
3. On the dry land portion of the lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen inches above original grade shall not be included in lot coverage.

23.60.636 View Corridors in the US Environment

- A. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN, by a street or railroad right-of-way.
- B. View corridors are not required for single family residential development.
- C. The following may be located in a required view corridor:
 1. Open wet moorage;
 2. Storage of boats undergoing repair; and
 3. Parking which meets the criteria of Section 23.60.162B.3, View Corridors.
- D. The required view corridor width shall be reduced to twenty-five percent of the width of the lot when water-dependent or water-related uses occupy more than forty percent of the dry land area of the lot.

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1 E. A view corridor or corridors of not less than sixty-five
2 percent of the width of the lot shall be provided on the
3 waterfront lots fronting on Seaview Avenue Northwest
4 between the north boundary of 38th Avenue Northwest and
5 the south boundary of vacated Northwest 80th Street.
6 The following may be located in the required view
7 corridors:

- 8 1. Open wet moorage;
- 9 2. Dry storage of boats; and
- 10 3. Parking for both water-dependent and nonwater-
11 dependent uses.

12 23.60.638 Regulated Public Access

13 A. Public Property

14 Public access meeting the criteria of Section 23.60.160
15 shall be provided and maintained for all publicly owned
16 and publicly controlled waterfront whether leased to
17 private lessees or not, except harbor areas, shorelands,
18 tidelands, and beds of navigable waters not abutting dry
19 land.

20 B. Private Property

- 21 1. Public access meeting the criteria of Section
22 23.60.160 shall be provided and maintained on
23 privately-owned waterfront lots for the following
24 developments:
 - 25 a. Multifamily residential developments of more
26 than four units with more than one hundred feet
27 of shoreline, except when uses located on salt
28 water shorelines where public access from a
street is available within six hundred feet of
the proposed development;

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- b. Other nonwater-dependent uses, except those located on private lots in the Lake Union area with a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street or waterway providing public access;
 - c. Marinas, except as exempted by Section 23.60.200E; and
 - d. Yacht, boat and beach clubs which have nonwater-dependent facilities over water.
2. The following uses are not required to provide public access on private lots:
- a. Water-dependent and water-related uses, except yacht, boat and beach club which have nonwater-dependent facilities over water, and marinas; and
 - b. Residential uses of fewer than five units.
- D. Utilities
- Regulated public access shall be provided on utility owned or controlled property within the Shoreline District.
- 23.60.640 Location of Uses**
- A. When a use is permitted only above the ground floor level,
 - 1. Permitted uses other than residential or office uses shall occupy no less than fifty percent of the ground floor level;
 - 2. Parking on the ground floor is limited to required parking, and shall not occupy more than fifty percent of the ground floor level; and

1 3. All uses located on the ground floor shall be located
2 and designed, as determined by the Director, to
3 encourage public access to the shoreline.

4 B. Calculation of ground floor level:

5 The ground floor level shall be that level of a structure
6 having the closest floor level to the average grade of the
7 structure. For a sloping lot, the Director shall deter-
8 mine what constitutes the ground floor, taking into
9 consideration the purpose of subsection A.3.

10 **23.60.642 Development between the Pierhead Line and the
11 Construction Limit Line in the US Environment in
12 Lake Union and Portage Bay**

13 Structures located between the Pierhead Line and the
14 Construction Limit Line shall be limited to piers and floats
15 without accessory buildings, drydocks and floating homes at
16 existing moorages.

17 **SUBCHAPTER XII: Urban Harborfront Environment**

18 **PART 1: USES**

19 **23.60.660 Uses Permitted Outright on Waterfront Lots in the
20 UH Environment**

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

24 A. The following commercial uses:

- 25 1. Personal and household retail sales and services;
- 26 2. Marine retail sales and services;
- 27 3. Eating and drinking establishments;
- 28 4. Existing hotels, provided that expansion of the hotel
 use shall be prohibited and expansion only for public
 access shall be permitted;

- 1 5. Parking over water when accessory to a water-
- 2 dependent or water-related use;
- 3 6. Parking on dry land when accessory to a permitted use;
- 4 7. Offices when located above wharf level;
- 5 8. Entertainment uses;
- 6 9. Passenger terminals, water-dependent;
- 7 10. Breakbulk cargo terminals;
- 8 11. Research and development laboratories, water-
- 9 dependent; and
- 10 12. Food processing and craft work uses;
- 11 B. Light manufacturing uses, water-dependent or water-
- 12 related;
- 13 C. Streets, railroads and bridges;
- 14 D. The following institutions:
- 15 1. Institutes for advanced study, water-dependent or
- 16 water-related;
- 17 2. Maritime museums;
- 18 3. Colleges that have water-dependent or water-related
- 19 facilities;
- 20 4. Community centers;
- 21 5. Vocational schools, water-dependent or water-related;
- 22 6. Community yacht, boat, and beach clubs; and
- 23 7. Day care centers when located above wharf level;
- 24 E. The following public facilities:
- 25 1. Public facilities, water-dependent or water-related;
- 26 and
- 27 2. Public facilities that are part of an approved public
- 28 improvement plan for the Harborfront adopted by the
- Council;
- F. Shoreline Recreation; and
- G. Aquaculture.

1 23.60.662 Special Uses Permitted on Waterfront Lots in the UH
2 Environment

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

7 A. Airport, water-based;

8 B. The following utilities:

9 1. Communication utilities that require a shoreline
10 location;

11 2. Utility service uses that require a shoreline
12 location; and

13 3. Utility lines;

14 C. The following shoreline protective structures:

15 1. Natural beach protection; and

16 2. Bulkheads to support a water-dependent or water-
17 related use, or to enclose a permitted landfill area,
18 or to prevent erosion on Class II or Class III
19 beaches, when natural beach protection is not a
20 practical alternative;

21 D. Dredging when necessary for water-dependent and water-
22 related uses or to install utility lines;

23 E. The following types of landfill:

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

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

1 23.60.664 Conditional Uses Permitted on Waterfront Lots in
2 the UH Environment

3 The following uses may be authorized over water or on dry
4 land portions of waterfront lots in the UH Environment by the
5 Director, with the concurrence of the Department of Ecology,
6 as either principal or accessory uses if the criteria for con-
7 ditional uses in WAC 173-14-140 are satisfied:

8 A. The following commercial uses:

9 1. Helistops, subject to the following criteria:

- 10 a. The helistop is located so as to minimize
11 adverse physical environmental impacts on lots
12 in the surrounding area, and on public parks
13 and other areas where substantial public
14 gatherings may be held;
- 15 b. The lot is of sufficient size that operations of
16 the helistop and flight paths of helicopters can
17 be buffered from the surrounding area;
- 18 c. Open areas and landing pads shall be hard-
19 surfaced;
- 20 d. The helistop meets all federal requirements
21 including those for safety, glide angles and
22 approach lanes; and
- 23 e. The helistop is an integral element of the
24 service provided by the business establishment
25 which operates it;

26 2. Outdoor storage, water-related or water-dependent;

27 3. Warehouses, water-related or water-dependent;

28 4. Wholesale showrooms; and

5. Research and development laboratories, nonwater-
dependent.

B. Nonwater-dependent commercial uses on historic ships:

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1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B.2 below:
 - a. Sale of boat parts or accessories;
 - b. Personal and household retail sales and services;
 - c. Eating and drinking establishments.
 2.
 - a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places;
 - b. The use is compatible with the existing design and/or construction of the ship without significant alteration;
 - c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;
 - d. The use shall obtain a certificate of approval from the Landmarks Preservation Board; and
 - e. No other historic ship containing restaurant or retail uses is located within one-half mile of the proposed site, unless the proposed site is within the Historic Character Area.
- C. Light manufacturing uses, nonwater-dependent which:
1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five percent of the developed portion of the lot;
 2. Contribute to the maritime or tourist character of the area; and

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3. Are located to accommodate water-dependent or water-related uses on site.

D. The following nonwater-dependent institutions:

1. Institutes for advanced study;
2. Museums;
3. Colleges; and
4. Vocational schools.

23.60.666 Council Conditional Uses Permitted on Waterfront Lots: Water-Dependent Incentive

A. Developments which include major water-dependent uses may be permitted to increase height and lot coverage and to depart from the other development standards of Part 2 of this subchapter through the Council conditional use process set forth in Section 23.60.068, Council Conditional Use Authorization, if the Council finds that such departures would encourage the retention of existing and/or development of new water-dependent uses.

B. The following development standards shall be used as criteria in evaluating projects which include a major water-dependent use:

1. The project may be located in any area of a Downtown Harborfront 1 zone except the Historic Character Area established by Section 23.60.704.
2. Siting of project components shall be designed to facilitate the operation of the water dependent component(s). Views from Alaskan Way of activity over water and the harbor itself are encouraged, and the frontage of the project on Alaskan Way should contribute to an interesting and inviting pedestrian environment.

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3. The area of the project shall be adequate to accommodate the operations of a major water-dependent use suited to a downtown harbor area location.

a. Area

A minimum of twenty thousand square feet or square footage equivalent to twenty percent of the developed lot area, whichever is greater, shall be dedicated to water dependent use.

b. Moorage

The moorage required by Section 23.60.698 shall not be calculated as part of the major water dependent use. Moorage provided in excess of the requirement shall be credited as part of the minimum square footage requirement for water dependent use.

c. Lot coverage

An increase in the base lot coverage from fifty percent to a maximum of sixty-five percent may be permitted by the Council. Structures excluding floats permitted by Section 23.60.694C, shall not occupy more than sixty-five percent of the submerged land and sixty-five percent of the dry land of any lot. To exceed the base lot coverage, development shall be modified to accomplish the following objectives:

- (1) Prevent building bulk from being concentrated along the Alaskan Way frontage of the lot;
- (2) Promote an overall massing of the pier superstructure to reflect some of the qualities of traditional pier development;

1 (3) Site view corridors and public access areas
2 to reduce the appearance of building bulk
3 over water; and

4 (4) Ensure coverage configuration that permits
5 the water abutting the Alaskan Way seawall
6 to be visible so that the seawall will be
7 perceived as the edge of the water.

8 4. Height

9 The Council may permit increases in building height
10 up to sixty or seventy-five feet above Alaskan Way in
11 the areas shown on Exhibit 23.60.666. Structure
12 heights of seventy-five feet shall be permitted only
13 on dry land portions of a lot located inside the
14 Inner Harbor Line. Portions of the structures that
15 are above forty-five feet, as measured from Alaskan
16 Way, shall not occupy more than forty percent of the
17 submerged land and forty percent of the dry land of
18 the lot. Heights above forty-five feet shall not be
19 permitted within one hundred feet of the Outer Harbor
20 Line. To exceed forty-five feet, the development
21 should accomplish the following objectives:

- 22 a. Maintain views from upland public spaces and
23 rights-of-way;
- 24 b. Ensure structure heights that provide a transi-
25 tion to the lower pier structures in the
26 Historic Character area;
- 27 c. Maintain a structure height along Alaskan Way
28 frontage that is consistent with existing pier
development, maximizes solar access to Alaskan
Way and establishes a scale of development in
keeping with the pedestrian character; and

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d. Provide a transition in height and scale between the waterfront and abutting upland development.

5. Public Access

Public access shall be required according to the following guidelines to ensure access to the water and marine activity without conflicting with the operation of water dependent uses.

a. Public access shall be provided approximately equivalent to fifteen percent of the lot coverage or five thousand square feet, whichever is greater, except as provided in subsection b(3) below.

b. Area designated for public access shall be subject to the following conditions:

(1) Where the water-dependent use will benefit from or is compatible with public access, such as passenger terminals, ferry operations and tour boats, the access shall be provided in conjunction with the water-dependent use;

(2) Where public access would conflict with the operations of the water-dependent use, access requirements may be met on alternative portions of the lot;

(3) Where the entire lot is to be occupied by a water-dependent use, the Council may permit a partial waiver of the public access requirement;

(4) To qualify as public access, an area shall be directly accessible from Alaskan Way and

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clearly related to public open spaces.
Efforts should also be made to physically
and visually link public access areas over
water with the east/west streets providing
links to upland areas;

- (5) The public access area shall provide the public with visual and physical access to the shoreline area. Preference shall be given to perimeter access on overwater structures providing maximum exposure to the bay and surrounding activity;
- (6) Interpretive features such as displays or special viewing equipment shall be incorporated in public access areas. Maritime museum space which is fully enclosed will not count as public access space;
- (7) Up to fifty percent of the total public access area may be covered, provided that at least fifty percent of the perimeter of any covered area is open to views of the water;
- (8) A portion of the required public access area, not to exceed fifty percent, may be provided at an elevation exceeding two feet above or below the grade of Alaskan Way. The area must be open to views of the water along at least fifty percent of the perimeter, be easily identifiable as public space and be fully accessible to the public.

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6. View Corridors

View corridors shall be provided equivalent to thirty percent of the street frontage of the lot. The following conditions for view corridors shall be met:

- a. View corridors shall allow views of the water from the street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along traditional view corridors established by submerged street rights-of-way, as well as views from upland areas along east/west rights-of-way. View corridors shall provide views past pier development out into the open water of Elliott Bay and to the Olympic Mountains where possible;
- b. View corridors shall maximize opportunities for views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;
- c. View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and
- d. Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

23.60.668 Prohibited Uses on Waterfront Lots in the UH Environment

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

- A. Residential uses;

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- B. The following commercial uses:
 - 1. Medical services;
 - 2. Animal services;
 - 3. Automotive retail sales and service;
 - 4. Lodging, except existing hotels;
 - 5. Mortuary services;
 - 6. Offices at wharf/street level;
 - 7. Adult motion picture theaters and panorams;
 - 8. Parking, principal use;
 - 9. Nonhousehold sales and services;
 - 10. Mini-warehouses;
 - 11. Personal transportation services;
 - 12. Cargo terminals, except breakbulk;
 - 13. Bus bases;
 - 14. Heliports; and
 - 15. Airports, land-based.
- C. Salvage and recycling uses;
- D. The following utilities:
 - 1. Solid waste transfer stations;
 - 2. Power plants; and
 - 3. Sewage treatment plants;
- E. General and heavy manufacturing;
- F. The following institutional uses:
 - 1. Schools, elementary or secondary;
 - 2. Hospitals;
 - 3. Religious facilities; and
 - 4. Private yacht, boat and beach clubs;
- G. Public facilities or projects that are nonwater-dependent except those that are part of public improvement plan for the harborfront adopted by the Council;
- H. High impact uses;

- 1 I. Agriculture uses except aquaculture;
2 J. Groins and similar structures which block the flow of sand
3 to adjacent beaches; and
4 K. Landfill which creates dry land.

5 **23.60.670 Permitted Uses on Upland Lots in the UH Environment**

6 A. Uses Permitted Outright

7 The following uses shall be permitted outright on upland
8 lots as principal or accessory uses in the UH Environment:

- 9 1. Uses permitted outright on waterfront lots in the UH
10 environment;
- 11 2. Additional uses permitted outright on upland lots:
- 12 a. Residential uses;
- 13 b. The following commercial uses:
- 14 1. Nonhousehold retail sales and services;
- 15 2. Warehouses;
- 16 3. Medical services;
- 17 4. Lodging;
- 18 5. Offices at street level;
- 19 6. Parking garges, principal use;
- 20 7. Surface parking areas, principal use;
- 21 8. Personal transportation services;
- 22 c. Institutions; and
- 23 d. Public facilities.

24 B. Uses Permitted as Special Uses

25 Uses permitted as special uses on waterfront in the UH
26 Environment lots are permitted as special uses on upland
27 lots.

28 **23.60.672 Prohibited Uses on Upland Lots in the UH Environment**

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

PART 2 DEVELOPMENT STANDARDS

23.60.690 Development Standards for the UH Environment

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

23.60.692 Height in the UH Environment

A. Waterfront Lots

The maximum height in the UH Environment shall be forty-five feet except in the Historic Character Area where the maximum height shall be fifty feet all as measured from Alaskan Way, except as modified by Subsection C below.

B. Upland Lots

The maximum height shall be fifty-five feet, sixty-five feet, eighty-five feet, one-hundred feet, one hundred twenty-five feet, or one hundred sixty feet, as determined by location on the Official Land Use Map, Chapter 23.32, except as modified by this section.

C. Height Exceptions

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.
2. Flagpoles, masts, and light poles are exempt.
3. Rooftop features
 - a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to

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four feet above the maximum height with unlimited rooftop coverage.

b. Solar collectors may extend up to seven feet above the maximum height with unlimited rooftop coverage.

c. The following rooftop features may extend up to fifteen feet above the maximum height, as long as the combined coverage of all features listed in this paragraph 3.C does not exceed twenty percent of the roof area, or twenty-five percent if the total includes stair or elevator penthouses or screened mechanical equipment:
Solar collectors;
Stair and elevator penthouses;
Mechanical equipment; and
Play equipment and open mesh fencing, as long as the fencing is at least fifteen feet from the roof edge.

d. Radio and television receiving aerials excluding dishes; religious symbols such as belfries or spires and that portion of the roof which supports them; transmission towers; smokestacks and flagpoles may extend up to fifty feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet from all lot lines.

4. Bridges

Bridges may exceed the maximum height limits.

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23.60.694 Lot Coverage in the UH Environment

A. Waterfront Lots

1. Structures, including floats and piers, shall not occupy more than fifty percent of the submerged land of any lot, except as modified by Subsection C below, and
2. Structures shall not occupy more than fifty percent of the dry land of any lot.

B. Upland Lots

Structures may occupy up to one hundred percent of a lot, except as modified by other sections of this subchapter and/or the underlying zoning.

C. Lot Coverage Exceptions

Piers may exceed permitted lot coverage by the addition of floats for open wet moorage. Maximum float size above existing lot coverage or the lot coverage limit, whichever is greater, is thirty-six hundred square feet or an area equivalent to twelve feet times the length of the pier, whichever is greater. An additional four hundred square feet of coverage shall be permitted for an access ramp. Existing floats may be increased in size up to this limit.

23.60.696 Side Setbacks in the UH Environment

To facilitate access to moorage as required by Section 23.60.698, a side setback of fifty feet from the nearest lot shall be required of all fixed pier structures, not including moorage floats. One half of an adjacent submerged street right-of-way may be used in meeting this requirement.

23.60.698 View Corridors in the UH Environment

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1 A. Waterfront Lots

2 1. The following standards shall apply to waterfront
3 lots:

- 4 a. A view corridor with a width of not less than
5 thirty percent of the width of the lot, measured
6 at Alaskan Way, shall be provided and main-
7 tained;
- 8 b. The view corridor may be provided at two loca-
9 tions, provided that each location has a minimum
10 width of twenty feet.

11 2. The following may be located in a required view
12 corridor:

- 13 a. Storage of boats undergoing repair;
- 14 b. Open wet moorage; and
- 15 c. Outdoor storage of items accessory to water-
16 dependent or water-related use.

17 3. One half of an adjacent submerged street right-of-way
18 may be used in meeting view corridor requirements.

19 B. Upland Lots

20 No view corridors are required.

21 23.60.700 Moorage Requirements in the UH Environment

22 A. Developments in the UH Environment shall provide moorage
23 on a regular basis either through:

- 24 1. Using moorage as an integral part of their operation;
25 or
- 26 2. Leasing their moorage for use by commercial or recre-
27 ational watercraft; or
- 28 3. Actively advertising the availability of transient
moorage.

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- B. To facilitate moorage, developments shall provide either:
1. Cleats on the two sides of the pier sufficiently strong for the moorage of vessels one hundred feet in length;
 2. Floats, for moorage of smaller vessels, that are at least one thousand eight hundred square feet with a minimum width of six feet; or
 3. Alternative moorage facilities providing an equivalent amount of moorage, as determined by the Director.

- C. To facilitate access to moorage, developments shall provide:
1. A pier apron of a minimum width of eighteen feet on each side and the seaward end of the pier or wharf; and
 2. Railings and/or ramps designed to permit access to the pier apron or roadway from moored ships and boats.

D. Exception for Marinas
Marinas in the UH Environment shall meet the specific development standards outlined in Section 23.60.200 in lieu of the moorage requirements of this Section, and shall provide transient moorage at the rate of forty lineal feet of transient space for each one thousand lineal feet of permanent moorage space.

23.60.702 Regulated Public Access in the UH Environment

- A. Waterfront Lots
The following standards shall apply to waterfront lots except as provided in subsection C below:

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1. Public access meeting the criteria of Section 23.60.160 shall be provided for all developments. The amount of public access shall be not less than fifteen percent of the developed lot area or five thousand square feet, whichever is greater.
2. Developments shall provide at least a ten foot wide public access walkway along two edges of the pier or wharf, including as one edge the seaward end of the pier or wharf. The required walkways may be located on the required eighteen-foot pier apron.

B. Upland Lots

Public access is not required.

C. Public Access Exceptions

Developments which are wholly water-dependent may receive a full or partial waiver of the public access requirement from the Director if:

1. The applicant can show that the provision of public access could prevent effective operation of the water-dependent use and/or present a potential safety hazard for the public; and
2. Alternative access criteria of Section 23.60.160 cannot be satisfied.

23.60.704 Historic Character Area Review Criteria

A. Location

All developments located in the Historic Character Area, as shown on the official Land Use Map, including all lots from the southerly edge of Pier 54 to the northerly edge of Pier 59 inclusive are subject to Historic Character Area review as provided in this Section.

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B. Review Process

All applications for development in the Historic Character Area shall be referred to the Landmarks Preservation Board and to the Department of Community Development for their review and comment prior to issuance of a permit. In order to avoid undue project delay, such review and comment shall be completed within forty-five days of receipt of an application by the Landmarks Preservation Board and the Department of Community Development.

C. Review Standards

New construction or modification of existing structures shall be reviewed using the following criteria:

1. The single linear form of the piershed shall be maintained or reconstructed, regardless of the division of internal space.
2. Facades of pier ends may be expanded or treated differently from the rest of the piershed; however, major alterations to the piershed form are discouraged.
3. The gabled roof planes with clerestories shall be preserved or reconstructed including the unbroken roof ridge line and the symmetrical and parallel pitch of each roof plane. Major roof extensions and cutouts are discouraged.
4. The east-west orientation parallel to submerged street rights-of-way of the major axis of the pier and its piershed shall be preserved.
5. Facades which reinforce the street edge by being generally parallel to Alaskan Way and having no front setback are preferred.

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6. Windows, doors, and openings composed of small scale panes and panels shall be preferred. Large expanses of glass or banks of skylights at roof eaves are discouraged.
7. Heavy timber construction using a truss system shall be maintained for existing piers and is preferred for new development. Covering shall be horizontally laid grooved shiplap siding.
8. The pier aprons shall be surfaced with timber.
9. Each pier shall have the pier number clearly identified on both the street end and water end of the pier shed. For all exterior signage, large simple graphics painted directly on the building are preferred. Exterior neon signs are discouraged.
10. Landscaping shall not be required. When it is provided, smaller scale installations of landscaping related to uses at the wharf level, including colorful seasonal plantings, shall be preferred.
11. Exterior lighting should be in keeping with the historic nature of the area. Localized lighting shall be used to illuminate specific areas and define routes.
12. The existing railing along the Alaskan Way Seawall should be maintained or reconstructed.

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- G. Shoreline recreation uses; and
- H. Aquaculture.

23.60.722 Special Uses on Waterfront Lots in the UM Environment

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

- A. Water-based aircraft facilities;
- B. Heavy manufacturing uses, water-dependent or water-related;
- C. The following shoreline protective structures:
 - 1. Natural beach protection;
 - 2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- D. Dredging when necessary for water-dependent and water-related uses;
- E. The following types of landfill:
 - 1. Landfill on dry land where necessary for a permitted use and as part of an approved development;
 - 2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line;
 - 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement;
 - 4. Landfill which creates dry land:
 - a. When the dry land is necessary for the operation of a water-dependent or water-related use; and

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

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

23.60.724 Conditional Uses on Waterfront Lots in the UM Environment

The following uses may be authorized on waterfront lots in the UM Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

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

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1 water-related manufacturing use, or for a permitted
2 water dependent commercial use other than a yacht,
3 boat or beachclub or a marina because of:

- 4 a. shallow water depth; or
- 5 b. an inadequate amount of dry land; provided;

6 Yacht, boat or beach clubs may have nonwater-dependent
7 facilities located over water only when:

- 8 1. The dry land portion of the lot is less than fifty
9 feet in depth; and
- 10 2. Location of such facilities on the dry land portion
11 of the lot is not feasible.

12 B. Nonwater-dependent commercial and manufacturing uses

- 13 1. The following nonwater-dependent commercial and manu-
14 facturing uses may be permitted as principal uses on
15 dry land or over water when meeting the criteria of
16 subsection B2 or B3:

- 17 a. Sale of boat parts and accessories;
- 18 b. Personal and household retail sales and
19 services;
- 20 c. Eating and drinking establishments;
- 21 d. Non-household sales and services except
22 commercial laundries;
- 23 e. Offices;
- 24 f. Warehouse, wholesale showroom, miniwarehouse,
25 outdoor storage;
- 26 g. Food processing and craft work; and
- 27 h. Light, general and heavy manufacturing.

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

- 1 a. The nonwater-dependent commercial uses occupy no
2 more than ten percent of the dry land area of
3 the lot except that when the lot provides more
4 than nine thousand lineal feet of moorage for
5 commercial vessels, the nonwater-dependent com-
6 mercial uses may occupy up to twenty percent of
7 the dry land area of the lot;
8 b. The total of all nonwater-dependent commercial
9 and manufacturing uses occupy no more than
10 twenty percent of the dry land area of the lot;
11 and
12 c. The uses are located on site to accommodate
13 water-dependent or water-related uses on site.
3. The uses listed in subsection B1 are permitted on dry
14 land or over water when:
15 a. The lot has less than fifty feet of dry land
16 and, if located over water, a dry land location
17 of the uses is not feasible;
18 b. The nonwater-dependent commercial uses occupy no
19 more than five percent of the total lot area
20 including submerged lands;
21 c. The total of all nonwater-dependent commercial
22 and manufacturing uses occupy no more than ten
23 percent of the total lot area including sub-
24 merged land; and
25 d. The nonwater-dependent uses are located to
26 accommodate the water-dependent or water-related
27 uses on site.
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4. The uses permitted in Subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met.

C. Multi-family residential and research and development laboratory uses when:

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

D. Landfill which creates dry land for nonwater-dependent uses which are accessory to water-dependent or water-related uses when the following criteria are met:

1. Development of the water-related or water-dependent use would not be feasible without the accessory nonwater-dependent uses;
2. No reasonable alternative to landfill exists including overwater or offsite location of the uses;
3. The total development provides a clear public benefit; and
4. If more than two square yards of dry land per lineal yard of shoreline is created, the landfill site is not located in Lake Union or Portage Bay.

23.60.728 Prohibited Uses on Waterfront Lots in the UM Environment

The following principal uses are prohibited on waterfront lots:

- A. Residential uses;

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- B. The following commercial uses:
 - 1. Medical services;
 - 2. Animal services;
 - 3. Automotive retail sales and service;
 - 4. Parking, principal use;
 - 5. Lodging;
 - 6. Mortuary services;
 - 7. Offices;
 - 8. Entertainment uses;
 - 9. Commercial laundries;
 - 10. Personal transportation services;
 - 11. Passenger terminals, nonwater-dependent;
 - 12. Cargo terminals, nonwater-dependent;
 - 13. Bus bases;
 - 14. Helistops;
 - 15. Heliports;
 - 16. Airports, landbased;
 - 17. Covered wet moorage on Lake Union and Portage Bay;
 - 18. Historic ships with commercial uses aboard; and
 - 19. Research and development laboratories;
- C. Salvage and recycling uses;
- D. High impact uses;
- E. The following utilities:
 - 1. Communication utilities;
 - 2. Solid waste transfer stations;
 - 3. Power plants;
 - 4. Sewage treatment plants;
- F. Institutions, nonwater-dependent;
- G. The following water-dependent institutions:
 - Yacht, boat and beach clubs that have eating and drinking establishments;

- 1 H. Public facilities, nonwater-dependent;
- 2 I. Agricultural uses except aquaculture;
- 3 J. Open space uses except shoreline recreation;
- 4 K. Groins and similar structures which block the flow of sand
- 5 to adjacent beaches.

6 23.60.730 Permitted Uses on Upland Lots in the UM Environment

7 A. Uses Permitted Outright

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

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a. Commercial Uses:

- (1) Sale of boat parts or accessories;
- (2) Personal and household retail sales and service uses;
- (3) Medical services;
- (4) Animal services;
- (5) Automotive retail sales and service;
- (6) Eating and drinking establishments;
- (7) Non-household sales and services;
- (8) Wholesale showroom, miniwarehouse, warehouse and outdoor storage;
- (9) Cargo terminals, nonwater-dependent;
- (10) Personal transportation services;
- (11) Passenger terminals, nonwater-dependent;
- (12) Bus base;
- (13) Helistop;
- (14) Heliport;
- (15) Food processing;
- (16) Custom and craft work;
- (17) Offices except in the Lake Union area; and
- (18) Research and development laboratories;

- b. Recycling centers;
- c. Light and general manufacturing uses, nonwater-dependent; and
- d. Public facilities.

B. Uses Permitted as Special Uses:

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

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

Heavy manufacturing uses, nonwater-dependent.

C. Uses Permitted as Conditional Uses

Offices within the Lake Union area.

23.60.732 Prohibited Uses on Upland Lots in the UM Environment

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

PART 2 DEVELOPMENT STANDARDS

23.60.750 Development Standards for the UM Environment

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

23.60.752 Height in the UM Environment

A. Maximum Height

The maximum height in the UM Environment shall be thirty-five feet, except as modified in subsections B through D.

B. Equipment

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

C. Structures

Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five feet by the Director when:

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1. Not more than twenty-five percent of the lot area would be covered by a structure with the increased height.
2. The views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop features

1. Radio and television receiving aerials, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet above the maximum height.
3. The following rooftop features may extend ten feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen percent of the roof area of twenty percent of the roof area if the total includes screened mechanical equipment:
 - a. Stair and elevator penthouses
 - b. Mechanical equipment.

E. Bridges

Bridges may exceed the maximum height limit.

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23.60.754 Lot Coverage in the UM Environment

A. Waterfront Lots

- 1. Structures, including floats and piers, shall not occupy more than fifty percent of the submerged portion of a waterfront lot, except as modified by subsection C.
- 2. Structures shall not occupy more than seventy-five percent of the dry land portion of a waterfront lot.

B. Upland Lots

Structures may occupy up to one hundred percent of an upland lot.

C. Lot coverage exceptions

- 1. Structures, including floats and piers, may occupy up to sixty-five percent of the submerged portion of a waterfront lot which has a depth of less than fifty feet of dry land.
- 2. Drydocks may cover up to an additional twenty-five percent of submerged land for a maximum lot coverage of seventy-five percent.

23.60.756 View Corridors in the UM Environment

A. A view corridor or corridors of not less than fifteen percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use.

B. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a non-water-dependent use.

C. The following may be located in a required view corridor.

- 1. Open wet moorage;
- 2. Storage of boats undergoing repair;

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- 1 3. Parking which meets the criteria of Section
- 2 23.60.162B.3, View Corridors; and
- 3 4. Open storage accessory to a water-dependent or water-
- 4 related use.

5 D. View Corridor Reductions

6 The required percent of the width of the lot may be
7 reduced by five percent for each of the following condi-
8 tions provided that such reduction does not result in a
9 view corridor of less than fifteen feet:

- 10 1. The required view corridor is provided entirely in
11 one location;
- 12 2. A view corridor of at least half the required width
13 abuts a lot line which separates the lot from a
14 street, waterway, or public park;
- 15 3. A view corridor of at least half the required width
16 abuts a view corridor provided on the adjacent pro-
17 perty.

18 E. Viewing Area Substitution

19 In lieu of the required view corridor, developments which
20 are not required to provide public access may provide a
21 public viewing area as follows:

- 22 1. The viewing area shall be either an observation tower
23 or a designated portion of the lot which is easily
24 accessible;
- 25 2. The viewing area shall provide a clear view of the
26 activities on the lot and the water;
- 27 3. The viewing area shall have a minimum dimension of
28 one hundred fifty square feet; and

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4. The conditions of Section 23.60.160 for public access relating to accessibility, signs, and availability shall apply.

23.60.758 Regulated Public Access in the UM Environment

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly-owned and publicly-controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:

- a. Marinas, except as exempted in Section 23.60.200E;
- b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;
- c. Nonwater-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access.

2. Water-dependent uses other than marinas and water-related uses located on private lots, except yacht, boat and beach clubs which have nonwater-dependent

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facilities over water are not required to provide public access.

C. Utilities

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

23.60.760 Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks, and floating homes at existing moorages.

SUBCHAPTER XIV: The Urban General Environment

PART 1 USES

23.60.780 Uses Permitted Outright on Waterfront Lots in the UG Environment

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

- A. Existing dwelling units;
- B. The following commercial uses:
 - 1. Personal and household retail sales and services;
 - 2. Medical services;
 - 3. Animal services;
 - 4. Marine retail sales and services;
 - 5. Eating and drinking establishments;
 - 6. Non-household sales and service uses;
 - 7. Office uses;
 - 8. Entertainment uses;
 - 9. Wholesale showroom, miniwarehouse, warehouse and outdoor storage;

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- 10. Passenger terminals, water-dependent or water-related;
- 11. Cargo terminals, water-dependent or water-related; and
- 12. Research and development laboratories;
- C. Streets;
- D. Bridges;
- E. Railroads;
- F. The following utilities:
 - 1. Utility lines;
 - 2. Utility service uses whose operations require a shoreline location; and
 - 3. Solid waste transfer stations that are water-related;
- G. Manufacturing uses;
- H. Institutional uses;
- I. Public Facilities;
- J. Open space uses;
- K. Aquaculture; and
- L. Food processing and craft work uses.

23.60.782 Special Uses Permitted on Waterfront Lots in the UG Environment

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

- A. Airports, water-based;
- B. High impact uses that are water-dependent or water-related;

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

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23.60.784 Conditional Uses Permitted on Waterfront Lots in the UG Environment

The following uses may be authorized on waterfront lots in the UG Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

- A. Artist studio/dwellings;
- B. Landfill which creates dry land for nonwater-dependent uses which are accessory to water-dependent or water-related uses when the following criteria are met:
 - 1. Development of the water-related or water-dependent use would not be feasible without the accessory nonwater-dependent uses;
 - 2. No reasonable alternative to landfill exists including overwater or offsite location of the uses;
 - 3. The total development provides a clear public benefit; and
 - 4. If more than two square yards of dry land per lineal yard of shoreline is created, the landfill site is not located in Lake Union or Portage Bay.

23.60.786 Prohibited Principal Uses on Waterfront Lots in the UG Environment

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

- A. Residential uses except artist studio/dwellings;
- B. The following commercial uses:
 - 1. Automotive retail sales and service uses;
 - 2. Lodging uses;
 - 3. Mortuary services;
 - 4. Parking, principal uses;

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- 5. Personal transportation services;
- 6. Passenger terminals, nonwater-dependent;
- 7. Cargo terminals, nonwater-dependent;
- 8. Bus bases;
- 9. Helistops;
- 10. Heliports; and
- 11. Airports, land-based;
- C. Salvage and recycling uses;
- D. The following utilities:
 - 1. Communication utility;
 - 2. Solid waste transfer stations, nonwater dependent;
 - 3. Power plants; and
 - 4. Sewage treatment plants;
- E. Agricultural uses except aquaculture; and
- F. Groins and similar structures which block the flow of sand to adjacent beaches.

23.60.788 Permitted Uses on Upland Lots in the UG Environment
The following uses are permitted on upland lots in the UG Environment:

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

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1 23.60.790 Prohibited Uses on Upland Lots in the UG Environment
2 All uses prohibited on waterfront lots are prohibited on
3 upland lots unless specifically permitted in Section
4 23.60.788.

5 PART 2 DEVELOPMENT STANDARDS

6 23.60.810 Development Standards for the UG Environment
7 All developments in the Urban General Environment shall meet
8 the requirements of this Part as well as the development stan-
9 dards applicable to all environments contained in Subchapter
10 III, General Provisions.

11 23.60.812 Height in the UG Environment

12 A. Maximum Height

13 The maximum height in the UG Environment shall be thirty-
14 five feet, except as modified in subsection B through D.

15 B. Equipment

16 Cranes, mobile conveyers, light standards and similar
17 equipment necessary for the function of water-dependent
18 uses or the servicing of vessels may extend above the
19 maximum height.

20 C. Structures

21 Structures accessory to a water-dependent or water-related
22 use and manufacturing structures which require additional
23 height because of intended use may be authorized up to
24 fifty-five feet by the Director when the views of a sub-
25 stantial number of upland residences would not be blocked
26 by the increased height.

27 D. Rooftop Features

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

1 height controls, except as regulated in Chapter
2 23.64, Airport Height District, provided such fea-
3 tures are (a) no closer to any adjoining lot line
4 than fifty percent of their height above existing
5 grade, or, (b) if attached only to the roof, no
6 closer to any adjoining lot line than fifty percent
7 of their height above the roof portion where
8 attached.

9 2. Railings, skylights, clerestories, solar collectors,
10 parapets, and firewalls may extend four feet above
11 the maximum height.

12 3. The following rooftop features may extend ten feet
13 above the maximum height so long as the combined
14 total coverage of all features does not exceed
15 fifteen percent of the roof area or twenty percent of
16 the roof area if the total includes screened
17 mechanical equipment:

- 18 a. Stair and elevator penthouses; and
- 19 b. Mechanical equipment.

20 E. Bridges

21 Bridges may exceed the maximum height limit.

22 23.60.814 Lot Coverage in the UG Environment

23 Structures may occupy up to one hundred percent of the lot
24 area for either a waterfront lot or an upland lot.

25 23.60.816 View Corridors in the UG Environment

26 A. A view corridor or corridors of not less than thirty-five
27 percent of the width of the lot shall be provided and
28 maintained on all waterfront lots.

B. A view corridor or corridors of not less than thirty-five
percent of the width of the lot shall be provided and

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maintained on all upland through lots separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair; and
3. Parking, which meets the criteria in Section 23.60.162B.3, View Corridors.

23.60.818 Regulated Public Access in the UG Environment

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:
 - a. Marinas, except as exempted in Section 23.60.200E;
 - b. Nonwater-dependent developments except those located on private lots in the Lake Union area with a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway providing public access.

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

4 C. Utilities

5 Regulated public access shall be provided to utility-owned
6 or controlled property within the Shoreline District.

7 SUBCHAPTER XV: The Urban Industrial Environment

8 PART 1 USES

9 23.60.840 Uses Permitted Outright on Waterfront Lots in the
10 UI Environment

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

14 A. Existing dwelling units;

15 B. The following commercial uses:

16 1. Marine Retail Sales and Services except marinas and
17 sale of boat parts or accessories;

18 2. Tugboat services;

19 3. Research and development laboratories;

20 4. Wholesale showroom, warehouse and outdoor storage
21 uses;

22 5. Passenger terminals, water-dependent or water-
23 related;

24 6. Cargo terminals, water-dependent or water-related; and

25 7. Food processing and craft work, water-dependent or
26 water-related;

27 C. Salvage and recycling uses, water-dependent or water-
28 related;

29 D. Streets, railroads and bridges;

30 E. The following utilities:

31 1. Utility lines;

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- 2. Solid waste transfer stations, water-related; and
- 3. Utility service uses whose operations require a shoreline location;
- F. Manufacturing uses;
- G. The following institutional uses:
 - 1. Water-dependent or water-related research and education facilities of colleges and universities;
 - 2. Shoreline recreation facilities of colleges and universities; and
 - 3. Water-dependent or water-related colleges, institutes for advanced study, and vocational schools;
- H. High impact uses, water-dependent or water-related;
- I. Public facilities, water-dependent or water-related;
- J. Shoreline recreation uses; and
- K. Aquaculture.

23.60.842 Special Uses Permitted on Waterfront Lots in the UI Environment

The following uses may be authorized on waterfront lots in the UI Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.036 are met:

- A. Airports, water-based;
- B. The following shoreline protective structures:
 - 1. Natural beach protection;
 - 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;
- D. The following types of landfill:

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1. Landfill on dry land where necessary for a permitted use and as part of an approved development;
2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line; and
3. Landfill which creates dry land:
 - a. When the dry land is necessary for the operation of a water-dependent or water-related use; and
 - b. If more than two square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
 - (1) No reasonable alternative to the landfill exists;
 - (2) The landfill provides a clear public benefit; and
 - (3) The landfill site is not located in Lake Union or Portage Bay.

