

Ordinance No. 121162

Council Bill No. 114515

An ordinance relating to the Land Use Code; amending Sections 23.84.038 of the Seattle Municipal Code in order to clarify the definition for passenger terminals.

The City of Seattle
Council Bill/Ordinance

5/20/03 - Pass 2-

5-27-03 Pass

CF No. _____

Date Introduced:	MAR 31 2003	
Date 1st Referred:	MAR 31 2003	To: (committee) Land Use Committee
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	5-27-03	Full Council Vote: 9-0
Date Presented to Mayor:	5-28-03	Date Approved: 6/4/03
Date Returned to City Clerk:	6/4/03	Date Published: 2 pp.
Date Vetted by Mayor:		T.O. <input checked="" type="checkbox"/> E.T. <input checked="" type="checkbox"/>
Date Passed Over Veto:		Date Veto Published:
		Veto Sustained:

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

John A. NICAstro
Councilmember

Committee Action:

5/20/03 - Pass 2-0 - UN, MP

5-27-03 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

(Initial/Date)

Law Department

Law Dept. Review

OMP
Review

(initials)
City Clerk
Review

Electronic
Copy Loaded

Indexed

*Final Note
on
5/27/03
MP*

ORDINANCE

12162

AN ORDINANCE relating to the Land Use Code; amending Section 23.84.038 of the Seattle Municipal Code in order to clarify the definition for passenger terminals.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.84.038 of the Seattle Municipal Code (SMC), which section was last amended by Ordinance 120443, is amended as follows:

SMC 23.84.038 Definitions -- T.

"Transportation facilities" means one (1) of the following commercial uses:

6. "Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, trains, buses or planes that provide transportation to passengers for hire by land, sea or air. ((located on a sea or land transportation line, where people transfer from one (1) mode of vehicular transportation to another or between carriers within the same mode. Such carriers shall have regularly scheduled routes, and may include vans, trains, ships, tour buses or boats, or other types of transportation.)) Passenger terminals typically include some or all of the following: ((may include)) ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, ((and)) shops and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be



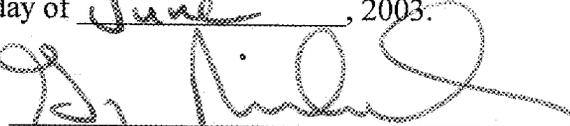
1
2 considered part of the passenger terminal use and shall not be treated as separate uses. Metro
3 street bus stops and light rail transit stations are not included in this definition. Also excluded is
4 the use of sites where passengers occasionally embark on or disembark from transportation in a
5 manner that is incidental to a different established principal use of the site.
6

7 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after
8 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
9 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
10

11 Passed by the City Council the 27th day of May, 2003, and signed by me in
12 open session in authentication of its passage this 27th day of May, 2003.

13 
14 _____
15 President _____ of the City Council

16 Approved by me this 4 day of June, 2003.

17 
18 _____
19 Gregory J. Nickels, Mayor

20 Filed by me this 4th day of June, 2003.

21 
22 _____
23 City Clerk

24 (SEAL)
25
26
27
28

Fiscal Note

Each piece of legislation that appropriates funds, creates position authority, or will create a financial impact through policy direction or otherwise, requires a fiscal note. The fiscal note should be drafted by department staff and should include all relevant financial information. After preparation by departmental staff, the Department of Finance will review and make necessary revisions before transmittal to Council.

Department:	Contact Person/Phone:	DOF Analyst/Phone:
DCLU	Miles Mayhew/ 615-1256	

Legislation Title:
 An ordinance relating to the Land Use Code; amending Sections 23.84.038 of the Seattle Municipal Code in order to clarify the definition for passenger terminals.

Summary of the Legislation:
 The ordinance amends the Land Use Code definition of "passenger terminal" to help ensure that the operations aboard cruise ships and other vessels that use these locations may continue without unnecessary regulation. This is achieved by clarifying that activities commonly found aboard such vessels are incidental to the transport of passengers and are not considered separate uses. During a public hearing for a similar piece of legislation, Ordinance 120866, concerns were voiced that the DCLU may be over extending its regulatory reach with regards to uses on vessels. The ordinance is intended to address these concerns.

 This ordinance does not have financial implications.

Appropriations (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2003 Appropriation	2004 Anticipated Appropriation
TOTAL			0	0

* This is line of business for operating budgets, and program or project for capital improvements

Notes:

Expenditures (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2003 Expenditures	2004 Anticipated Expenditures
TOTAL			0	0

* This is line of business for operating budgets, and program or project for capital improvements



Miles Mayhew
 February 27, 2003
 Passenger Terminal Definition Ordinance
 Version #1

Anticipated Revenue/Reimbursement (in \$1,000's):

Fund Name and Number	Department	Revenue Source	2003 Revenue	2004 Revenue
TOTAL			0	0

Notes:

Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:

Fund Name and Number	Department	Position Title*	2003 FTE	2004 FTE
TOTAL			0	0

* List each position separately

Do positions sunset in the future? (If yes, identify sunset date):

Background (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

Please see attached Director's Report and Recommendation dated February, 2003.

The financial cost of not implementing the legislation (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

Possible alternatives to the legislation which could achieve the same or similar objectives (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

Is the legislation subject to public hearing requirements (If yes, what public hearings have been held to date):

This legislation is subject to public hearing requirements, but none have been held to date.

Other Issues (including long-term implications of the legislation):

Attachment: Director's Report and Recommendation



**AMENDMENTS TO THE LAND USE CODE RELATED TO
THE DEFINITION FOR PASSENGER TERMINALS**

February, 2003

I. Introduction

The Department of Design, Construction and Land Use (DCLU) proposes legislation that amends the definition of "passenger terminal" in SMC 23.84.038 of the Land Use Code. The definition of passenger terminal is clarified by stating that moorage for cruise ships and/or vessels engaged in transporting passengers for hire are part of the passenger terminal use designation and that activities commonly found aboard these types of vessels shall be considered part of the passenger terminal use and shall not be treated as separate uses. The amendment also makes clear the type and extent of uses that are typically found at passenger terminals.