23.60.844 Conditional Uses on Waterfront Lots in the UI Environment

The following uses may be authorized on waterfront lots in the UI Environment by the Director, with the concurrence of DOE, as either principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

- A. Yacht, boat or beach clubs which do not have eating and drinking establishments and recreational marinas when:
 1. a. Not located where frequent interference with the turning basins or navigational areas of large vessels or other conflict with shipping is likely to occur; and

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- b. Not located where likely to conflict with manufacturing uses because of dust, noise or other environmental factors, or parking and loading access requirements or other safety factors; and
- 2. If located outside the Duwamish area, the yacht, boat or beach club or marina is located on a lot not suitable for a water-dependent or water-related manufacturing use, or for permitted water-dependent commercial uses because of:
 - a. shallow water depth; or
 - b. an inadequate amount of dry land; provided;Yacht, boat or beach clubs may have nonwater-dependent facilities over water only when:
 - 1. The dry land portion of the lot is less than fifty feet in depth; and
 - 2. The location of such facilities on the dry land portion of the lot is not feasible.
- B. Nonwater-dependent commercial uses
 - 1. The following nonwater-dependent commercial uses when meeting the criteria of subsection B2:
 - a. Sale of boat parts or accessories;
 - b. Personal and household retail sales and services;
 - c. Eating and drinking establishments;
 - d. Non-household sales and services except commercial laundries;
 - e. Offices;
 - f. Miniwarehouse; and
 - g. Food processing and craft work.
 - 2. The uses listed in subsection B1 are permitted when:

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- a. The total of nonwater-dependent commercial uses occupy no more than ten percent of the dry land portion of the lot, and
 - b. The nonwater-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.
3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of Subsection B2 are met.
- C. Landfill which creates dry land for nonwater-dependent uses which are accessory to water-dependent or water-related uses when:
- 1. Development of the water-related or water-dependent use would not be feasible without the accessory nonwater-dependent uses;
 - 2. No reasonable alternative to landfill exists including overwater or offsite location of the uses;
 - 3. The total development provides a clear public benefit; and
 - 4. If more than two square yards of dry land per lineal yard of shoreline is created, the landfill site is not located in Lake Union or Portage Bay.

23.60.846 Council Conditional Uses on Waterfront Lots in the UI Environment

- A. Sewage treatment plants may be authorized by the Council according to the procedures of Section 23.60.068 when:
- 1. Located in the Duwamish area;
 - 2. A determination has been made, according to the process established in Section 23.60.066, Process for Determination of Feasible or Reasonable Alternative

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Locations, that no feasible alternative exists to locating a plant in the Seattle Shoreline District. The determination as to feasibility shall be based upon the Goals and Policies of Resolution 25183, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community;

3. The plant is set back sixty feet from the line of ordinary high water;
4. A public access walkway is provided along the entire width of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant, public access being most important along views of the water and any other significant shoreline element; and
5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and built environment shall be provided.

23.60.848 Principal Uses Prohibited on Waterfront Lots in the UI Environment

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

- A. Residential uses;
- B. The following commercial uses:
 1. Medical services;
 2. Animal services;
 3. Automotive retail sales and service;
 4. Parking, principal use;
 5. Lodging;

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- 6. Mortuary services;
 - 7. Heavy commercial services;
 - 8. Entertainment uses;
 - 9. Personal transportation services;
 - 10. Passenger terminal, nonwater-dependent;
 - 11. Cargo terminal, nonwater-dependent;
 - 12. Bus bases;
 - 13. Helistops; and
 - 14. Heliports;
 - C. Salvage and recycling uses, nonwater-dependent;
 - D. The following utilities:
 - 1. Communication utilities;
 - 2. Solid waste transfer stations, nonwater-dependent;
 - 3. Power plants; and
 - 4. Sewage treatment plants, located outside of the Duwamish area;
 - E. High impact uses, nonwater-dependent;
 - F. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;
 - G. Public facilities, nonwater-dependent or nonwater-related;
 - H. Agricultural uses except aquaculture;
 - I. All open space uses except shoreline recreation; and
 - J. Groins and similar structures which block the flow of sand to adjacent beaches.
- 23.60.850 Permitted Uses on Upland Lots in the UI Environment
- A. Uses Permitted Outright
 - 1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.
 - 2. Additional uses permitted outright

- 1 a. All commercial uses;
- 2 b. Salvage and recycling uses that are nonwater-
- 3 dependent;
- 4 c. Open Space uses;
- 5 d. The following Institutions:
- 6 1. Vocational and fine arts schools;
- 7 1. Uses connected to a major institution and
- 8 permitted by an approved master plan;
- 9 e. All agricultural uses.

9 B. Uses Permitted as Special Uses

10 Uses permitted as special use on waterfront lots are

11 permitted as special use on upland lots.

12 **23.60.852 Prohibited Uses on Upland Lots in the UI Environment**

13 Uses prohibited on waterfront lots are prohibited on upland

14 lots unless specifically permitted in Section 23.60.850.

15 **PART 2 DEVELOPMENT STANDARDS**

16 **23.60.870 Development Standards for the UI Environment**

17 All developments in the Urban Industrial Environment shall

18 meet the requirements of this Part as well as the development

19 standards applicable to all environments contained in

20 Subchapter III, General Provisions.

21 **23.60.872 Height in the UI Environment**

22 A. Maximum Height

23 The maximum height shall be thirty-five feet, except as

24 modified by subsections B through D.

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1 B. Exceptions

- 2 1. Cranes, mobile conveyers, light standards and similar
3 equipment necessary for the function of water-
4 dependent uses or the servicing of vessels may extend
5 above the maximum height.
- 6 2. Structures accessory to a water-dependent or water-
7 related use and manufacturing structures which
8 require additional height because of intended use may
9 be authorized by the Director up to fifty-five feet
10 in the Ship Canal and up to eighty feet in the
11 Duwamish and Elliott Bay when the views of a substan-
12 tial number of upland residences would not be blocked
13 by the increased height.

14 C. Rooftop features

- 15 1. Radio and television receiving aerials, flagpoles,
16 chimneys and smokestacks are exempt from height
17 controls, except as regulated in Chapter 23.64,
18 Airport Height District, provided such features are
19 (a) no closer to any adjoining lot line than fifty
20 percent of their height above existing grade, or,
21 (b) if attached only to the roof, no closer to any
22 adjoining lot line than fifty percent of their height
23 above the roof portion where attached.
- 24 2. Railings, skylights, clerestories, solar collectors,
25 parapets and firewalls may extend four feet above the
26 maximum height set in Section 23.60.632 A and B.
- 27 3. The following rooftop features may extend ten feet
28 above the maximum height set in Section 23.60.632 A
and B, so long as the combined total coverage
of all features listed in this subparagraph C3

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does not exceed fifteen percent of the roof area, or
twenty percent of the roof area if the total includes
screened mechanical equipment:

- a. Stair and elevator penthouses; and
- b. Mechanical equipment.

D. Bridges

Bridges may exceed the maximum height limit.

23.60.874 Lot Coverage in the UI Environment

A. Waterfront Lots

Structures may occupy up to one hundred percent of both
submerged and dry land lot area of a waterfront lot.

B. Upland Lots

Structures may occupy up to one hundred percent of the lot
area of an upland lot.

23.60.876 View Corridors in the UI Environment

A. A view corridor or corridors of not less than thirty-five
percent of the width of the lot shall be provided and
maintained on all waterfront lots developed with a non-
water-dependent use or a mix of water-dependent or water-
related uses and nonwater-dependent uses if the
water-dependent or water-related use occupies less than
fifty percent of the dry land portion of the lot.

B. A view corridor or corridors of not less than thirty-five
percent of the width of the lot shall be provided and
maintained on all upland through lots which are adjacent
to waterfront lots designated CM, CR, CP or CN.

C. The following may be located in a required view corridor:

- 1. Open wet moorage;
- 2. Storage of boats undergoing repair;

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3. Parking which meets the criteria in Section 23.60.162B.3; and

4. Open storage accessory to a water-dependent or water-related use.

23.60.878 Setbacks in the UI Environment

All nonwater-dependent uses including accessory structures and uses shall provide a sixty-foot setback from the water's edge on waterfront lots. This setback area shall be accessible directly from a street or from a driveway of not less than twenty feet in width.

23.60.980 Development Standards Specific to Water-Related Uses on Waterfront Lots in the UI Environment

A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include setbacks from all or a portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

B. Specific design constraints shall not be required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.

23.60.082 Regulated Public Access in the UI Environment

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands,

1 tidelands and beds of navigable waters not abutting dry
2 land.

3 B. Private Property

4 1. Public access meeting the criteria of Section
5 23.60.160 shall be provided and maintained on
6 privately owned waterfront lots for the following
7 developments:

8 a. Marinas, except as exempted in Section
9 23.60.200E;

10 b. Yacht, boat and beach clubs that have nonwater-
11 dependent facilities over water;

12 c. Nonwater-dependent developments except those
13 located on private lots in the Lake Union area
14 which have a front lot line of less than one
15 hundred feet in length, measured at the upland
16 street frontage generally parallel to the water
17 edge, and which abut a street and/or waterway
18 providing public access.

19 2. Water-dependent uses other than marinas and water-
20 related uses on private property, except for yacht
21 and boat clubs which have nonwater-dependent facili-
22 ties over water and marinas, are not required to
23 provide public access.

24 D. Utilities

25 Regulated public access shall be provided to utility owned
26 or controlled property within the Shoreline District.
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SUBCHAPTER XVI: Definitions

23.60.900 Definitions Generally

For the purpose of this Chapter, certain terms and words are defined. The definitions established in this Subchapter are in addition to definitions contained in Chapters 24.08 and 23.84, which are also applicable to this Chapter. In the event that a definition in this Chapter differs from a definition of the same term in Chapter 24.08 or Chapter 23.84, the definition in this Chapter shall apply in the Shoreline District.

23.60.902 "A"

Airport, Water-Based

A Transportation Facility used exclusively by aircraft which take-off and land directly on the water.

Aquaculture

An agricultural use in which food fish, shellfish or other marine foods, aquatic plants or animals are cultured in fresh or salt water.

Agriculture Use

The following uses as defined in Chapter 23.84, Definitions:

Animal Husbandry

Aquaculture

Horticultural Use.

AWDT

The 24-hour average weekday traffic on a street as determined by the Seattle Engineering Department.

23.60.904 "B"

Boat or Beach Club

See Yacht Club

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Beach, Class I

An accretional beach characterized by a backshore which is only wetted under extreme tide and wave conditions. It is possible to walk on a Class I beach at Mean Higher High Water.

Beach, Class II

A marginal erosion beach characterized by not having a stable and dry backshore above Mean Higher High Water. Class II beaches are usually located at the foot of gravel containing banks and bluffs that supply the upper foreshore with beach material.

Beach, Class III

An erosional beach on which it is not possible to walk at Mean Higher High Water. Class III beaches are located under banks and bluffs that are low in gravel and high in clay and have an upper foreshore which is wave cut below to Mean Higher High Water level.

Breakwater

A protective structure built offshore to protect harbor areas, moorages, navigation, beaches or bluffs from wave action.

Bridge

A structure carrying a path, street, or railway overwater, and necessary support and accessory structures.

Bulkhead

A retaining wall constructed parallel to the shore whose primary purpose is to hold or prevent sliding of soil caused by erosion or wave action or to protect the perimeter of a fill.

23.60.906 "C"

1 Cargo, Breakbulk

2 Cargo packed in separate packages or individual pieces of
3 cargo and loaded, stored and unloaded individually.

4 Cargo, Containerized

5 Cargo packed in a large (typically eight feet by eight
6 feet by twenty feet) trunklike box and loaded, stored and
7 unloaded as a unit.

8 Cargo, Neo-bulk

9 Cargo which has historically been classified as general-
10 ized cargo, such as grain, oil, and automobiles, but now
11 is moved in bulk movements usually in specialized vessels.

12 Cargo terminal

13 Transportation facility in which quantities of goods or
14 container cargo are stored without undergoing any manufac-
15 turing processes, transferred to other carriers or stored
16 outdoors in order to transfer them to other locations.
17 Cargo terminals may include accessory warehouses, railroad
18 yards, storage yards, and offices.

19 Clerestory

20 An outside wall of a room or building that rises above an
21 adjoining roof and contains windows.

22 Commercial Use

23 The following uses as defined in Chapter 23,84, Definitions:

- 24 Retail Sales and Services
- 25 Principal Use Parking
- 26 Nonhousehold Sales and Services
- 27 Offices
- 28 Entertainment
- Wholesale Showroom
- Warehouse

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- Mini-warehouse
- Outdoor Storage
- Transportation Facilities
- Food Processing and Craft Work
- Research and Development Laboratories

Commercial Moorage

A marine retail sales and service use in which a system of piers, buoys, or floats is used to provide moorage, primarily for commercial vessels, except barges, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage, tugboat dispatch offices, and other services are also often accessory to or associated with the use.

Conditional Use

A use identified in this Chapter as requiring specific approval by either the Department of Ecology (Shoreline Conditional Use) or the City Council (Council Conditional Use). Unless specifically stated in this Chapter the term Conditional Use without modification shall mean Shoreline Conditional Use.

23.60.908 "D"

Development

A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Title at any water level.

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Development Standards

Regulations pertaining to the physical modification of the environment including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum front, side and rear yards, setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public access.

Development, Substantial

See "Substantial development."

Director

The Director of the Department of Construction and Land Use of the City of Seattle.

Drift Sill

A structure of rocks built into a beach as part of natural beach protection used to preserve a beach by stopping the littoral sand drift but which does not protrude above the finished grade of beach sediment.

Dry Land

Land at an elevation above the line of ordinary high water or mean higher high water.

Dry Storage of Boats

A marine retail sales and service use, in which space on a lot on dry land or inside a building overwater or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

23.60.910 "E"

Extreme Low Tide

The lowest line on land reached by a receding tide.

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1 23.60.912 "F"

2 Fairway

3 All navigable waters within the corporate limits or within
4 the jurisdiction and control of the city, except waters
5 over privately owned or privately controlled property,
6 including but not limited to the navigable portions of the
7 following described waters and all submerged street area
8 and waterways therein:

- 9 A. All of Elliott Bay, lying easterly of a straight line
10 drawn from Alki Point to West Point;
- 11 B. All of the East and West Waterways;
- 12 C. All of the Duwamish River;
- 13 D. All of the Duwamish Waterway Project;
- 14 E. All of Salmon Bay;
- 15 F. All of Portage Bay;
- 16 G. All of the Lake Washington Ship Canal, including that
17 portion which shall be under the supervision and
18 control of the United States;
- 19 H. All of Lake Union;
- 20 I. All of Lake Washington lying or being within the cor-
21 porate limits of the city or within the jurisdiction
22 and control of the city;
- 23 J. All of that portion of Shilshole Bay, lying easterly
24 and southerly of a line from West Point to the inter-
25 section of the northerly boundary of the city with
26 the outer harbor line;
- 27 K. All that portion of Puget Sound, lying easterly and
28 northerly of a line from Alki Point to the intersection
of the southerly boundary of the city with the outer
harbor line.

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Floating Home

A single family dwelling unit constructed on a float,
which is moored, anchored or otherwise secured in waters.

Floating Home Moorage

A residential use consisting of a waterfront facility for
the moorage of one or more floating homes and the land
and water premises on which the facility is located.

Floating Home Site

That part of a floating home moorage located over water
designated to accommodate one floating home.

23.60.914 "G"

Groin

A wall-like structure built seaward from the shore to
build or preserve an accretion beach by trapping littoral
sand drift on the updrift side.

23.60.916 "H"

High Impact Use as defined in Chapter 23.84, Definitions.

Historic Ship

A vessel, whether able to move under its own power or not,
that has been designated by the Landmark Preservation
Board as historic or listed on the National Register of
Historic Places.

23.60.918 "I"

Institutions

The following uses as defined in Chapter 23.84, Definitions:

- Institute for Advanced Study
- Private Club
- Day Care Center
- Museum
- School, Elementary or Secondary

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- College
- Community Center
- Community Club
- Vocational or Fine Arts School
- Hospital
- Religious Facility
- University.

23.60.920 "J"

Jetty

An artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves.

23.60.922 "K"

23.60.924 "L"

Landfill

Sand, soil, gravel or other material deposited onto a wetland area, or into the water over a submerged area.

Lot

A platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley.

Lot Area

The total horizontal area within the lot lines of a lot.

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Lot Coverage

That portion of a lot occupied by the principal building and its accessory buildings including piers, floats and drydocks, expressed as a percentage of the total lot area.

Lot, Upland

A lot wholly or partly within the shoreline district which is separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way or government-controlled property which prevents access to and use of the water.

Lot, Upland Through

An upland lot wholly or partly within the Shoreline District which extends between a street, highway, or arterial right-of-way on the upland side and a street, highway, arterial, railway right-of-way, or government-controlled property on the waterfront side.

Lot, Waterfront

A lot any portion of which is offshore of or abuts upon the ordinary high water mark or mean high water mark and any other lot or parcel partially or entirely within the Shoreline District which is not separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way, or government owned or controlled property which prevents access to and use of the water.

Vacation or relocation of a legal right-of-way after March 17, 1977, shall convert a lot which was an upland lot because of the existence of such right-of-way into a waterfront lot.

For purposes of determining the appropriate use and development standards applicable to developments in

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railroad or street right-of-ways, the railroad or street right-of-way shall be considered to be a waterfront lot unless separated from the water by another railroad or street right-of-way.

23.60.926 "M"

Manufacturing

The following uses as defined in Chapter 23.84, Definitions:

- Light Manufacturing
- General Manufacturing
- Heavy Manufacturing.

Marina, Recreational

A marine retail sales and service use, in which a system of piers, buoys, or floats is used to provide moorage, primarily for pleasure craft, for sale or rent usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage and other services are also often accessory to or associated with the use.

Marine Retail Sales and Service

A retail sales and service use which includes one or more of the following uses:

- Sale or rental of large boats
- Marine service station
- Major or minor vessel repair
- Sale of boat parts or accessories
- Recreational marina
- Commercial moorage
- Dry storage of boats
- Tugboat services.

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Marine Service Station

A marine retail sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

Master Program

See "Shoreline Master Program."

Mean Lower Low Water (MLLW)

The 0.0 tidal elevation. It is determined by averaging the lower of each day's two low tides, at a particular location over recorded history.

MLLW

See "Mean Lower Low Water."

Mean Higher High Water

The tidal elevation determined by averaging the higher of each days two high tides at a particular location over recorded history.

MHHW

See "Mean Higher High Water."

Monitor

A raised, central portion of a roof having low windows or louvers for light and air.

Moorage, Covered

A pier or system of floating or fixed accessways covered with a roof to which boats on water may be secured.

Moorage, Open

An uncovered pier or system of floating or fixed accessways to which boats on water may be secured.

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Moorage, Transient

Moorage available to the public, generally for a fee, on a short term basis. Transient moorage may be available on an hourly, daily or weekly basis.

Moorage Walkway

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.

23.60.928 "N"

Natural Beach Protection

Naturally regenerating systems designed and used to prevent and control beach erosion.

Navigational Aid

A structure used to guide or position ships and boats or to warn of navigational hazards, including but not limited to buoys, beacons, and light towers.

Nonwater-Dependent Use

A use which is not water-dependent or water-related in that access to the water or to water-dependent uses is not required for its operation, even if the aesthetics of a waterfront location may increase profitability. The following and similar uses are included:

Eating and drinking establishments, lodging, retail sales and services, medical services, funeral services, offices, religious facilities, schools, principal use parking, tennis courts, health clubs, and residential uses on land.

1 23.60.930 "O"

2 Offshore Facilities

3 Any facilities, seaward of the outer harbor line, floating
4 or supported on a pier or piers, used to transfer or
5 assemble materials or for construction purposes, except
6 aquacultural facilities and structures, research and sci-
7 entific monitoring facilities.

8 Open Space

9 Land and/or water area with its surface open to the sky or
10 predominantly undeveloped, which is set aside to serve the
11 purposes of providing park and recreational opportunities,
12 conserving natural resources and structuring urban
13 development and form.

14 Ordinary High Water Mark

15 On all lakes, streams, and tidal water, that mark that
16 will be found by examining the bed and banks and ascer-
17 taining where the presence and action of waters are so
18 common and usual, and so long continued in all ordinary
19 years, as to mark upon the soil a character distinct from
20 that of the abutting upland, in respect to vegetation as
21 that condition exists on June 1, 1971, or as it may natu-
22 rally change thereafter or as it may change thereafter in
23 accordance with permits issued by the Director or the
24 Department of Ecology: provided, that in any area where
25 the ordinary high water mark cannot be found, the ordinary
26 high water mark adjoining salt water shall be the line of
27 mean higher high tide and the ordinary high water mark
28 adjoining fresh water shall be the line of mean high
water.

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23.60.932 "P"

Pier

A structure extending into the water for use as a landing place or promenade or to protect or form a harbor.

Pier, Accessory to Residential Structures

A structure for open wet moorage or swimming accessory to single-family or multi-family residential structures.

Pier, Finger or Spur

A minor extension from a primary pier.

Public Facility

A facility owned, operated or franchised by a unit of general or special purpose government for public purposes.

23.60.934 "R"

Railroad

A public or private right-of-way on which tracks for trains are constructed. Railroad yards and stations shall be classified as cargo or passenger terminals.

Regulated Public Access

Provision to the public by an owner, by easement, covenant or similar legal agreement, of substantial walkways, corridors, parks, transient moorage or other areas serving as a means of view and/or physical approach to public waters, and limited as to hours of availability, types of activity permitted, location and area.

Residential Use

The following uses as defined in Chapter 23.84, Definitions:

- Artist's Studio/Dwelling
- Boarding House
- Caretaker's Quarters
- Floating Home
- Mobile Home Park

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- Multi-Family Structure
- Single Family Dwelling Unit
- Special Residence

Rip-rap

A foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.

Retail Sales and Service Use

The following uses as defined in Chapter 23.84, Definitions:

- Personal and Household Retail Sales and Service
- Medical Services
- Animal Services
- Automobile Retail Sales and Service
- Marine Retail Sales and Service
- Eating and Drinking Establishments
- Lodging
- Mortuary Services

23.60.936 "S"

Sale of Boat Parts or Accessories

A marine retail sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foulweather gear, marine engines, and boats less than sixteen feet in length.

Sale and/or Rental of Large Boats

A marine retail sales and service use in which boats sixteen feet or more in length are rented or sold. The sale

1 or rental of smaller boats shall be defined as a major
2 durables sales and service use.

3 Salvage and Recycling

4 The following uses as defined in Chapter 23.84, Definitions:

5 Recycling Collection Station

6 Recycling Center

7 Salvage Yard.

8 Shoreline Conditional Use

9 Uses identified as such in this Chapter which may be
10 authorized by the Director and approved by the Department
11 of Ecology in specific cases where certain stated facts
12 and conditions are found to exist.

13 Shoreline Master Program

14 The comprehensive use plan for the shorelines of the city
15 which consists of the general statement of shoreline goals
16 and policies in Resolution 25173, the Implementation
17 Guidelines in Resolution 25618, and the specific regula-
18 tions of this Chapter.

19 Shoreline Protective Structures

20 A bulkhead, rip-rap, groin, revetment, natural beach pro-
21 tection or other structure designed to prevent destruction
22 of or damage to the existing shoreline by erosion or wave
23 action.

24 Shorelines

25 All the water areas of the city and their associated
26 wetlands, together with the lands underlying them: except
27 (A) shorelines of statewide significance; (B) shorelines
28 on segments of streams upstream of a point where the mean
annual flow is twenty cubic feet per second or less and
the wetlands associated with such upstream segments; and

1 (C) shorelines on lakes less than twenty acres in size and
2 wetlands associated with such small lakes.

3 Shorelines of Statewide Significance

4 The following shorelines of the city are identified in RCW
5 90.58.030(2)(e) as shorelines of statewide significance:

- 6 A. Those areas of Puget Sound and adjacent salt waters
7 lying seaward from the line of extreme low tide;
8 B. Lake Washington;
9 C. The Duwamish River;
10 D. Those wetlands associated with B and C of this sec-
11 tion.

12 Shorelines of the City

13 The total of all "shorelines" and "shorelines of statewide
14 significance" within the city.

15 Shoreline Recreation

16 An open space use which consists of a park or parklike
17 area which provides physical or visual access to the
18 water. The following and similar uses are included:
19 Fishing piers, swimming areas, underwater diving areas or
20 reefs, boat launching ramps, bicycle and pedestrian paths,
21 viewpoints, concessions without permanent structures,
22 floats and bathhouses.

23 Shoreline Special Use

24 Uses identified as such in this chapter which may be
25 authorized by the Director in specific cases where the
26 facts and conditions stated in Section 23.60.032 are found
27 to exist.

28 Shoreline Variance

A modification of the regulations of this Chapter when
authorized by the Director and approved by the Department

1 of Ecology after a finding that the literal interpretation
2 and strict application of the provisions of this Chapter
3 would cause undue and unnecessary hardship in view of
4 specific facts and conditions applying to a lot in the
5 Shoreline District.

6 Structure

7 A permanent or temporary edifice or building, or any piece
8 of work artificially built or composed of parts artificially
9 joined together in some definite manner, whether installed
10 on, above, or below the surface of the ground or water
11 including fences, walls, signs, piers, floats and drydocks,
12 but not including poles, flower bed frames and other minor
13 incidental improvements, or vessels.

14 Substantial Development

15 Any development of which the total cost or fair market
16 value exceeds Two thousand five hundred dollars or any
17 development which materially interferes with the normal
18 public use of the water or shorelines of the city, except
19 that the following shall not be considered substantial
20 developments for the purposes of this subtitle:

- 21 A. Normal maintenance or repair of existing structures
22 or developments, including damage by accident, fire
23 or elements;
- 24 B. Construction of the normal protective bulkhead common
25 to single-family residences;
- 26 C. Emergency construction necessary to protect property
27 from damage by the elements;
- 28 D. Construction and practices normal or necessary for
farming, irrigation, and ranching activities, including
agricultural service roads and utilities on wetlands,

1 construction of a barn or similar agricultural
2 structure and the construction and maintenance of
3 irrigation structures including but not limited to
4 head gates, pumping facilities, and irrigation
5 channels: provided, that a feedlot of any size, all
6 processing plants, other activities of a commercial
7 nature, alteration of the contour of the wetlands by
8 leveling or filling other than that which results
9 from normal cultivation, shall not be considered
10 normal or necessary farming or ranching activities.
11 A feedlot shall be an enclosure, or facility used or
12 capable of being used for feeding livestock hay,
13 grain, silage or other livestock feed, but shall not
14 include land for growing crops or vegetation for
15 livestock feeding and/or grazing, nor shall it include
16 normal livestock wintering operations;

17 E. Construction or modification of navigational aids
18 such as channel markers and anchor bouys;

19 F. Construction on wetlands by an owner, lessee or con-
20 tract purchaser of a single-family residence for his
21 own use or for the use of his family, which residence
22 does not exceed a height of thirty-five feet above
23 average grade level and which meets all requirements
24 of the city other than requirements imposed pursuant
25 to this subtitle;

26 G. Construction of a dock designed for pleasure craft
27 only, for the private noncommercial use of the owner,
28 lessee or contract purchaser of a single-family resi-
dence, the cost of which does not exceed Two Thousand
Five Hundred Dollars;

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

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

12 J. Operation and maintenance of any system of dikes,
13 ditches, drains, or other facilities existing on the
14 effective date of Chapter 182, Laws of Washington
15 1975 (1st Ex. Session.) which were created, developed
16 or utilized primarily as a part of an agricultural
17 drainage or diking system;

18 K. Demolition of structures, except where the Director
19 determines that such demolition will have a major
20 impact upon the character of the shoreline.

21 Submerged land

22 Land which is below the elevation of ordinary high water
23 or mean higher high water.

24 23.60.938 "T"

25 Transportation Facilities

26 The following uses as defined in Chapter 23.84, Definitions:

27 Airport, Landbased

28 Bus Base

Cargo Terminal

Heliport

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Helistop
Passenger Terminal
Personal Transportation Services.

Tugboat Services

A retail sales and service use which consists of moorage for more than one tugboat and dispatch offices. Uses which include barge moorage and loading and unloading facilities for barges as well as tugboat moorages shall be classified as cargo terminals.

23.60.940 "U"

Use

The purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. For purposes of this Chapter, uses shall also include activities and structures which modify the land, such as dredging, landfill, breakwaters, shoreline protective structures, and utility lines.

Use, Accessory

A use which is incidental and intrinsic to the function of a principal use and is not a separate business establishment unless a home occupation.

Use, Principal

Any use, whether a separate business establishment or not, which has a separate and distinct purpose and function from other uses on the lot.

Use, Water-Dependent

See "Water-dependent use."

1 Utilities

2 The following uses as defined in Chapter 23.84, Definitions:

- 3 Communication Utility
4 Utility Service Use
5 Solid Waster Transfer Station
6 Sewage Treatment Plant
7 Power Plant
8 Solid Waste Processing Facility
9 Solid Waste Incineration Facility.

10 Utility Lines

11 Pipes, cables or other linear conveyance systems used to
12 transport power, water, gas, oil, wastewater or similar
13 items. Utility lines include outfalls and intakes.

14 23.60.942 "v"

15 Vessel

16 Ships, boats barges, or any other floating craft which are
17 designed and used for navigation and do not interfere with
18 the normal public use of the water, including historic
19 ships which do not have a means of self-propulsion and
20 steering equipment.

21 Vessel Repair, Major

22 A marine retail sales and service use in which one or more
23 of the following activities take place:

- 24 (1) Repair of ferrous hulls
25 (2) For ships or boats one hundred twenty feet in length,
26 any one or more of the following activities:
27 a. Repair of non-ferrous hulls;
28 b. Conversion;

- c. Rebuilding;
- d. Dismantling; and
- e. Exterior painting.

Vessel Repair, Minor

A marine retail sales and service use in which one or more of the following activities takes place:

- (1) General boat engine and equipment repair;
- (2) The replacement of new or reconditioned parts;
- (3) Repair of nonferrous boat hulls under one hundred twenty feet in length;
- (4) Painting and detailing; and
- (5) Rigging and outfitting;

but not including any operation included in the definition of "Vessel repair, major."

View Corridor

An open-air space on a lot affording a clear view across the lot to the water from the abutting street.

23.60.944 "W"

Water-Dependent Use

A use which cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses, and similar uses, are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, marinas, floating home moorages, tour boats, cruise ships, tug and barge operations, shoreline recreation, moorage, yacht clubs, limnological or oceanographic research facilities.

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Water-Related Use

A use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site. The construction, maintenance and use of facilities such as docks, piers, wharves or dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement plants, water pollution control services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses, and boat rigging operations.

Waterway

A public highway for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation.

Wetlands

Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and floodplains associated with the streams, lakes and tidal waters which are subject to the provisions of this subtitle; the same to be designated as to location by the Department of Ecology.

Wildlife

Living things that are neither human nor domesticated, including but not limited to mammals, birds and fishes.

1 23.60.946 "Y"

2 Yacht, Boat and Beach Clubs

3 Institutional uses classified as either private clubs or
4 community clubs which consist of structures and related
5 grounds and/or moorage used for social and recreational
6 purposes related to pleasure boating and/or swimming, the
7 use of which is primarily restricted to members and their
8 guests. Membership may be either open to the public
9 through a membership fee only (community clubs) or by
10 initiation and election according to qualifications in the
11 clubs charter or by-laws (private clubs).

11 SUBCHAPTER XVII: Measurements

12 23.60.950 Measurements in the Shoreline District

13 Measurements of height, view corridors, lot coverage, and
14 other shoreline requirements in the Shoreline District shall
15 be as described in this subchapter. These measurement regula-
16 tions supplement other regulations of this Title and Title 24
17 as described in Section 23.60.014. When a development is
18 partly within and partly without the Shoreline District,
19 measurement techniques for that portion of the development
20 outside of the Shoreline District shall be as required in the
21 underlying zoning.

21 23.60.952 Height

22 Height of structures shall be determined by measuring from the
23 average grade of the lot immediately prior to the proposed
24 development to the highest point of the structure not otherwise
25 excepted from the height limits. Calculation of the average
26 grade level shall be made by averaging the elevations at the
27 center of all exterior walls of the proposed building or
28

1 structure. In the case of structures to be built over water,
2 average grade level shall be the elevation of ordinary high
3 water, except in the Urban Harborfront, as provided Section
4 23.60.366.

5 **23.60.954 View Corridors**

6 When a view corridor is required, it shall be provided accord-
7 ing to the development standards set forth in Section
8 23.60.162 using the following measurement techniques:

- 9 A. The width of the view corridor or corridors shall be
10 determined by calculating the required percent of the
11 width of the lot at the street or upland lot line.
12 B. The view corridor or corridors shall be in the direction
13 of the predominant view of the water and, when topographi-
14 cally possible, generally parallel to existing view
15 corridors.
16 C. When a lot is bounded by more than one street, the
17 Director shall determine which street front shall be used
18 for the view corridor calculation; the determination shall
19 be based on consideration of the relative amounts of traf-
20 fic on each of the streets, the direction of the predomi-
21 nant view of the water and the availability of actual
22 views of the water.

23 **23.60.956 Calculation of Lot Depth**

24 In certain environments, regulation of development differs
25 according to the depth of the dry land portion of the lot. To
26 qualify for some special regulations, a lot must have less
27 than fifty feet of dry land. To qualify for locating single-
28 family residences over water, a lot must have less than thirty
feet of dry land.

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- A. A lot shall be determined by the Director to have a depth of less than fifty feet of dry land if:
 - 1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and
 - 2. A straight line, parallel to and fifty feet waterward of the street or railroad right-of-way and extending between two lot lines, crosses submerged land for more than fifty percent of its distance; or
 - 3. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine if the lot has a depth of less than fifty feet of dry land, based upon the intent of the Shoreline Master Program.

- B. A lot shall be determined by the Director to have a depth of less than thirty feet of dry land if:
 - 1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and
 - 2. A straight line parallel to and thirty feet waterward of the street or railroad right-of-way and extending between two lot lines, crosses submerged land for more than fifty percent of its distance; or
 - 3. If the lot lines and/or street or railroad right of way are irregular, the Director may determine if the lot has a depth of less than thirty feet of dry land, based upon the intent of the Shoreline Master Program.

23.60.958 Calculation of Percent of a Lot Occupied by a Specific Use

The following measurement techniques shall be used to calculate the percent of a lot occupied by a use for developments other than water-dependent incentive developments in the Urban

1 Harborfront. For water-dependent incentive calculations see
2 Section 23.60.960.

3 A. For purpose of this section, the "lot" includes all the
4 lot area within the Shoreline District including vacant
5 lands, submerged and dry lands, and lands available for
6 lease from the state Department of Natural Resources
7 and developed or proposed to be developed, but excluding
8 any area required for public access.

9 B. All lot area occupied by a specific use shall include:

- 10 1. The footprint, including balconies, decks and eaves,
11 of any structure occupied by the use or its accessory
12 uses, provided that if a structure is occupied by
13 more than one use, the percent of floor space occu-
14 pied by the use in question shall be used to calcu-
15 late the percent of the footprint allocated to that
16 use;
- 17 2. The area of any parking provided for the use in
18 excess of required accessory parking spaces including
19 aisles and turning areas;
- 20 3. The area of any moorage occupied by the use including
21 piers, floats, dockage areas, channels and turning
22 basins;
- 23 4. The area occupied by any storage accessory to the
24 use.

25 C. The percent of lot occupied by a specific use shall be
26 calculated by dividing the use area calculated in B above
27 by the lot area given in A above times one hundred.

28 D. To calculate the percent of dry land or percent of sub-
merged lands occupied by a specific use or category of
use, the dry lands and submerged lands shall each be
calculated separately.

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1 E. To calculate the percent of area occupied by a category of
2 use such as nonwater-dependent commercial, the area
3 occupied by all such uses as calculated above shall be
4 summed and divided by the lot area.

5 **23.60.960 Calculation of Percent of Lot Occupied by a**
6 **Water-Dependent Use for Purposes of the**
7 **Water-Dependent Incentive in the Urban**
8 **Harborfront Environment**

9 The following measurement techniques shall be used to calculate
10 the percent of a lot occupied by a water-dependent use for the
11 purpose of qualifying for Water-Dependent Incentive Review.

12 A. For purposes of this section, the "lot" includes all the
13 lot area within the Shoreline District including vacant
14 lands, submerged and dry lands, and lands available for
15 lease from the state Department of Natural Resources that
16 is developed or proposed to be developed.

17 B. All lot area occupied by a water-dependent use shall
18 include:

- 19 1. The footprint, including balconies, decks and eaves,
20 of any structure occupied by the use or its accessory
21 uses, provided that if a structure is occupied by
22 more than one use, the percent of floor space of the
23 structure occupied by the water-dependent use shall
24 be used to calculate the percent of the footprint
25 allocated to that use;
- 26 2. The area of any required accessory parking spaces
27 including aisles and turning areas;
- 28 3. The area of any moorage in excess of the required
moorage; including piers, floats, dockage areas,
channels and turning basins;
4. The area occupied by any storage accessory to the
water-dependent use.

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- C. Area occupied by a water-dependent use may include any number of water-dependent uses, including uses that already exist on the site.
- D. Water-dependent uses shall be as defined in Section 23.60.944, except that for purposes of calculating the water-dependent use for this section, marinas providing less than one thousand lineal feet of moorage shall be considered required moorage. Marinas providing more than one thousand lineal feet of moorage may be included in the calculations for water-dependent use for the purpose of water-dependent incentive.
- E. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in B above by the lot area given in A above times one hundred.
- F. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.
- G. To calculate the percent of area occupied by a category of use such as nonwater-dependent commercial, the area occupied by all such uses, as calculated above, shall be summed and divided by the lot area.

23.60.962 Calculation of Lot Width for Piers Accessory to Residential Development

The following measurement technique shall be used to calculate whether or not lot width at the line of ordinary high water is sufficient to comply with the requirement of section 23.60.204B.3:

- 1 1. Lot width shall be the distance measured in a straight
2 line between the points where the lot lines intersect
3 the ordinary high water mark.
- 4 2. If the lot lines, ordinary high water mark or other
5 conditions are irregular, the Director may determine
6 if the lot meets the lot width criterion, based on
7 the intent of the Shoreline Master Program.

8 Section 3. Chapter 23.04 of the Seattle Municipal (Land
9 Use) Code is amended by adding a new Section 23.04.030 to read
10 as follows:

11 **23.04.030 Seattle Shoreline Master Program Transition Rule**

- 12 A. Any proposal which is substantially underway on the date
13 Chapter 23.60, the Seattle Shoreline Master Program,
14 becomes effective shall be subject to either the new
15 substantive provisions or to corresponding repealed or
16 modified substantive provisions of repealed Chapter 24.60
17 at the discretion of the applicant, provided that:
- 18 1. The applicant may elect only one set of standards
19 which shall apply as appropriate to the entire
20 proposal; and
- 21 2. The election shall be irrevocable and shall be made
22 in writing at the time of application.
- 23 B. A proposal shall be considered substantially underway if,
- 24 1. A master use permit application including all
25 shoreline components necessary for the project has
26 been completed and filed;
- 27 2. A building permit application including, if appro-
28 priate, an environmental checklist has been filed; or

1 3. A draft environmental impact statement (EIS) has been
2 approved by the Director for publication.

3 Section 4. That those certain maps marked "Seattle
4 Shoreline Master Program Environment Designations" and filed
5 with the City Clerk in C.F. 294748 showing the boundaries of
6 the Shoreline District and the environment designations
7 assigned to all property within such boundaries are hereby
8 adopted as amendments to the Official Land Use Map of the
9 City of Seattle adopted by SMC 23.32.016.

10 Section 5. The Seattle Shoreline Master Program is
11 declared to be severable. If any section, subsection,
12 paragraph, clause or other portion of any part adopted by ref-
13 erence is for any reason held to be invalid or unconstitu-
14 tional by any court of competent jurisdiction, such invalidity
15 or unconstitutionality shall not affect the validity or consti-
16 tutionality of the remaining portions of the Seattle Shore-
17 line Master Program. If any section, subsection, paragraph,
18 clause or any portion is adjudged invalid or unconstitutional
19 as applied to a particular property, use or structure, the
20 application of such portion of the Seattle Shoreline Master
21 Program to other property, uses or structures shall not be
22 affected.

23 Section 6. The repeal by this ordinance of Chapter 24.60
24 of the Zoning Code shall not affect any right or duty accrued
25 or any proceeding commenced under the provisions of Chapter
26 24.60 prior to the effective date of this ordinance.

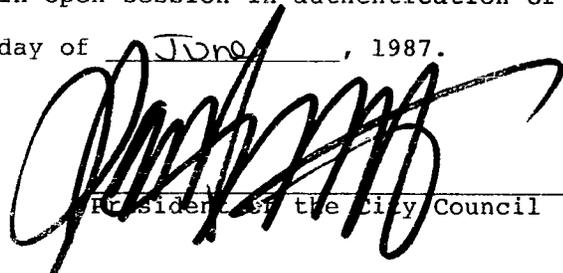
27 Section 7. This ordinance shall take effect and be in
28 force on whichever is the later of:

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

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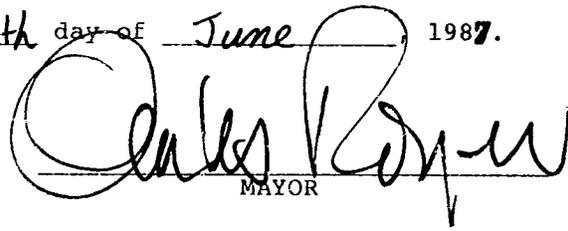
Thirty days from and after passage and approval if approved by the Mayor, or, if not approved, at the time it shall have become a law under the provisions of the City Charter.

Passed by the City Council the 1st day of June, 1987, and signed by me in open session in authentication of its passage this 1st day of June, 1987.



President of the City Council

Approved by me this 9th day of June, 1987.



MAYOR

Filed by me this 9th day of June, 1987.

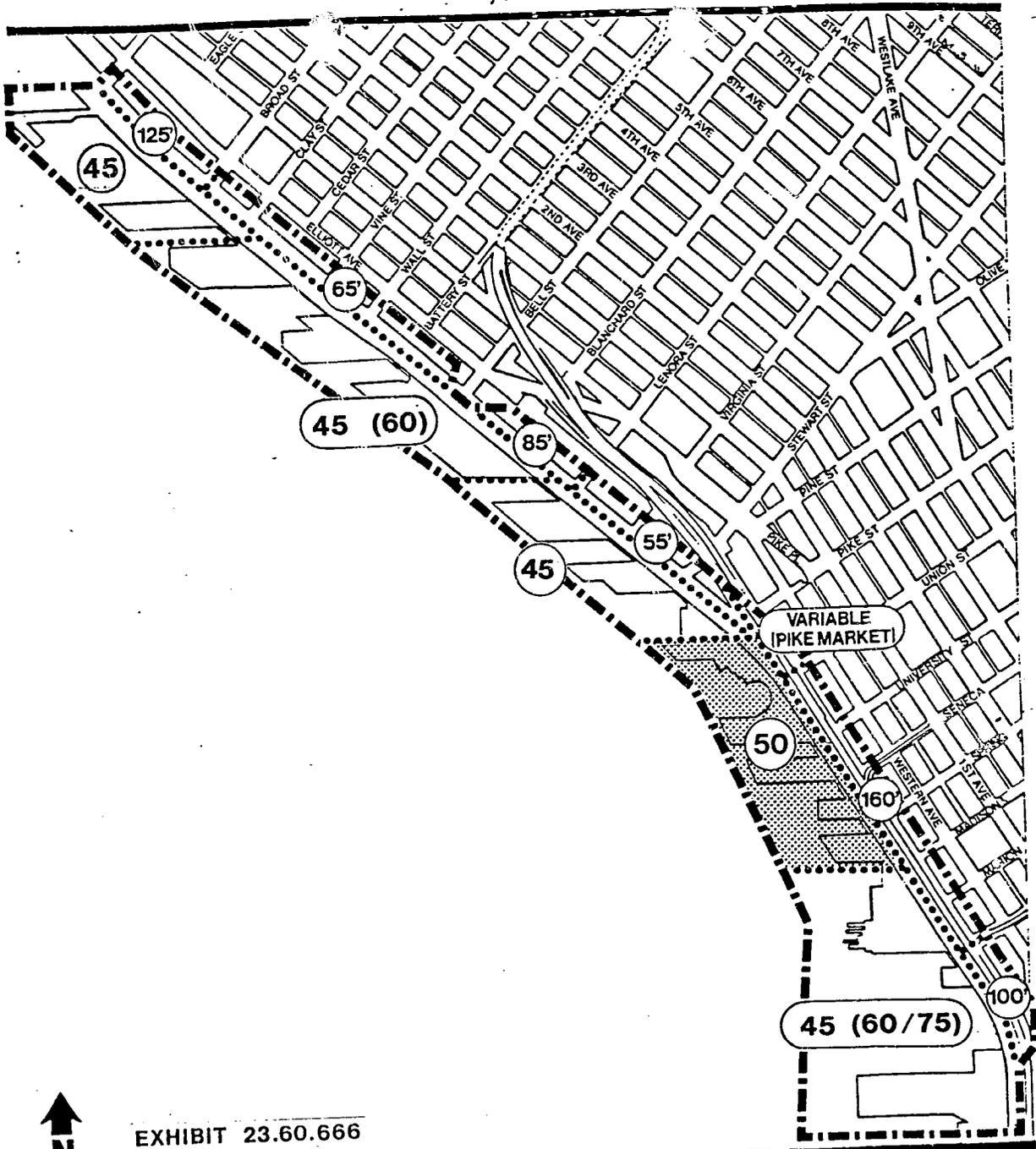
ATTEST: Norward J. Brooks

City Comptroller and
City Clerk

By: Michael Slaunders

Deputy Clerk

(SEAL)



Urban Harborfront Heights



EXHIBIT 23.60.666

Scale (feet)



- Urban Harborfront Environment
- ▨ Historic Character Area
- () Indicates maximum if Water Dependent Incentive used

1 Chapter. This restriction shall apply even if no substantial
2 development permit is required.

3 **23.60.018 Nonregulated Actions**

4 Except as specifically provided otherwise, the regulations of
5 this Chapter shall not apply to the operation of boats, ships
6 and other vessels designed and used for navigation; nor to the
7 vacation and closure, removal or demolition of buildings found
8 by the Director to be unfit for human habitation pursuant to
9 the Seattle Housing Code; nor to correction of conditions found
10 by the Director to be in violation of the minimum standards of
11 Chapters 22.200, et seq., of the Seattle Housing Code; nor to
12 the demolition of a structure pursuant to an ordinance
13 declaring it to be a public nuisance and providing for summary
14 abatement. None of these actions shall be regarded as
15 "developments" as defined in this Chapter.

16 **23.60.020 Permit Required for Substantial Development**

17 No substantial development shall be undertaken in the Shoreline
18 District without first obtaining a substantial development
19 permit from the Director. A substantial development permit
20 shall not be required where the Director determines that a
21 development proposed on the shorelines is not a "substantial
22 development" as defined in this Chapter.

23 **23.60.022 Application when Development Partly Out of Shoreline
24 District**

25 Where a substantial development is proposed which would be
26 partly within and partly without the Shoreline District, a
27 shoreline substantial development permit shall be required for
28 the entire development. The use and development standards of
this Chapter shall apply only to that part of the development
which occurs within the Shoreline District unless the

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the whole marked "COTW"*

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1 underlying zoning requires the entire development to comply
2 with all or part of this Chapter. The use and development
3 standards including measurement techniques for that portion of
4 the development outside of the Shoreline District shall be as
5 provided by the underlying zoning.

6 **23.60.024 Development of Lots Split into Two or More Shoreline
Environments**

7 If a shoreline lot is split by a shoreline environment boundary
8 line, each portion of the lot shall be regulated by the shore-
9 line environment covering that portion. Where the lot coverage
10 requirements differ for portions of the lot governed by
11 different environments the lot coverage restrictions must be
12 met on each separate portion of the lot.

13 **23.60.026 Phasing of Developments**

- 14 A. Unless specifically stated otherwise in a shoreline
15 substantial development permit, the following development
16 components when required shall be completed no later than
17 final inspection of the development by the Director:
- 18 1. Regulated public access and landscaping;
 - 19 2. Piers, floats, barge facilities or overwater elements
20 of a water-related development; and
 - 21 3. The water-dependent components of a mixed water-
22 dependent and nonwater-dependent development.
- 23 B. The Director may require that components of developments
24 in addition to those listed in subsection A above be
25 completed before final inspection of a portion of a
26 development or at another time during construction if the
27 timing is necessary to ensure compliance with the intent
28 of the Shoreline Master Program as stated in the Shoreline
Policies.

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23.60.122 Nonconforming Uses

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

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

- a. A permit to change the use of the structure or property was issued and acted upon,
- b. The structure or portion of a structure, or the property is not being used for the use allowed by the most recent permit, or
- c. The structure or property is vacant, or the portion of the structure or property formerly occupied by the nonconforming use is vacant.

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

3. All signs in the Shoreline District which do not conform to the provisions of this Chapter shall be discontinued within seven years from the effective date of this Chapter.

B. A structure or development containing a nonconforming use or uses may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended

COTW

1 beyond its existing external dimensions except as provided
2 in subsection E below, as otherwise required by law, as
3 necessary to improve access for the elderly and disabled,
4 or to provide regulated public access.

5 C. A nonconforming use which is destroyed by fire or other
6 act of nature, including normal deterioration of struc-
7 tures in or over the water, may be resumed provided that
8 any structure occupied by the nonconforming use may be
9 rebuilt to the same or smaller configuration existing
10 immediately prior to the time the structure was destroyed;
11 provided that action toward replacement must be commenced
12 within twelve months after demolition or destruction in
13 the CN, CP, CR, CM, CW, UR, UH and US environments or
14 within twenty-four months after demolition or destruction
15 in the UM, UG or UI environments.

16 D. The change of one nonconforming use to another use not
17 permitted in the shoreline environment may be authorized
18 as a conditional use by the Director with the concurrence
19 of the Department of Ecology if the Director determines
20 that the new use is no more detrimental to the property in
21 the shoreline environment and vicinity than the existing
22 use and the existing development is unsuited for a use
23 permitted in the environment, and if the criteria for
24 conditional uses in WAC 173-14-140 are satisfied. The new
25 use shall retain its nonconforming use status for the
26 purposes of subsections A through C above.

27 E. Reconfiguration of an existing nonconforming moorage may
28 be authorized as a conditional use by the Director with
the concurrence of the Department of Ecology if the
Director determines that the goals of this Chapter,

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1 including enhancing upland and street views, limiting
2 location of structures over water and providing public
3 access, would be better served. Such reconfiguration may
4 be authorized only if view corridors and public access are
5 improved. The square footage of the covered moorage and
6 the height of the covered moorage shall not be increased.
7 Covered moorage with open walls shall be preferred.

8 **23.60.124 Nonconforming Structures**

- 9 A. A nonconforming structure may be maintained, renovated,
10 repaired or structurally altered but shall be prohibited
11 from expanding or extending in any manner which increases
12 the extent of nonconformity, or creates additional
13 nonconformity, except as otherwise required by law, as
14 necessary to improve access for the elderly and disabled
15 or to provide regulated public access. When the develop-
16 ment is nonconforming as to lot coverage, existing lot
17 coverage may not be transferred from the dry land portion
18 of the site to the water.
- 19 B. A nonconforming structure or development which is destroyed
20 by fire or other act of nature, including normal deteriora-
21 tion of structures constructed in or over the water, may
22 be rebuilt to the same or smaller configuration existing
23 immediately prior to the time the structure was destroyed;
24 provided that action toward replacement must be commenced
25 within twelve months after demolition or destruction of a
26 structure in the CN, CP, CR, CM, CW, UR, UH and US
27 environments or within twenty-four months after demolition
28 or destruction of a structure in the UM, UG, or UI
environments.

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1 23.60.200 Recreational Marinas

2 General Requirements for Recreational Marinas:

- 3 A. Lavatory facilities connected to a sanitary sewer and
4 adequate to serve the marina shall be provided.
- 5 B. Self-service sewage pumpout facilities or the best
6 available method of disposing of sewage wastes and
7 appropriate disposal facilities for bilge wastes
8 shall be provided at marinas having in excess of
9 three thousand five hundred lineal feet of moorage
10 or slips large enough to accommodate boats larger
11 than twenty feet in length, and shall be located so
12 as to be conveniently available to all boats. An
13 appropriate disposal facility for removal of bilge
14 wastes shall be either a vacuum apparatus, or
15 oil-absorbent materials and waste receptacles.
- 16 C. Untreated sewage shall not be discharged into the
17 water at any time. Treated sewage shall not be dis-
18 charged while boats are moored.
- 19 D. Long-term parking areas shall be located away from
20 the water. Short-term loading areas, however, may be
21 located near berthing areas.
- 22 E. Public access shall be provided except when both of
23 the following two conditions are met:
- 24 1. The marina provides less than two thousand lin-
25 eal feet of moorage space; and
 - 26 2. The marina development includes only water-
27 dependent or water-related principal uses.
- 28 F. The minimum public access when required for a marina
shall consist of an improved walkway at least five
feet wide on an easement at least ten feet wide lead-
ing to a public walkway at least five feet wide on an

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easement at least ten feet wide along the entire length of the marina's water frontage.

G. Transient Moorage

1. Transient moorage shall be provided at the rate of forty lineal feet of transient moorage space for each one thousand lineal feet of moorage space in the marina if one or more of the following conditions apply:
 - a. the marina provides nine thousand or more lineal feet of moorage;
 - b. the marina is part of a development which includes restaurants or other nonwater-dependent or nonwater-related uses which operate during evening and weekend hours; or
 - c. the marina is owned, operated, or franchised by a governmental agency for use by the general public.
2. The Director may waive the requirement for transient moorage if it is found that there is adequate transient moorage already existing in the vicinity.
3. Transient moorage for commercial vessels may be required as part of a recreational marina providing more than nine thousand lineal feet of moorage if the site is in an area near commercial facilities generating commercial transient moorage demand.

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1 H. Facilities, equipment and established procedures for
2 the containment, recovery and mitigation of spilled
3 petroleum products shall be provided.

4 **23.60.202 Standards for Yacht, Boat and Beach Clubs**

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

9 **23.60.204 Piers and Floats Accessory to Residential Development**

10 A. Preference shall be given to shared piers or moorage faci-
11 lities for residential development. Shared facilities may
12 be located adjacent to or on both sides of a property line
13 upon agreement of two or more adjacent shoreline property
14 owners. Easements or covenants assuring joint use shall
15 be furnished with a joint application.

16 B. Size and Location

- 17 1. Piers may be fixed or floating. Piers shall be
18 located generally parallel to side lot lines and per-
19 pendicular to the shoreline. If the shoreline or the
20 lot lines are irregular, the Director shall decide
21 the orientation of the pier. No pier shall be
22 located within fifteen feet of a side lot line unless
23 the pier is shared with the owner of the adjacent lot
24 or unless a pier is already in existence on the adja-
25 cent lot and located less than five feet from the
26 common side lot line, in which case the minimum dis-
27 tance between a pier and the side lot line may be
28 reduced to not less than five feet.

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2. An existing pier not meeting the location provisions of this Section may be extended to the maximum length permitted in subsection B5 below.
3. Piers shall be permitted only when the lot width is not less than forty-five 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. No single-family lot shall have more than one pier or float structure.
4. No pier shall exceed six feet in width.
5. Maximum extension of a pier from the water's edge shall be the greater of the following, limited by subsection B6:
 - a. A line subtended by the ends of adjacent existing piers, if within two hundred yards of the proposed pier; or
 - b. A line subtended by the ends of an adjacent existing pier on one side within two hundred yards of the proposed new pier, and the first pier beyond an adjacent existing pier on the opposite side and within one hundred yards of the proposed new pier; or
 - c. To a point where the depth of the water at the end of the pier reaches eight feet below ordinary high water in fresh water or mean lower low water in tidal waters.
6. No pier shall extend more than one hundred feet and no pier shall extend beyond the Outer Harbor or Pierhead Line except in Lake Union where piers shall not extend beyond the Construction Limit Line as

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1 shown upon the Official Land Use Map of the City of
2 Seattle or except where authorized by this Chapter
3 and by the State Department of Natural Resources and
4 the U.S. Army Corps of Engineers.

5 7. No pier shall exceed five feet in height above ordi-
6 nary high water.

- 7 C. Piers accessory to single family, duplex or triplex
8 developments may include one overwater projection in the
9 form of a finger or spur pier, angled extension, float or
10 platform per dwelling unit, not to exceed one hundred
11 square feet in area and not to be located closer than five
12 feet from a side lot line. Residential piers serving
13 multi-family residences of four or more units shall be
14 limited to one overwater projection of no more than one
15 hundred square feet per each two dwelling units.
- 16 D. A shared pier may include one extension, finger pier or
17 float for each single-family dwelling unit not to exceed
18 one hundred fifty square feet in area for each residence.
- 19 E. No fees or other compensation may be charged for use by
20 nonresidents of piers accessory to residences in the UR
21 environment.
- 22 F. Uncovered boat lifts and diving boards shall be permitted
23 if in scale with the pier.
- 24 G. Swimming floats not meeting the standards of subsections A
25 through F above shall be permitted in lieu of moorage
26 piers when anchored offshore and limited to one hundred
27 square feet per dwelling unit for single, two-family, and
28 three-family residential units and fifty square feet per
dwelling unit for four-or-more-family residential units.

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4. Shoreline recreation accessory to a school, college or university;

G. The following shoreline protective structures:

1. Natural beach protection;
2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;

H. Dredging, when the dredging is:

1. Necessary for a water-dependent or water-related use; or
2. An element, specifically approved by the Council, of a public park development;

I. The following types of landfill:

1. Landfill on submerged lands which does not create dry land, if necessary for a water-dependent or water-related use or for the installation of a bridge or utility line;
2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and
3. Landfill on submerged land which creates dry land:
 - a. When the dry land is necessary for the operation of a water-dependent or water-related use; and
 - b. If more than two square yards of dry land per linear yard of shoreline is created, the landfill meets the following additional criteria:
 - (1) No reasonable alternative to the landfill exists;

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(2) The development provides a clear public benefit; and

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

c. The landfill is an element, specifically approved by the Council, of a public park development.

23.60.426 Conditional Uses Permitted in the CM Environment

The following uses may be authorized in the CM Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

A. Nonwater-Dependent commercial uses associated with a recreational marina

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A.2:

- a. Sale of boat parts or accessories, and
- b. Eating and drinking establishments.

2. a. The use is associated with a recreational marina with at least nine thousand lineal feet of moorage;

b. The size and location of the use will not restrict efficient use of the site for water-dependent recreation or public access; and

c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty feet and a dry land location is not feasible.

B. Nonwater-Dependent commercial uses on historic ships

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~~1. an element, specifically approved by the Council, of a public park development;~~

- 2. necessary for a water-dependent or water-related use;
- 3. necessary for the installation of a utility line;

D. The following types of landfill:

- 1. Landfill on dry land where necessary for a permitted use and as part of an approved development;
- 2. Landfill on submerged lands which does not create dry land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line;
- 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and
- 4. Landfill which creates dry land:

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

~~b. The landfill is an element, specifically approved by the Council, of a public park development.~~

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

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

- a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use;
- b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses;
- c. The structural bulk of the floating home development will not adversely affect surrounding development; and
- d. When the floating home development is buffered by distance or screening from adjacent non-residential uses and vacant lots.

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

- 1. Eating and drinking establishments meeting the criteria of subsection 23.60.600C;
- 2. Marine retail sales and services;

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PART 2 DEVELOPMENT STANDARDS

23.60.630 Development Standards for the US Environment

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

23.60.632 Height in the US Environment

A. Maximum Height

The maximum heights in the US Environment shall be as follows, as modified in subsections B through E:

1. The maximum height shall be thirty feet in all locations except those listed in subsections A2 and 3.
2. The maximum height on upland lots along Westlake Avenue North shall be as follows:
 - a. Fremont Bridge to Newton Street -- forty feet,
 - b. South of Newton Street -- sixty-five feet.
3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way shall be sixty-five feet.

B. Height Exemptions for Water-dependent Uses

1. Floating structures accessory to a water-dependent or water-related use that, by reason of intended use, require additional height may be authorized up to thirty-five feet, with or without a flat roof, by the Director when:
 - a. Not more than twenty-five percent of the lot area would be at an increased height; and

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

C. Landfill which creates dry land for nonwater-dependent uses which are accessory to water-dependent or water-related uses when the following criteria are met:

1. Development of the water-related or water-dependent use would not be feasible without the accessory nonwater-dependent uses;
2. No reasonable alternative to landfill exists including overwater or offsite location of the uses;
3. The total development provides a clear public benefit; and
4. If more than two square yards of dry land per lineal yard of shoreline is created, the landfill site is not located in Lake Union or Portage Bay.

23.60.728 Prohibited Uses on Waterfront Lots in the UM Environment

The following principal uses are prohibited on waterfront lots:

- A. Residential uses;
- B. The following commercial uses:
 1. Medical services;
 2. Animal services;
 3. Automotive retail sales and service;
 4. Parking, principal use;
 5. Lodging;
 6. Mortuary services;
 7. Entertainment uses;
 8. Commercial laundries;

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- 9. Personal transportation services;
 - 10. Passenger terminals, nonwater-dependent;
 - 11. Cargo terminals, nonwater-dependent;
 - 12. Bus bases;
 - 13. Helistops;
 - 14. Heliports;
 - 15. Airports, landbased;
 - 16. Covered wet moorage on Lake Union and Portage Bay;
 - 17. Historic ships with commercial uses aboard; and
 - 18. Research and development laboratories;
 - C. Salvage and recycling uses;
 - D. High impact uses;
 - E. The following utilities:
 - 1. Communication utilities;
 - 2. Solid waste transfer stations;
 - 3. Power plants;
 - 4. Sewage treatment plants;
 - F. Institutions, nonwater-dependent;
 - G. The following water-dependent institutions:
 - Yacht, boat and beach clubs that have eating and drinking establishments;
 - H. Public facilities, nonwater-dependent;
 - I. Agricultural uses except aquaculture;
 - J. Open space uses except shoreline recreation;
 - K. Groins and similar structures which block the flow of sand to adjacent beaches.
- 23.60.730 Permitted Uses on Upland Lots in the UM Environment
- A. Uses Permitted Outright
 - 1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

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23.60.302 Special Uses in the CP Environment

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

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

23.60.304 Conditional Uses in the CP Environment

The following uses may be authorized in the CP Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses of WAC 173-14-140 are satisfied;

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

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1 23.60.362 Accessory Uses Permitted Outright in the CR
2 Environment

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

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

8 23.60.364 Special Uses in the CR Environment

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

- 12 A. Streets necessary to serve shoreline lots;
- 13 B. Bridges;
- 14 C. Utility lines if no reasonable alternative location exists;
- 15 D. The following protective structures:
 - 16 1. Natural beach protection;
 - 17 2. Bulkheads to support a water-dependent or water-related
18 use and any accessory use thereto, to enclose a
19 permitted landfill area or to prevent erosion on
20 Class II or Class III beaches when natural beach
21 protection is not a practical alternative;
- 22 E. Dredging necessary for water-dependent uses, installation
23 of utility lines or creation of wildlife or fisheries
24 habitat as mitigation or enhancement; and
- 25 F. The following types of landfill:
 - 26 1. Landfill on dry land, where necessary to construct
27 permitted uses and structures;
 - 28 2. Landfill for the creation of wildlife or fisheries
habitate as mitigation or enhancement; and

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23.60.422 Accessory Uses Permitted Outright in the
CM Environment

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

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

23.60.424 Special Uses Permitted on Waterfront Lots in the CM
Environment

The following uses may be authorized by the Director on water-
front lots in the CM Environment as either principal or acces-
sory uses if the special use Section 23.60.032 are satisfied:

A. The following commercial uses:

1. Sale or rental of large boats;
2. Marine service station;
3. Vessel repair, minor;
4. Recreational marina;
5. Dry storage of boats;
6. Water-dependent passenger terminals, provided that
the impact of terminal operation on adjacent residen-
tial neighborhoods and streets can be mitigated;

B. Streets;

C. Bridges;

D. Expansion of existing sewage treatment plants, not includ-
ing expansion for additional treatment capacity or the
addition of a new treatment level;

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

F. The following institutional uses:

1. New yacht, boat and beach clubs;
2. Institute for advanced study, water-dependent or
water-related;
3. Museum, water-dependent or water-related;

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- 6. Medical services;
- 7. Animal services;
- 8. Automotive retail sales and services;
- 9. Eating and drinking establishments except when permitted as a conditional use;
- 10. Lodging;
- 11. Mortuary services;
- 12. Non-household sales and services;
- 13. Parking, principal use;
- 14. Offices;
- 15. Wholesale showroom;
- 16. Mini-warehouse;
- 17. Warehouse;
- 18. Outdoor storage;
- 19. Personal transportation services;
- 20. Passenger terminals, nonwater-dependent;
- 21. Cargo terminals;
- 22. Bus base;
- 23. Helistop;
- 24. Heliport;
- 25. Airport, land-based;
- 26. Research and development laboratories; and
- 27. Food processing and craft work uses;
- C. Salvage and recycling uses;
- D. Railroads;
- E. The following utilities:
 - 1. Communication utilities;
 - 2. Solid waste transfer stations;
 - 3. Power plants; and
 - 4. New sewage treatment plants;

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- C. The following commercial uses:
 - 1. Vessel repair, minor;
 - 2. Commercial moorage;
 - 3. Tugboat services;
 - 4. Rental of boats; and
 - 5. Airport, water-based;
- D. Museum, water-dependent;
- E. Public facilities, water-dependent or water-related;
- F. Shoreline protective structures;
- G. Utility lines; and
- H. Dredging necessary to maintain or improve navigation channels, to install utility lines or for a water-dependent or water-related use.

23.60.486 Conditional Uses in the CW Environment

The following uses may be authorized in the CW Environment by the Director with the concurrence of the Department of Ecology as principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

- A. Commercial uses:
 - Vessel repair, major, of historic ships
- B. Nonwater-dependent commercial uses on historic ships
 - 1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B.2:
 - a. Sale of boat parts and accessories;
 - b. Personal and household retail sales and services; and
 - c. Eating and drinking establishments.
 - 2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places;

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- G. High impact uses; and
- H. Dandfill on submerged land which creates dry land.

PART 2 DEVELOPMENT STANDARDS

23.60.510 Development Standards in the CW Environment

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

23.60.512 Temporary Structures

- A. All structures in waterways shall be floating except as permitted in subsections B and C.
- B. Piling and dolphins may be permitted in waterways to secure floating structures only if the structures cannot be safely secured with anchors, or with pilings or dolphins located outside of the waterway.
- C. Public access improvements including structures may be permitted on dry land portions of waterways.

23.60.514 Height

The height of structures permitted in waterways shall be fifteen feet.

23.60.516 Lot Coverage

Structures shall not occupy more than thirty-five percent of the entire waterway nor more than forty percent of the width of the waterway.

23.60.518 View Corridors

A view corridor or corridors of not less than fifty percent of the width of the waterway shall be provided and maintained for all developments.

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- (a) No reasonable alternative to the landfill exists;
- (b) The landfill provides a clear public benefit; and
- (c) The landfill site is not located in Lake Union or Portage Bay.

23.60.544 Prohibited Uses on Waterfront Lots in the UR Environment

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

- A. Commercial uses;
- B. The following utilities:
 - 1. Communication utility;
 - 2. Solid waste transfer stations;
 - 3. Power plants; and
 - 4. Sewage treatment plants;
- C. Manufacturing uses;
- D. High impact uses;
- E. The following institutional uses:
 - 1. Institutions, non water-dependent; and
 - 2. Private yacht, boat and beach clubs;
- F. Public facilities;
- G. Agricultural uses;
- H. Open space uses except shoreline recreation;
- I. The following shoreline protective structures:
 - 1. Groins and similar structures which block the flow of sand to adjacent beaches; and
 - 2. Bulkheads on Class I beaches.

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C. Pitched roofs

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

D. Rooftop features

1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer than fifty percent of their height above the roof portion where attached.
2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four feet above the maximum height limit.
3. The following rooftop features may extend ten feet above the maximum height limit, so long as the combined total coverage of all features does not exceed fifteen percent of the roof area or twenty percent of the roof area if the total includes screened mechanical equipment:
 - (a) stair and elevator penthouses;
 - (b) mechanical equipment;

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- c. More than five hundred lineal feet of moorage for commercial fishing vessels at rates equivalent to that charged at public moorage facilities;
- d. Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization existing at time of application;
- e. More than fifteen hundred lineal feet of saltwater moorage for recreational vessels;
- f. A major public open space, occupying at least one-third of the dry land lot area, which includes a public walkway with benches and picnic tables along the entire water frontage, and connecting public walkways to adjacent sites and any nearby public parks or other public facilities. The Director require adequate signed parking for the open space; or
- g. Other facilities or amenities similar to those listed above which provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director.

D. Streets and railroads;

E. The following utilities:

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

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

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1 water-dependent or water-related uses, when the following
2 criteria are met:

- 3 1. Development of the water-related or water-dependent
4 use would not be feasible without the accessory or
5 associated nonwater-dependent uses;
- 6 2. No reasonable alternative to landfill exists
7 including overwater or offsite location of the uses;
- 8 3. The total development provides a clear public
9 benefit; and
- 10 4. If more than two square yards of dry land per lineal
11 yard of shoreline is created, the landfill site is
12 not located in Lake Union or Portage Bay.

13 **23.60.606 Prohibited Uses on Waterfront Lots in the US**
14 **Environment**

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

- 17 A. New overwater residences and residential uses at or below
18 the ground floor, except as permitted as conditional uses
19 under Section 23.60.604;
- 20 B. The following commercial uses:
 - 21 1. Medical services
 - 22 2. Animal services
 - 23 3. Automotive retail sales and services
 - 24 4. Lodging
 - 25 5. Mortuary services
 - 26 6. Parking, principal use
 - 27 7. Non-household sales and services
 - 28 8. Ground level offices in the Lake Union area
 9. Nonwater-dependent wholesale showroom, miniwarehouse,
warehouse and outdoor storage uses

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- 10. Off-premise signs
- 11. Personal transportation services
- 12. Passenger terminals, nonwater-dependent
- 13. Cargo terminals
- 14. Bus bases
- 15. Helistop
- 16. Heliports
- 17. Airports, land-based
- 18. Food processing, nonwater-dependent; and
- 19. Research and development laboratory;
- C. Salvage and recycling uses;
- D. The following manufacturing uses:
 - 1. Light and general manufacturing, nonwater-dependent; and
 - 2. Heavy manufacturing uses;
- E. High impact uses;
- F. The following utilities:
 - 1. Communication utilities;
 - 2. Solid waste transfer stations;
 - 3. Power plants; and
 - 4. Sewage treatment plants;
- G. Public facilities, nonwater-dependent; and
- H. Institutional uses, nonwater-dependent.

23.60.608 Permitted Uses on Upland Lots in the US Environment

- A. Uses Permitted Outright
 - 1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirement of Section 23.60.600C to provide special public benefits.
 - 2. Additional uses permitted outright on upland lots:

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PART 2 DEVELOPMENT STANDARDS

23.60.630 Development Standards for the US Environment

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

23.60.632 Height in the US Environment

A. Maximum Height

The maximum heights in the US Environment shall be as follows, as modified in subsections B through E:

1. The maximum height shall be thirty feet in all locations except those listed in subsections A2 through 4.
2. The maximum height on upland lots along Westlake Avenue North shall be as follows:
 - a. Fremont Bridge to Newton Street -- forty feet,
 - b. South of Newton Street -- sixty-five feet.
3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way shall be sixty-five feet.

B. Height Exemptions for Water-dependent Uses

1. Floating structures accessory to a water-dependent or water-related use that, by reason of intended use, require additional height may be authorized up to thirty-five feet, with or without a flat roof, by the Director when:
 - a. Not more than five percent of the lot area would be at an increased height; and

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5. Parking over water when accessory to a water-dependent or water-related use;
 6. Parking on dry land when accessory to a permitted use;
 7. Offices when located above wharf level;
 8. Entertainment uses;
 9. Passenger terminals, water-dependent;
 10. Breakbulk cargo terminals; and
 11. Food processing and craft work;
- B. Light manufacturing uses, water-dependent or water-related;
- C. Streets and railroads;
- D. The following institutions:
1. Institutes for advanced study, water-dependent or water-related;
 2. Maritime museums;
 3. Colleges that have water-dependent or water-related facilities;
 4. Community centers;
 5. Vocational schools, water-dependent or water-related; and
 6. Community yacht, boat, and beach clubs;
- E. The following public facilities:
1. Public facilities, water-dependent or water-related; and
 2. Public facilities that are part of an approved public improvement plan for the Harborfront adopted by the Council;
- F. Shoreline Recreation;
- G. Aquaculture.

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1 23.60.664 Conditional Uses Permitted on Waterfront Lots in
2 the UH Environment

3 The following uses may be authorized on over water or on dry
4 land portions of waterfront lots in the UH Environment by the
5 Director, with the concurrence of the Department of Ecology,
6 as either principal or accessory uses if the criteria for con-
7 ditional uses in WAC 173-14-140 are satisfied:

8 A. The following commercial uses:

9 1. Helistops, subject to the following criteria:

- 10 a. The helistop is located so as to minimize
11 adverse physical environmental impacts on lots
12 in the surrounding area, and on public parks
13 and other areas where substantial public
14 gatherings may be held;
- 15 b. The lot is of sufficient size that operations of
16 the helistop and flight paths of helicopters can
17 be buffered from the surrounding area;
- 18 c. Open areas and landing pads shall be hard-
19 surfaced;
- 20 d. The helistop meets all federal requirements
21 including those for safety, glide angles and
22 approach lanes; and
- 23 e. The helistop is an integral element of the
24 service provided by the business establishment
25 which operates it;

26 2. Outdoor storage, water-related or water-dependent;

27 3. Warehouses, water-related or water-dependent; and

28 4. Wholesale showrooms.

 B. Nonwater-dependent commercial uses on historic ships

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- B. The following commercial uses:
 - 1. Medical services;
 - 2. Animal services;
 - 3. Automotive retail sales and service;
 - 4. Lodging, except existing hotels;
 - 5. Mortuary services;
 - 6. Offices at wharf/street level;
 - 7. Adult motion picture theaters and panorams;
 - 8. Parking, principal use;
 - 9. Nonhousehold sales and services;
 - 10. Mini-warehouses;
 - 11. Personal transportation services;
 - 12. Cargo terminals, except breakbulk;
 - 13. Bus base;
 - 14. Heliport; and
 - 15. Airport, land-based.
- C. Salvage and recycling uses;
- D. The following utilities:
 - 1. Solid waste transfer stations;
 - 2. Power plants; and
 - 3. Sewage treatment plants;
- E. General and heavy manufacturing;
- F. The following institutional uses:
 - 1. Schools, elementary or secondary;
 - 2. Hospitals;
 - 3. Religious facilities; and
 - 4. Private yacht, boat and beach clubs;
- G. Public facilities or projects that are not water-dependent except those that are part of public improvement plan for the harborfront adopted by the Council;
- H. High impact uses;

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I. Groins and similar structures which block the flow of sand to adjacent beaches; and

J. Landfill which creates dry land.

23.60.670 Permitted Uses on Upland Lots in the UH Environment

A. Uses Permitted Outright

The following uses shall be permitted outright on upland lots as principal or accessory uses in the UH Environment:

1. Uses permitted outright on waterfront lots in the UH environment;

2. Additional uses permitted outright on upland lots:

a. Residential uses;

b. The following commercial uses:

1. Nonhousehold retail sales and services;

2. Warehouses;

3. Medical services;

4. Lodging;

5. Offices at street level;

6. Parking garges, principal use;

7. Surface parking areas, principal use;

8. Personal transportation services;

c. Institutions; and

d. Public facilities.

B. Uses Permitted as Special Uses

Uses permitted as special uses on waterfront in the UH Environment lots are permitted as special uses on upland lots.

23.60.672 Prohibited Uses on Upland Lots in the UH Environment

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

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SUBCHAPTER XIII: The Urban Maritime Environment
PART 1 USES

23.60.720 Uses Permitted Outright on Waterfront Lots in the
UM Environment

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

A. The following commercial uses:

1. Marine retail sales and services, except marinas and
sale of boat parts or accessories;
2. Tugboat services;
3. Wholesale showroom, warehouse and outdoor storage
uses; water-dependent or water-related;
4. Passenger terminals, water-dependent;
5. Cargo terminals, water-dependent or water-related;
6. Food processing, water-dependent or water-related;

B. Streets and railroads;

C. The following utilities:

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

D. The following institutional uses:

1. Water-dependent or water-related research and educa-
tion facilities of colleges and universities;
2. Shoreline recreation facilities of schools, colleges
and universities; and
3. Water-dependent or water-related colleges, institutes
for advanced study and vocational schools;

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

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

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- 9. Personal transportation services;
- 10. Passenger terminals, nonwater-dependent;
- 11. Cargo terminals, nonwater-dependent;
- 12. Bus base;
- 13. Helistop;
- 14. Heliport;
- 15. Airport, landbased;
- 16. Covered wet moorage on Lake Union and Portage Bay;
- 17. Historic ships with commercial uses aboard; and
- 18. Research and development laboratories;
- C. Salvage and recycling uses;
- D. High impact uses;
- E. The following utilities:
 - 1. Communication utilities;
 - 2. Solid waste transfer stations;
 - 3. Power plants;
 - 4. Sewage treatment plants;
- F. Institutions, nonwater-dependent;
- G. The following water-dependent institutions:
 - Yacht, boat and beach clubs that have eating and drinking establishments;
- H. Public facilities, nonwater-dependent;
- I. Open space uses except shoreline recreation;
- J. Groins and similar structures which block the flow of sand to adjacent beaches.

23.60.730 Permitted Uses on Upland Lots in the UM Environment

- A. Uses Permitted Outright
 - 1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.
 - 2. Additional uses permitted outright on upland lots:

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- 1. Not more than twenty-five percent of the lot area would be covered by a structure with the increased height.
- 2. The views of a substantial number of upland residences would not be blocked by the increased height.

D. Rooftop features

- 1. Radio and television receiving aerials, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
- 2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet above the maximum height.
- 3. The following rooftop features may extend ten feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen percent of the roof area of twenty percent of the roof area if the total includes screened mechanical equipment:
 - a. Stair and elevator penthouses
 - b. Mechanical equipment.

E. Bridges

Bridges may exceed the maximum height limit.

23.60.754 Lot Coverage in the UM Environment

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A. Waterfront Lots

1. Structures, including floats and piers, shall not occupy more than fifty percent of the submerged portion of a waterfront lot, except as modified by subsection C.
2. Structures shall not occupy more than seventy-five percent of the dry land portion of a waterfront lot.

B. Upland Lots

Structures may occupy up to one hundred percent of an upland lot.

C. Lot coverage exceptions

1. Structures, including floats and piers, may occupy up to sixty-five percent of the submerged portion of a waterfront lot which has a depth of less than fifty feet of dry land.
2. Drydocks may cover up to an additional twenty-five percent of submerged land for a maximum lot coverage of seventy-five percent.

23.60.756 View Corridors in the UM Environment

- A. A view corridor or corridors of not less than fifteen percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use.
- B. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a non-water-dependent use.
- C. The following may be located in a required view corridor.
 1. Open wet moorage;
 2. Storage of boats undergoing repair;

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- 10. Passenger terminals, water-dependent or water-related;
- 11. Cargo terminals, water-dependent or water-related; and
- 12. Research and development laboratories;
- C. Streets;
- D. Bridges;
- E. Railroads;
- F. The following utilities:
 - 1. Utility lines;
 - 2. Utility service uses whose operations require a shoreline location; and
 - 3. Solid waste transfer stations that are water-related;
- G. Manufacturing uses;
- H. Institutional uses;
- I. Public Facilities;
- J. Open space uses;
- K. Aquaculture.

23.60.782 Special Uses Permitted on Waterfront Lots in the UG Environment

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

- A. Airport, water-based;
- B. High impact uses that are water-dependent or water-related;

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- 5. Personal transportation services;
- 6. Passenger terminals, nonwater-dependent;
- 7. Cargo terminals, nonwater-dependent;
- 8. Bus bases;
- 9. Helistop;
- 10. Heliport; and
- 11. Airport, land-based;
- C. Salvage and recycling uses;
- D. The following utilities:
 - 1. Communication utility;
 - 2. Solid waste transfer stations, nonwater dependent;
 - 3. Power plants; and
 - 4. Sewage treatment plants; and
- E. Groins and similar structures which block the flow of sand to adjacent beaches.

23.60.788 Permitted Uses on Upland Lots in the UG Environment

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

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

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height controls, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.

- 2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet above the maximum height.
- 3. The following rooftop features may extend ten feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen percent of the roof area or twenty percent of the roof area if the total includes screened mechanical equipment:
 - a. Stair and elevator penthouses; and
 - b. Mechanical equipment.

E. Bridges

Bridges may exceed above the maximum height limit.

23.60.814 Lot Coverage in the UG Environment

Structures may occupy up to one hundred percent of the lot area for either a waterfront lot or an upland lot.