II. Existing Conditions

DCLU presently considers sites where passengers embark or disembark from harbor tour boats and other vessels transporting passengers for hire to be "passenger terminals" although the definition does not specifically state this. In addition, DCLU treats moorage for cruise ships and/or vessels engaged in transporting passengers for hire to be fundamentally part of a use designated as passenger terminal. However, the Land Use Code definition for passenger terminal does not specifically mention moorage for these types of vessels. Lastly, DCLU has not required additional use permits for activities commonly found aboard these types of vessels while they are moored at passenger terminals, and this amendment clarifies this position.

Part of this amendment has been precipitated by the recently passed Ordinance 120866 which amended SMC 23.60.016 by stating that uses located on vessels in the Shoreline District must be consistent with the Shoreline Master Program. Comments at the public hearing expressed concern that pursuant to Ordinance 120866 the City may regulate activities that are customarily provided on board cruise ships as separate uses apart from the moorage of the cruise ships themselves. This amendment addresses this concern by clarifying that moorage for cruise ships is part of a passenger terminal use and that activities commonly found aboard shall not be treated as separate uses. Through this amendment DCLU intends to ensure that vessels engaged in transporting passengers for hire are treated in a similar manner.

III. Analysis of the Proposal

This amendment clarifies the definition of "passenger terminal" in several ways. It states that passenger terminal includes facilities where people embark or disembark from a carrier. The dictionary definition of a "carrier" is a person or business that "transports passengers for hire," and so that language is also added. In addition, this amendment will clarify that the moorage of cruise ships and/or vessels engaged in transporting passengers for hire is considered part of the passenger terminal use designation. This amendment will not change the manner in which DCLU



regulates parcels used as passenger terminals or vessels moored thereon. It will ensure that Ordinance 120866 does not have the unintended consequence of subjecting activities commonly found aboard cruise ships and vessels engaged in transporting passengers for hire to additional use permit requirements under Seattle's Land Use Code. By excluding the occasional and incidental use of sites to embark or disembark passengers, the last clause of the amendment makes it clear that DCLU does not intend to require every site where a passenger gets on or off a carrier to be a passenger terminal. If a carrier on occasion picks up or drops off passengers from a location that does not otherwise meet the definition for passenger terminal, the location does not need to have a passenger terminal use established.

IV. Recommendation

This amendment will promote the public interest by making it explicit that typical activities on board a range of vessels that moor at passenger terminals are not to be regulated as separate uses by DCLU. This will ensure that the activities and functions normally associated with cruise ships and/ or vessels engaged in transporting passengers for hire will not receive an additional regulatory burden. Therefore, DCLU recommends that the proposed amendment be approved.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 6, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The attached ordinance amends the Land Use Code definition of "passenger terminal" to help ensure that activities aboard cruise ships and other vessels that use these locations may continue without unnecessary regulation. This is achieved by clarifying that activities commonly found aboard such vessels are incidental to the transport of passengers and are not considered separate uses. During a recent public hearing for a similar piece of legislation, Ordinance 120866, concerns were voiced that the DCLU may be over extending its regulatory reach with regards to uses on vessels. The legislation addresses this concern for the benefit of all.

Thank you for your consideration of this legislation. Should you have questions please contact Miles Mayhew at 615-1256.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a horizontal line.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

159654
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

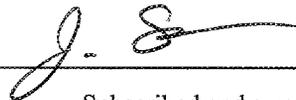
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 121162

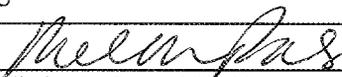
was published on

6/12/2003



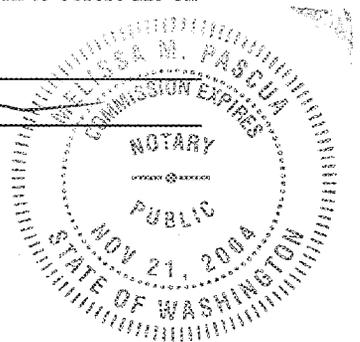
Subscribed and sworn to before me on

6/12/2003



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 121182

AN ORDINANCE relating to the Land Use Code; amending Section 23.54.038 of the Seattle Municipal Code in order to clarify the definition for passenger terminals.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.54.038 of the Seattle Municipal Code (SMC), which section was last amended by Ordinance 120443, is amended as follows:

SMC 23.54.038 Definitions -- T.

"Transportation facilities" means one (1) of the following commercial uses:

6. "Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, trains, buses or planes that provide transportation to passengers for hire by land, sea or air. ~~(It is not a use or land transportation use, where passengers transfer from one (1) mode of motor transportation to another between carriers within the same mode. Such carriers shall include regularly scheduled routes, and may include water taxis, ships, tour boats, and other types of transportation.)~~ Passenger terminals typically include some or all of the following: ~~(may include)~~ ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, ~~(and)~~ shops and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered part of the passenger terminal use and shall not be treated as separate uses. Metro street bus stops and light rail transit stations are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.

Section 2. This ordinance shall take effective and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided in Municipal Code Section 1.04.020.

Passed by the City Council the 27th day of May, 2003, and signed by me in open session in authentication of its passage this 27th day May, 2003.

PETER STEINBRUECK,

President Steinbrueck of the City Council.

Approved by me this 4th day of June, 2003.

GREGORY J. NICKELS,

Mayor

Filed by me this 4th day of June, 2003.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, June 12, 2003.

8/12/159654