23.60.816 View Corridors in the UG Environment

- A. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots.
- B. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and

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

C. Utilities

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

SUBCHAPTER XV: The Urban Industrial Environment

PART 1 USES

23.60.840 Uses Permitted Outright on Waterfront Lots in the UI Environment

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

- A. Existing dwelling units;
- B. The following commercial uses:
 - 1. Marine Retail Sales and Services except marinas and sale of boat parts or accessories;
 - 2. Tugboat services;
 - 3. Research and development laboratories;
 - 4. Wholesale showroom, warehouse and outdoor storage uses;
 - 5. Passenger terminals, water-dependent or water-related;
 - 6. Cargo terminals, water-dependent or water-related; and
 - 7. Food processing and craft work, water-dependent or water-related;
- C. Salvage and recycling uses, water-dependent or water-related;
- D. Streets and railroads;
- E. The following utilities:
 - 1. Utility lines;

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- 6. Mortuary services;
 - 7. Heavy commercial services;
 - 8. Entertainment uses;
 - 9. Personal transportation services;
 - 10. Passenger terminal, nonwater-dependent;
 - 11. Cargo terminal, nonwater-dependent;
 - 12. Bus base;
 - 13. Helistop; and
 - 14. Heliport;
 - C. Salvage and recycling uses, nonwater-dependent;
 - D. The following utilities:
 - 1. Communication utilities;
 - 2. Solid waste transfer stations, nonwater-dependent;
 - 3. Power plants; and
 - 4. Sewage treatment plants, located outside of the Duwamish area;
 - E. High impact uses, nonwater-dependent;
 - F. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;
 - G. Public facilities, nonwater-dependent or nonwater-related;
 - H. All open space uses except shoreline recreation; and
 - I. Groins and similar structures which block the flow of sand to adjacent beaches.
- 23.60.850 Permitted Uses on Upland Lots in the UI Environment
- A. Uses Permitted Outright
 - 1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.
 - 2. Additional uses permitted outright

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B. Exceptions

1. Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.
2. Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized by the Director up to fifty-five feet in the Ship Canal and up to eighty feet in the Duwamish and Elliott Bay when the views of a substantial number of upland residences would not be blocked by the increased height.

C. Rooftop features

1. Radio and television receiving aerials, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion when attached.
2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four feet above the maximum height limit set in Section 23.60.632 A and B.
3. The following rooftop features may extend ten feet above the maximum height set in Section 23.60.632 A and B, so long as the combined total coverage of all features listed in this subparagraph C3

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1 23.60.632 "P"

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3 A structure extending into the water for use as a landing
4 place or promenade or to protect or form a harbor.

5 Pier, Accessory to Residential Structures

6 A structure for open wet moorage or swimming accessory to
7 single-family or multi-family residential structures.

8 Pier, Finger or Spur

9 A minor extension from a primary pier.

10 Public Facility

11 A facility owned, operated or franchised by a unit of
12 general or special purpose government for public purposes.

13 23.60.934 "R"

14 Railroad

15 A public or private right-of-way on which tracks for trains
16 are constructed. Railroad yards and stations shall be
17 classified as cargo or passenger terminals.

18 Regulated Public Access

19 Provision to the public by an owner, by easement, covenant
20 or similar legal agreement, of substantial walkways,
21 corridors, parks, transient moorage or other areas serv-
22 ing as a means of view and/or physical approach to public
23 waters, and limited as to hours of availability, types of
24 activity permitted, location and area.

25 Residential Use

26 The following uses as defined in Chapter 23.84, Definitions:

- 27 Artist's Studio/Dwelling
- 28 Boarding House
- Caretaker's Quarters
- Floating Home
- Mobile Home Park

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- Multi-Family Structure
- Single Family Dwelling Unit
- Special Residence

Rip-rap

A foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.

Retail Sales and Service Use

The following uses as defined in Chapter 23.84, Definitions:

- Personal and Household Retail Sales and Service
- Medical Services
- Animal Services
- Automobile Retail Sales and Service
- Marine Retail Sales and Service
- Eating and Drinking Establishments
- Lodging
- Mortuary Services

23.60.⁹336 "S"

Sale of Boat Parts or Accessories

A marine retail sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foulweather gear, marine engines, and boats less than sixteen feet in length.

Sale and/or Rental of Large Boats

A marine retail sales and service use in which boats sixteen feet or more in length are rented or sold. The sale

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ORD. # 113466

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14 SHEETS

City of Seattle Notices

SECTION B

Daily Journal

City of Seattle

ORDINANCE 113466

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.60 to the Seattle Municipal (Land Use) Code to establish the shoreline environments, land use regulations and development standards of the new Seattle Shoreline Master Program; amending the Official Land Use Map to implement the new Program; repealing Chapter 24.60; and amending Chapter 23.04 by adding a new section 23.04.030.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 24.60 of the Seattle Municipal (Zoning Ordinance) Code is hereby repealed.

Section 2. There is added to Title 23 of the Seattle Municipal Code the following chapter:

CHAPTER 23.60 SHORELINE DISTRICT

SUBCHAPTER I: Purpose and Policies

23.60.002 Title and Purpose

A. Title

This Chapter shall be known as the Seattle Shoreline Master Program.

B. Purpose

It is the purpose of this chapter to implement the policy and provisions of the Shoreline Management Act of 1971, the Shoreline Goals and Policies of Resolution 25173 and the Shoreline Implementation Guidelines of Resolution 28618 by regulating development of the shorelines of the City in order to: (1) protect the ecosystems of the shoreline areas, (2) encourage water-dependent uses, (3) provide for maximum public use and enjoyment of the shorelines of the City and (4) preserve, enhance and increase views of the water and access to the water.

23.60.004 Shoreline Policies

The Shoreline Implementation Guidelines, together with the Shoreline Goals and Policies, constitute the shoreline element of the Land Use Policies and shall be referred to as the Shoreline Policies.

The Shoreline Policies shall be considered in making all discretionary decisions in the Shoreline District and in making discretionary decisions on lands adjacent to the shoreline where the intent of the Land Use Code is a criterion and the proposal may have an adverse impact on the shoreline district. They shall also be considered by the Director in the promulgation of rules, and interpretation decisions. The Shoreline Policies do not constitute regulations and shall not be the basis for enforcement actions.

SUBCHAPTER II: Administration

PART 1 COMPLIANCE

23.60.010 Shoreline District Established

There is established the Shoreline District which shall include all shorelines of the City, the boundaries of which are illustrated on the Official Land Use Map, Chapter 23.32. In the event that any of the boundaries on the Official Land Use Map conflict with the criteria of WAC 173-22-040 as amended, the criteria shall control. All property located within the Shoreline District shall be subject to both the requirements of the applicable zone classification and to the requirements imposed by this Chapter except as provided in Section 23.60.014.

23.60.012 Liberal Construction

This Chapter shall be exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes of Chapter 90.58 RCW, the State Shoreline Management Act of 1971. This Chapter shall not be used when construing other chapters of this Title or Title 24 except for shoreline development or as stated in Sections 23.60.014 and 23.60.022.

23.60.014 Regulations Supplemental

The regulations of this Chapter shall be superimposed upon and

and B3 above.

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

23.60.016 Inconsistent Development Prohibited

No development shall be undertaken and no use shall be established in the Shoreline District unless the Director has determined that it is consistent with the policy of the Shoreline Management Act of 1971 and the regulations of this Chapter. This restriction shall apply even if no substantial development permit is required.

23.60.018 Nonregulated Actions

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

23.60.020 Permit Required for Substantial Development

A. No substantial development shall be undertaken in the Shoreline District without first obtaining a substantial development permit from the Director. A substantial development permit shall not be required where the Director determines that a development proposed on the shorelines is not a "substantial development" as defined in this Chapter.

B. Developments proposed in the Shoreline District may require permits from other governmental agencies.

23.60.022 Application when Development Partly Out of Shoreline District

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

23.60.024 Development of Lots Split into Two or More Shoreline Environments

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

23.60.026 Phasing of Developments

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

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

B. The Director may require that components of developments in addition to those listed in subsection A above be

approved, approved with conditions or denied

23.60.036 Criteria for Shoreline Variances

In specific cases the Director with approval authorize variances from certain requirements if the request complies with WAC 173-14-150, tuted or hereafter amended.

23.60.038 Criteria for Council Conditional

Uses which are identified in this Chapter as conditional use approval may be approved on conditional use approval may be approved on conditional use in the applicable environment, criteria given in this chapter.

PART 3 PROCEDURES

23.60.060 Procedures for Shoreline Environment

A. Shoreline environment designations may be according to the procedure provided for amendments in Chapter 23.76. A shoreline redesignation is a Shoreline Master Program which must be approved by the State Department (DOE) according to State procedures before effective.

B. A request for a shoreline environment shall be evaluated against the criteria in the Guideline A5: Shoreline Environment

23.60.062 Procedures for Obtaining Exemption Development Permit Requirements

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

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

B. If the development requires a Section 401 permit under the Federal Water Pollution Control Act, a determination of consistency shall be made after review of the Public Notice from the Director and a Letter of Exemption as specified in the regulations shall be issued if the development is consistent with the regulations.

C. If the development does not require other authorization, information of sufficient detail for a determination of consistency shall be submitted to the Director. The determination of consistency shall be made by the Director.

23.60.064 Procedures for Obtaining Substantial Development Permits, Shoreline Variance Permits, Conditional Use Permits and Special Use Authorizations

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

B. The burden of proving that a substantial development, conditional use, special use, or variance meets the applicable criteria shall be on the applicant. The applicant shall be required to submit information or documents that routinely required with permit applications to enable the Director to evaluate the development or use or to prepare any necessary regulatory documents.

C. In evaluating whether a development warrants a substantial development permit, conditional use permit or special use authorization, the Director shall apply the applicable criteria, the Director shall:

1. The proposed use is not prohibited

not be the basis for enforcement actions.

SUBCHAPTER II: Administration

PART 1 COMPLIANCE

23.60.010 Shoreline District Established

There is established the Shoreline District which shall include all shorelines of the City, the boundaries of which are illustrated on the Official Land Use Map, Chapter 23.32. In the event that any of the boundaries on the Official Land Use Map conflict with the criteria of WAC 173-22-040 as amended, the criteria shall control. All property located within the Shoreline District shall be subject to both the requirements of the applicable zone classification and to the requirements imposed by this Chapter except as provided in Section 23.60.014.

23.60.012 Liberal Construction

This Chapter shall be exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes of Chapter 90.58 RCW, the State Shoreline Management Act of 1971. This Chapter shall not be used when construing other chapters of this Title or Title 24 except for shoreline development or as stated in Sections 23.60.014 and 23.60.022.

23.60.014 Regulations Supplemental

The regulations of this Chapter shall be superimposed upon and modify the underlying land use zones in the Shoreline District. The regulations of this Chapter supplement other regulations of this Title and Title 24 in the following manner:

A. Uses

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

B. Development Standards

1. A development in the Shoreline District shall meet the development standards of the shoreline environment, any other overlay district in which it is located, as well as those of the underlying zone. In the case of irreconcilable conflicts between the regulations of the shoreline environment and the underlying zoning, the shoreline regulations shall apply, except as provided in this subsection B.
2. The height permitted in the Shoreline District shall be the lower of the heights permitted by the applicable shoreline environment and the underlying zone, except in the Urban Harborfront (UH) Environment where the shoreline height limits shall control.
3. The floor area ratio (FAR) of the underlying zone may not be exceeded, regardless of whether or not the maximum height and lot coverage permitted in the shoreline environment can be achieved.
4. Where view corridors are required in the Shoreline District, yards and/or setbacks of the underlying zoning may be reduced or waived by the Director. Where view corridors are not required by the Shoreline District, yards and/or setbacks of the underlying zoning shall be required.
5. Development standards for which there are regulations in the underlying zoning but not in this Chapter shall apply to developments in the Shoreline District. Such standards include but shall not be limited to parking, open space, street level location, facade treatments, building depth, width and modulation, and vehicular access. In the case of irreconcilable conflict between a shoreline regulation and a requirement of the underlying zoning, the shoreline regulation shall apply, unless otherwise provided in subsections B2

underlying zoning requires the entire development to comply with all or part of this Chapter. The use and development standards including measurement techniques for that portion of the development outside of the Shoreline District shall be as provided by the underlying zoning.

23.60.024 Development of Lots Split into Two or More Shoreline Environments

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

23.60.026 Phasing of Developments

- A. Unless specifically stated otherwise in a shoreline substantial development permit, the following development components when required shall be completed no later than final inspection of the development by the Director:
 1. Regulated public access and landscaping;
 2. Piers, floats, barge facilities or overwater elements of a water-related development; and
 3. The water-dependent components of a mixed water-dependent and nonwater-dependent development.
- B. The Director may require that components of developments in addition to those listed in subsection A above be completed before final inspection of a portion of a development or at another time during construction if the timing is necessary to ensure compliance with the intent of the Shoreline Master Program as stated in the Shoreline Policies.

PART 2 CRITERIA FOR APPLICATION REVIEW

23.60.030 Criteria for Substantial Development Permits

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

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-14 WAC.

23.60.032 Criteria for Special Use Approvals

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

- A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;
- 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 in which it is to be located; and
- E. That the public interest suffers no substantial detrimental effect.

23.60.034 Criteria for Shoreline Conditional Use Approvals

Uses or developments which are identified in this Chapter as requiring shoreline conditional use approval, and other uses which, although not expressly mentioned in lists of permitted uses, are permitted in the underlying zones and are not prohibited in the Shoreline District, may be approved, approved with conditions or denied by the Director in specific cases based on the criteria in WAC 173-14-140, as now constituted or hereafter amended, and any additional criteria given in this Chapter. Upon transmittal of the Director's approval to the Department of Ecology (DOE), the permit may be

information of sufficient detail for a determination of consistency shall be submitted to the Department of Ecology. The determination of consistency shall be made prior to construction.

23.60.064 Procedures for Obtaining Substantial Development Permits, Shoreline Variance Permits, Conditional Use Permits and Special Use Authorizations

- A. Procedures for application, notice of decision for a shoreline substantial development permit, shoreline variance permit or special use permit shall be as required for a substantial development permit in Chapter 23.76.
 - B. The burden of proving that a substantial development permit, conditional use, special use, or variance permit is warranted shall be on the applicant. The applicant shall be required to submit information or documents that routinely required with permit applications to enable the Director to evaluate the proposed development or use or to prepare any necessary supporting documents.
 - C. In evaluating whether a development warrants a substantial development permit, conditional use permit, variance permit or special use authorization, the Director shall apply the following applicable criteria, the Director shall:
 1. The proposed use is not prohibited by the shoreline environment(s) and underlying zoning in which it would be located;
 2. The development meets the general development standards and any applicable specific development standards set forth in Subchapter III of this Title; and
 3. The development is located, and any applicable development standards of the underlying zoning, except as provided in 23.60.032, from a specific standard has been met.
 - D. If the development or use requires a variance, or special use approval, the Director shall apply the criteria for the same established in 23.60.034, 23.60.036 or 23.60.032.
 - E. If the development or use is a permitted use, the Director shall grant the permit only if the applicant can demonstrate that the development or use is not a permitted use or is not a permitted use conditioned to meet the applicable criteria. If the development or use is not a permitted use or is not a permitted use conditioned to meet the applicable criteria, then the Director shall deny the permit.
 - F. In addition to other requirements provided in this Chapter, the Director may attach to the permit conditions necessary to carry out the purposes of and assure compliance with this Chapter, including 90.58.020. Such conditions may include, but are not limited to, location, design, and operating characteristics of the development or use. Performance bond requirements for a term of five years may be required to assure compliance with the conditions.
 - F. Nothing in this Section shall be construed to limit the Director's authority to condition or deny a permit pursuant to the State Environmental Policy Act of 1971.
- 23.60.066 Procedure for Determination of Alternative Locations
- A. Plan Shoreline Permits
 1. When a use or development is identified in this Chapter as being permitted in the Shoreline District, after a determination that no reasonable alternative exists, the determination that such alternative exists may be made as a condition of a shoreline permit decision prior

approved, approved with conditions or denied by DOE.

23.60.036 Criteria for Shoreline Variances

In specific cases the Director with approval of DOE may authorize variances from certain requirements of this Chapter if the request complies with WAC 173-14-150, as now constituted or hereafter amended.

23.60.038 Criteria for Council Conditional Use Approvals

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

PART 3 PROCEDURES

23.60.060 Procedures for Shoreline Environment Redesignations

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

B. A request for a shoreline environment redesignation shall be evaluated against the criteria in Implementation Guideline A5: Shoreline Environment Redesignations.

23.60.062 Procedures for Obtaining Exemptions from Substantial Development Permit Requirements

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

- A. If the development requires other authorization from the Director, the determination as to consistency shall be made with the submitted application for that authorization.
- B. If the development requires a Section 10 Permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, the determination of consistency shall be made at the time of review of the Public Notice from the Corps of Engineers, and a Letter of Exemption as specified in WAC 173-14-115 shall be issued if the development is consistent.
- C. If the development does not require other authorizations, information of sufficient detail for a determination of consistency shall be submitted to the Department and the determination of consistency shall be made prior to any construction.

23.60.064 Procedures for Obtaining Substantial Development Permits, Shoreline Variance Permits, Shoreline Conditional Use Permits and Special Use Authorizations

- A. Procedures for application, notice of application and notice of decision for a shoreline substantial development permit, shoreline variance permit or shoreline conditional use permit shall be as required for a Master Use Permit in Chapter 23.76.
- B. The burden of proving that a substantial development, conditional use, special use, or variance meets the applicable criteria shall be on the applicant. The applicant may be required to submit information or data, in addition to that routinely required with permit applications, sufficient to enable the Director to evaluate the proposed development or use or to prepare any necessary environmental documents.
- C. In evaluating whether a development which requires a substantial development permit, conditional use permit, variance permit or special use authorization meets the applicable criteria, the Director shall determine that:
 1. The proposed use is not prohibited in the shoreline

application for a project-specific shoreline permit for the development. This determination shall be referred to as the "Plan Shoreline Permit." The Plan Shoreline Permit shall be for the purposes of making a feasible or reasonable location decision and determining conditions appropriate to that decision.

2. The process may be used upon a determination by the Director that a proposal for a development within the Shoreline District is complex, involves the phasing of programmatic and project-specific decisions or affects more than one shoreline site.
 3. A Plan Shoreline Permit shall require that a subsequent shoreline permit be obtained with accompanying environmental documentation prior to construction of a specific project in the Shoreline District.
- B. Application Requirements for Plan Shoreline Permits
1. Application for a Plan Shoreline Permit shall include the scope and intent of proposed projects within the Shoreline District and the appropriate non-shoreline alternative(s) identified by the applicant or the Director.
 2. The application shall be accompanied by the necessary environmental documentation, as determined by the Director, including an assessment of the impacts of the proposed projects and of the non-shoreline alternative(s), according to the State and local SEPA guidelines.
 3. For projects within the Shoreline District, the application shall provide the information specified in WAC 173-14-110 and this Title. The application shall include information on the overall system which outlines the interrelationship of shoreline and nonshoreline facilities. Schematic plans outlining dimensions, elevations, locations on site and similar specifications shall be provided for projects within the Shoreline District and for the non-shoreline alternative(s) which may be changed at the time of the project-specific shoreline permit(s) within the limitations of subsection G.
- C. Type of Decision
1. The decision on a Plan Shoreline Permit for sewage treatment plants shall be made by the Council as a Council conditional use pursuant to Chapter 23.76. The decision on a Plan Shoreline Permit for Utility Lines and Utility Service Uses shall be made by the Director as a substantial development permit, pursuant to Chapter 23.76. The Council or the Director may grant the Plan Shoreline Permit with conditions, including reasonable mitigation measures, or may deny the permit.
 2. The decision on a project specific-substantial development permit for a sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the Council as a Council conditional use, pursuant to Chapter 23.76.
- D. Appeal of Decision
- The decision of the Council for Type IV decisions, or of the Director for Type II decisions, shall be final and binding upon the City and the applicant. The decision is subject to appeal to the State Shoreline Hearings Board pursuant to Section 23.60.068. If no timely appeal is made, the Plan Shoreline Permit may not later be appealed in conjunction with an appeal of a shoreline permit issued for a specific project at the approved location(s).
- E. Criteria for Decision

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

23.60.064 Procedures for Obtaining Substantial Development Permits, Shoreline Variance Permits, Shoreline Conditional Use Permits and Special Use Authorizations

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

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

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

1. The proposed use is not prohibited in the shoreline environment(s) and underlying zone(s) in which it would be located;
2. The development meets the general development standards and any applicable specific development standards set forth in Subchapter III, the development standards for the shoreline environment in which it is located, and any applicable development standards of the underlying zoning, except where a variance from a specific standard has been applied for; and
3. If the development or use requires a conditional use, variance, or special use approval, the project meets the criteria for the same established in Sections 23.60.034, 23.60.036 or 23.60.032, respectively.

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

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

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

23.60.066 Procedure for Determination of Feasible or Reasonable Alternative Locations

A. Plan Shoreline Permits

1. When a use or development is identified in subsection F as being permitted in the Shoreline District only after a determination that no reasonable or feasible alternative exists, the determination as to whether such alternative exists may be made as an independent shoreline permit decision prior to submission of an

C. Type of Decision

1. The decision on a Plan Shoreline Permit for sewage treatment plants shall be made by the Council as a Council conditional use pursuant to Chapter 23.76. The decision on a Plan Shoreline Permit for Utility Lines and Utility Service Uses shall be made by the Director as a substantial development permit, pursuant to Chapter 23.76. The Council or the Director may grant the Plan Shoreline Permit with conditions, including reasonable mitigation measures, or may deny the permit.
2. The decision on a project specific-substantial development permit for a sewage treatment plant for which a Plan Shoreline Permit has been issued shall be made by the Council as a Council conditional use, pursuant to Chapter 23.76.

D. Appeal of Decision

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

E. Criteria for Decision

The decision as to the feasibility or reasonableness of alternatives shall be based upon the goals and policies of Resolution 25173 as amended, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community.

F. Developments Qualify for Process

Developments for which a Plan Shoreline Permit may be required are:

Utility Service Uses, Utility Lines, and Sewage Treatment Plants.

G. Project-specific Shoreline Permit

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

1. There is no increase in the amount or change in location of landfill on submerged lands;
2. There is no increase in lot coverage over water;
3. There is no net substantial increase in environmental impacts in the Shoreline District compared to the impacts of the proposed development allowed in the Plan Shoreline Permit; and
4. Conditions included as part of the Plan Shoreline Permit are met.

23.60.068 Procedure for Council Conditional Use Authorization Projects required by this Chapter to obtain Council conditional use authorization shall be processed in the following manner:

- A. Application for the Council conditional use and the shoreline substantial development permit shall be made concurrently. Application for environmental review if required shall be filed with the Council conditional use application.
- B. Notice of application shall be consolidated.
- C. The Council conditional use shall be processed as required by Chapter 23.76, Procedures For Master Use Permits and

City of Seattle Notices

Council Land Use Decisions.

- D. Upon receipt of Council's findings, conclusions and decisions from the City Clerk, the Director shall file the decision to approve, deny, or condition the shoreline substantial development permit with the State Department of Ecology as required by Chapter 173-14 WAC. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in the shoreline substantial development permit. The Council's findings, conclusions and decisions shall constitute the City report on the application.
- E. The Director's decision to approve, condition or deny the shoreline substantial development permit shall be the final City decision on the project and shall be appealable to the Shoreline Hearings Board.

23.60.070 Rulings to State of Washington - Review

Any ruling on an application for a permit under authority of this Chapter, whether it be an approval or denial shall, concurrently with the transmittal of the ruling to the applicant, be filed by the Director with DOE and the Attorney General. Any person aggrieved by the granting or denying of a substantial development permit on shorelines of the City, or by the rescission of a permit pursuant to this Chapter may seek review by the Shorelines Hearing Board by filing a request for the same within thirty days of receipt of the final order by DOE, and by concurrently filing copies of the request with DOE and the Attorney General as provided in RCW 90.58.180.

23.60.072 Commencement of Construction

No construction pursuant to a substantial development permit authorized by this Chapter shall begin or be authorized and no building, grading or other construction permits shall be issued by the Director until thirty days from the date of final approval and issuance of the substantial development permit by the Director or until all review proceedings are terminated if such proceedings were initiated within thirty days of the date of final approval by the Director. Exceptions may be made if construction is authorized after a judicial hearing as provided in RCW 90.58.140.

23.60.074 Time Limits for Permit Validity

The following time requirements shall apply to all substantial development permits:

- A. Construction or substantial progress toward construction, as defined in WAC 173-14-060 as now constituted or hereafter amended, of a project for which a permit has been granted pursuant to this Chapter must be undertaken within two years after final approval of the permit or the permit shall terminate; provided, that upon written request from the applicant the Director may extend the two-year period for a reasonable time based on factors such as the inability to expeditiously obtain other governmental permits, or as provided in WAC 173-14-060.
- B. If a project for which a permit has been granted pursuant to this Chapter has not been completed within five years after approval of the permit, or within a shorter time period required by the permit, the Director shall review the permit, and upon a showing of good cause, do either of the following, as provided in WAC 173-14-060:
1. Extend the permit for one year; or
 2. Terminate the permit.
- C. The Plan Shoreline Permit shall be valid for a period of five years or as otherwise permitted by WAC 173-14-060. Project-specific shoreline permits must be applied for within that period to be considered pursuant to the determination made under the Plan Shoreline Permit. Development under project-specific permits shall conform

23.60.078 Rescission

- A. After holding a public hearing, the Director may rescind or suspend a substantial development permit if any of the following conditions are found:
1. The permittee has developed the site in a manner not authorized by the permit;
 2. The permittee has not complied with the conditions of the permit;
 3. The permittee has secured the permit with false or misleading information; or
 4. The permit was issued in error.
- B. Notice of the hearing shall be mailed to the permittee not less than fifteen days prior to the date set for the hearing and included in the general mailed release.

23.60.080 Fee Schedule

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

23.60.082 Enforcement

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

SUBCHAPTER III: General Provisions

PART 1 USE STANDARDS

23.60.090 Identification of Principal Permitted Uses

- A. To be permitted in the Shoreline District, a use must be permitted in both the shoreline environment and the underlying land use zone in which it is located.
- B. Unless otherwise stated in this Chapter all principal uses on waterfront lots shall be water-dependent, water-related, or nonwater-dependent with public access.
- C. Principal uses are permitted in the respective shoreline environments in accordance with the lists of permitted and prohibited uses in the respective environments and subject to all applicable development standards. If a use is not identified in this Chapter and is permitted in the underlying zone, it may be authorized as a conditional use by the Director in specific cases upon approval by the Department of Ecology when the criteria contained in Section 23.60.034 are satisfied.
- D. For purposes of this Chapter, standards established in the use sections of each environment are not subject to variance.
- E. Principal uses which are water-dependent may be permitted over water. Principal uses which are nonwater-dependent shall not be permitted over water unless specifically stated otherwise in the regulations for the applicable shoreline environment. For purposes of this Chapter, this regulation shall be considered a use standard not subject to variance.
- F. Floating structures, including vessels which do not have a means of self-propulsion and steering equipment and which are designed or used as a place of residence shall be regulated as floating homes pursuant to this Chapter. Locating other nonwater-dependent uses over water on floating structures, including vessels, which do not have a means of self-propulsion or steering equipment is prohibited unless specifically permitted on historic ships by other sections of this Chapter.
- G. For purposes of this Chapter, dredging, landfill, and shoreline protective structures shall be considered to be uses not subject to variance.
- H. Public facilities which are similar to other uses as determined by the Director shall be permitted outright, permitted as a special use, permitted conditionally or

principal use; provided that v
also permitted as a principal
environment applicable to an
use may be located on that ad,

PART 2 NONCONFORMING USES

23.60.120 Applicability to Existing
Except as specifically stated, the
shall not apply to developments le
Shoreline District prior to adopti
23.60.122 Nonconforming Uses

- A. 1. Any nonconforming use may
provisions of this Section
2. Any nonconforming use wh
more than twelve consecut
CR, CH, CW, UR, UH and UI
twenty-four consecutive m
environments shall not be
enforced. A use shall be
a. A permit to change t
property was issued
b. The structure or por
property is not bel
by the most recent
c. The structure or pr
portion of the stru
occupied by the non
The use of the structure
discontinued even if mat
remain or are stored on
structure with one or mo
shall not be considered
structure is unoccupied.
3. Any sign in the Shorelin
conform to the provision
discontinued within seven
date of this Chapter, un
pursuant to Chapter 25.1
Ordinance.
- B. A structure or development co
or uses may be maintained, re
turally altered but shall not
beyond its existing external
in subsection B below, as oth
necessary to improve access f
or to provide regulated publi
- C. A nonconforming use which is
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the CN, CP, CR, CH, CW, UR, U
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forming uses, resulting in in
regulated public access.

development permits:

- A. Construction or substantial progress toward construction, as defined in WAC 173-14-060 as now constituted or hereafter amended, of a project for which a permit has been granted pursuant to this Chapter must be undertaken within two years after final approval of the permit or the permit shall terminate; provided, that upon written request from the applicant the Director may extend the two-year period for a reasonable time based on factors such as the inability to expeditiously obtain other governmental permits, or as provided in WAC 173-14-060.
- B. If a project for which a permit has been granted pursuant to this Chapter has not been completed within five years after approval of the permit, or within a shorter time period required by the permit, the Director shall review the permit, and upon a showing of good cause, do either of the following, as provided in WAC 173-14-060:
1. Extend the permit for one year; or
 2. Terminate the permit.
- C. The Plan Shoreline Permit shall be valid for a period of five years or as otherwise permitted by WAC 173-14-060. Project-specific shoreline permits must be applied for within that period to be considered pursuant to the determination made under the Plan Shoreline Permit. Development under project-specific permits shall conform to the time limits outlined in subsections A and B.

23.60.076 Revisions to Permits

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

- A. If the Director determines that the proposed changes are within the scope and intent of the original permit as defined in WAC 173-14-064(2), as now constituted or hereafter amended, the Director shall approve the revision. Within eight days of the date of approval, the approved revision, along with copies of the revised site plan and text, shall be submitted by certified mail to DOE, the Attorney General, and copies provided to parties of record and to persons who have previously notified the Director of their desire to receive notice of decision on the original application.
- B. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new permit in the manner provided for in this Chapter.
- C. If the revision to the original permit involves a conditional use or variance, either of which was conditioned by DOE, the Director shall submit the revision to DOE for DOE's approval, approval with conditions or denial, indicating that the revision is being submitted under the requirements of WAC 173-14-064(5). DOE shall transmit to the City and the applicant its final decision within fifteen days of the date of DOE receipt of the submittal by the Director, who shall notify parties of record of DOE's final decision.
- D. The revised permit is effective immediately upon final action by the Director, or when appropriate under WAC 173-14-064(5), by DOE.
- E. Appeals shall be in accordance with RCW 90.58.180 and shall be filed with the Shorelines Hearings Board within thirty days from date of DOE's receipt of the revision approved by the Director, or when appropriate under WAC 173-14-064(5), the date DOE's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of WAC 173-14-064(2). The party seeking review shall have the burden of proving the revision was not within the scope and intent of the original permit.

- D. For purposes of this Chapter, standards established in the use sections of each environment are not subject to variance.
- E. Principal uses which are water-dependent may be permitted over water. Principal uses which are nonwater-dependent shall not be permitted over water unless specifically stated otherwise in the regulations for the applicable shoreline environment. For purposes of this Chapter, this regulation shall be considered a use standard not subject to variance.
- F. Floating structures, including vessels which do not have a means of self-propulsion and steering equipment and which are designed or used as a place of residence shall be regulated as floating homes pursuant to this Chapter. Locating other nonwater-dependent uses over water on floating structures, including vessels, which do not have a means of self-propulsion or steering equipment is prohibited unless specifically permitted on historic ships by other sections of this Chapter.
- G. For purposes of this Chapter, dredging, landfill, and shoreline protective structures shall be considered to be uses not subject to variance.
- H. Public facilities which are similar to other uses as determined by the Director shall be permitted outright, permitted as a special use, permitted conditionally or prohibited on the same basis as the similar use unless otherwise specified.

23.60.092 Accessory Uses

- A. Any principal use permitted in a specific shoreline environment either outright, or as a special use, conditional use or Council conditional use shall also be permitted as an accessory use outright or as a special use, conditional use or Council conditional use, respectively.
- B. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices and caretaker's quarters not exceeding eight hundred square feet in living area. For purposes of this Section, landfill shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.
- C. Unless specifically stated otherwise in the regulations for the applicable environment, accessory uses which are nonwater-dependent and nonwater-related, even if accessory to water-dependent or water-related uses, shall be permitted over water according to subsection A above only if either:
1. The over-water location is necessary for the operation of the water-dependent or water-related use; or
 2. The lot has a depth of less than fifty feet of dry land.
- D. Parking shall not be permitted over water unless it is accessory to a water-dependent or water-related use located on a lot with a depth of less than fifty feet of dry land and the Director determines that adequate onsite or offsite dry land parking within eight hundred feet is not reasonably available.
- E. Piers, floats, pilings, breakwaters, drydocks and similar accessory structures for moorage shall be permitted as accessory to permitted uses subject to the development standards unless specifically prohibited in the applicable shoreline environment.
- F. Accessory uses shall be located on the same lot as the

turally altered but shall not be beyond its existing external in subsection E below, as other necessary to improve access for or to provide regulated public use. C. A nonconforming use which is a act of nature, including normal tures in or over the water, may any structure occupied by the rebuilt to the same or smaller immediately prior to the time provided that action toward r within twelve months after de the CN, CP, CR, CM, CW, UR, U within twenty-four months aft in the UM, UG or UI environme housing a nonconforming eatin use in an Urban Stable enviro existing nonconforming uses o no cumulative expansion or in nonconforming use and no incr occurs and the Director finds will allow removal of structu forming uses, resulting in in regulated public access.

D. The change of one nonconform permitted in the shoreline en as a conditional use by the of the Department of Ecology that the new use is no more the shoreline environment an use and the existing develop permitted in the environment conditional uses in WAC 173- new use shall retain its non purposes of subsections A th

E. Reconfiguration of an existi be authorized as a condition the concurrence of the Depart Director determines that the including enhancing upland a location of structures over access, would be better serv be authorized only if view o improved. The square footag the height of the covered mo Covered moorage with open wa

23.60.124 Nonconforming Structure

- A. A nonconforming structure may repaired or structurally alt from expanding or extending the extent of nonconformity, formity, except as otherwise to improve access for the el vide regulated public access nonconforming as to lot cover may not be transferred from site to the water.
- B. A nonconforming structure destroyed by fire or other deterioration of structures water, may be rebuilt to th existing immediately prior destroyed; provided that ac commenced within twelve mon destruction of a structure

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

PART 2 NONCONFORMING USES AND STRUCTURES

23.60.120 Applicability to Existing Development

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

23.60.122 Nonconforming Uses

- A. 1. Any nonconforming use may be continued subject to the provisions of this Section.
- 2. Any nonconforming use which has been discontinued for more than twelve consecutive months in the CN, CP, CR, CM, CW, UR, UH and US environments or more than twenty-four consecutive months in the UM, UG or UI environments shall not be reestablished or recommenced. A use shall be considered discontinued when:
 - a. A permit to change the use of the structure or property was issued and acted upon,
 - b. The structure or portion of a structure, or the property is not being used for the use allowed by the most recent permit, or
 - c. The structure or property is vacant, or the portion of the structure or property formerly occupied by the nonconforming use is vacant.

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

- 3. Any sign in the Shoreline District which does not conform to the provisions of this Chapter shall be discontinued within seven years from the effective date of this Chapter, unless designated a landmark pursuant to Chapter 25.12, the Landmark Preservation Ordinance.
- B. A structure or development containing a nonconforming use or uses may be maintained, repaired, renovated or structurally altered but shall not be expanded or extended beyond its existing external dimensions except as provided in subsection E below, as otherwise required by law, as necessary to improve access for the elderly and disabled, or to provide regulated public access.
- C. A nonconforming use which is destroyed by fire or other act of nature, including normal deterioration of structures in or over the water, may be resumed provided that any structure occupied by the nonconforming use may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed; provided that action toward replacement must be commenced within twelve months after demolition or destruction in the CN, CP, CR, CM, CW, UR, UH and US environments or within twenty-four months after demolition or destruction in the UM, UG or UI environments. A rebuilt structure housing a nonconforming eating and drinking establishment use in an Urban Stable environment may consolidate other existing nonconforming uses on the property, provided that no cumulative expansion or intensification of the nonconforming use and no increase in overwater coverage occurs and the Director finds that the reconfiguration will allow removal of structures housing other nonconforming uses, resulting in improved view corridors or regulated public access.
- D. The change of one nonconforming use to another use not

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

- C. The Director may require compliance with the standards of Section 23.60.152, General Development, for part or all of a lot as a condition for new development of part of a lot if it is found that continued nonconformity will cause adverse impacts to air quality, water quality, sediment quality, aquatic life, or human health.
- D. The Director may require compliance with Section 23.60.160 Standards for Regulated Public Access, as a condition of a substantial development permit for expansion or alteration of a development nonconforming as to public access requirements.

23.60.126 Structures in Trespass

The above provisions for nonconforming uses and structures, Sections 23.60.122 through 23.60.124 shall not apply to any structure, improvement, dock, fill or development placed on tidelands, shorelands, or beds of waters which is in trespass or in violation of state statutes.

PART 3 DEVELOPMENT STANDARDS

23.60.150 Applicable Development Standards

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

23.60.152 General Development

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

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels with petroleum product capacities of 10,500 gallons or more.
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any

stabilization measures, bulkheads, other bank dikes, groins, jetties, N. All debris, overburden construction shall be prevent their entry or other means into O. Navigation channels obstructing development P. No pier shall extend line except in Lake beyond the Constructi Land Use Map, Chapter this Chapter and by Resources and the U.S. Q. Submerged public right following standards:

1. All structures in 2 below;
2. Piling and dolphin floating structures safely secured w dolphins located
3. The maximum height feet;
4. Structures shall percent of the than forty perc
5. A view corridor percent of the provided and ma
6. An open channel for access to a and for access maintained.

23.60.154 Design Review
The Director may require agency or on public prop the Design Commission be appropriate experts sele applicant and the Directo The review may be conduc substantial development The costs of the review

23.60.156 Parking Requirements
A. Required parking space provided for uses in by Chapter 23.54 or may be waived or mod Director: (1) if al meet the parking dem lieu of such off-str or (2) if parking to within eight hundred if pedestrian facilit be granted if they e parking in the neigh

B. New off-street parki five spaces shall be water's edge. The D for lots with insuff water mark and the l water's edge. In su as far upland from t

C. If the number of par development which is or which is proposed affect the quality

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- stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32 or except where authorized by this Chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.
- Q. Submerged public right-of-way shall be subject to the following standards:
1. All structures shall be floating except as permitted in 2 below;
 2. Piling and dolphins may be permitted to secure floating structures only if the structures cannot be safely secured with anchors or with pilings or dolphins located outside of the right-of-way;
 3. The maximum height of structures shall be fifteen feet;
 4. Structures shall not occupy more than thirty-five percent of the right-of-way and shall not occupy more than forty percent of the width of the right-of-way;
 5. A view corridor or corridors of not less than fifty percent of the width of the right-of-way shall be provided and maintained; and
 6. An open channel, unobstructed by vessels or structures, for access to and from the water for public navigation and for access to adjacent properties shall be maintained.

23.60.154 Design Review

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

23.60.156 Parking Requirements

- A. Required parking spaces and loading berths shall be provided for uses in the Shoreline District as specified by Chapter 23.54 or Title 24 except that the requirements may be waived or modified at the discretion of the Director: (1) if alternative means of transportation will meet the parking demand of the proposed development in lieu of such off-street parking and loading requirements or (2) if parking to serve the proposed uses is available within eight hundred feet of the proposed development and if pedestrian facilities are provided. Waivers shall not be granted if they encourage the use of scarce, on-street parking in the neighborhood surrounding the development.
- B. New off-street parking areas or structures of more than five spaces shall be located at least fifty feet from the water's edge. The Director may modify this requirement for lots with insufficient space between the ordinary high water mark and the lot line furthest upland from the water's edge. In such cases the parking shall be located as far upland from the water's edge as feasible.
- C. If the number of parking spaces for a proposed substantial

public access and connecting trails;

- b. Maximize views of the water and sun exposure; and
- c. Minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques.
2. Public amenities appropriate to the usage of the public access space such as benches, picnic tables, public docks and sufficient public parking to serve the users shall be selected and placed to ensure a usable and comfortable public area.
3. Public access shall be located to avoid interference with the use of the site by water-dependent businesses located on the site.
- G. Regulated public access may be limited as to hours of availability and types of activities permitted. However, 24-hour availability is preferable and the access must be available to the public on a regularly scheduled basis.
- D. Regulated public access shall be open to the public no later than the time of the Director's final inspection of the proposed development which requires public access.
- E. Regulated public access and related parking shall be indicated by signs provided by the applicant, of standard design and materials prescribed by the Director. The signs shall be located for maximum public visibility.
- F. All public access points shall be provided through an easement, covenant or similar legal agreement recorded with the King County Department of Records and Elections.
- G. For shoreline development requiring more than one substantial development permit or extending for more than one thousand lineal feet of shoreline, regulated public access shall be required in the context of the entire project as follows:
1. A shoreline development which requires more than one substantial development permit need not provide separate regulated public access for each permit, but public access shall be provided in the context of the entire development.
 2. A comprehensive development plan for the entire project shall be submitted with the first shoreline permit application. The plan shall include all project components intended, plans for the public access and a development schedule. The level of detail of the plans for the public access shall be equal to that of the project proposal.
 3. If a public access area for the development has previously been agreed upon during a street vacation process, then the Director shall not require a greater land area for access, but may require development of physical improvements.
 4. A minimum of one public access site shall be provided for each three thousand five hundred lineal feet of shoreline unless public access standards are met elsewhere as part of a public access plan approved by the City Council or public access is not required for the development.
- H. General Exceptions
1. The requirement for one public access site for each major terminal or facility shall be waived if the terminal or facility is included in a public access plan approved by the Council and the applicant complies with the plan.

23.60.162 View Corridors

- A. View corridors shall be provided in the Shoreline District as required by the standards of the environment in which the development is located.
- B. When a view corridor is required, the following shall apply:
1. A view corridor or corridors shall be provided as a percentage of the width of the lot. Development Standards for the Shoreline District shall be provided in the environment shall be provided.
 2. Structures may be located in a view corridor if the slope of the lot permits full unobstructed views of the water over the structure.
 3. Unless provided otherwise in the Development Standards, view corridors for motor vehicles shall not be required in view corridors except when:
 - a. The parking is required to be provided on a water-dependent or a water-independent reasonable alternative.
 - b. The area of the lot which is required to be provided is located is four or more times the area of the lot located.
 4. Removal of existing landscaping shall be required if the requirements if it is determined that the requirements to preserve views cannot be met by the requirements or one of the following:
 1. There is no available clear view of the water from the street;
 2. Existing development or topography blocks any possible views from the street;
 3. The shape of the lot or topography is so irregular that it is not possible to provide a view corridor.
- D. In making the determination of whether a view corridor requirement, the Director shall consider the following factors:
1. The direction of predominant winds.
 2. The extent of existing public access, including parks or street ends in the area.
 3. The availability of actual views of the water from the potential of the lot for providing a view corridor to the street;
 4. The percent of the lot which is required to be provided as a view corridor if the requirements are not met.
 5. Extreme irregularity in the shoreline topography which makes the application of the requirements impractical.
 6. The purpose of the shoreline development is located, to the extent that the primary objective of the development is to provide uses or public access views of the water.

PART 4 DEVELOPMENT STANDARDS APPLICABLE TO THE SHORELINE DISTRICT

The following uses shall meet the standards provided below as well as the standards of Part 3 of this Subchapter. Development standards for the environment in which the development is located.

23.60.180 Sign Standards

- A. General Standards for all signs
1. Roof signs shall not be permitted in the Shoreline District.
 2. Signs mounted on buildings shall be limited to signs except for projecting signs on the front facade of a building. Signs shall be generally parallel to the

appropriate experts selected by mutual agreement between the applicant and the Director prior to approval of the development.

The review may be conducted prior to an application for a substantial development permit at the request of the applicant. The costs of the review shall be borne by the applicant.

23.60.156 Parking Requirements

- A. Required parking spaces and loading berths shall be provided for uses in the Shoreline District as specified by Chapter 23.54 or Title 24 except that the requirements may be waived or modified at the discretion of the Director: (1) if alternative means of transportation will meet the parking demand of the proposed development in lieu of such off-street parking and loading requirements or (2) if parking to serve the proposed uses is available within eight hundred feet of the proposed development and if pedestrian facilities are provided. Waivers shall not be granted if they encourage the use of scarce, on-street parking in the neighborhood surrounding the development.
- B. New off-street parking areas or structures of more than five spaces shall be located at least fifty feet from the water's edge. The Director may modify this requirement for lots with insufficient space between the ordinary high water mark and the lot line furthest upland from the water's edge. In such cases the parking shall be located as far upland from the water's edge as feasible.
- C. If the number of parking spaces for a proposed substantial development which is required by Chapter 23.54 or Title 24 or which is proposed by the applicant will adversely affect the quality of the shoreline environment, the Director shall direct that the plans for the development be modified to eliminate or ameliorate the adverse effect.

23.60.158 Drive-In Businesses

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

23.60.160 Standards for Regulated Public Access

- A. 1. Regulated public access shall be a physical improvement in the form of any one or combination of the following: walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage or other areas serving as a means of view and/or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining maritime history and industry.
2. The minimum regulated public access shall consist of an improved walkway at least five feet wide on an easement ten feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water and water activities can be observed. There shall be no significant obstruction of the view from this viewpoint.
3. Maintenance of the public access shall be the responsibility of the owner or developer.
- B. The Director shall review the type, design, and location of public access to insure development of a public place meeting the intent of the Shoreline Master Program. The Director shall consider the following criteria in determining what constitutes adequate public access on a specific site:
1. The location of the access on the lot shall be chosen to:
- a. Maximize the public nature of the access by locating adjacent to other public areas including street-ends, waterways, parks, other

- entire development.
2. A comprehensive development plan for the entire project shall be submitted with the first shoreline permit application. The plan shall include all project components intended, plans for the public access and a development schedule. The level of detail of the plans for the public access shall be equal to that of the project proposal.
3. If a public access area for the development has previously been agreed upon during a street vacation process, then the Director shall not require a greater land area for access, but may require development of physical improvements.
4. A minimum of one public access site shall be provided for each three thousand five hundred lineal feet of shoreline unless public access standards are met elsewhere as part of a public access plan approved by the City Council or public access is not required for the development.

H. General Exceptions

1. The requirement for one public access site for each major terminal or facility shall be waived if the terminal or facility is included in a public access plan approved by the Council and the applicant complies with the plan.
2. In lieu of development of public access on the lot, an applicant may choose to meet the requirement for public access through payment or by development of public property when the applicant's lot is located in an area included in a public access plan approved by the Council. To be permitted, payment in lieu or development off-site must be permitted by the approved public access plan.
3. Regulated public access shall not be required where:
- a. The cost of providing public access is unreasonably disproportionate to the total cost of the proposed development; or
- b. The site is not located in an area covered by a public access plan approved by the Council and one of the following conditions exist:
- (1) Unavoidable hazards to the public in gaining access exist;
- (2) Inherent security requirements of the use cannot be satisfied;
- (3) Unavoidable interference with the use would occur; or
- (4) Public access at the particular location cannot be developed to satisfy the public interest in providing a recreational, historical, cultural, scientific or educational opportunity or view.

The exceptions in subsection H3.b above apply only if the Director has reviewed all reasonable alternatives for public access. The alternatives shall include the provision of access which is physically separated from the potential hazard or interference through barriers such as fencing and landscaping and provision of access at a site geographically separated from the development site but under the control of the applicant.

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

3. The availability of actual potential of the lot for the street;
4. The percent of the lot which corridor if the requirement
5. Extreme irregularity in the shoreline topography which application of the requirem
6. The purpose of the shoreline development is located, to primary objective of the uses or public access vie

PART 4 DEVELOPMENT STANDARDS APPLICABLE TO SHORELINE DISTRICTS

The following uses shall meet the standards provided below as well as Standards of Part 3 of this Subchapter development standards for the environment is located.

23.60.180 Sign Standards

- A. General Standards for all signs
1. Roof signs shall not be permitted in the District.
2. Signs mounted on buildings shall be permitted except for projecting signs on the front facade of a building generally parallel to the distance from the corner of obstruct views of the water.
3. Pole signs shall be permitted on lots which lack buildings for view to provide visibility from navigable waters) for water uses. Pole signs shall not be permitted in view corridors required by this Chapter or of a substantial view obstruction. The Director may modify such view obstruction.
4. Ground signs are permitted in view corridors required visual access to view corridors.
5. The size, height and number of signs shall be determined as to whether flashing, illuminated, or illuminated as regulated in the under follows:
- a. any sign which is visible from a publicly owned navigable waterway shall be limited to only the name and number of the property; letter shall be limited to one inch in height;
- b. signs on piers shall be limited to one foot in area, and
- c. freestanding signs shall be limited to twelve feet in height.
- B. Types of signs.
1. Signs permitted in the CN environments shall be limited to identification signs, on-premise directional signs.
2. Signs permitted in the US shall be limited to identification signs, directional signs, interpretive signs.
3. Signs permitted in the UI shall be limited to identification signs, interpretive signs, business signs.

23.60.162 View Corridors

- A. View corridors shall be provided for uses and developments in the Shoreline District as required in the development standards of the environment in which the use or development is located.
- B. When a view corridor is required the following provisions shall apply:
1. A view corridor or corridors of not less than the percentage of the width of the lot indicated in the Development Standards for the applicable shoreline environment shall be provided and maintained.
 2. Structures may be located in view corridors if the slope of the lot permits full, unobstructed view of the water over the structures.
 3. Unless provided otherwise in this Chapter, parking for motor vehicles shall not be located in view corridors except when:
 - a. The parking is required parking for a water-dependent or a water-related use and no reasonable alternative exists; or
 - b. The area of the lot where the parking would be located is four or more feet below street level.
 4. Removal of existing landscaping shall not be required.
- C. The Director may waive or modify the view corridor requirements if it is determined that the intent to preserve views cannot be met by a strict application of the requirements or one of the following conditions applies:
1. There is no available clear view of the water from the street;
 2. Existing development or topography effectively blocks any possible views from the street; or
 3. The shape of the lot or topography is unusual or irregular.
- D. In making the determination of whether to modify the requirement, the Director shall consider the following factors:
1. The direction of predominant views of the water;
 2. The extent of existing public view corridors, such as parks or street ends in the immediate vicinity;
 3. The availability of actual views of the water and the potential of the lot for providing those views from the street;
 4. The percent of the lot which would be devoted to view corridor if the requirements were strictly applied;
 5. Extreme irregularity in the shape of the lot or the shoreline topography which precludes effective application of the requirements; and
 6. The purpose of the shoreline environment in which the development is located, to determine whether the primary objective of the environment is water-dependent uses or public access views.

PART 4 DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

The following uses shall meet the additional development standards provided below as well as the General Development Standards of Part 3 of this Subchapter and any applicable development standards for the environment in which the use is located.

23.60.180 Sign Standards

- A. General Standards for all signs
1. Roof signs shall not be permitted in the Shoreline District.
 2. Signs mounted on buildings shall be wall-mounted except for projecting signs mounted on the street front facade of a building facing a street running generally parallel to the shoreline and located at a distance from the corner of the building so as not to

directional signs. Advertising signs may be permitted only on upland lots in the UI environment.

23.60.182 Dredging Standards

- A. Dredging and dredged material disposal shall be designed to include reasonable mitigating measures to protect aquatic habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important biological communities.
- B. Dredging shall be timed so that it does not interfere with migrating aquatic life, as prescribed by state and federal requirements.
- C. Open water disposal of dredged material shall be permitted only at designated disposal sites.
- D. Stockpiling of dredged material in or under water is prohibited.
- E. Dredging of material that does not meet the Environmental Protection Agency and Department of Ecology criteria for open water disposal shall be permitted only if:
1. The dredging would not cause long term adverse impacts to water sediment quality, aquatic life or human health in adjacent areas, and
 2. A dry land or contained submerged disposal site has been approved by the Environmental Protection Agency (EPA) and the Director of the Seattle/King County Department of Public Health, or any successor agency.
- F. Dredging for the purpose of obtaining fill or construction material, or otherwise mining submerged land is prohibited except where the applicant can show that:
1. The existing benthos is sterile or largely degraded and shows no sign of regeneration; and
 2. The dredging will have only mitigable impact on water quality and aquatic life.
- G. Incidental dredged material resulting from the installation of a utility line or intake or outfall may remain under water if:
1. It can be placed without long-term adverse impacts to water quality, sediment quality, aquatic life or human health; and
 2. The environmental impacts of removing the material and relocating it to an open water disposal site are greater than the impacts of leaving the material at the original site.

23.60.184 Standards for Landfill and Creation of Dry Land

- A. Solid waste, refuse, and debris shall not be placed in the shoreline.
- B. Shoreline fills or cuts shall be designed and located so that:
1. No significant damage to ecological values or natural resources shall occur; and
 2. No alteration of local currents nor littoral drift creating a hazard to adjacent life, property or natural resources systems shall occur.
- C. All perimeters of fills shall be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.
- D. Fill materials shall be of a quality that will not cause problems of water quality.
- E. Shoreline fills shall not be considered for sanitary landfills or the disposal of solid waste except for the disposal of dredged material permitted in subsection I below.
- F. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface

potential of the lot for providing those views from the street;

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

4. The percent of the lot which would be devoted to view corridor if the requirements were strictly applied;
5. Extreme irregularity in the shape of the lot or the shoreline topography which precludes effective application of the requirements; and
6. The purpose of the shoreline environment in which the development is located, to determine whether the primary objective of the environment is water-dependent uses or public access views.

PART 4 DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES

The following uses shall meet the additional development standards provided below as well as the General Development Standards of Part 3 of this Subchapter and any applicable development standards for the environment in which the use is located.

23.60.180 Sign Standards

A. General Standards for all signs

1. Roof signs shall not be permitted in the Shoreline District.
2. Signs mounted on buildings shall be wall-mounted except for projecting signs mounted on the street front facade of a building facing a street running generally parallel to the shoreline and located at a distance from the corner of the building so as not to obstruct views of the water.
3. Pole signs shall be permitted only on piers or floats which lack buildings for wall-mounted signs and only to provide visibility from fairways (publicly owned navigable waters) for water-dependent or water-related uses. Pole signs shall not be located in view corridors required by this Chapter or so as to obstruct views through view corridors required by this Chapter or of a substantial number of residents. The Director may modify proposed signs to prevent such view obstruction.
4. Ground signs are permitted when not located in required view corridors or in an area which impairs visual access to view corridors.
5. The size, height and number of permitted signs and the determination as to whether a sign may be flashing, illuminated, rotating, or portable shall be as regulated in the underlying zoning except as follows:
 - a. any sign which is visible from a fairway (publicly owned navigable water) shall be limited to only the name and nature of the use, and each letter shall be limited to no more than sixteen inches in height;
 - b. signs on piers shall be limited to forty square feet in area, and
 - c. Freestanding signs on piers shall not exceed twelve feet in height.

B. Types of signs.

1. Signs permitted in the CN, CP, CR, CM, CW and UR environments shall be limited to identification signs, on-premise directional signs, and interpretive signs.
2. Signs permitted in the US, UH, UM, and UG environments shall be limited to identification signs, on-premise directional signs, interpretive signs and business signs.
3. Signs permitted in the UI environment shall be limited to identification signs, on-premise directional signs, interpretive signs, business signs, and off-premise

23.60.184 Standards for Landfill and Creation of Dry Land

- A. Solid waste, refuse, and debris shall not be placed in the shoreline.
- B. Shoreline fills or cuts shall be designed and located so that:
 1. No significant damage to ecological values or natural resources shall occur; and
 2. No alteration of local currents nor littoral drift creating a hazard to adjacent life, property or natural resources systems shall occur.
- C. All perimeters of fills shall be provided with vegetation, retaining walls, or other mechanisms for erosion prevention.
- D. Fill materials shall be of a quality that will not cause problems of water quality.
- E. Shoreline fills shall not be considered for sanitary landfills or the disposal of solid waste except for the disposal of dredged material permitted in subsection I below.
- F. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat shall be considered.
- G. Deposit of fill material including dredged material shall not be permitted on lands which contain unique, fragile or ecologically valuable resources.
- H. The final location and slope of fill material on submerged lands shall meet the criteria of the State Fisheries and Game Hydraulic Code.
- I. Dredged material not meeting the Environmental Protection Agency and Department of Ecology criteria for open water disposal may be used for landfill in the shoreline only if:
 1. The landfill is designed to be used for future water-dependent or water-related development;
 2. The landfill meets the criteria for landfill in the environment in which it is located;
 3. Either the area in which the material is placed has similar levels of the same contaminants or the material is placed in a manner that it will not be a source of contaminants in an area cleaner than the proposed fill material;
 4. The landfill can be placed in the water or on the land without long term adverse impacts to water quality, sediment quality, aquatic life, or human health; and
 5. If classified as solid waste, any required EPA or DOE approval is obtained.
- J. Incidental landfill which does not create dry land and is necessary for the installation of a utility line intake or outfall may be placed on submerged land if it will not have long-term adverse impacts to water quality, sediment quality, aquatic life or human health.
- K. Landfill which creates dry land which is necessary to repair pocket erosion between adjacent revetments shall meet the following standards in addition to those in subsections A through J above:
 1. The erosion pocket does not exceed one hundred feet in width as measured between adjacent revetments;
 2. The erosion pocket is in an area characterized by

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- D. Salvage and recycling uses;
- E. Manufacturing uses;
- F. High impact uses;
- G. Institutional uses except community clubs meeting the criteria of Section 23.60.366;
- H. Public facilities;
- I. Open space uses except shoreline recreation uses permitted by Section 23.60.360B;
- J. Agricultural uses except aquaculture;
- K. The following shoreline protective structures:
 1. Groins and similar structures which block the flow of sand to adjacent beaches; and
 2. Bulkheads on Class I beaches; and
- L. Landfill which creates dry land except as part of habitat mitigation or enhancement.

PART 2 DEVELOPMENT STANDARDS.

23.60.390 Development Standards in the CR Environment

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

23.60.392 Natural Area Protection in the CR Environment

- A. All developments in the CR Environment shall be located and designed to minimize adverse impacts to natural areas of biological or geological significance and to enhance the enjoyment by the public of those natural areas.
- B. Development in critical natural areas shall be minimized. Critical areas include: salt or fresh water marshes, swamps, bogs, eel grass areas, kelp beds, streams, fish spawning areas and other habitats.

23.60.394 Height in the CR Environment

- A. The maximum height permitted outright in the CR Environment shall be fifteen feet except as modified by subsections C through E.
- B. The maximum height permitted as a Council conditional use shall be thirty feet except as modified in subsections C through E.
- C. Pitched Roofs
The ridge of pitched roofs on principal structures may extend five feet above the height permitted in subsection A or B above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

D. Rooftop Features

1. Radio and television receiving aerials, flagpoles and chimneys may extend ten feet above the maximum height limit.
2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four feet above the maximum height limit.

E. Bridges

Bridges may extend above the maximum height limits.

23.60.396 Lot Coverage in the CR Environment

A. Lot Coverage Regulations

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

B. Lot Coverage Exceptions

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

23.60.398 View Corridors in the CR Environment

- B. Existing yacht, boat and beach clubs;
- C. Shoreline recreation;
- D. Aquaculture.

23.60.422 Accessory Uses Permitted Outright in the CM Environment

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

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

23.60.424 Special Uses Permitted on Waterfront Lots in the CM Environment

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

A. The following commercial uses:

1. Sale or rental of large boats;
2. Marine service station;
3. Vessel repair, minor;
4. Recreational marina;
5. Dry storage of boats;
6. Water-dependent passenger terminals, provided that the impact of terminal operation on adjacent residential neighborhoods and streets can be mitigated; and
7. Airports, water-based;

B. Streets;

C. Bridges;

D. Expansion of existing sewage treatment plants, not including expansion for additional treatment capacity or the addition of a new treatment level;

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

F. The following institutional uses:

1. New yacht, boat and beach clubs;
2. Institute for advanced study, water-dependent or water-related;
3. Museum, water-dependent or water-related;
4. Shoreline recreation accessory to a school, college or university;

G. The following shoreline protective structures:

1. Natural beach protection;
2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches when natural beach protection is not a practical alternative;

H. Dredging, when the dredging is necessary for a water-dependent or water-related use;

I. The following types of landfill:

1. Landfill on submerged lands which does not create dry land, if necessary for a water-dependent or water-related use or for the installation of a bridge or utility line;
2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and
3. Landfill on submerged land which creates dry land:
 - a. When the dry land is necessary for the operation of a water-dependent or water-related use; and
 - b. If more than two square yards of dry land per linear yard of shoreline is created, the landfill meets the following additional criteria:
 - (1) No reasonable alternative to the landfill exists;
 - (2) The development provides a clear public benefit; and
 - (3) The landfill site is not located in Lake Union or Portage Bay.

- d. A Certificate of Approval for the Landmarks Preservation Act;
- e. No other historic ship or vessel, and no retail uses is located on the proposed site.

C. Nonwater-Dependent commercial use of public park

1. The following uses associated with the park may be permitted when meeting the criteria of Section 23.60.032:

- a. Sale of boat parts or accessories; and
 - b. Personal and household services; and
 - c. Eating and drinking establishments.
2. a. The use is associated with the park; and
 - b. The use is located on land that does not exceed two thousand square feet in area; and
 - c. All personal and household services are for use on the lot or lots adjacent to the waterfront.

D. Landfill for nonwater-dependent uses

Landfill may be placed to create dry land for nonwater-dependent uses accessory to or independent of water-related uses:

1. Development of the water-related use would not be feasible or the use is an associated nonwater-dependent use;
2. No reasonable alternative exists for the use existing over water or offsite;
3. The total development project does not exceed the lot area; and
4. If located in Lake Union or Lake Washington, the use does not exceed two square feet of shoreline per linear yard of shoreline.

23.60.428 Council Conditional Uses

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

- A. A determination has been made, established in Section 23.60.068, that the proposed expansion is a Determination of Feasible or Reasonable Alternative Locations, that no feasible alternative exists for the plant in the CM environment; and the determination of feasibility shall be based upon the Council's Policies, the Shoreline Management Act, and the amended, and a full consideration of the social and economic impacts on the community;
- B. Public access is provided along the shoreline except for any portion of the shoreline used for loading and unloading facilities to service the plant; and access shall be most important to the community; and any other significant shoreline uses;
- C. All reasonable mitigation measures are implemented to control odors, noise, traffic and other impacts on the natural and manmade environment.

23.60.430 Prohibited Principal Uses in the CM Environment

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

- A. Residential uses;
- B. The following commercial uses:
 1. Vessel repair, major;
 2. Commercial moorage;
 3. Tugboat services;
 4. Sale of boat parts or accessories;

extended five feet above the height permitted in subsection A or B above. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.

D. Rooftop Features

1. Radio and television receiving aerials, flagpoles and chimneys may extend ten feet above the maximum height limit.
2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four feet above the maximum height limit.

E. Bridges

Bridges may extend above the maximum height limits.

23.60.396 Lot Coverage in the CR Environment

A. Lot Coverage Regulations

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

B. Lot Coverage Exceptions

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

23.60.398 View Corridors in the CR Environment

A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots except those developed with single-family dwellings.

23.60.400 Regulated Public Access in the CR Environment

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront property whether leased to private lessees or not, except where the property is submerged land which does not abut dry land.

B. Private Property

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:
 - a. Multi-family residential developments containing more than four units with more than one hundred feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred feet of the proposed development; and
 - b. Other nonresidential nonwater-dependent developments.
2. Water-dependent uses and water-related uses located on private property are not required to provide public access.

C. Utilities

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

SUBCHAPTER VIII: The Conservancy Management Environment

PART 1 USES

23.60.420 Uses Permitted Outright on Waterfront Lots in the CM Environment

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

A. Utilities:

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

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

H. Dredging, when the dredging is necessary for a water-dependent or water-related use;

I. The following types of landfill:

1. Landfill on submerged lands which does not create dry land, if necessary for a water-dependent or water-related use or for the installation of a bridge or utility line;
2. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and
3. Landfill on submerged land which creates dry land:
 - a. When the dry land is necessary for the operation of a water-dependent or water-related use; and
 - b. If more than two square yards of dry land per linear yard of shoreline is created, the landfill meets the following additional criteria:
 - (1) No reasonable alternative to the landfill exists;
 - (2) The development provides a clear public benefit; and
 - (3) The landfill site is not located in Lake Union or Portage Bay.

23.60.426 Conditional Uses Permitted in the CM Environment

The following uses may be authorized in the CM Environment by the Director, with the concurrence of the Department of Ecology, as principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

A. Nonwater-Dependent commercial uses associated with a recreational marina

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A.2:
 - a. Sale of boat parts or accessories, and
 - b. Eating and drinking establishments.
2. a. The use is associated with a recreational marina with at least nine thousand lineal feet of moorage;
- b. The size and location of the use will not restrict efficient use of the site for water-dependent recreation or public access; and
- c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty feet and a dry land location is not feasible.

B. Nonwater-Dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B.2:
 - a. Sale of boat parts or accessories,
 - b. Personal and household retail sales and services; and
 - c. Eating and drinking establishments.
2. a. The use is located on a ship designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places;
- b. The use is compatible with the existing design and/or construction of the ship without significant alteration;
- c. Other uses permitted outright or as special uses are not practical because of ship design or such uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;

A. A determination has been made, established in Section 23.60.066.

Determination of Feasible or Reasonable Locations, that no feasible alternative to feasibility shall be based upon Policies, the Shoreline Management Plan, amended, and a full consideration of social and economic impacts on the

B. Public access is provided along shoreline except for any portion and unloading facilities to serve access shall be most important and any other significant shoreline

C. All reasonable mitigation measures control odors, noise, traffic and natural and manmade environment

23.60.430 Prohibited Principal Uses in the CM Environment

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

A. Residential uses;

B. The following commercial uses:

1. Vessel repair, major;
2. Commercial moorage;
3. Tugboat services;
4. Sale of boat parts or accessories permitted as a conditional use;
5. Personal and household retail sales except when permitted as a conditional use;
6. Medical services;
7. Animal services;
8. Automotive retail sales and services;
9. Eating and drinking establishments permitted as a conditional use;
10. Lodging;
11. Mortuary services;
12. Non-household sales and services;
13. Parking, principal use;
14. Offices;
15. Entertainment uses;
16. Wholesale showrooms;
17. Mini-warehouses;
18. Warehouses;
19. Outdoor storage;
20. Personal transportation services;
21. Passenger terminals, nonwater-dependent;
22. Cargo terminals;
23. Bus bases;
24. Helistops and heliports;
25. Airports, land-based;
26. Research and development;
27. Food processing and craft production.

C. Salvage and recycling uses;

D. Railroads;

E. The following utilities:

1. Communication utilities;
2. Solid waste transfer stations;
3. Power plants; and
4. New sewage treatment plants.

F. Manufacturing uses;

G. High impact uses;

H. Institutional uses except those under Sections 23.60.420 and 23.60.430;

I. Public facilities, nonwater-dependent;

J. Open space uses except shoreline

K. Agricultural uses except aquaculture

L. The following shoreline protection

- d. A Certificate of Approval has been obtained from the Landmarks Preservation Board; and
 - e. No other historic ship containing restaurant or retail uses is located within one-half mile of the proposed site.
- C. Nonwater-Dependent commercial uses associated with a public park
1. The following uses associated with a public park may be permitted when meeting the criteria of subsection C.2:
 - a. Sale of boat parts or accessories;
 - b. Personal and household retail sales and services; and
 - c. Eating and drinking establishments.
 2.
 - a. The use is associated with a public park;
 - b. The use is located on a lot which does not exceed two thousand four hundred square feet in area; and
 - c. All personal and household goods sold or rented are for use on the lot or immediate adjacent waters.

- D. Landfill for nonwater-dependent uses
- Landfill may be placed to create land for nonwater-dependent uses accessory to or associated with water-dependent or water-related uses when:
1. Development of the water-related or water-dependent use would not be feasible without the accessory or associated nonwater-dependent uses;
 2. No reasonable alternative to landfill exists including over water or offsite location of the uses;
 3. The total development provides a clear public benefit; and
 4. If located in Lake Union or Portage Bay, the landfill does not exceed two square yards of dry land per lineal yard of shoreline.

23.60.428 Council Conditional Uses in the CM Environment

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

- A. A determination has been made, according to the process established in Section 23.60.066, Procedure for Determination of Feasible or Reasonable Alternative Locations, that no feasible alternative exists to expanding the plant in the CM environment. The determination as to feasibility shall be based upon the Shoreline Goals and Policies, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community;
- B. Public access is provided along the entire length of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant. Public access shall be most important along views of the water and any other significant shoreline element; and
- C. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and manmade environment are required.

23.60.430 Prohibited Principal Uses on Waterfront Lots in the CM Environment

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

- A. Residential uses;
- B. The following commercial uses:
 1. Vessel repair, major;
 2. Commercial uses;

1. Groins and similar structures which block the flow of sand to adjacent beaches; and
2. Bulkheads on Class I beaches.

23.60.432 Permitted Uses on Upland Lots in the CM Environment

- A. Uses Permitted Outright
1. All uses permitted on waterfront lots shall also be permitted on upland lots.
 2. Additional uses permitted outright:
 - a. Institutional uses, and
 - b. Open space uses.

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

- C. Conditional Uses
- Uses permitted as conditional uses on waterfront lots are permitted as conditional uses on upland lots.

23.60.434 Prohibited Use on Upland lots in the CM Environment

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

PART 2 DEVELOPMENT STANDARDS

23.60.450 Development Standards for the CM Environment

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

23.60.452 Critical Habitat Protection in the CM Environment

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

23.60.454 Height in the CM Environment

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

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

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

- D. ~~NOISE~~
1. Radio and television receiving aerials, flagpoles, chimneys and spires for religious institutions, are exempt from height limits, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
 2. Open railings, skylights, clerestories, monitors, solar collectors, parapets and firewalls may extend

2. Water-related requirements
- C. Utilities
- Regulated or controlled

SUBCHAPTER I

- 23.60.480 General Public and non- in the Conservancy be permitted or abutting uses. Uses permitted standards of ab

23.60.482 Uses The following Environment: None.

23.60.484 Special The following by the Director

- 23.60.032 are
- A. Community
- B. Shoreline
- C. The following
1. Vessel
 2. Commercial
 3. Tugboat
 4. Rental
 5. Airport

- D. Museum, wa
- E. Public fac
- F. Shoreline
- G. Utility li
- H. Dredging n
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- A. Commercial
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- B. Nonwater-d
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authorized by the Council according to the procedures of Section 23.60.068 when:

- A. A determination has been made, according to the process established in Section 23.60.065, Procedure for Determination of Feasible or Reasonable Alternative Locations, that no feasible alternative exists to expanding the plant in the CM environment. The determination as to feasibility shall be based upon the Shoreline Goals and Policies, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community;
- B. Public access is provided along the entire length of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant. Public access shall be most important along views of the water and any other significant shoreline element; and
- C. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and manmade environment are required.

23.60.430 Prohibited Principal Uses on Waterfront Lots in the CM Environment

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

- A. Residential uses;
- B. The following commercial uses:
 1. Vessel repair, major;
 2. Commercial moorage;
 3. Tugboat services;
 4. Sale of boat parts or accessories except when permitted as a conditional use;
 5. Personal and household retail sales and services except when permitted as a conditional use;
 6. Medical services;
 7. Animal services;
 8. Automotive retail sales and services;
 9. Eating and drinking establishments except when permitted as a conditional use;
 10. Lodging;
 11. Mortuary services;
 12. Non-household sales and services;
 13. Parking, principal use;
 14. Offices;
 15. Entertainment uses;
 16. Wholesale showrooms;
 17. Mini-warehouses;
 18. Warehouses;
 19. Outdoor storage;
 20. Personal transportation services;
 21. Passenger terminals, nonwater-dependent;
 22. Cargo terminals;
 23. Bus bases;
 24. Helistops and heliports;
 25. Airports, land-based;
 26. Research and development laboratories; and
 27. Food processing and craft work uses.
- C. Salvage and recycling uses;
- D. Railroads;
- E. The following utilities:
 1. Communication utilities;
 2. Solid waste transfer stations;
 3. Power plants; and
 4. New sewage treatment plants;
- F. Manufacturing uses;
- G. High impact uses;
- H. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;
- I. Public facilities, nonwater-dependent;
- J. Open space uses except shoreline recreation;
- K. Agricultural uses except aquaculture; and
- L. The following shoreline protective structures:

family residences shall be fifteen feet, and except as modified in subsections B through E.

- B. Pitched Roofs

The ridge of pitched roofs on principal structures may extend up to five feet above the maximum height limit. All parts of the roof above the height limit must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the height limit under this provision.
- C. Water-Dependent Uses

Cranes, mobile conveyers and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.
- D. Rooftop Structures
 1. Radio and television receiving aerials, flagpoles, chimneys and spires for religious institutions, are exempt from height limits, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
 2. Open railings, skylights, clerestories, monitors, solar collectors, parapets and firewalls may extend four feet above the maximum height limit.

- E. Bridges

Bridges may extend above the maximum height limit.

23.60.456 Lot Coverage in the CM Environment

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

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

23.60.458 View Corridors in the CM Environment

- A. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.
- B. The following uses may be located in a required view corridor:
 1. Open wet moorage;
 2. Storage of boats undergoing repair; and
 3. Parking which meets the criteria of Section 23.60.162B3, View Corridors.

23.60.460 Regulated Public Access in the CM Environment

- A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except when the property is submerged land which does not abut dry land.
- B. Private Property
 1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:
 - a. Marinas, except as exempted in Section 23.60.200E;
 - b. Nonwater-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred feet in length measured at the upland street frontage generally parallel to the water edge and which abut upon a street or waterway providing public access.

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

C. Utilities

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

SUBCHAPTER IX: The Conservancy Waterway (CW) Environment

PART 1 USES

23.60.480 General Provisions

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

Uses permitted in the CW Environment shall also meet the use standards of abutting waterfront shoreline environments.

23.60.482 Uses Permitted Outright in the CW Environment

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

None.

23.60.484 Special Uses in the CW Environment

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

23.60.032 are satisfied:

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

23.60.486 Conditional Uses in the CW Environment

The following uses may be authorized in the CW Environment by the Director with the concurrence of the Department of Ecology as principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

- A. Commercial uses:
 1. Vessel repair, major, of historic ships
- B. Nonwater-dependent commercial uses on historic ships:
 1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B.2:
 - a. Sale of boat parts and accessories;
 - b. Personal and household retail sales and services; and
 - c. Eating and drinking establishments.
 2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places;
 - b. The use is compatible with the existing design and/or construction of the ship without significant alteration;
 - c. Other uses permitted outright are impractical because of ship design or such uses cannot provide adequate financial support to sustain the ship in a reasonably good physical condition;

fifteen feet.

23.60.516 Lot Coverage

Structures shall not occupy more than thirty-five percent of the entire waterway nor more than forty percent of the width of the waterway.

23.60.518 View Corridors

A view corridor or corridors of not less than fifty percent of the width of the waterway shall be provided and maintained for all developments.

23.60.520 Public Access

- A. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all waterways.
- B. An open water area with a width of not less than fifty feet for the length of the waterway shall be provided and maintained on all waterways to provide access for public navigation. The location of the open water area shall be determined by the Director.

SUBCHAPTER X: The Urban Residential Environment

PART 1 USES

23.60.540 Uses Permitted Outright on Waterfront Lots in the UR Environment

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

- A. The following residential uses:
 1. Floating home moorage in Lake Union or Portage Bay;
 2. Single family and multi-family residences; and
 3. Special residences;
- B. Streets;
- C. Bridges;
- D. Railroads;
- E. The following utilities:
 1. Utility lines; and
 2. Utility service uses whose operations require a shoreline location; and
- F. Shoreline recreation uses.

23.60.542 Special Uses Permitted on Waterfront Lots in the UR Environment

The following uses may be authorized on waterfront lots in the UR Environment by the Director as either principal or accessory uses:

23.60.546 Permitted Uses on Upland Lots in the UR Environment

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

23.60.548 Prohibited Uses on Upland Lots in the UR Environment

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

PART 2 DEVELOPMENT STANDARDS

23.60.570 Development Standards for the UR Environment

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

23.60.572 Height in the UR Environment

- A. Maximum height
The maximum height in the UR Environment shall be thirty feet except as modified by subsections B through E.

B. Lot Coverage Exceptions

1. Floating home moorage provisions in Section 23.60.516 shall not apply.
2. On single-family zones, structures shall not exceed three times the area of one thousand square feet, whichever is greater.
3. On the dry land portion of a proposed structure, the grade existing prior to the structure shall be above original ground coverage.
4. On multi-family zones, the percentage shall not exceed the percentage in Section 23.60.516.

23.60.576 View Corridors in the UR Environment

- A. A view corridor or corridors of not less than fifty percent of the width of the waterway shall be provided and maintained on all waterfront lots through lot separated from the waterway by CR, CP or CN by a street.
- B. View corridors are not required on waterfront lots.
- C. The following may be located in view corridors:
 1. Open wet moorage;
 2. Storage of boats up to the water's edge;
 3. Parking which meets the requirements of Section 23.60.162B.3, View Corridors.

23.60.578 Regulated Public Access

- A. Public Property
Public access meeting the requirements of Section 23.60.160 shall be provided and maintained on publicly controlled waterfront property, whether lessees or not, except for waterfront property owned by the City, lands, and beds of navigation.
- B. Private Property
1. Public access meeting the requirements of Section 23.60.160 shall be provided on privately-owned waterfront property for the following developments:
 - a. Multifamily residential developments with more than four units along the shoreline, waterfront shorelines where waterfront property is available with proposed developments.
 - b. Other nonwater-dependent developments located on private waterfront property with a frontage of more than thirty feet in length along the waterfront frontage generated by the development that abut a shoreline with public access; and
 - c. Marinas, except for those in Section 23.60.200E.

2. The following uses shall be permitted on private waterfront property:
 - a. Water-dependent uses that are water related.
 - b. Residential uses.

C. Utilities

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

SUBCHAPTER XI: The

23.60.486 Conditional Uses in the CW Environment

The following uses may be authorized in the CW Environment by the Director with the concurrence of the Department of Ecology as principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

- A. Commercial uses:
Vessel repair, major, of historic ships
B. Nonwater-dependent commercial uses on historic ships:
1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B.2:
a. Sale of boat parts and accessories;
b. Personal and household retail sales and services; and
c. Eating and drinking establishments.
2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places;
b. The use is compatible with the existing design and/or construction of the ship without significant alteration;
c. Other uses permitted outright are impractical because of ship design or such uses cannot provide adequate financial support to sustain the ship in a reasonably good physical condition;
d. A Certificate of Approval has been obtained from the Landmarks Preservation Board; and
e. No other historic ship containing restaurant or retail uses is located within one-half mile of the proposed site.

23.60.488 Prohibited Uses

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

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

PART 2 DEVELOPMENT STANDARDS

23.60.510 Development Standards in the CW Environment

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

23.60.512 Temporary Structures

- A. All structures in waterways shall be floating except as permitted in subsections B and C.
B. Piling and dolphins may be permitted in waterways to secure floating structures only if the structures cannot be safely secured with anchors, or with pilings or dolphins located outside of the waterway.
C. Public access improvements including structures may be permitted on dry land portions of waterways.

23.60.514 Height

The height of structures permitted in waterways shall be

23.60.546 Permitted Uses on Upland Lots in the UR Environment

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

23.60.548 Prohibited Uses on Upland Lots in the UR Environment

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

PART 2 DEVELOPMENT STANDARDS

23.60.570 Development Standards for the UR Environment

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

23.60.572 Height in the UR Environment

- A. Maximum height
The maximum height in the UR Environment shall be thirty feet except as modified by subsections B through E.
B. The maximum height on upland lots on Harbor Avenue Southwest and Alki Avenue Southwest from Southwest Leon Place to 59th Avenue Southwest shall be sixty feet.
C. Pitched roofs
The ridge of pitched roofs on principal structures may extend five feet above the maximum height established in subsection A or B above. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.
D. Rooftop features
1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four feet above the maximum height.
3. The following rooftop features may extend ten feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen percent of the roof area or twenty percent of the roof area if the total includes screened mechanical equipment:
(a) stair and elevator penthouses;
(b) mechanical equipment;
(c) play equipment and open mesh fencing which encloses it, so long as the fencing is at least five feet from the roof edge; and
(d) chimneys.

E. Bridges

Bridges may extend above the maximum height limit.

23.60.574 Lot Coverage in the UR Environment

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

privately-owned water developments:

- a. Multifamily residential developments with more than four units of shoreline, shorelines where available with proposed developments
b. Other nonwaterfront developments located on private waterfront with a front lot frontage greater than about a street frontage public access; and
c. Marinas, except 23.60.200E.

2. The following uses

- a. Water-dependent water related
b. Residential uses
C. Utilities
Regulated public access or controlled property

SUBCHAPTER XI: THE URBAN RESIDENTIAL ENVIRONMENT

23.60.600 Uses Permitted in the UR Environment

The following uses shall be permitted as principal or accessory uses:

- A. The following residential uses:
1. Residences on dry land
Residential commercial uses is located above the ground surface containing nonresidential uses
2. Existing residences
increase in the number of residential units
3. Existing overwater structures
there is no additional structure
4. Floating home moorages
home moorages, when:
a. Located in Lake Washington
b. Occupied solely for floating home moorages
23.60.196A.4, conditions:
(1) The floating home moorage is subject to the Seattle Floating Home Act
(2) The floating home moorage is subject to the Seattle Floating Home Act
c. No more than one floating home moorage expansion is permitted after April 1, 1987
d. The moorage is not used for commercial moorage existing as of January 1, 1987 or in violation of an ordinance.

B. The following commercial uses:

- 1. Marine retail sales
2. Food processing, warehousing, and distribution

B. Lot Coverage Exceptions

1. Floating home moorages shall meet the lot coverage provisions in Section 23.60.196, Floating Homes.
2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five percent of the lot area or one thousand seven hundred fifty square feet, whichever is greater.
3. On the dry land portion of a lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen inches above original grade shall not be included in lot coverage.
4. On multi-family zoned lots, the lot coverage percentage shall not apply.

23.60.576 View Corridors in the UR Environment

- A. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.
- B. View corridors are not required for single-family dwelling units.
- C. The following may be located in a required view corridor:
 1. Open wet moorage;
 2. Storage of boats undergoing repair;
 3. Parking which meets the criteria of Section 23.60.162B.3, View Corridors.

23.60.578 Regulated Public Access

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tide-lands, and beds of navigable waters not abutting dry land.

B. Private Property

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately-owned waterfront lots for the following developments:
 - a. Multifamily residential developments of more than four units with more than seventy-five feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred feet of the proposed development;
 - b. Other nonwater-dependent uses except those located on private lots in the Lake Union area with a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway provides public access; and
 - c. Marinas, except as exempted by Section 23.60.200E.
2. The following uses are not required to provide public access on private lots:
 - a. Water-dependent uses other than marinas and water related uses; and
 - b. Residential uses of fewer than five units.

C. Utilities

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

3. Wholesale showroom, miniwarehouse, warehouse and open storage, water-related; and
4. Passenger terminals, water-dependent.

C. 1. The following nonwater-dependent commercial uses on dry land when the requirements of subsection C.2 are met:

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

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

- a. Facilities for the moorage, restoration, or reconstruction of one or more historic vessels;
- b. Terminal facilities for one or more cruise ships, harbor tour boats, or foot passenger ferries;
- c. More than five hundred lineal feet of moorage for commercial fishing vessels at rates equivalent to that charged at public moorage facilities;
- d. Facilities for a maritime museum or waterfront interpretive center that is a separate nonprofit organization existing at time of application;
- e. More than fifteen hundred lineal feet of saltwater moorage for recreational vessels;
- f. A major public open space, occupying at least one-third of the dry land lot area, which includes a public walkway with benches and picnic tables along the entire water frontage, and connecting public walkways to adjacent sites and any nearby public parks or other public facilities. The Director shall require adequate signed parking for the open space; or
- g. Other facilities or amenities similar to those listed above which provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director.

D. Streets, railroads and bridges;

E. The following utilities:

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

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

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

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

1. The dry land portion of the lot is less than fifty feet in depth;
2. Location of such facilities on the dry land portion of the lot is not feasible; and
3. The facilities or amenities required by Section

privately-owned waterfront lots for the following developments:

- a. Multifamily residential developments of more than four units with more than seventy-five feet of shoreline, except when located on salt water shorelines where public access from a street is available within six hundred feet of the proposed development;
- b. Other nonwater-dependent uses except those located on private lots in the Lake Union area with a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water, that abut a street and/or waterway provides public access; and
- c. Marinas, except as exempted by Section 23.60.200E.

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

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

C. Utilities

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

SUBCHAPTER XI: The Urban Stable Environment
PART 1 USES

23.60.600 Uses Permitted Outright on Waterfront Lots in the US Environment

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

A. The following residential uses:

1. Residences on dry land when the underlying zoning is Residential Commercial (RC) and when the residential use is located above the ground floor of a structure containing nonresidential uses on the ground floor;
2. Existing residences on dry land provided there is no increase in the number of units;
3. Existing overwater single-family residences provided there is no additional water coverage; and
4. Floating home moorages or the expansion of floating home moorages, when:
 - a. Located in Lake Union or Portage Bay;
 - b. Occupied solely by no more than two existing floating homes as defined in Section 23.60.196A.4, under any of the following conditions:
 - (1) The floating homes have been evicted from other moorage pursuant to the provisions of subsections E, G or H of Section 7.20.040, Seattle Municipal Code; or
 - (2) The floating homes have been relocated from other moorage pursuant to a settlement agreement entered into prior to April 1, 1987 between a moorage owner and a tenant floating home owner arising out of a legal action for eviction;
 - c. No more than one such moorage or moorage expansion is permitted per lot established as of April 1, 1987; and
 - d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of the effective date of this ordinance;

B. The following commercial uses:

1. Marine retail sales and services;
2. Food processing, water-related;

- g. Other facilities or amenities similar to those listed above which provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director.
- D. Streets, railroads and bridges;
- E. The following utilities:
1. Utility lines;
 - a. Utility service uses whose operations require a shoreline location;
- F. Light and general manufacturing uses, water-dependent or water-related;
- G. Water-dependent or water-related institutions or facilities of institutions, except nonwater-dependent facilities of yacht, boat and beach clubs;
- H. Yacht, boat or beach clubs which have nonwater-dependent facilities, provided that such facilities may be located over water only when:

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

- I. Public facilities, water-dependent or water-related;
- J. Open space uses; and
- K. Aquaculture.

23.60.602 Special Uses on Waterfront Lots in the US Environment

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

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

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

23.60.604 Conditional Uses on Waterfront Lots in the US Environment

The following uses may be authorized on waterfront lots in the US Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

A. Residential uses

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

- a. Not located near uses which are normally incompatible with residential use because of factors such as noise, air and water pollutants, or aesthetic values protected by this Chapter;
- b. located above the ground floor of a structure containing non-residential uses on the ground floor, except that single-family residences along Seaview Avenue Northwest between 34th Avenue Northwest and Northwest 60th Street may be located on the ground floor;
- c. Located near other residences on waterfront lots;
- d. Not located on a lot or in an area which would make the lot suitable for use by water-dependent or water-related use by having any of the following characteristics:
 - (1) existing piers or other structures suitable for use by a water-dependent use;
 - (2) adequate amounts of submerged and dry lands; or
 - (3) adequate water depth and land slope.

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

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

- a. After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use;
- b. The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses;
- c. The structural bulk of the floating home development will not adversely affect surrounding development; and
- d. When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent non-residential uses and vacant lots.

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

1. Eating and drinking establishments meeting the criteria of subsection 23.60.600C.2;
2. Marine retail sales and services;
3. Personal and household retail sales and service uses;

waterfront lots in the US environment:

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

B. The following commercial uses:

1. Medical services;
2. Animal services;
3. Automotive retail sales and services;
4. Lodging;
5. Mortuary services;
6. Parking, principal use;
7. Non-household sales and services;
8. Ground level offices in the Lake Union area;
9. Nonwater-dependent wholesale showroom, miniwarehouse, warehouse and outdoor storage uses;
10. Off-premise signs;
11. Personal transportation services;
12. Passenger terminals, nonwater-dependent;
13. Cargo terminals;
14. Bus bases;
15. Helistops and heliports;
16. Airports, land-based;
17. Food processing, nonwater-dependent; and
18. Research and development laboratory;

C. Salvage and recycling uses;

D. The following manufacturing uses:

1. Light and general manufacturing, nonwater-dependent; and
 2. Heavy manufacturing uses;
- E. High impact uses;
- F. The following utilities:
1. Communication utilities;
 2. Solid waste transfer stations;
 3. Power plants; and
 4. Sewage treatment plants;

G. Public facilities, nonwater-dependent;

H. Institutional uses, nonwater-dependent;

I. Agricultural uses except aquaculture; and

J. Groins and similar structures which block the flow of sand to adjacent beaches.

23.60.608 Permitted Uses on Upland Lots in the US Environment

A. Uses Permitted Outright

1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirement of Section 23.60.600C to provide special public benefits.
2. Additional uses permitted outright on upland lots:

a. The following residential uses:

- (1) Single family and multi-family residences; and
- (2) Special residences;

b. The following commercial uses:

- (1) Medical services;
- (2) Animal services;
- (3) Automotive retail sales and service;
- (4) Parking, principal use;
- (5) Lodging;
- (6) Mortuary services;
- (7) Non-household sales and service;
- (8) Wholesale showroom, miniwarehouse, warehouse and outdoor storage uses, nonwater-dependent;
- (9) Research and development laboratories; and
- (10) Ground level offices in the Lake Union

b. The views of residences above the maximum height.

2. Water-Dependent

Cranes, mobile equipment necessary for dependent uses above the maximum height.

C. Pitched Roofs

In areas with a maximum height of ten feet, the ridge of pitched roofs may extend up to five feet above the maximum height. All parts of the roof shall be at a rate of not less than one percent. A shed roof shall be permitted if the maximum height limit under this section is not exceeded.

D. Rooftop Features

1. Radio and television antennas, chimneys, flagpoles, and other structures are regulated in the City District, provided they are not visible from any side or end of the lot.
2. Open rails, planters, monitors, greenhouses, and other structures shall extend four feet above the roof level. Unlimited rooftop structures shall be permitted if the total height above the roof level does not exceed fifteen feet above the maximum height of the building as the combined height of the structure in this subsection and the roof area or other structure. If the total height exceeds fifteen feet, the structure shall be regulated as follows:
 - a. Solar collectors shall be regulated as follows:
 - (1) Stair and elevator shafts shall be regulated as follows:
 - (i) Mechanical shafts shall be regulated as follows:
 - (A) Play equipment shall be regulated as follows:
 - (i) encloses it
 - (ii) fifteen feet

E. Bridges

Bridges may extend above the maximum height.

23.60.634 Lot Coverage in the US Environment

A. Waterfront Lots

1. Structures, including mobile equipment, shall not occupy more than ten percent of any lot.
2. Structures shall not occupy more than ten percent of the dry land portion of the lot.

B. Upland Lots

1. Structures are permitted to occupy up to ten percent of an upland lot in subsection B2 or B3 of this section.
2. On Fairview Avenue and the University Street waterfront, residential uses shall not exceed ten percent.

C. Lot Coverage Exceptions

1. On waterfront lots with a depth of less than fifty feet of dry land, and the street right-of-way is less than sixty-five feet wide, the maximum height of the lot shall be regulated as follows:
 2. On single-family residential lots, structures shall be permitted for principal uses as follows:

mortgage, platting, property tax segregation or building permit, and having less than thirty feet of dry land calculated as provided in Section 23.60.956, Calculation of Lot Depth;

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

- After considering the nature and condition of nearby structures and uses the Director determines that the immediate environs are not incompatible with residential use;
- The residential use will not usurp land better suited to water-dependent, water-related or associated industrial or commercial uses;
- The structural bulk of the floating home development will not adversely affect surrounding development; and
- When the floating home development is buffered by distance, screening or an existing recreational marina from adjacent non-residential uses and vacant lots.

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

- Eating and drinking establishments meeting the criteria of subsection 23.60.600C.2;
- Marine retail sales and services;
- Personal and household retail sales and service uses;
- Entertainment uses; and
- Custom and craft work.

C. Nonwater-dependent commercial uses on historic ships

- The following uses may be permitted on an historic ship when meeting the criteria in subsection C.2 below:
 - Sale of boat parts or accessories;
 - Personal and household retail sales and services; and
 - Eating and drinking establishments.
- The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historical Places;
 - The use is compatible with the existing design and/or construction of the ship without significant alteration;
 - Uses permitted outright are impractical because of the ship design and/or the permitted uses cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;
 - A Certificate of Approval has been obtained from the Landmarks Preservation Board; and
 - No other historic ship containing restaurant or retail uses is located within one-half mile of the proposed site.

D. Landfill which creates dry land for nonwater-dependent uses which are accessory to or associated with water-dependent or water-related uses, when the following criteria are met:

- Development of the water-related or water-dependent use would not be feasible without the accessory or associated nonwater-dependent uses;
- No reasonable alternative to landfill exists including overwater or offsite location of the uses;
- The total development provides a clear public benefit; and
- If more than two square yards of dry land per lineal yard of shoreline is created, the landfill site is not located in Lake Union or Portage Bay.

23.60.606 Prohibited Uses on Waterfront Lots in the US Environment

The following uses shall be prohibited as principal uses on

to adjacent beaches.

23.60.608 Permitted Uses on Upland Lots in the US Environment

A. Uses Permitted Outright

- Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirement of Section 23.60.600C to provide special public benefits.
- Additional uses permitted outright on upland lots:
 - The following residential uses:
 - Single family and multi-family residences; and
 - Special residences;
 - The following commercial uses:
 - Medical services;
 - Animal services;
 - Automotive retail sales and service;
 - Parking, principal use;
 - Lodging;
 - Mortuary services;
 - Non-household sales and service;
 - Wholesale showroom, miniwarehouse, warehouse and outdoor storage uses, nonwater-dependent;
 - Research and development laboratories; and
 - Ground level offices in the Lake Union area;
 - Recycling collection stations;
 - Light and general manufacturing uses;
 - Institutional uses; and
 - Public facilities.

B. Uses Permitted as Special Uses

Uses permitted as special uses on waterfront lots are permitted as special uses on upland lots.

23.60.610 Prohibited Uses on Upland Lots in the US Environment

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

PART 2 DEVELOPMENT STANDARDS

23.60.630 Development Standards for the US Environment

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

23.60.632 Height in the US Environment

A. Maximum Height

The maximum heights in the US Environment shall be as follows, as modified in subsections B through E:

- The maximum height shall be thirty feet in all locations except those listed in subsections A2 through 4.
- The maximum height on upland lots along Westlake Avenue North shall be as follows:
 - Fremont Bridge to Newton Street -- forty feet,
 - South of Newton Street -- sixty-five feet.
- The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way shall be sixty-five feet.
- The maximum height on upland lots along Seaview Avenue Northwest between Northwest 61st Street and Northwest 62nd Street shall be forty feet.

B. Height Exemptions for Water-dependent Uses

- Floating structures accessory to a water-dependent or water-related use that, by reason of intended use, require additional height may be authorized up to thirty-five feet, with or without a flat roof, by the Director when:
 - Not more than twenty-five percent of the lot area would be at an increased height; and

E. Bridges

Bridges may extend above

23.60.634 Lot Coverage in

A. Waterfront Lots

- Structures, including those that occupy more than 25 percent of any lot.
- Structures shall not occupy more than 25 percent of the dry land on waterfront lots.

B. Upland Lots

- Structures are permitted to occupy up to 25 percent of an upland lot.
- On Fairview Avenue and the University of Washington, residential uses shall not exceed 25 percent.

C. Lot Coverage Exception

- On waterfront lots less than 100 feet of dry land and the street right-of-way of sixty-five percent of the lot area.
- On single-family lots, structures shall not exceed 25 percent or seventeen times the lot area, whichever is greater.
- On the dry land portion of a proposed structure, the grade existing prior to the construction of the structure shall be above original ground level coverage.

23.60.636 View Corridors

A. A view corridor or corridor shall be maintained on the width of the lot, as shown on the plat, through lot separated by a street, CR, CP or CN, by a structure.

B. View corridors are not required for residential development.

C. The following may be permitted:

- Open wet moorage;
- Storage of boats;
- Parking which meets the requirements of 23.60.162B.3, View Corridors.

D. The required view corridor shall be twenty-five percent of the lot area, water-dependent or water-related uses shall be 25 percent of the dry land area.

E. A view corridor or corridor shall be maintained on the width of the lot, as shown on the plat, through lot separated by a street, CR, CP or CN, by a structure. The following may be permitted:

- Open wet moorage;
- Dry storage of boats;
- Parking for both residential and commercial dependent uses.

23.60.638 Regulated Public Property

A. Public Property

Public access meeting the requirements of 23.60.162B.3 shall be provided and maintained on publicly controlled

uses at or below
conditional uses
b. The views of a substantial number of upland residences would not be blocked by the increased height.

2. Water-Dependent Uses
Cranes, mobile conveyors, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height limit.

C. Pitched Roofs
In areas with a maximum height limit of thirty or forty feet, the ridge of pitched roofs on principal structures may extend up to five feet above the height permitted. All parts of the roof above the maximum must be pitched at a rate of not less than three to twelve. No portion of a shed roof shall be permitted to extend beyond the maximum height limit under this provision.

D. Rooftop Features
1. Radio and television receiving aerials, smokestacks, chimneys, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet from any side or rear lot line.
2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four feet above the maximum height limit with unlimited rooftop coverage.
3. The following rooftop features may extend up to fifteen feet above the maximum height limit, so long as the combined total coverage of all features listed in this subsection does not exceed twenty percent of the roof area or twenty-five percent of the roof area if the total includes screened mechanical equipment:
a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment; and
d. Play equipment and open mesh fencing which encloses it, so long as the fencing is at least fifteen feet from the roof edge.

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

23.60.634 Lot Coverage in the US Environment
A. Waterfront Lots
1. Structures, including floats and piers, shall not occupy more than fifty percent of the submerged land of any lot.
2. Structures shall not occupy more than fifty percent of the dry land of any lot.

B. Upland Lots
1. Structures are permitted to occupy one hundred percent of an upland lot except as modified in subsection B2 or C below.
2. On Fairview Avenue East between East Newton Street and the University Bridge, upland lots developed with residential uses and nonwater-dependent commercial uses shall not exceed a lot coverage of fifty percent.

C. Lot Coverage Exceptions
1. On waterfront lots with less than an average of fifty feet of dry land between the ordinary high water mark and the street right-of-way, a maximum lot coverage of sixty-five percent is permitted on the dry land portion of the lot.
2. On single-family zoned lots the maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five percent of the lot area or seventeen hundred fifty square feet, whichever is

private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property
1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately-owned waterfront lots for the following developments:
a. Multifamily residential developments of more than four units with more than one hundred feet of shoreline, except when uses located on salt water shorelines where public access from a street is available within six hundred feet of the proposed development;
b. Other nonwater-dependent uses, except those located on private lots in the Lake Union area with a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street or waterway providing public access;
c. Marinas, except as exempted by Section 23.60.200E; and
d. Yacht, boat and beach clubs which have nonwater-dependent facilities over water.
2. The following uses are not required to provide public access on private lots:
a. Water-dependent and water-related uses, except yacht, boat and beach club which have nonwater-dependent facilities over water, and marinas; and
b. Residential uses of fewer than five units.

D. Utilities
Regulated public access shall be provided on utility owned or controlled property within the Shoreline District.
23.60.640 Location of Uses

A. When a use is permitted only above the ground floor level,
1. Permitted uses other than residential or office uses shall occupy no less than fifty percent of the ground floor level;
2. Parking on the ground floor is limited to required parking, and shall not occupy more than fifty percent of the ground floor level; and
3. All uses located on the ground floor shall be located and designed, as determined by the Director, to encourage public access to the shoreline.

B. Calculation of ground floor level:
The ground floor level shall be that level of a structure having the closest floor level to the average grade of the structure. For a sloping lot, the Director shall determine what constitutes the ground floor, taking into consideration the purpose of subsection A.3.

23.60.642 Development between the Pierhead Line and the Construction Limit Line in the US Environment in Lake Union and Portage Bay
Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks and floating homes at existing moorages.

SUBCHAPTER XII: Urban Harborfront Environment
PART 1: USES

23.60.660 Uses Permitted Outright on Waterfront Lots in the US Environment
The following uses shall be permitted over water or on dry land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:
A. The following commercial uses:
1. Personal and household retail sales and services;

Director as either principal use criteria of Section 2

A. Airport, water-based;
B. The following utilities:
1. Communication utility location;
2. Utility service location; and
3. Utility lines;

C. The following shoreland:
1. Natural beach protection
2. Bulkheads to support related use, or to prevent erosion on beaches, when not practical alternative

D. Dredging when necessary related uses or to improve

E. The following types of uses:
1. Landfill on dry land use and as part of
2. Landfill on submerged land, where necessary water-related use or utility line.

23.60.644 Conditional Uses in the US Environment

The following uses may be permitted on waterfront land portions of waterfront lots, with the concurrence of the Director, as either principal or accessory conditional uses in WAC 173

A. The following commercial uses:
1. Helistops, subject to:
a. The helistop shall not be an adverse physical impact in the surrounding area and other gatherings;
b. The lot is not the helistop; be buffered;
c. Open areas shall be surfaced;
d. The helistop shall include an approach lane;
e. The helistop shall be a service project which operates
2. Outdoor storage
3. Warehouses, water
4. Wholesale showrooms
5. Research and development dependent.

B. Nonwater-dependent uses:
1. The following uses shall be permitted on waterfront lots when meeting the criteria set forth below:
a. Sale of boats
b. Personal and household retail sales and services;
c. Eating and drinking establishments

2. a. The ship shall be a landmark National Historic Landmark

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

23.60.634 Lot Coverage in the US Environment

A. Waterfront Lots

- Structures, including floats and piers, shall not occupy more than fifty percent of the submerged land of any lot.
- Structures shall not occupy more than fifty percent of the dry land of any lot.

B. Upland Lots

- Structures are permitted to occupy one hundred percent of an upland lot except as modified in subsection B2 or C below.
- On Fairview Avenue East between East Newton Street and the University Bridge, upland lots developed with residential uses and nonwater-dependent commercial uses shall not exceed a lot coverage of fifty percent.

C. Lot Coverage Exceptions

- On waterfront lots with less than an average of fifty feet of dry land between the ordinary high water mark and the street right-of-way, a maximum lot coverage of sixty-five percent is permitted on the dry land portion of the lot.
- 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 seventeen hundred fifty square feet, whichever is greater.
- On the dry land portion of the lot where some portion of a proposed structure will be placed below the grade existing prior to construction, those portions of the structure which are less than eighteen inches above original grade shall not be included in lot coverage.

23.60.636 View Corridors in the US Environment

A. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots and on any upland through lot separated from a waterfront lot designated CM, CR, CP or CN, by a street or railroad right-of-way.

B. View corridors are not required for single family residential development.

C. The following may be located in a required view corridor:

- Open wet moorage;
- Storage of boats undergoing repair; and
- Parking which meets the criteria of Section 23.60.162B.3, View Corridors.

D. The required view corridor width shall be reduced to twenty-five percent of the width of the lot when water-dependent or water-related uses occupy more than forty percent of the dry land area of the lot.

E. A view corridor or corridors of not less than sixty-five percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street. The following may be located in the required view corridors:

- Open wet moorage;
- Dry storage of boats; and
- Parking for both water-dependent and nonwater-dependent uses.

23.60.638 Regulated Public Access

A. Public Property
 Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to

floor level;

- Parking on the ground floor is limited to required parking, and shall not occupy more than fifty percent of the ground floor level; and
- All uses located on the ground floor shall be located and designed, as determined by the Director, to encourage public access to the shoreline.

B. Calculation of ground floor level:
 The ground floor level shall be that level of a structure having the closest floor level to the average grade of the structure. For a sloping lot, the Director shall determine what constitutes the ground floor, taking into consideration the purpose of subsection A.3.

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

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks and floating homes at existing moorages.

SUBCHAPTER XII: Urban Harborfront Environment
PART 1: USES

23.60.660 Uses Permitted Outright on Waterfront Lots in the UH Environment
 The following uses shall be permitted over water or on dry land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

A. The following commercial uses:

- Personal and household retail sales and services;
- Marine retail sales and services;
- Eating and drinking establishments;
- Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted;
- Parking over water when accessory to a water-dependent or water-related use;
- Parking on dry land when accessory to a permitted use;
- Offices when located above wharf level;
- Entertainment uses;
- Passenger terminals, water-dependent;
- Breakbulk cargo terminals;
- Research and development laboratories, water-dependent; and
- Food processing and craft work uses;

B. Light manufacturing uses, water-dependent or water-related;

C. Streets, railroads and bridges;

D. The following institutions:

- Institutes for advanced study, water-dependent or water-related;
- Maritime museums;
- Colleges that have water-dependent or water-related facilities;
- Community centers;
- Vocational schools, water-dependent or water-related;
- Community yacht, boat, and beach clubs; and
- Day care centers when located above wharf level;

E. The following public facilities:

- Public facilities, water-dependent or water-related; and
- Public facilities that are part of an approved public improvement plan for the Harborfront adopted by the Council;

F. Shoreline Recreation; and

G. Aquaculture.

23.60.662 Special Uses Permitted on Waterfront Lots in the UH Environment
 The following uses may be authorized over water or on dry land portions of waterfront lots in the UH Environment by the

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B. Nonwater-dependent

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**23.60.666 Council Cond
 Lots: Water**

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B. The following devel
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City of Seattle Notices

Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

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

23.60.664 Conditional Uses Permitted on Waterfront Lots in the UH Environment

The following uses may be authorized over water or on dry land portions of waterfront lots in the UH Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

- A. The following commercial uses:
 - 1. Helistops, subject to the following criteria:
 - a. The helistop is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;
 - b. The lot is of sufficient size that operations of the helistop and flight paths of helicopters can be buffered from the surrounding area;
 - c. Open areas and landing pads shall be hard-surfaced;
 - d. The helistop meets all federal requirements including those for safety, glide angles and approach lanes; and
 - e. The helistop is an integral element of the service provided by the business establishment which operates it;
 - 2. Outdoor storage, water-related or water-dependent;
 - 3. Warehouses, water-related or water-dependent;
 - 4. Wholesale showrooms; and
 - 5. Research and development laboratories, nonwater-dependent.
- B. Nonwater-dependent commercial uses on historic ships:
 - 1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B.2 below:
 - a. Sale of boat parts or accessories;
 - b. Personal and household retail sales and services;
 - c. Eating and drinking establishments.
 - 2. a. The ship is designated as historic by the

Harborfront 1 zone except the Historic Character Area established by Section 23.60.704.

- 2. Siting of project components shall be designed to facilitate the operation of the water dependent component(s). Views from Alaskan Way of activity over water and the harbor itself are encouraged, and the frontage of the project on Alaskan Way should contribute to an interesting and inviting pedestrian environment.
- 3. The area of the project shall be adequate to accommodate the operations of a major water-dependent use suited to a downtown harbor area location.
 - a. Area
 - A minimum of twenty thousand square feet or square footage equivalent to twenty percent of the developed lot area, whichever is greater, shall be dedicated to water dependent use.
 - b. Moorage
 - The moorage required by Section 23.60.698 shall not be calculated as part of the major water dependent use. Moorage provided in excess of the requirement shall be credited as part of the minimum square footage requirement for water dependent use.
 - c. Lot coverage
 - An increase in the base lot coverage from fifty percent to a maximum of sixty-five percent may be permitted by the Council. Structures excluding floats permitted by Section 23.60.694C, shall not occupy more than sixty-five percent of the submerged land and sixty-five percent of the dry land of any lot. To exceed the base lot coverage, development shall be modified to accomplish the following objectives:
 - (1) Prevent building bulk from being concentrated along the Alaskan Way frontage of the lot;
 - (2) Promote an overall massing of the pier superstructure to reflect some of the qualities of traditional pier development;
 - (3) Site view corridors and public access areas to reduce the appearance of building bulk over water; and
 - (4) Ensure coverage configuration that permits the water abutting the Alaskan Way seawall to be visible so that the seawall will be perceived as the edge of the water.
- 4. Height
 - The Council may permit increases in building height up to sixty or seventy-five feet above Alaskan Way in the areas shown on Exhibit 23.60.666. Structure heights of seventy-five feet shall be permitted only on dry land portions of a lot located inside the Inner Harbor Line. Portions of the structures that are above forty-five feet, as measured from Alaskan Way, shall not occupy more than forty percent of the submerged land and forty percent of the dry land of the lot. Heights above forty-five feet shall not be permitted within one hundred feet of the Outer Harbor Line. To exceed forty-five feet, the development should accomplish the following objectives:
 - a. Maintain views from upland public spaces and rights-of-way;
 - b. Ensure structure heights that provide a transi-

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23.60.668 Prohibited Uses in the UH Environment
The following uses are prohibited on waterfront lots in the UH Environment:
A. Residential uses;
B. The following commercial uses:
1. Medical services;
2. Animal services;
3. Automotive retail;
4. Lodging, except executive suites;
5. Mortuary services;
6. Offices at wharf/shipyard;
7. Adult motion picture theaters;
8. Parking, principal or secondary;
9. Nonhousehold sales

- b. The lot is of sufficient size that operations of the helistop and flight paths of helicopters can be buffered from the surrounding area;
 - c. Open areas and landing pads shall be hard-surfaced;
 - d. The helistop meets all federal requirements including those for safety, glide angles and approach landing; and
 - e. The helistop is an integral element of the service provided by the business establishment which operates it;
2. Outdoor storage, water-related or water-dependent;
 3. Warehouses, water-related or water-dependent;
 4. Wholesale showrooms; and
 5. Research and development laboratories, nonwater-dependent.
- B. Nonwater-dependent commercial uses on historic ships:**
1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B.2 below:
 - a. Sale of boat parts or accessories;
 - b. Personal and household retail sales and services;
 - c. Eating and drinking establishments.
 2.
 - a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places;
 - b. The use is compatible with the existing design and/or construction of the ship without significant alteration;
 - c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition;
 - d. The use shall obtain a certificate of approval from the Landmarks Preservation Board; and
 - e. No other historic ship containing restaurant or retail uses is located within one-half mile of the proposed site, unless the proposed site is within the Historic Character Area.
- C. Light manufacturing uses, nonwater-dependent which:**
1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five percent of the developed portion of the lot;
 2. Contribute to the maritime or tourist character of the area; and
 3. Are located to accommodate water-dependent or water-related uses on site.
- D. The following nonwater-dependent institutions:**
1. Institutes for advanced study;
 2. Museums;
 3. Colleges; and
 4. Vocational schools.
- 23.60.666 Council Conditional Uses Permitted on Waterfront Lots: Water-Dependent Incentive**
- A. Developments which include major water-dependent uses may be permitted to increase height and lot coverage and to depart from the other development standards of Part 2 of this subchapter through the Council conditional use process set forth in Section 23.60.068, Council Conditional Use Authorization, if the Council finds that such departures would encourage the retention of existing and/or development of new water-dependent uses.**
- B. The following development standards shall be used as criteria in evaluating projects which include a major water-dependent use:**
1. The project may be located in any area of a Downtown

- (3) Site view corridors and public access areas to reduce the appearance of building bulk over water; and
 - (4) Ensure coverage configuration that permits the water abutting the Alaskan Way seawall to be visible so that the seawall will be perceived as the edge of the water.
- 4. Height**
- The Council may permit increases in building height up to sixty or seventy-five feet above Alaskan Way in the areas shown on Exhibit 23.60.666. Structure heights of seventy-five feet shall be permitted only on dry land portions of a lot located inside the Inner Harbor Line. Portions of the structures that are above forty-five feet, as measured from Alaskan Way, shall not occupy more than forty percent of the submerged land and forty percent of the dry land of the lot. Heights above forty-five feet shall not be permitted within one hundred feet of the Outer Harbor Line. To exceed forty-five feet, the development should accomplish the following objectives:
- a. Maintain views from upland public spaces and rights-of-way;
 - b. Ensure structure heights that provide a transition to the lower pier structures in the Historic Character area;
 - c. Maintain a structure height along Alaskan Way frontage that is consistent with existing pier development, maximizes solar access to Alaskan Way and establishes a scale of development in keeping with the pedestrian character; and
 - d. Provide a transition in height and scale between the waterfront and abutting upland development.
- 5. Public Access**
- Public access shall be required according to the following guidelines to ensure access to the water and marine activity without conflicting with the operation of water dependent uses.
- a. Public access shall be provided approximately equivalent to fifteen percent of the lot coverage or five thousand square feet, whichever is greater, except as provided in subsection b(3) below.
 - b. Area designated for public access shall be subject to the following conditions:
 - (1) Where the water-dependent use will benefit from or is compatible with public access, such as passenger terminals, ferry operations and tour boats, the access shall be provided in conjunction with the water-dependent use;
 - (2) Where public access would conflict with the operations of the water-dependent use, access requirements may be met on alternative portions of the lot;
 - (3) Where the entire lot is to be occupied by a water-dependent use, the Council may permit a partial waiver of the public access requirement;
 - (4) To qualify as public access, an area shall be directly accessible from Alaskan Way and clearly related to public open spaces. Efforts should also be made to physically and visually link public access areas over water with the east/west streets providing links to upland areas;
 - (5) The public access area shall provide the

- views of the b
- Alaskan Way to
- public access
- c. View corridors be encouraged sense of bulk
 - d. Overhead weather architectural corridor only from pedestrian upland streets
- 23.60.668 Prohibited Uses on Waterfront Lots in the Urban Environment**
- The following uses are prohibited on waterfront lots in the Urban Environment:
- A. Residential uses;**
- B. The following commercial uses:**
1. Medical services;
 2. Animal services;
 3. Automotive retail sales;
 4. Lodging, except existing;
 5. Mortuary services;
 6. Offices at wharf/str
 7. Adult motion picture
 8. Parking, principal
 9. Nonhousehold sales
 10. Mini-warehouses;
 11. Personal transportation
 12. Cargo terminals, except
 13. Bus bases;
 14. Heliports; and
 15. Airports, land-based
- C. Salvage and recycling uses**
- D. The following utilities:**
1. Solid waste transfer
 2. Power plants; and
 3. Sewage treatment plants
- E. General and heavy manufacturing**
- F. The following institutions:**
1. Schools, elementary
 2. Hospitals;
 3. Religious facilities;
 4. Private yacht, boat
- G. Public facilities or projects except those that are permitted for the harborfront area:**
- H. High impact uses;**
- I. Agriculture uses except**
- J. Groins and similar structures to adjacent beaches; and**
- K. Landfill which creates**
- 23.60.670 Permitted Uses on Waterfront Lots**
- A. Uses Permitted Outright**
- The following uses shall be permitted on waterfront lots as principal or accessory uses:
1. Uses permitted outright in the urban environment;
 2. Additional uses permitted:
 - a. Residential uses;
 - b. The following:
 1. Nonhousehold
 2. Warehouses
 3. Medical
 4. Lodging;
 5. Offices
 6. Parking
 7. Surface
 8. Personal
 - c. Institutions;

public with visual and physical access to the shoreline area. Preference shall be given to perimeter access on overwater structures providing maximum exposure to the bay and surrounding activity;

(6) Interpretive features such as displays or special viewing equipment shall be incorporated in public access areas. Maritime museum space which is fully enclosed will not count as public access space;

(7) Up to fifty percent of the total public access area may be covered, provided that at least fifty percent of the perimeter of any covered area is open to views of the water;

(8) A portion of the required public access area, not to exceed fifty percent, may be provided at an elevation exceeding two feet above or below the grade of Alaskan Way. The area must be open to views of the water along at least fifty percent of the perimeter, be easily identifiable as public space and be fully accessible to the public.

6. View Corridors

view corridors shall be provided equivalent to thirty percent of the street frontage of the lot. The following conditions for view corridors shall be met:

- a. View corridors shall allow views of the water from the street. View corridors shall maintain and enhance pedestrian views from Alaskan Way along traditional view corridors established by submerged street rights-of-way, as well as views from upland areas along east/west rights-of-way. View corridors shall provide views past pier development out into the open water of Elliott Bay and to the Olympic Mountains where possible;
- b. View corridors shall maximize opportunities for views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;
- c. View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and
- d. Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

23.60.668 Prohibited Uses on Waterfront Lots in the UH Environment

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

- A. Residential uses;
- B. The following commercial uses:
 - 1. Medical services;
 - 2. Animal services;
 - 3. Automotive retail sales and service;
 - 4. Lodging, except existing hotels;
 - 5. Mortuary services;
 - 6. Offices at wharf/street level;
 - 7. Adult motion picture theaters and panorams;
 - 8. Parking, principal use;
 - 9. Nonhousehold sales and services;
 - 10. Mini-warehouses;

d. Public facilities.

B. Uses Permitted as Special Uses

Uses permitted as special uses on waterfront in the UH Environment lots are permitted as special uses on upland lots.

23.60.672 Prohibited Uses on Upland Lots in the UH Environment
Uses prohibited on waterfront lots in the UH environment are also prohibited on upland lots unless specifically permitted in Section 23.60.670.

PART 2 DEVELOPMENT STANDARDS

23.60.690 Development Standards for the UH Environment

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

23.60.692 Height in the UH Environment

A. Waterfront Lots

The maximum height in the UH Environment shall be forty-five feet except in the Historic Character Area where the maximum height shall be fifty feet all as measured from Alaskan Way, except as modified by Subsection C below.

B. Upland Lots

The maximum height shall be fifty-five feet, sixty-five feet, eighty-five feet, one-hundred feet, one hundred twenty-five feet, or one hundred sixty feet, as determined by location on the Official Land Use Map, Chapter 23.32, except as modified by this section.

C. Height Exceptions

- 1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.
- 2. Flagpoles, masts, and light poles are exempt.
- 3. Rooftop features
 - a. Open railings, planters, clerestories, skylights, parapets and firewalls may extend up to four feet above the maximum height with unlimited rooftop coverage.
 - b. Solar collectors may extend up to seven feet above the maximum height with unlimited rooftop coverage.
 - c. The following rooftop features may extend up to fifteen feet above the maximum height, as long as the combined coverage of all features listed in this paragraph 3.C does not exceed twenty percent of the roof area, or twenty-five percent if the total includes stair or elevator penthouses or screened mechanical equipment:
 - Solar collectors;
 - Stair and elevator penthouses;
 - Mechanical equipment; and
 - Play equipment and open mesh fencing, as long as the fencing is at least fifteen feet from the roof edge.
 - d. Radio and television receiving aerials excluding dishes; religious symbols such as belfries or spires and that portion of the roof which supports them; transmission towers; smokestacks and flagpoles may extend up to fifty feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height District, provided they are a

views of the bay and waterfront activity along Alaskan Way to enhance public open space and public access areas;

c. View corridors through a development site shall be encouraged to assist in relieving the overall sense of bulk of development over water; and

d. Overhead weather protection, arcades or other architectural features may extend into the view corridor only if they do not obstruct views from pedestrian areas at Alaskan Way or on upland streets.

23.60.666 Prohibited Uses on Waterfront Lots in the UH Environment

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

- A. Residential uses;
- B. The following commercial uses:
 - 1. Medical services;
 - 2. Animal services;
 - 3. Automotive retail sales and service;
 - 4. Lodging, except existing hotels;
 - 5. Mortuary services;
 - 6. Offices at wharf/street level;
 - 7. Adult motion picture theaters and panorams;
 - 8. Parking, principal use;
 - 9. Nonhousehold sales and services;
 - 10. Mini-warehouses;
 - 11. Personal transportation services;
 - 12. Cargo terminals, except breakbulk;
 - 13. Bus bases;
 - 14. Heliports; and
 - 15. Airports, land-based.
- C. Salvage and recycling uses;
- D. The following utilities:
 - 1. Solid waste transfer stations;
 - 2. Power plants; and
 - 3. Sewage treatment plants;
- E. General and heavy manufacturing;
- F. The following institutional uses:
 - 1. Schools, elementary or secondary;
 - 2. Hospitals;
 - 3. Religious facilities; and
 - 4. Private yacht, boat and beach clubs;
- G. Public facilities or projects that are nonwater-dependent except those that are part of public improvement plan for the harborfront adopted by the Council;
- H. High impact uses;
- I. Agriculture uses except aquaculture;
- J. Groins and similar structures which block the flow of sand to adjacent beaches; and
- K. Landfill which creates dry land.

23.60.670 Permitted Uses on Upland Lots in the UH Environment

A. Uses Permitted Outright

The following uses shall be permitted outright on upland lots as principal or accessory uses in the UH Environment:

- 1. Uses permitted outright on waterfront lots in the UH environment;
- 2. Additional uses permitted outright on upland lots:
 - a. Residential uses;
 - b. The following commercial uses:
 - 1. Nonhousehold retail sales and services;
 - 2. Warehouses;
 - 3. Medical services;
 - 4. Lodging;
 - 5. Offices at street level;
 - 6. Parking garages, principal use;
 - 7. Surface parking areas, principal use;
 - 8. Personal transportation services;
 - c. Institutions; and

four feet above the maximum height with unlimited rooftop coverage.

- b. Solar collectors may extend up to seven feet above the maximum height with unlimited rooftop coverage.
- c. The following rooftop features may extend up to fifteen feet above the maximum height, as long as the combined coverage of all features listed in this paragraph 3.C does not exceed twenty percent of the roof area, or twenty-five percent if the total includes stair or elevator penthouses or screened mechanical equipment:
 - Solar collectors;
 - Stair and elevator penthouses;
 - Mechanical equipment; and
 - Play equipment and open mesh fencing, as long as the fencing is at least fifteen feet from the roof edge.
- d. Radio and television receiving aerials excluding dishes; religious symbols such as belfries or spires and that portion of the roof which supports them; transmission towers; smokestacks and flagpoles may extend up to fifty feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet from all lot lines.

4. Bridges

Bridges may exceed the maximum height limits.

23.60.694 Lot Coverage in the UH Environment

A. Waterfront Lots

- 1. Structures, including floats and piers, shall not occupy more than fifty percent of the submerged land of any lot, except as modified by Subsection C below, and
- 2. Structures shall not occupy more than fifty percent of the dry land of any lot.

B. Upland Lots

Structures may occupy up to one hundred percent of a lot, except as modified by other sections of this subchapter and/or the underlying zoning.

C. Lot Coverage Exceptions

Piers may exceed permitted lot coverage by the addition of floats for open wet moorage. Maximum float size above existing lot coverage or the lot coverage limit, whichever is greater, is thirty-six hundred square feet or an area equivalent to twelve feet times the length of the pier, whichever is greater. An additional four hundred square feet of coverage shall be permitted for an access ramp. Existing floats may be increased in size up to this limit.

23.60.696 Side Setbacks in the UH Environment

To facilitate access to moorage as required by Section

23.60.698, a side setback of fifty feet from the nearest lot shall be required of all fixed pier structures, not including moorage floats. One half of an adjacent submerged street right-of-way may be used in meeting this requirement.

23.60.698 View Corridors in the UH Environment

A. Waterfront Lots

- 1. The following standards shall apply to waterfront lots:
 - a. A view corridor with a width of not less than thirty percent of the width of the lot, measured at Alaskan Way, shall be provided and maintained;
 - b. The view corridor may be provided at two locations, provided that each location has a minimum width of twenty feet.

City of Seattle Notices

2. The following may be located in a required view corridor:
- Storage of boats undergoing repair;
 - Open wet moorage; and
 - Outdoor storage of items accessory to water-dependent or water-related use.
3. One half of an adjacent submerged street right-of-way may be used in meeting view corridor requirements.
- B. Upland Lots**
No view corridors are required.
- 23.60.700 Moorage Requirements in the UM Environment**
- A. Developments in the UM Environment shall provide moorage on a regular basis either through:**
- Using moorage as an integral part of their operation; or
 - Leasing their moorage for use by commercial or recreational waterfront; or
 - Actively advertising the availability of transient moorage.
- B. To facilitate moorage, developments shall provide either:**
- Cleats on the two sides of the pier sufficiently strong for the moorage of vessels one hundred feet in length;
 - Floats, for moorage of smaller vessels, that are at least one thousand eight hundred square feet with a minimum width of six feet; or
 - Alternative moorage facilities providing an equivalent amount of moorage, as determined by the Director.
- C. To facilitate access to moorage, developments shall provide:**
- A pier apron of a minimum width of eighteen feet on each side and the seaward end of the pier or wharf; and
 - Railings and/or ramps designed to permit access to the pier apron or roadway from moored ships and boats.
- D. Exception for Marinas**
Marinas in the UM Environment shall meet the specific development standards outlined in Section 23.60.200 in lieu of the moorage requirements of this Section, and shall provide transient moorage at the rate of forty lineal feet of transient space for each one thousand lineal feet of permanent moorage space.
- 23.60.702 Regulated Public Access in the UM Environment**
- A. Waterfront Lots**
The following standards shall apply to waterfront lots except as provided in subsection C below:
- Public access meeting the criteria of Section 23.60.160 shall be provided for all developments. The amount of public access shall be not less than fifteen percent of the developed lot area or five thousand square feet, whichever is greater.
 - Developments shall provide at least a ten foot wide public access walkway along two edges of the pier or wharf, including as one edge the seaward end of the pier or wharf. The required walkways may be located on the required eighteen-foot pier apron.
- F. Upland Lots**
Public access is not required.
- C. Public Access Exceptions**
Developments which are wholly water-dependent may receive an optional waiver of the public access requirement
6. Windows, doors, and openings composed of small scale panes and panels shall be preferred. Large expanses of glass or banks of skylights at roof eaves are discouraged.
7. Heavy timber construction using a truss system shall be maintained for existing piers and is preferred for new development. Covering shall be horizontally laid grooved shiplap siding.
8. The pier aprons shall be surfaced with timber.
9. Each pier shall have the pier number clearly identified on both the street end and water end of the pier shed. For all exterior signage, large simple graphics painted directly on the building are preferred. Exterior neon signs are discouraged.
10. Landscaping shall not be required. When it is provided, smaller scale installations of landscaping related to uses at the wharf level, including colorful seasonal plantings, shall be preferred.
11. Exterior lighting should be in keeping with the historic nature of the area. Localized lighting shall be used to illuminate specific areas and define routes.
12. The existing railing along the Alaskan Way Seawall should be maintained or reconstructed.
- SUBCHAPTER XIII: The Urban Maritime Environment
PART 1 USES**
- 23.60.720 Uses Permitted Outright on Waterfront Lots in the UM Environment**
- The following uses shall be permitted outright on waterfront lots in the Urban Maritime Environment as either principal or accessory uses:
- A. The following commercial uses:**
- Marine retail sales and services, except marinas and sale of boat parts or accessories;
 - Tugboat services;
 - Wholesale showroom, warehouse and outdoor storage uses; water-dependent or water-related;
 - Passenger terminals, water-dependent;
 - Cargo terminals, water-dependent or water-related;
 - Food processing, water-dependent or water-related;
- B. Streets, railroads and bridges;**
- C. The following utilities:**
- Utility lines; and
 - Utility public service uses whose operations require a shoreline location;
- D. The following institutional uses:**
- Water-dependent or water-related research and education facilities of colleges and universities;
 - Shoreline recreation facilities of schools, colleges and universities; and
 - Water-dependent or water-related colleges, institutes for advanced study and vocational schools;
- E. Light and general manufacturing uses, water-dependent or water-related;**
- F. Public facilities, water-dependent or water-related;**
- G. Shoreline recreation uses; and**
- H. Aquaculture.**
- 23.60.722 Special Uses on Waterfront Lots in the UM Environment**
- The following uses may be authorized on waterfront lots in the UM Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:
- A. Water-based aircraft facilities;**
- located where manufacturing uses environmental access needs o
2. The yacht, boat or a lot that is not s water-related manuf water dependent com boat or beachclub o
- shallow water
 - an inadequate
- Yacht, boat or beach club facilities located over
- The dry land portio feet in depth; and
 - Location of such fi of the lot is not
- B. Nonwater-dependent comm**
- The following nonw facturing uses may dry land or over w section B2 or B
 - Sale of boat
 - Personal and services;
 - Eating and dr
 - Non-household commercial la
 - Offices;
 - Warehouse, wh outdoor stora
 - Food processi
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 - The lot has and, if loca of the uses
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 - The nonwater accommodate uses on site
4. The uses permitte

shall provide transient moorage at the rate of forty lineal feet of transient space for each one thousand lineal feet of permanent moorage space.

23.60.702 Regulated Public Access in the UM Environment

A. Waterfront Lots

The following standards shall apply to waterfront lots except as provided in subsection C below:

- 1. Public access meeting the criteria of Section 23.60.160 shall be provided for all developments. The amount of public access shall be not less than fifteen percent of the developed lot area or five thousand square feet, whichever is greater.
2. Developments shall provide at least a ten foot wide public access walkway along two edges of the pier or wharf, including as one edge the seaward end of the pier or wharf. The required walkways may be located on the required eighteen-foot pier apron.

B. Upland Lots

Public access is not required.

C. Public Access Exceptions

Developments which are wholly water-dependent may receive a full or partial waiver of the public access requirement from the Director if:

- 1. The applicant can show that the provision of public access could prevent effective operation of the water-dependent use and/or present a potential safety hazard for the public; and
2. Alternative access criteria of Section 23.60.160 cannot be satisfied.

23.60.704 Historic Character Area Review Criteria

A. Location

All developments located in the Historic Character Area, as shown on the official Land Use Map, including all lots from the southerly edge of Pier 54 to the northerly edge of Pier 59 inclusive are subject to Historic Character Area review as provided in this Section.

B. Review Process

All applications for development in the Historic Character Area shall be referred to the Landmarks Preservation Board and to the Department of Community Development for their review and comment prior to issuance of a permit. In order to avoid undue project delay, such review and comment shall be completed within forty-five days of receipt of an application by the Landmarks Preservation Board and the Department of Community Development.

C. Review Standards

New construction or modification of existing structures shall be reviewed using the following criteria:

- 1. The single linear form of the piershed shall be maintained or reconstructed, regardless of the division of internal space.
2. Facades of pier ends may be expanded or treated differently from the rest of the piershed; however, major alterations to the piershed form are discouraged.
3. The gabled roof planes with clerestories shall be preserved or reconstructed including the unbroken roof ridge line and the symmetrical and parallel pitch of each roof plane. Major roof extensions and cutouts are discouraged.
4. The east-west orientation parallel to submerged street rights-of-way of the major axis of the pier and its piershed shall be preserved.
5. Facades which reinforce the street edge by being generally parallel to Alaskan Way and having no front setback are preferred.

- 1. Utility lines; and
2. Utility public service uses whose operations require a shoreline location;
D. The following institutional uses:
1. Water-dependent or water-related research and education facilities of colleges and universities;
2. Shoreline recreation facilities of schools, colleges and universities; and
3. Water-dependent or water-related colleges, institutes for advanced study and vocational schools;
E. Light and general manufacturing uses, water-dependent or water-related;
F. Public facilities, water-dependent or water-related;
G. Shoreline recreation uses; and
H. Aquaculture.

23.60.722 Special Uses on Waterfront Lots in the UM Environment

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

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

23.60.724 Conditional Uses on Waterfront Lots in the UM Environment

The following uses may be authorized on waterfront lots in the UM Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

- A. Yacht, boat or beach clubs that do not have eating and drinking establishments and recreational marinas:
1. a. The yacht, boat or beach club or marina is not located where frequent interference with the turning basins or navigational areas for large vessels or other conflict with shipping is likely to occur; and
b. The yacht, boat or beach club or marina is not

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4. The uses permitted...
on a lot provided...
or B3 are met.
C. Multi-family residenti...
oratory uses when:
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3. The facilities or...
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4. Residential uses...
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5. Not located withi...
lot designated Ur...
D. Landfill which creates...
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fit; and
4. If more than two...
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23.60.728 Prohibited Uses...
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The following principal us...
lots:
A. Residential uses;
B. The following commerc...
1. Medical services;
2. Animal services;
3. Automotive retail...
4. Parking, princip...
5. Lodging;
6. Hortuary services...
7. Offices;
8. Entertainment us...
9. Commercial laund...
10. Personal transpo...
11. Passenger termin...
12. Cargo terminals;
13. Bus bases;

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ent or water-related;

located where likely to conflict with manu-
facturing uses because of dust or noise or other
environmental factors, or parking and loading
access needs or other safety factors; and

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

- a. shallow water depth; or
- b. an inadequate amount of dry land; provided;

Yacht, boat or beach clubs may have nonwater-dependent
facilities located over water only when:

- 1. The dry land portion of the lot is less than fifty
feet in depth; and
- 2. Location of such facilities on the dry land portion
of the lot is not feasible.

B. Nonwater-dependent commercial and manufacturing uses

1. The following nonwater-dependent commercial and manu-
facturing uses may be permitted as principal uses on
dry land or over water when meeting the criteria of
section B2 or B3:

- a. Sale of boat parts and accessories;
- b. Personal and household retail sales and
services;
- c. Eating and drinking establishments;
- d. Non-household sales and services except
commercial laundries;
- e. Offices;
- f. Warehouse, wholesale showroom, miniwarehouse,
outdoor storage;
- g. Food processing and craft work; and
- h. Light, general and heavy manufacturing.

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

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

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

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

4. The uses permitted in Subsection B1 may be relocated
on a lot provided the requirements of subsection B2

- 14. Helistops;
- 15. Heliports;
- 16. Airports, landbased;
- 17. Covered wet moorage on Lake Union and Portage Bay;
- 18. Historic ships with commercial uses aboard; and
- 19. Research and development laboratories;

C. Salvage and recycling uses;

D. High impact uses;

E. The following utilities:

- 1. Communication utilities;
- 2. Solid waste transfer stations;
- 3. Power plants;
- 4. Sewage treatment plants;

F. Institutions, nonwater-dependent;

G. The following water-dependent institutions:

Yacht, boat and beach clubs that have eating and drinking
establishments;

H. Public facilities, nonwater-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;

K. Groins and similar structures which block the flow of sand
to adjacent beaches.

23.60.730 Permitted Uses on Upland Lots in the UM Environment

A. Uses Permitted Outright

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

a. Commercial Uses:

- (1) Sale of boat parts or accessories;
- (2) Personal and household retail sales and
service uses;
- (3) Medical services;
- (4) Animal services;
- (5) Automotive retail sales and service;
- (6) Eating and drinking establishments;
- (7) Non-household sales and services;
- (8) Wholesale showroom, miniwarehouse, ware-
house and outdoor storage;
- (9) Cargo terminals, nonwater-dependent;
- (10) Personal transportation services;
- (11) Passenger terminals, nonwater-dependent;
- (12) Bus base;
- (13) Helistop;
- (14) Heliport;
- (15) Food processing;
- (16) Custom and craft work;
- (17) Offices except in the Lake Union area; and
- (18) Research and development laboratories;

b. Recycling centers;

c. Light and general manufacturing uses, nonwater-
dependent; and

d. Public facilities.

B. Uses Permitted as Special Uses:

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

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

Heavy manufacturing uses, nonwater-dependent.

C. Uses Permitted as Conditional Uses

Offices within the Lake Union area.

23.60.732 Prohibited Uses on Upland Lots in the UM Environment

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

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23.60.754 Lot Coverage

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23.60.756 View Corridor

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the dry land area of the lot;

b. The total of all nonwater-dependent commercial and manufacturing uses occupy no more than twenty percent of the dry land area of the lot; and

c. The uses are located on site to accommodate water-dependent or water-related uses on site.

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

a. The lot has less than fifty feet of dry land and, if located over water, a dry land location of the uses is not feasible;

b. The nonwater-dependent commercial uses occupy no more than five percent of the total lot area including submerged lands;

c. The total of all nonwater-dependent commercial and manufacturing uses occupy no more than ten percent of the total lot area including submerged land; and

d. The nonwater-dependent uses are located to accommodate the water-dependent or water-related uses on site.

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

C. Multi-family residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

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

4. Residential uses are limited to location on dry land and above the ground floor of a structure; and

5. Not located within one hundred feet of an abutting lot designated Urban Maritime or Urban Industrial.

D. Landfill which creates dry land for nonwater-dependent uses which are accessory to water-dependent or water-related uses when the following criteria are met:

1. Development of the water-related or water-dependent use would not be feasible without the accessory nonwater-dependent uses;

2. No reasonable alternative to landfill exists including overwater or offsite location of the uses;

3. The total development provides a clear public benefit; and

4. If more than two square yards of dry land per linear yard of shoreline is wanted, the landfill site is not located in Lake Union or Portage Bay.

23.60.728 Prohibited Uses on Waterfront Lots in the UM Environment

The following principal uses are prohibited on waterfront lots:

A. Residential uses;

B. The following commercial uses:

1. Medical services;

2. Animal services;

3. Automotive retail sales and service;

4. Parking, principal use;

5. Lodging;

6. Mortuary services;

7. Offices;

8. Entertainment uses;

9. Commercial laundries;

10. Personal transportation services;

11. Passenger terminals, nonwater-dependent;

12. Cargo terminals, nonwater-dependent;

13. Bus bases;

(13) Helistop;

(14) Heliport;

(15) Food processing;

(16) Custom and craft work;

(17) Offices except in the Lake Union area; and

(18) Research and development laboratories;

b. Recycling centers;

c. Light and general manufacturing uses, nonwater-dependent; and

d. Public facilities.

B. Uses Permitted as Special Uses:

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

2. Additional uses permitted as special uses on upland lots:
Heavy manufacturing uses, nonwater-dependent.

C. Uses Permitted as Conditional Uses
Offices within the Lake Union area.

23.60.732 Prohibited Uses on Upland Lots in the UM Environment
Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.730.

PART 2 DEVELOPMENT STANDARDS

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

23.60.752 Height in the UM Environment

A. Maximum Height
The maximum height in the UM Environment shall be thirty-five feet, except as modified in subsections B through D.

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

C. Structures
Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five feet by the Director when:

1. Not more than twenty-five percent of the lot area would be covered by a structure with the increased height.

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

D. Rooftop features

1. Radio and television receiving aerials, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet above the maximum height.

3. The following rooftop features may extend ten feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen percent of the roof area of twenty percent of

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the roof area if the total includes screened mechanical equipment:

- a. Stair and elevator penthouses
- b. Mechanical equipment.

Bridges

Bridges may exceed the maximum height limit.

23.60.754 Lot Coverage in the UM Environment

A. Waterfront Lots

1. Structures, including floats and piers, shall not occupy more than fifty percent of the submerged portion of a waterfront lot, except as modified by subsection C.
2. Structures shall not occupy more than seventy-five percent of the dry land portion of a waterfront lot.

B. Upland Lots

Structures may occupy up to one hundred percent of an upland lot.

C. Lot coverage exceptions

1. Structures, including floats and piers, may occupy up to sixty-five percent of the submerged portion of a waterfront lot which has a depth of less than fifty feet of dry land.
2. Drydocks may cover up to an additional twenty-five percent of submerged land for a maximum lot coverage of seventy-five percent.

23.60.756 View Corridors in the UM Environment

A. A view corridor or corridors of not less than fifteen percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a water-dependent or water-related use.

B. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots occupied by a non-water-dependent use.

C. The following may be located in a required view corridor.

1. Open wet moorage;
2. Storage of boats undergoing repair;
3. Parking which meets the criteria of Section 23.60.162B.3, View Corridors; and
4. Open storage accessory to a water-dependent or water-related use.

D. View Corridor Reductions

The required percent of the width of the lot may be reduced by five percent for each of the following conditions provided that such reduction does not result in a view corridor of less than fifteen feet:

1. The required view corridor is provided entirely in one location;
2. A view corridor of at least half the required width abuts a lot line which separates the lot from a street, waterway, or public park;
3. A view corridor of at least half the required width abuts a view corridor provided on the adjacent property.

E. Viewing Area Substitution

In lieu of the required view corridor, developments which are not required to provide public access may provide a public viewing area as follows:

1. The viewing area shall be either an observation tower or a designated portion of the lot which is easily accessible;
2. The viewing area shall provide a clear view of the activities on the lot and the water;
3. The viewing area shall have a minimum dimension of

SUBCHAPTER XIV: The Urban General Environment

PART 1 USES

23.60.780 Uses Permitted Outright on Waterfront Lots in the UG Environment

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

- A. Existing dwelling units;
- B. The following commercial uses:
 1. Personal and household retail sales and services;
 2. Medical services;
 3. Animal services;
 4. Marine retail sales and services;
 5. Eating and drinking establishments;
 6. Non-household sales and service uses;
 7. Office uses;
 8. Entertainment uses;
 9. Wholesale showroom, miniwarehouse, warehouse and outdoor storage;
 10. Passenger terminals, water-dependent or water-related;
 11. Cargo terminals, water-dependent or water-related; and
 12. Research and development laboratories;
- C. Streets;
- D. Bridges;
- E. Railroads;
- F. The following utilities:
 1. Utility lines;
 2. Utility service uses whose operations require a shoreline location; and
 3. Solid waste transfer stations that are water-related;
- G. Manufacturing uses;
- H. Institutional uses;
- I. Public facilities;
- J. Open space uses;
- K. Aquaculture; and
- L. Food processing and craft work uses.

23.60.782 Special Uses Permitted on Waterfront Lots in the UG Environment

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

- A. Airports, water-based;
- B. High impact uses that are water-dependent or water-related;
- C. Shoreline protective structures:
 1. Natural beach protection;
 2. Bulkheads necessary to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion, when natural beach protection is not a practical alternative;
- D. Dredging when necessary for water-dependent and water-related uses;
- E. The following types of landfill:
 1. Landfill on dry land where necessary for a permitted use and as part of an approved development;
 2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line;
 3. Landfill for the creation of wildlife or fisheries habitat as mitigation or enhancement; and
 4. Landfill which creates dry land;

7. Cargo terminals, nonwater-dependent;
 8. Bus bases;
 9. Belistops;
 10. Heliports; and
 11. Airports, land-based;
- C. Salvage and recycling uses;
- D. The following utilities:
 1. Communication utility;
 2. Solid waste transfer stations;
 3. Power plants; and
 4. Sewage treatment plants;
- E. Agricultural uses except aquaculture;
- F. Groins and similar structures which abut adjacent beaches.

23.60.788 Permitted Uses on Upland

The following uses are permitted on Upland Environment:

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

23.60.790 Prohibited Uses on Upland

All uses prohibited on waterfront lots on upland lots unless specifically permitted.

23.60.788.

PART 2 DEVELOPMENT

23.60.810 Development Standards for

All developments in the Urban General Environment shall meet the requirements of this Part as well as the standards applicable to all environment.

III, General Provisions.

23.60.812 Height in the UG Environment

- A. Maximum Height
- The maximum height in the UG Environment shall be five feet, except as modified by the following:
- B. Equipment
- Cranes, mobile conveyers, light towers, and other equipment necessary for the full range of uses or the servicing of vessels shall not exceed the maximum height.

- C. Structures
- Structures accessory to a waterfront use and manufacturing structures shall not exceed a height because of intended use of more than fifty-five feet by the Director, except for a substantial number of upland residential structures by the increased height.

D. Rooftop Features

1. Radio and television towers, antennas, and spires for religious structures shall not exceed height controls, except as provided in 23.64, Airport Height Districts. Structures are (a) no closer to a waterfront than fifty percent of the height above the grade, or, (b) if attached to a building, closer to any adjoining lot than fifty percent of their height above the

related use.

D. View Corridor Reductions

The required percent of the width of the lot may be reduced by five percent for each of the following conditions provided that such reduction does not result in a view corridor of less than fifteen feet:

1. The required view corridor is provided entirely in one location;
2. A view corridor of at least half the required width abuts a lot line which separates the lot from a street, waterway, or public park;
3. A view corridor of at least half the required width abuts a view corridor provided on the adjacent property.

E. Viewing Area Substitution

In lieu of the required view corridor, developments which are not required to provide public access may provide a public viewing area as follows:

1. The viewing area shall be either an observation tower or a designated portion of the lot which is easily accessible;
2. The viewing area shall provide a clear view of the activities on the lot and the water;
3. The viewing area shall have a minimum dimension of one hundred fifty square feet; and
4. The conditions of Section 23.60.160 for public access relating to accessibility, signs, and availability shall apply.

23.60.758 Regulated Public Access in the UM Environment

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly-owned and publicly-controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:
 - a. Marinas, except as exempted in Section 23.60.200E;
 - b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;
 - c. Nonwater-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access.
2. Water-dependent uses other than marinas and water-related uses located on private lots, except yacht, boat and beach clubs which have nonwater-dependent facilities over water are not required to provide public access.

C. Utilities

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

23.60.760 Development between the Pierhead Line and the Construction Limit Line in the UM Environment in Lake Union and Portage Bay

Structures located between the Pierhead Line and the Construction Limit Line shall be limited to piers and floats without accessory buildings, drydocks, and floating homes at existing moorages.

UG Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.032 are satisfied:

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

23.60.784 Conditional Uses Permitted on Waterfront Lots in the UG Environment

The following uses may be authorized on waterfront lots in the UG Environment by the Director, with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

 - A. Artist studio/dwellings;
 - B. Landfill which creates dry land for nonwater-dependent uses which are accessory to water-dependent or water-related uses when the following criteria are met:
 1. Development of the water-related or water-dependent use would not be feasible without the accessory nonwater-dependent uses;
 2. No reasonable alternative to landfill exists including overwater or offsite location of the uses;
 3. The total development provides a clear public benefit; and
 4. If more than two square yards of dry land per lineal yard of shoreline is created, the landfill site is not located in Lake Union or Portage Bay.

23.60.786 Prohibited Principal Uses on Waterfront Lots in the UG Environment

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

 - A. Residential uses except artist studio/dwellings;
 - B. The following commercial uses:
 1. Automotive retail sales and service uses;
 2. Lodging uses;
 3. Mortuary services;
 4. Parking, principal uses;
 5. Personal transportation services;
 6. Passenger terminals, nonwater-dependent;

The maximum height in the UG Environment shall be five feet, except as modified in Section 23.60.032.

B. Equipment

Cranes, mobile conveyers, light towers, and other equipment necessary for the function of the uses or the servicing of vessels shall not exceed a maximum height.

C. Structures

Structures accessory to a water-dependent use and manufacturing structures shall not exceed a height because of intended use of fifty-five feet by the Director unless a substantial number of upland residences are affected by the increased height.

D. Rooftop Features

1. Radio and television receiving antennas and spires for religious or public safety height controls, except as provided in Section 23.64, Airport Height District, shall not be closer to the ground than fifty percent of the height above grade, or, (b) if attached to a structure, closer to any adjoining structure than fifty percent of their height above the ground level of the attached structure.
2. Railings, skylights, clerestories, parapets, and firewalls shall not exceed the maximum height.
3. The following rooftop features shall not be closer to the ground than fifteen percent of the roof area if the rooftop features are mechanical equipment:
 - a. Stair and elevator enclosures;
 - b. Mechanical equipment enclosures.

E. Bridges

Bridges may exceed the maximum height in the UG Environment.

23.60.814 Lot Coverage in the UG Environment

Structures may occupy up to one hundred percent of the area for either a waterfront lot or an upland lot.

23.60.816 View Corridors in the UG Environment

- A. A view corridor or corridors shall be provided and maintained on all waterfront lots.
- B. A view corridor or corridors shall be provided and maintained on all upland through waterfront lot designated CM, or railroad right-of-way.
- C. The following may be located on waterfront lots:
 1. Open wet moorage;
 2. Storage of boats undergirded by piles;
 3. Parking, which meets the criteria of Section 23.60.162B.3, View Corridor.

23.60.818 Regulated Public Access in the UG Environment

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly-owned and publicly-controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:
 - a. Marinas, except as exempted in Section 23.60.200E;
 - b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;
 - c. Nonwater-dependent uses, except those located on private lots in Lake Union which have a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access.
2. Water-dependent uses other than marinas and water-related uses located on private lots, except yacht, boat and beach clubs which have nonwater-dependent facilities over water are not required to provide public access.

7. Cargo terminals, nonwater-dependent;
 8. Bus bases;
 9. Helistops;
 10. Heliports; and
 11. Airports, land-based;
- C. Salvage and recycling uses;
- D. The following utilities:
1. Communication utility;
 2. Solid waste transfer stations, nonwater dependent;
 3. Power plants; and
 4. Sewage treatment plants;
- E. Agricultural uses except aquaculture; and
- F. Groins and similar structures which block the flow of sand to adjacent beaches.

23.60.788 Permitted Uses on Upland Lots in the UG Environment

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

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

Artist studio/dwellings.

23.60.790 Prohibited Uses on Upland Lots in the UG Environment

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

PART 2 DEVELOPMENT STANDARDS

23.60.810 Development Standards for the UG Environment

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

23.60.812 Height in the UG Environment

- A. Maximum Height
- The maximum height in the UG Environment shall be thirty-five feet, except as modified in subsection B through D.
- B. Equipment
- Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.
- C. Structures
- Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five feet by the Director when the views of a substantial number of upland residences would not be blocked by the increased height.
- D. Rooftop Features
1. Radio and television receiving aeriels, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
 2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet above

privately owned waterfront lots for the following developments:

- a. Marinas, except as exempted in Section 23.60.200E;
 - b. Nonwater-dependent developments except those located on private lots in the Lake Union area with a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, that abut a street and/or waterway providing public access.
2. Water-dependent uses other than marinas and water-related uses on private lots are not required to provide public access.

C. Utilities

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

SUBCHAPTER XV: The Urban Industrial Environment

PART 1 USES

23.60.840 Uses Permitted Outright on Waterfront Lots in the UI Environment

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

- A. Existing dwelling units;
- B. The following commercial uses:
 1. Marine Retail Sales and Services except marinas and sale of boat parts or accessories; *
 2. Tugboat services;
 3. Research and development laboratories;
 4. Wholesale showroom, warehouse and outdoor storage uses;
 5. Passenger terminals, water-dependent or water-related;
 6. Cargo terminals, water-dependent or water-related; and
 7. Food processing and craft work, water-dependent or water-related;

C. Salvage and recycling uses, water-dependent or water-related;

D. Streets, railroads and bridges;

E. The following utilities:

1. Utility lines;
2. Solid waste transfer stations, water-related; and
3. Utility service uses whose operations require a shoreline location;

F. Manufacturing uses;

G. The following institutional uses:

1. Water-dependent or water-related research and education facilities of colleges and universities;
2. Shoreline recreation facilities of colleges and universities; and
3. Water-dependent or water-related colleges, institutes for advanced study, and vocational schools;

H. High impact uses, water-dependent or water-related;

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

J. Shoreline recreation uses; and

K. Aquaculture.

23.60.842 Special Uses Permitted on Waterfront Lots in the UI Environment

The following uses may be authorized on waterfront lots in the UI Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.036 are met:

- A. Airports, water-based;
- B. The following shoreline protective structures:
 1. Natural beach protection;
 2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area,

- A. Maximum Height

The maximum height in the UG Environment shall be thirty-five feet, except as modified in subsection B through D.
- B. Equipment

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

Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized up to fifty-five feet by the Director when the views of a substantial number of upland residences would not be blocked by the increased height.
- D. Rooftop Features
 1. Radio and television receiving aerials, flagpoles, and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided such features are (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or, (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
 2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet above the maximum height.
 3. The following rooftop features may extend ten feet above the maximum height so long as the combined total coverage of all features does not exceed fifteen percent of the roof area or twenty percent of the roof area if the total includes screened mechanical equipment:
 - a. Stair and elevator penthouses; and
 - b. Mechanical equipment.

E. Bridges

Bridges may exceed the maximum height limit.

23.60.814 Lot Coverage in the UG Environment

Structures may occupy up to one hundred percent of the lot area for either a waterfront lot or an upland lot.

23.60.816 View Corridors in the UG Environment

A. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots.

B. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all upland through lots separated from a waterfront lot designated CM, CR, CP or CN by a street or railroad right-of-way.

C. The following may be located in a required view corridor:

1. Open wet moorage;
2. Storage of boats undergoing repair; and
3. Parking, which meets the criteria in Section 23.60.162B.3, View Corridors.

23.60.818 Regulated Public Access in the UG Environment

A. Public Property

Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands, and beds of navigable waters not abutting dry land.

B. Private Property

1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on

E. The following utilities:

1. Utility lines;
2. Solid waste transfer stations, water-related; and
3. Utility service uses whose operations require a shoreline location;

F. Manufacturing uses;

G. The following institutional uses:

1. Water-dependent or water-related research and education facilities of colleges and universities;
2. Shoreline recreation facilities of colleges and universities; and
3. Water-dependent or water-related colleges, institutes for advanced study, and vocational schools;

H. High impact uses, water-dependent or water-related;

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

J. Shoreline recreation uses; and

K. Aquaculture.

23.60.842 Special Uses Permitted on Waterfront Lots in the UI Environment

The following uses may be authorized on waterfront lots in the UI Environment by the Director as either principal or accessory uses if the special use criteria in Section 23.60.036 are met:

A. Airports, water-based;

B. The following shoreline protective structures:

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

C. Dredging when necessary for water-dependent and water-related uses or to install utility lines;

D. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development;
2. Landfill on submerged lands which does not create land where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line; and
3. Landfill which creates dry land:
 - a. When the dry land is necessary for the operation of a water-dependent or water-related use; and
 - b. If more than two square yards of dry land per lineal yard of shoreline is created, the landfill meets the following additional criteria:
 - (1) No reasonable alternative to the landfill exists;
 - (2) The landfill provides a clear public benefit; and
 - (3) The landfill site is not located in Lake Union or Portage Bay.

23.60.844 Conditional Uses on Waterfront Lots in the UI Environment

The following uses may be authorized on waterfront lots in the UI Environment by the Director, with the concurrence of DOE, as either principal or accessory uses if the criteria for conditional uses in WAC 173-14-140 are satisfied:

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

1. a. Not located where frequent interference with the turning basins or navigational areas of large vessels or other conflict with shipping is likely to occur; and
- b. Not located where likely to conflict with manufacturing uses because of dust, noise or other environmental factors, or parking and loading access requirements or other safety factors; and
2. If located outside the Duwamish area, the yacht, boat

City of Seattle Notices

- or beach club or marina is located on a lot not suitable for a water-dependent or water-related manufacturing use, or for permitted water-dependent commercial uses because of:
- shallow water depth; or
 - an inadequate amount of dry land; provided; Yacht, boat or beach clubs may have nonwater-dependent facilities over water only when:
 - The dry land portion of the lot is less than fifty feet in depth; and
 - The location of such facilities on the dry land portion of the lot is not feasible.
- B. Nonwater-dependent commercial uses**
- The following nonwater-dependent commercial uses when meeting the criteria of subsection B2:
 - Sale of boat parts or accessories;
 - Personal and household retail sales and services;
 - Eating and drinking establishments;
 - Non-household sales and services except commercial laundries;
 - Offices;
 - Miniwarehouse; and
 - Food processing and craft work.
 - The uses listed in subsection B1 are permitted when:
 - The total of nonwater-dependent commercial uses occupy no more than ten percent of the dry land portion of the lot, and
 - The nonwater-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.
 - The uses identified in subsection B1 may be relocated on a lot provided the requirements of Subsection B2 are met.
- C. Landfill which creates dry land for nonwater-dependent uses which are accessory to water-dependent or water-related uses when:**
- Development of the water-related or water-dependent use would not be feasible without the accessory nonwater-dependent uses;
 - No reasonable alternative to landfill exists including overwater or offsite location of the uses;
 - The total development provides a clear public benefit; and
 - If more than two square yards of dry land per lineal yard of shoreline is created, the landfill site is not located in Lake Union or Portage Bay.
- 23.60.846 Council Conditional Uses on Waterfront Lots in the UI Environment**
- A. Sewage treatment plants may be authorized by the Council according to the procedures of Section 23.60.068 when:**
- Located in the Duwamish area;
 - A determination has been made, according to the process established in Section 23.60.066, Process for Determination of Feasible or Reasonable Alternative Locations, that no feasible alternative exists to locating a plant in the Seattle Shoreline District. The determination as to feasibility shall be based upon the Goals and Policies of Resolution 25183, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community;
 - The plant is set back sixty feet from the line of ordinary high water;
- J. Groins and similar structures which block the flow of sand to adjacent beaches.**
- 23.60.850 Permitted Uses on Upland Lots in the UI Environment**
- A. Uses Permitted Outright**
- Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.
 - Additional uses permitted outright
 - All commercial uses;
 - Salvage and recycling uses that are nonwater-dependent;
 - Open Space uses;
 - The following Institutions:
 - Vocational and fine arts schools;
 - Uses connected to a major institution and permitted by an approved master plan;
 - All agricultural uses.
- B. Uses Permitted as Special Uses**
- Uses permitted as special use on waterfront lots are permitted as special use on upland lots.
- 23.60.852 Prohibited Uses on Upland Lots in the UI Environment**
- Uses prohibited on waterfront lots are prohibited on upland lots unless specifically permitted in Section 23.60.850.
- PART 2 DEVELOPMENT STANDARDS**
- 23.60.870 Development Standards for the UI Environment**
- All developments in the Urban Industrial Environment shall meet the requirements of this Part as well as the development standards applicable to all environments contained in Subchapter III, General Provisions.
- 23.60.872 Height in the UI Environment**
- A. Maximum Height**
- The maximum height shall be thirty-five feet, except as modified by subsections B through D.
- B. Exceptions**
- Cranes, mobile conveyers, light standards and similar equipment necessary for the function of water-dependent uses or the servicing of vessels may extend above the maximum height.
 - Structures accessory to a water-dependent or water-related use and manufacturing structures which require additional height because of intended use may be authorized by the Director up to fifty-five feet in the Ship Canal and up to eighty feet in the Duwamish and Elliott Bay when the views of a substantial number of upland residences would not be blocked by the increased height.
- C. Rooftop features**
- Radio and television receiving aeriels, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided such features are
 - no closer to any adjoining lot line than fifty percent of their height above existing grade, or,
 - if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
 - Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four feet above the maximum height set in Section 23.60.632 A and B.
 - The following rooftop features may extend ten feet above the maximum height set in Section 23.60.632 A and B, so long as the combined total coverage of all features listed in this subparagraph C3 does not exceed fifteen percent of the roof area, or
- portion of the waters' edge, joins with other water-related or development of the lot with a water-dependent uses, or other efficient use of the shoreline.
- B. Specific design constraints shall be based on the nature and needs of the water-dependent and continued use of the water-dependent facilities.**
- 23.60.882 Regulated Public Access**
- A. Public Property**
- Public access meeting the criteria of this section shall be provided and maintained on publicly controlled waterfront lands, whether owned by private lessees or not, except harbor, tidelands and beds of navigable waters.
- B. Private Property**
- Public access meeting the criteria of this section shall be provided on privately owned waterfront developments:
 - Marinas, except as defined in Section 23.60.200E;
 - Yacht, boat and beach facilities;
 - Nonwater-dependent developments located on private land which have a front lot line within one hundred feet in length of a street frontage generating public access to the edge, and which abut waterfront providing public access.
 - Water-dependent uses other than those listed in subsection A shall be provided on privately owned waterfront developments and boat clubs which have waterfront facilities over water and marinas shall provide public access.
- D. Utilities**
- Regulated public access shall be provided on publicly controlled or controlled property within the waterfront.
- SUBCHAPTER XVIII**
- 23.60.900 Definitions Generally**
- For the purpose of this Chapter, the definitions established in this Chapter shall apply in addition to definitions contained in Chapter 23.84, which are also applicable to this Chapter, except to the extent that a definition in this Chapter is more restrictive than the definition of the same term in Chapter 23.84. The definitions established in this Chapter shall apply to the Airport Height District.
- 23.60.902 "A"**
- Airport, Water-Based**
- A Transportation Facility use which take-off and land directly adjacent to the waterfront.
- Aquaculture**
- An agricultural use in which the primary purpose is the production of marine foods, aquatic plants or other products from fresh or salt water.
- Agriculture Use**
- The following uses as defined in this Chapter:
- Definitions:**
- Animal Husbandry
- Aquaculture

2. No reasonable alternative to landfill exists including overwater or offsite location of the uses;
 3. The total development provides a clear public benefit; and
 4. If more than two square yards of dry land per lineal yard of shoreline is created, the landfill site is not located in Lake Union or Portage Bay.
- 23.60.846 Council Conditional Uses on Waterfront Lots in the UI Environment**
- A. Sewage treatment plants may be authorized by the Council according to the procedures of Section 23.60.068 when:**
1. Located in the Duwamish area;
 2. A determination has been made, according to the process established in Section 23.60.066, Process for Determination of Feasible or Reasonable Alternative Locations, that no feasible alternative exists to locating a plant in the Seattle Shoreline District. The determination as to feasibility shall be based upon the Goals and Policies of Resolution 25183, the Shoreline Management Act of 1971, as amended, and a full consideration of the environmental, social and economic impacts on the community;
 3. The plant is set back sixty feet from the line of ordinary high water;
 4. A public access walkway is provided along the entire width of the shoreline except for any portion occupied by barge loading and unloading facilities to serve the plant, public access being most important along views of the water and any other significant shoreline element; and
 5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other impacts on the natural and built environment shall be provided.
- 23.60.848 Principal Uses Prohibited on Waterfront Lots in the UI Environment**
- The following principal uses are prohibited on waterfront lots in the UI Environment:
- A. Residential uses;**
- B. The following commercial uses:**
1. Medical services;
 2. Animal services;
 3. Automotive retail sales and service;
 4. Parking, principal use;
 5. Lodging;
 6. Mortuary services;
 7. Heavy commercial services;
 8. Entertainment uses;
 9. Personal transportation services;
 10. Passenger terminal, nonwater-dependent;
 11. Cargo terminal, nonwater-dependent;
 12. Bus bases;
 13. Helistops; and
 14. Heliports;
- C. Salvage and recycling uses, nonwater-dependent;**
- D. The following utilities:**
1. Communication utilities;
 2. Solid waste transfer stations, nonwater-dependent;
 3. Power plants; and
 4. Sewage treatment plants, located outside of the Duwamish area;
- E. High impact uses, nonwater-dependent;**
- F. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;**
- G. Public facilities, nonwater-dependent or nonwater-related;**
- H. Agricultural uses except aquaculture;**
- I. All open space uses except shoreline recreation; and**

- require additional height because of intended use may be authorized by the Director up to fifty-five feet in the Ship Canal and up to eighty feet in the Duwamish and Elliott Bay when the views of a substantial number of upland residences would not be blocked by the increased height.
- C. Rooftop features**
1. Radio and television receiving aerials, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District; provided such features are
 - (a) no closer to any adjoining lot line than fifty percent of their height above existing grade, or,
 - (b) if attached only to the roof, no closer to any adjoining lot line than fifty percent of their height above the roof portion where attached.
 2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four feet above the maximum height set in Section 23.60.632 A and B.
 3. The following rooftop features may extend ten feet above the maximum height set in Section 23.60.632 A and B, so long as the combined total coverage of all features listed in this subparagraph C3 does not exceed fifteen percent of the roof area, or twenty percent of the roof area if the total includes screened mechanical equipment:
 - a. Stair and elevator penthouses; and
 - b. Mechanical equipment.
- D. Bridges**
- Bridges may exceed the maximum height limit.
- 23.60.874 Lot Coverage in the UI Environment**
- A. Waterfront Lots**
- Structures may occupy up to one hundred percent of both submerged and dry land lot area of a waterfront lot.
- B. Upland Lots**
- Structures may occupy up to one hundred percent of the lot area of an upland lot.
- 23.60.876 View Corridors in the UI Environment**
- A. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all waterfront lots developed with a nonwater-dependent use or a mix of water-dependent or water-related uses and nonwater-dependent uses if the water-dependent or water-related use occupies less than fifty percent of the dry land portion of the lot.**
- B. A view corridor or corridors of not less than thirty-five percent of the width of the lot shall be provided and maintained on all upland through lots which are adjacent to waterfront lots designated CM, CR, CP or CN.**
- C. The following may be located in a required view corridor:**
1. Open wet moorage;
 2. Storage of boats undergoing repair;
 3. Parking which meets the criteria in Section 23.60.162B.3; and
 4. Open storage accessory to a water-dependent or water-related use.
- 23.60.878 Setbacks in the UI Environment**
- All nonwater-dependent uses including accessory structures and uses shall provide a sixty-foot setback from the water's edge on waterfront lots. This setback area shall be accessible directly from a street or from a driveway of not less than twenty feet in width.
- 23.60.880 Development Standards Specific to Water-Related Uses on Waterfront Lots in the UI Environment**
- A. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include setbacks from all or a**

- SUBCHAPTER XVI:**
- 23.60.900 Definitions Generally**
- For the purpose of this Chapter, defined. The definitions established in addition to definitions contained in 23.60.900 "A" event that a definition in this Chapter of the same term in Chapter definition in this Chapter shall District.
- 23.60.902 "A"**
- Airport, Water-Based**
- A Transportation Facility used which take-off and land direct
- Aquaculture**
- An agricultural use in which marine foods, aquatic plants fresh or salt water.
- Agriculture Use**
- The following uses as defined
- Definitions:**
- Animal Husbandry
- Aquaculture
- Horticultural Use.
- AWDT**
- The 24-hour average weekday mined by the Seattle Engineer
- 23.60.904 "B"**
- Boat or Beach Club**
- See Yacht Club
- Beach, Class I**
- An accretional beach character only wetted under extreme tide possible to walk on a Class Water.
- Beach, Class II**
- A marginal erosion beach character stable and dry backshore ab Class II beaches are usually containing banks and bluffs shore with beach material.
- Beach, Class III**
- An erosional beach on which Mean Higher High Water. Cl under banks and bluffs that clay and have an upper fore to Mean Higher High Water
- Breakwater**
- A protective structure built areas, moorages, navigation action.
- Bridge**
- A structure carrying a path and necessary support and
- Bulkhead**
- A retaining wall constructed primary purpose is to hold caused by erosion or wave ter of a fill.
- 23.60.906 "C"**
- Cargo, Breakbulk**
- Cargo packed in separate cargo and loaded, stored
- Cargo, Containerized**
- Cargo packed in a large (

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portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.
B. Specific design constraints shall not be required if the nature and needs of the water-related use ensures efficient and continued use of the lot's waterborne transportation facilities.
23.60.882 Regulated Public Access in the UI Environment
A. Public Property
Public access meeting the criteria of Section 23.60.160 shall be provided and maintained for all publicly owned and publicly controlled waterfront whether leased to private lessees or not, except harbor areas, shorelands, tidelands and beds of navigable waters not abutting dry land.
B. Private Property
1. Public access meeting the criteria of Section 23.60.160 shall be provided and maintained on privately owned waterfront lots for the following developments:
a. Marinas, except as exempted in Section 23.60.200E;
b. Yacht, boat and beach clubs that have nonwater-dependent facilities over water;
c. Nonwater-dependent developments except those located on private lots in the Lake Union area which have a front lot line of less than one hundred feet in length, measured at the upland street frontage generally parallel to the water edge, and which abut a street and/or waterway providing public access.
2. Water-dependent uses other than marinas and water-related uses on private property, except for yacht and boat clubs which have nonwater-dependent facilities over water and marinas, are not required to provide public access.
D. Utilities
Regulated public access shall be provided to utility owned or controlled property within the Shoreline District.

SUBCHAPTER XVI: Definitions

23.60.900 Definitions Generally
For the purpose of this Chapter, certain terms and words are defined. The definitions established in this Subchapter are in addition to definitions contained in Chapters 24.08 and 23.84, which are also applicable to this Chapter. In the event that a definition in this Chapter differs from a definition of the same term in Chapter 24.08 or Chapter 23.84, the definition in this Chapter shall apply in the Shoreline District.
23.60.902 "A"
Airport, Water-Based
A Transportation Facility used exclusively by aircraft which take-off and land directly on the water.
Aquaculture
An agricultural use in which food fish, shellfish or other marine foods, aquatic plants or animals are cultured in fresh or salt water.
Agriculture Use
The following uses as defined in Chapter 23.84,
Definitions:
Animal Husbandry
Aquaculture
Horticultural Use.
AWDT

feet by twenty feet) trunklike box and loaded, stored and unloaded as a unit.
Cargo, Neo-bulk
Cargo which has historically been classified as generalized cargo, such as grain, oil, and automobiles, but now is moved in bulk movements usually in specialized vessels.
Cargo terminal
Transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers or stored outdoors in order to transfer them to other locations.
Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.
Clerestory
An outside wall of a room or building that rises above an adjoining roof and contains windows.
Commercial Use
The following uses as defined in Chapter 23.84, Definitions:
Retail Sales and Services
Principal Use Parking
Nonhousehold Sales and Services
Offices
Entertainment
Wholesale Showroom
Warehouse
Mini-warehouse
Outdoor Storage
Transportation Facilities
Food Processing and Craft Work
Research and Development Laboratories
Commercial Moorage
A marine retail sales and service use in which a system of piers, buoys, or floats is used to provide moorage, primarily for commercial vessels, except barges, for sale or rent, usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage, tugboat dispatch offices, and other services are also often accessory to or associated with the use.
Conditional Use
A use identified in this Chapter as requiring specific approval by either the Department of Ecology (Shoreline Conditional Use) or the City Council (Council Conditional Use). Unless specifically stated in this Chapter the term Conditional Use without modification shall mean Shoreline Conditional Use.
23.60.908 "D"
Development
A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Title at any water level.
Development Standards
Regulations pertaining to the physical modification of the environment including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum front, side and rear yards, setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public access.
Development, Substantial
See "Substantial development."
Director
The Director of the Department of Construction and Land

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Regulated public access shall be provided to utility owned or controlled property within the Shoreline District.

SUBCHAPTER XVI: Definitions

23.60.900 Definitions Generally

For the purpose of this Chapter, certain terms and words are defined. The definitions established in this Subchapter are in addition to definitions contained in Chapters 24.08 and 23.84, which are also applicable to this Chapter. In the event that a definition in this Chapter differs from a definition of the same term in Chapter 24.08 or Chapter 23.84, the definition in this Chapter shall apply in the Shoreline District.

23.60.902 "A"

Airport, Water-Based

A Transportation Facility used exclusively by aircraft which take-off and land directly on the water.

Aquaculture

An agricultural use in which food fish, shellfish or other marine foods, aquatic plants or animals are cultured in fresh or salt water.

Agriculture, Use

The following uses as defined in Chapter 23.84,

Definitions:

- Animal Husbandry
- Aquaculture
- Horticultural Use.

AWDT

The 24-hour average weekday traffic on a street as determined by the Seattle Engineering Department.

23.60.904 "B"

Boat or Beach Club

See Yacht Club

Beach, Class I

An accretional beach characterized by a backshore which is only wetted under extreme tide and wave conditions. It is possible to walk on a Class I beach at Mean Higher High Water.

Beach, Class II

A marginal erosion beach characterized by not having a stable and dry backshore above Mean Higher High Water. Class II beaches are usually located at the foot of gravel containing banks and bluffs that supply the upper foreshore with beach material.

Beach, Class III

An erosional beach on which it is not possible to walk at Mean Higher High Water. Class III beaches are located under banks and bluffs that are low in gravel and high in clay and have an upper foreshore which is wave cut below to Mean Higher High Water level.

Breakwater

A protective structure built offshore to protect harbor areas, moorages, navigation, beaches or bluffs from wave action.

Bulkhead

A structure carrying a path, street, or railway overwater, and necessary support and accessory structures. A retaining wall constructed parallel to the shore whose primary purpose is to hold or prevent sliding of soil caused by erosion or wave action or to protect the perimeter of a fill.

23.60.906 "C"

Cargo, Breakbulk

Cargo packed in separate packages or individual pieces of cargo and loaded, stored and unloaded individually.

Cargo, Containerized

Cargo packed in a large (typically eight feet by eight

approval by either the Department of Ecology (Shoreline Conditional Use) or the City Council (Council Conditional Use). Unless specifically stated in this Chapter the term Conditional Use without modification shall mean Shoreline Conditional Use.

23.60.908 "D"

Development

A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Title at any water level.

Development Standards

Regulations pertaining to the physical modification of the environment including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum front, side and rear yards, setbacks, maximum lot coverage, maximum floor area ratio, view corridors and regulated public access.

Development, Substantial

See "Substantial development."

Director

The Director of the Department of Construction and Land Use of the City of Seattle.

Drift Sill

A structure of rocks built into a beach as part of natural beach protection used to preserve a beach by stopping the littoral sand drift but which does not protrude above the finished grade of beach sediment.

Dry Land

Land at an elevation above the line of ordinary high water or mean higher high water.

Dry Storage of Boats

A marine retail sales and service use, in which space on a lot on dry land or inside a building overwater or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

23.60.910 "E"

Extreme Low Tide

The lowest line on land reached by a receding tide.

23.60.912 "F"

Fairway

All navigable waters within the corporate limits or within the jurisdiction and control of the city, except waters over privately owned or privately controlled property, including but not limited to the navigable portions of the following described waters and all submerged street area and waterways therein:

- A. All of Elliott Bay, lying easterly of a straight line drawn from Alki Point to West Point;
- B. All of the East and West Waterways;
- C. All of the Duwamish River;
- D. All of the Duwamish Waterway Project;
- E. All of Salmon Bay;
- F. All of Portage Bay;
- G. All of the Lake Washington Ship Canal, including that portion which shall be under the supervision and control of the United States;
- H. All of Lake Union;
- I. All of Lake Washington lying or being within the corporate limits of the city or within the jurisdiction and control of the city;

23.60.920 "J" Jetty An artificial structure...
23.60.922 "K" Entrances...
23.60.924 "L" Landfill Sand, soil, wetland area...
Lot A platted...
Lot Area The total...
Lot Coverage That portion...
Lot, Upland A lot wholly...
Lot, Upland Th An upland...
Lot, Waterfront A lot any...
23.60.926 "M" Manufacturing The follow...
Ligh...
Gene...
Heav...
Marina, Recre...
A marine

City of Seattle Notices

- J. All of that portion of Shilshole Bay, lying easterly and southerly of a line from West Point to the intersection of the northerly boundary of the city with the outer harbor line;
- K. All that portion of Puget Sound, lying easterly and northerly of a line from Alki Point to the intersection of the southerly boundary of the city with the outer harbor line.

Floating Home

A single family dwelling unit constructed on a float, which is moored, anchored or otherwise secured in waters.

Floating Home Moorage

A residential use consisting of a waterfront facility for the moorage of one or more floating homes and the land and water premises on which the facility is located.

Floating Home Site

That part of a floating home moorage located over water designated to accommodate one floating home.

23.60.914 "G"

Groin

A wall-like structure built seaward from the shore to build or preserve an accretion beach by trapping littoral sand drift on the updrift side.

23.60.916 "H"

High Impact Use as defined in Chapter 23.84, Definitions.

Historic Ship

A vessel, whether able to move under its own power or not, that has been designated by the Landmark Preservation Board as historic or listed on the National Register of Historic Places.

23.60.918 "I"

Institutions

The following uses as defined in Chapter 23.84, Definitions:

- Institute for Advanced Study
- Private Club
- Day Care Center
- Museum
- School, Elementary or Secondary
- College
- Community Center
- Community Club
- Vocational or Fine Arts School
- Hospital
- Religious Facility
- University.

23.60.920 "J"

Jetty

An artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves.

23.60.922 "K"

23.60.924 "L"

Landfill

Sand, soil, gravel or other material deposited onto a wetland area, or into the water over a submerged area.

Lot

A platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley.

of piers, buoys, or floats is used to provide moorage, primarily for pleasure craft, for sale or rent usually on a monthly or yearly basis. Minor vessel repair, haulout, dry boat storage and other services are also often accessory to or associated with the use.

Marine Retail Sales and Service

A retail sales and service use which includes one or more of the following uses:

- Sale or rental of large boats
- Marine service station
- Major or minor vessel repair
- Sale of boat parts or accessories
- Recreational marina
- Commercial moorage
- Dry storage of boats
- Tugboat services.

Marine Service Station

A marine retail sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

Master Program

See "Shoreline Master Program."

Mean Lower Low Water (MLLW)

The 0.0 tidal elevation. It is determined by averaging the lower of each day's two low tides, at a particular location over recorded history.

MLLW

See "Mean Lower Low Water."

Mean Higher High Water

The tidal elevation determined by averaging the higher of each days two high tides at a particular location over recorded history.

MHHW

See "Mean Higher High Water."

Monitor

A raised, central portion of a roof having low windows or louvers for light and air.

Moorage, Covered

A pier or system of floating or fixed accessways covered with a roof to which boats on water may be secured.

Moorage, Open

An uncovered pier or system of floating or fixed accessways to which boats on water may be secured.

Moorage, Transient

Moorage available to the public, generally for a fee, on a short term basis. Transient moorage may be available on an hourly, daily or weekly basis.

Moorage Walkway

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.

23.60.928 "N"

Natural Beach Protection

Naturally regenerating systems designed and used to prevent and control beach erosion.

Navigational Aid

A structure used to guide or position ships and boats or to warn of navigational hazards, including but not limited to buoys, beacons, and light towers.

Nonwater-Dependent Use

A structure for open

single-family or multiple-family dwellings, Pier, Finger or Spur

A minor extension from

Public Facility

A facility owned, operated

general or special purpose

23.60.934 "R"

Railroad

A public or private

are constructed. Railroads

classified as cargo

Regulated Public Access

Provision to the public

or similar legal agreements

corridors, parks, trails

ing as a means of providing

waters, and limited

activity permitted, except

Residential Use

The following uses are

Artist's Studio

Boarding House

Caretaker's Quarters

Floating Home

Mobile Home Park

Multi-Family Structure

Single Family Dwelling

Special Residential Use

Rip-rap

A foundation or structure

water or on an embankment

Retail Sales and Service

The following uses are

Personal and Household

Medical Services

Animal Services

Automobile Retail

Marine Retail Sales

Eating and Drinking

Lodging

Mortuary Services

23.60.936 "S"

Sale of Boat Parts or Accessories

A marine retail sales

rented or sold primarily

excluding uses in which

primary item sold.

Additional instruments,

publications, nautical

marine engines, and

length.

Sale and/or Rental of Land

A marine retail sales

teen feet or more in

or rental of small

durables sales and

Salvage and Recycling

The following uses are

Recycling Collection

Recycling Center

Salvage Yard.

Shoreline Conditional

Uses identified in

College
Community Center
Community Club
Vocational or Fine Arts School
Hospital
Religious Facility
University.

23.60.920 "J"
Jetty
An artificial barrier perpendicular to the shoreline used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to protect a harbor area from storm waves.

23.60.922 "K"
23.60.924 "L"
Landfill
Sand, soil, gravel or other material deposited onto a wetland area, or into the water over a submerged area.

Lot
A platted or unplatted parcel or parcels of land abutting upon and accessible from a private or public street sufficiently improved for vehicle travel or abutting upon and accessible from an exclusive, unobstructed permanent access easement. A lot may not be divided by a street or alley.

Lot Area
The total horizontal area within the lot lines of a lot.

Lot Coverage
That portion of a lot occupied by the principal building and its accessory buildings including piers, floats and drydocks, expressed as a percentage of the total lot area.

Lot, Upland
A lot wholly or partly within the shoreline district which is separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way or government-controlled property which prevents access to and use of the water.

Lot, Upland Through
An upland lot wholly or partly within the Shoreline District which extends between a street, highway, or arterial right-of-way on the upland side and a street, highway, arterial, railway right-of-way, or government-controlled property on the waterfront side.

Lot, Waterfront
A lot any portion of which is offshore of or abuts upon the ordinary high water mark or mean high water mark and any other lot or parcel partially or entirely within the Shoreline District which is not separated as of March 17, 1977, from the water by a street, arterial, highway, railroad right-of-way, or government owned or controlled property which prevents access to and use of the water. Vacation or relocation of a legal right-of-way after March 17, 1977, shall convert a lot which was an upland lot because of the existence of such right-of-way into a waterfront lot.
For purposes of determining the appropriate use and development standards applicable to developments in railroad or street right-of-ways, the railroad or street right-of-way shall be considered to be a waterfront lot unless separated from the water by another railroad or street right-of-way.

23.60.926 "M"
Manufacturing
The following uses as defined in Chapter 23.84, Definitions:
Light Manufacturing
General Manufacturing
Heavy Manufacturing.

Marina, Recreational
A marine retail sales and service use, in which a system

Moorage, Covered
A pier or system of floating or fixed accessways covered with a roof to which boats on water may be secured.

Moorage, Open
An uncovered pier or system of floating or fixed accessways to which boats on water may be secured.

Moorage, Transient
Moorage available to the public, generally for a fee, on a short term basis. Transient moorage may be available on an hourly, daily or weekly basis.

Moorage Walkway
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.

23.60.928 "N"
Natural Beach Protection
Naturally regenerating systems designed and used to prevent and control beach erosion.

Navigational Aid
A structure used to guide or position ships and boats or to warn of navigational hazards, including but not limited to buoys, beacons, and light towers.

Nonwater-Dependent Use
A use which is not water-dependent or water-related in that access to the water or to water-dependent uses is not required for its operation, even if the aesthetics of a waterfront location may increase profitability. The following and similar uses are included:
Eating and drinking establishments, lodging, retail sales and services, medical services, funeral services, offices, religious facilities, schools, principal use parking, tennis courts, health clubs, and residential uses on land.

23.60.930 "O"
Offshore Facilities
Any facilities, seaward of the outer harbor line, floating or supported on a pier or piers, used to transfer or assemble materials or for construction purposes, except aquacultural facilities and structures, research and scientific monitoring facilities.

Open Space
Land and/or water area with its surface open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreational opportunities, conserving natural resources and structuring urban development and form.

Ordinary High Water Mark
On all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter or as it may change thereafter in accordance with permits issued by the Director or the Department of Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

23.60.932 "P"
Pier
A structure extending into the water for use as a landing place or promenade or to protect or form a harbor.

Pier, Accessory to Residential Structures

Marine Retail
Eating and Drink
Lodging
Mortuary Service

23.60.936 "S"
Sale of Boat Parts or A
A marine retail sale rented or sold primarily item sold.
nautical instruments, publications, nautical marine engines, and length.

Sale and/or Rental of L
A marine retail sale teen feet or more i or rental of small durables sales and

Salvage and Recycling
The following uses
Recycling Coll
Recycling Cent
Salvage Yard.

Shoreline Conditional U
Uses identified as authorized by the D of Ecology in speci and conditions are

Shoreline Master Progr
The comprehensive which consists of and policies in Re Guidelines in Reso tions of this Chap

Shoreline Protective S
A bulkhead, rip-ra tection or other s of or damage to th action.

Shorelines
All the water area wetlands, together (A) shorelines of on segments of str annual flow is twe the wetlands assoc (C) shorelines on wetlands associat

Shorelines of Statewid
The following sho 90.58.030(2)(e) a
A. Those areas lying seawar
B. Lake Washing
C. The Duwamish
D. Those wetlan tion.

Shorelines of the Cit
The total of all significance" wit

Shoreline Recreation
An open space use area which provide water. The follow Fishing piers, su reefs, boat launch viewpoints, conc floats and bathho

provide moorage, or rent usually on hel repair, haulout, e also often acces-	A structure for open wet moorage or swimming accessory to single-family or multi-family residential structures.	Shoreline Special Use	Uses identified as such in this chapter which may be authorized by the Director in specific cases where the facts and conditions stated in Section 23.60.032 are found to exist.
	Pier, Finger or Spur A minor extension from a primary pier.		
	Public Facility A facility owned, operated or franchised by a unit of general or special purpose government for public purposes.	Shoreline Variance	A modification of the regulations of this Chapter when authorized by the Director and approved by the Department of Ecology after a finding that the literal interpretation and strict application of the provisions of this Chapter would cause undue and unnecessary hardship in view of specific facts and conditions applying to a lot in the Shoreline District.
includes one or more	23.60.934 "R"		
	Railroad A public or private right-of-way on which tracks for trains are constructed. Railroad yards and stations shall be classified as cargo or passenger terminals.	Structure	A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts artificially joined together in some definite manner, whether installed on, above, or below the surface of the ground or water including fences, walls, signs, piers, floats and drydocks, but not including poles, flower bed frames and other minor incidental improvements, or vessels.
	Regulated Public Access Provision to the public by an owner, by easement, covenant or similar legal agreement, of substantial walkways, corridors, parks, transient moorage or other areas serv- ing as a means of view and/or physical approach to public waters, and limited as to hours of availability, types of activity permitted, location and area.	Substantial Development	Any development of which the total cost or fair market value exceeds Two thousand five hundred dollars or any development which materially interferes with the normal public use of the water or shorelines of the city, except that the following shall not be considered substantial developments for the purposes of this subtitle: A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements; B. Construction of the normal protective bulkhead common to single-family residences; C. Emergency construction necessary to protect property from damage by the elements; D. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, construction of a barn or similar agricultural structure and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure, or facility used or capable of being used for feeding livestock hay, grain, silage or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
in which fuel for s including but not ir may also be pro-	Residential Use The following uses as defined in Chapter 23.84, Definitions: Artist's Studio/Dwelling Boarding House Caretaker's Quarters Floating Home Mobile Home Park Multi-Family Structure Single Family Dwelling Unit Special Residence		E. Construction or modification of navigational aids such as channel markers and anchor bouys; F. Construction on wetlands by an owner, lessee or con- tract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the city other than requirements imposed pursuant to this subtitle; G. Construction of a dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single-family resi-
	Rip-rap A foundation or sustaining wall of stones placed in the water or on an embankment to prevent erosion.		
ined by averaging at : articular	Retail Sales and Service Use The following uses as defined in Chapter 23.84, Definitions: Personal and Household Retail Sales and Service Medical Services Animal Services Automobile Retail Sales and Service Marine Retail Sales and Service Eating and Drinking Establishments Lodging Mortuary Services		
aging the higher of ar location over	23.60.936 "S"		
	Sale of Boat Parts or Accessories A marine retail sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include naviga- tional instruments, marine hardware and paints, nautical publications, nautical clothing such as foulweather gear, marine engines, and boats less than sixteen feet in length.		
ving low windows or			
accessways covered ay be secured.			
ng or fixed y be secured.			
rally for a fee, on a ay be available on			
pier and float(s) access from the land home moorage. Ramps oating homes are not	Sale and/or Rental of Large Boats A marine retail sales and service use in which boats six- teen feet or more in length are rented or sold. The sale or rental of smaller boats shall be defined as a major durables sales and service use.		
ed and used to prevent	Salvage and Recycling The following uses as defined in Chapter 23.84, Definitions: Recycling Collection Station Recycling Center Salvage Yard.		
ships and boats or uding but not limited	Shoreline Conditional Use Uses identified as such in this Chapter which may be authorized by the Director and approved by the Department of Ecology in specific cases where certain stated facts		
water-related in dependent uses is not			

Lodging
Mortuary Services

23.60.936 "S"

Sale of Boat Parts or Accessories

A marine retail sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foulweather gear, marine engines, and boats less than sixteen feet in length.

Sale and/or Rental of Large Boats

A marine retail sales and service use in which boats sixteen feet or more in length are rented or sold. The sale or rental of smaller boats shall be defined as a major durables sales and service use.

Salvage and Recycling

The following uses as defined in Chapter 23.84, Definitions:

- Recycling Collection Station
- Recycling Center
- Salvage Yard.

Shoreline Conditional Use

Uses identified as such in this Chapter which may be authorized by the Director and approved by the Department of Ecology in specific cases where certain stated facts and conditions are found to exist.

Shoreline Master Program

The comprehensive use plan for the shorelines of the city which consists of the general statement of shoreline goals and policies in Resolution 25173, the Implementation Guidelines in Resolution 25618, and the specific regulations of this Chapter.

Shoreline Protective Structures

A bulkhead, rip-rap, groin, revetment, natural beach protection or other structure designed to prevent destruction of or damage to the existing shoreline by erosion or wave action.

Shorelines

All the water areas of the city and their associated wetlands, together with the lands underlying them: except (A) shorelines of statewide significance; (B) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (C) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of Statewide Significance

The following shorelines of the city are identified in RCW 90.58.030(2)(e) as shorelines of statewide significance:

- A. Those areas of Puget Sound and adjacent salt waters lying seaward from the line of extreme low tide;
- B. Lake Washington;
- C. The Duwamish River;
- D. Those wetlands associated with B and C of this section.

Shorelines of the City

The total of all "shorelines" and "shorelines of statewide significance" within the city.

Shoreline Recreation

An open space use which consists of a park or parklike area which provides physical or visual access to the water. The following and similar uses are included: Fishing piers, swimming areas, underwater diving areas or reefs, boat launching ramps, bicycle and pedestrian paths, viewpoints, concessions without permanent structures, floats and bathhouses.

irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure, or facility used or capable of being used for feeding livestock hay, grain, silage or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

- E. Construction or modification of navigational aids such as channel markers and anchor bouys;
- F. Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the city other than requirements imposed pursuant to this subtitle;
- G. Construction of a dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single-family residence, the cost of which does not exceed Two Thousand Five Hundred Dollars;
- H. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;
- I. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- J. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of Chapter 182, Laws of Washington 1975 (1st Ex. Session.) which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- K. Demolition of structures, except where the Director determines that such demolition will have a major impact upon the character of the shoreline.

Submerged land

Land which is below the elevation of ordinary high water or mean higher high water.

23.60.938 "T"

Transportation Facilities

The following uses as defined in Chapter 23.84, Definitions:

- Airport, Landbased
- Bus Base
- Cargo Terminal
- Heliport
- Helistop
- Passenger Terminal
- Personal Transportation Services.

Tugboat Services

A retail sales and service use which consists of moorage for more than one tugboat and dispatch offices. Uses which include barge moorage and loading and unloading facilities for barges as well as tugboat moorages shall be classified as cargo terminals.

A marine retail sales and service use in which one or more of the following activities take place:

- (1) Repair of ferrous hulls
- (2) For ships or boats one hundred twenty feet in length, any one or more of the following activities:
 - a. Repair of non-ferrous hulls;
 - b. Conversion;
 - c. Rebuilding;
 - d. Dismantling; and
 - e. Exterior painting.

Vessel Repair, Minor

A marine retail sales and service use in which one or more of the following activities takes place:

- (1) General boat engine and equipment repair;
- (2) The replacement of new or reconditioned parts;
- (3) Repair of nonferrous boat hulls under one hundred twenty feet in length;
- (4) Painting and detailing; and
- (5) Rigging and outfitting;

but not including any operation included in the definition of "Vessel repair, major."

View Corridor

An open-air space on a lot affording a clear view across the lot to the water from the abutting street.

23.60.944 "W"

Water-Dependent Use

A use which cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses, and similar uses, are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, marinas, floating home moorages, tour boats, cruise ships, tug and barge operations, shoreline recreation, moorage, yacht clubs, limnological or oceanographic research facilities.

Water-Related Use

A use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site. The construction, maintenance and use of facilities such as docks, piers, wharves or dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement plants, water pollution control services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses and boat rigging operations.

Waterway

A public highway for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation.

Wetlands

Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and floodplains associated with the streams, lakes and tidal waters which are subject to the provisions of this subtitle; the same to be designated as to location by the Department of Ecology.

Wildlife

Living things that are neither human nor domesticated, including but not limited to mammals, birds and fishes.

23.60.946 "Y"

Yacht, Boat and Beach Clubs

Institutional uses classified as either private clubs or

of the predominant view of the water and, when topographically possible, generally parallel to existing view corridors.

- C. 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.

23.60.956 Calculation of Lot Depth

When a lot's development differs according to the depth of the dry land portion of the lot. To qualify for some special regulations, a lot must have less than fifty feet of dry land. To qualify for locating single-family residences over water, a lot must have less than thirty feet of dry land.

- A. A lot shall be determined by the Director to have a depth of less than fifty feet of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and
2. A straight line, parallel to and fifty feet waterward of the street or railroad right-of-way and extending between two lot lines, crosses submerged land for more than fifty percent of its distance; or
3. If the lot lines and/or street or railroad right-of-way are irregular, the Director may determine if the lot has a depth of less than fifty feet of dry land, based upon the intent of the Shoreline Master Program.

- B. A lot shall be determined by the Director to have a depth of less than thirty feet of dry land if:

1. The lot abuts a street or railroad right-of-way which is generally parallel to the shoreline; and
2. A straight line parallel to and thirty feet waterward of the street or railroad right-of-way and extending between two lot lines, crosses submerged land for more than fifty percent of its distance; or
3. If the lot lines and/or street or railroad right of way are irregular, the Director may determine if the lot has a depth of less than thirty feet of dry land, based upon the intent of the Shoreline Master Program.

23.60.958 Calculation of Percent of a Lot Occupied by a Specific Use

The following measurement techniques shall be used to calculate the percent of a lot occupied by a use for developments other than water-dependent incentive developments in the Urban Harborfront. For water-dependent incentive calculations see Section 23.60.960.

- A. For purpose of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the state Department of Natural Resources and developed or proposed to be developed, but excluding any area required for public access.

- B. All lot area occupied by a specific use shall include:

1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses, provided that if a structure is occupied by more than one use, the percent of floor space occupied by the use in question shall be used to calculate the percent of the footprint allocated to that use;
2. The area of any parking provided for the use in excess of required accessory parking spaces including aisles and turning areas;
3. The area of any moorage occupied by the use including piers, floats, dockage areas, channels and turning

water-dependent use.

- C. Area occupied by a water-dependent use, number of water-dependent uses, already exist on the site.
 - D. Water-dependent uses shall be as 23.60.944, except that for purpose water-dependent use for this section less than one thousand lineal feet considered required moorage. More than one thousand lineal feet of moorage calculations for water-dependent water-dependent incentive.
 - E. The percent of lot occupied by a use shall be calculated by dividing the use area by the lot area given in A above.
 - F. To calculate the percent of dry land occupied by merged lands occupied by a specific use, the dry lands and submerged lands shall be calculated separately.
 - G. To calculate the percent of area occupied by use such as nonwater-dependent uses, as calculated and summed and divided by the lot area.
- #### 23.60.962 Calculation of Lot Width
- to Residential Development

The following measurement techniques shall be used to calculate whether or not lot width is sufficient to complete section 23.60.204B.3:

1. Lot width shall be the distance between the points where the ordinary high water mark intersects the lot lines, if the lot lines, ordinary high water conditions are irregular, then the lot width shall be the lot width if the lot meets the lot width intent of the Shoreline Master Program.
2. If the lot lines, ordinary high water conditions are irregular, then the lot width shall be the lot width if the lot meets the lot width intent of the Shoreline Master Program.

Section 3. Chapter 23.04 of the Use) Code is amended by adding a new section as follows:

- #### 23.04.030 Seattle Shoreline Master Program
- A. Any proposal which is substantial under Chapter 23.60, the Seattle Shoreline Master Program, becomes effective shall be subject to the substantive provisions or to the modified substantive provisions of the Seattle Shoreline Master Program at the discretion of the applicant.
 1. The applicant may elect only one of the following options which shall apply as appropriate to the proposal; and
 2. The election shall be irrevocable and in writing at the time of application.
 - B. A proposal shall be considered substantial if:
 1. A master use permit application for a use with shoreline components necessary for the use has not been completed and filed;
 2. A building permit application for a use with shoreline components necessary for the use has not been filed; or
 3. A draft environmental impact statement for a use with shoreline components necessary for the use has not been approved by the Director for the use.

Section 4. That those certain master use permit applications with the City Clerk in C.P. 294748 shall be referred to the Shoreline District and the environmental impact statement assigned to all property within such a use shall be adopted as amendments to the Official Code of Ordinances of the City of Seattle adopted by SMC 23.32.

and related recreational swimming, the members and their public (s) or by cations in the ct rge, and strict shall rement regula- and Title 24 opment is istrict, evelopment required in the uring from the e proposed e not otherwise the average tions at the lding or t over water, dinary high ded Section ovided accord- ction ques: shall be nt of the line. he direction en topographi- ng view t, the shall be used mination shall ounts of traf- the predomi- of actual nt differs f the lot. To have less ating single- ss than thirty have a depth t-of-way which and feet waterward and extending d land for , or road right-of- ermine if the

basins;

- 4. The area occupied by any storage accessory to the use.
 - C. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in B above by the lot area given in A above times one hundred.
 - D. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.
 - E. To calculate the percent of area occupied by a category of use such as nonwater-dependent commercial, the area occupied by all such uses as calculated above shall be summed and divided by the lot area.
- 23.60.960 Calculation of Percent of Lot Occupied by a Water-Dependent Use for Purposes of the Water-Dependent Incentive in the Urban Harborfront Environment**
- The following measurement techniques shall be used to calculate the percent of a lot occupied by a water-dependent use for the purpose of qualifying for Water-Dependent Incentive Review.
- A. For purposes of this section, the "lot" includes all the lot area within the Shoreline District including vacant lands, submerged and dry lands, and lands available for lease from the state Department of Natural Resources that is developed or proposed to be developed.
 - B. All lot area occupied by a water-dependent use shall include:
 - 1. The footprint, including balconies, decks and eaves, of any structure occupied by the use or its accessory uses, provided that if a structure is occupied by more than one use, the percent of floor space of the structure occupied by the water-dependent use shall be used to calculate the percent of the footprint allocated to that use;
 - 2. The area of any required accessory parking spaces including aisles and turning areas;
 - 3. The area of any moorage in excess of the required moorage; including piers, floats, dockage areas, channels and turning basins;
 - 4. The area occupied by any storage accessory to the water-dependent use.
 - C. Area occupied by a water-dependent use may include any number of water-dependent uses, including uses that already exist on the site.
 - D. Water-dependent uses shall be as defined in Section 23.60.944, except that for purposes of calculating the water-dependent use for this section, marinas providing less than one thousand lineal feet of moorage shall be considered required moorage. Marinas providing more than one thousand lineal feet of moorage may be included in the calculations for water-dependent use for the purpose of water-dependent incentive.
 - E. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in B above by the lot area given in A above times one hundred,
 - F. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.
 - G. To calculate the percent of area occupied by a category of use such as nonwater-dependent commercial, the area occupied by all such uses, as calculated above, shall be summed and divided by the lot area.
- 23.60.962 Calculation of Lot Width for Piers Accessory to Residential Development**
- The following measurement technique shall be used to

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

Section 6. The repeal by this ordinance of Chapter 24.60 of the Zoning Code shall not affect any right or duty accrued or any proceeding commenced under the provisions of Chapter 24.60 prior to the effective date of this ordinance.

Section 7. 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 1st day of June, 1987, and signed by me in open session in authentication of its passage this 1st day of June, 1987.

SAM SMITH,
President of the City Council.
Approved by me this 9th day of June, 1987.
CHARLES ROYER,
Mayor.
Filed by me this 9th day of June, 1987.
ATTEST: NORWARD J. BROOKS,
City Comptroller and City Clerk.
(Seal) By MICHAEL S. SAUNDERS,
Deputy Clerk.
Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, December 30, 1987. (C-278-X)

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water-dependent use.

- C. Area occupied by a water-dependent use may include any number of water-dependent uses, including uses that already exist on the site.
- D. Water-dependent uses shall be as defined in Section 23.60.944, except that for purposes of calculating the water-dependent use for this section, marinas providing less than one thousand lineal feet of moorage shall be considered required moorage. Marinas providing more than one thousand lineal feet of moorage may be included in the calculations for water-dependent use for the purpose of water-dependent incentive.
- E. The percent of lot occupied by a specific use shall be calculated by dividing the use area calculated in B above by the lot area given in A above times one hundred.
- F. To calculate the percent of dry land or percent of submerged lands occupied by a specific use or category of use, the dry lands and submerged lands shall each be calculated separately.
- G. To calculate the percent of area occupied by a category of use such as nonwater-dependent commercial, the area occupied by all such uses, as calculated above, shall be summed and divided by the lot area.

23.60.962 Calculation of Lot Width for Piers Accessory to Residential Development

The following measurement technique shall be used to calculate whether or not lot width at the line of ordinary high water is sufficient to comply with the requirement of section 23.60.204B.3:

1. Lot width shall be the distance measured in a straight line between the points where the lot lines intersect the ordinary high water mark.
2. If the lot lines, ordinary high water mark or other conditions are irregular, the Director may determine if the lot meets the lot width criterion, based on the intent of the Shoreline Master Program.

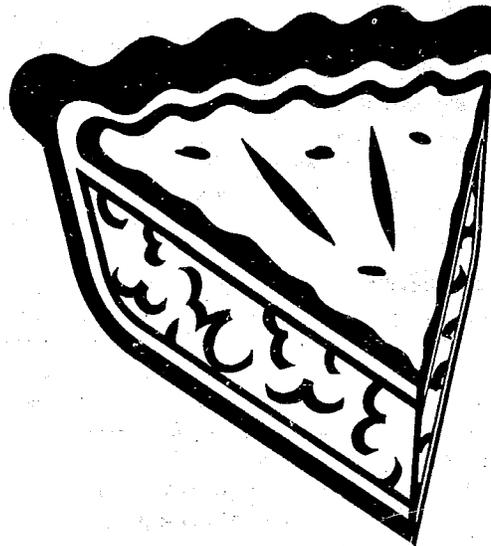
Section 3. Chapter 23.04 of the Seattle Municipal (Land Use) Code is amended by adding a new Section 23.04.030 to read as follows:

23.04.030 Seattle Shoreline Master Program Transition Rule

- A. Any proposal which is substantially underway on the date Chapter 23.60, the Seattle Shoreline Master Program, becomes effective shall be subject to either the new substantive provisions or to corresponding repealed or modified substantive provisions of repealed Chapter 24.60 at the discretion of the applicant, provided that:
1. The applicant may elect only one set of standards which shall apply as appropriate to the entire proposal; and
 2. The election shall be irrevocable and shall be made in writing at the time of application.
- B. A proposal shall be considered substantially underway if,
1. A master use permit application including all shoreline components necessary for the project has been completed and filed;
 2. A building permit application including, if appropriate, an environmental checklist has been filed; or
 3. A draft environmental impact statement (EIS) has been approved by the Director for publication.

Section 4. That those certain maps marked "Seattle Shoreline Master Program Environment Designations" and filed with the City Clerk in C.F. 294748 showing the boundaries of the Shoreline District and the environment designations assigned to all property within such boundaries are hereby adopted as amendments to the Official Land Use Map of the City of Seattle adopted by SMC 23.32.016.

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