Ordinance No. 122310

Council Bill No. 115745

AN ORDINANCE related to land use and zoning, amending various sections of the Shoreline District Chapter of the Land Use Code, Chapter 23.60 of the Seattle Municipal Code, and repealing Chapter 23.84.

CF No.

| | |
|---|---|
| Date Introduced: 9.25.06 | |
| Date 1st Referred: 9.25.06 | To: (committee) Urban Development + Planning |
| Date Re - Referred: | To: (committee) |
| Date Re - Referred: | To: (committee) |
| Date of Final Passage: 12/11/06 | Full Council Vote: 9-0 |
| Date Presented to Mayor: 12/12/06 | Date Approved: 12.21.06 |
| Date Returned to City Clerk: 12.21.06 | Date Published: 58 T.O. F.T. ✓ |
| Date Vetoed by Mayor: | Date Veto Published: |
| Date Passed Over Veto: | Veto Sustained: |

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Peter Steinbrueck
Councilmember

**Committee Action:** Passed as Amended 3-0 PS, TR, SC

FC 12/11/06 PASSED AS AMENDED 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

*Law Department*

Law Dept. Review | OMP Review | City Clerk Review | Electronic Copy Loaded | Indexed

12-27-06

**ORDINANCE** 122310

AN ORDINANCE related to land use and zoning, amending various sections of the Shoreline District Chapter of the Land Use Code, Chapter 23.60 of the Seattle Municipal Code, and repealing Chapter 23.84.

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

Section 1. Section 23.60.246 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.246 Prohibited uses in the CN Environment.**

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

A. Residential uses;

B. Commercial uses;

C. Utilities, except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses;

((~~H~~))G. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.248;

((~~I~~))H. All shoreline recreation uses except underwater diving areas and reefs;

((~~J~~))I. Agricultural uses except aquaculture;

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



CITY CLERK

((~~L~~))K. Landfill ((~~which~~)) that creates dry land, except for wildlife habitat mitigation or enhancement.

Section 2. Section 23.60.306 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.306 Prohibited uses in the CP Environment.**

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

A. Residential uses;

B. Commercial uses including accessory parking;

C. Utility uses, except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses except permitted shoreline recreational uses;

((~~H~~))G. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.308;

((~~I~~))H. Shoreline recreation uses except underwater diving areas or reefs, bicycle and pedestrian paths and viewpoints;

((~~J~~))I. Agricultural uses except aquaculture;

((~~K~~))J. The following protective structures:

1. Bulkheads on Class I beaches, and

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



CITY CLERK

((~~L~~))K. Landfill ((~~which~~)) that creates dry land except as part of wildlife or fisheries habitat.

Section 3. Subsection C of Section 23.60.365 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.365 Administrative conditional uses in the CR Environment.**

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

* * *

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

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

a. Small craft center,

b. Boat launching ramp for auto-trailered boats,

c. The following non-water-dependent commercial uses:

(1) Sale and rental of small boats, boat parts ((~~or~~))and accessories,

(2) ((~~Personal and household retail~~)) General sales and services,

(3) Major durables retail sales, and

(((~~3~~)))(4) Eating and drinking establishments;

2. Community yacht, boat and beach clubs when:

a. No eating and drinking establishments are included in the use,

b. No more than one (1) pier or float is included in the use, and



Ens CITY CLERK

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

Section 4. Section 23.60.368 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.368 Prohibited uses in the CR Environment.**

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

A. Residential uses except those permitted by Section 23.60.365 A;

B. Commercial uses except those specifically permitted by Section 23.60.365 C;

C. Utility uses except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses except community clubs meeting the criteria of Section 23.60.365 C;

((~~H~~))G. Public facilities not authorized ((~~by~~ )) pursuant to Section 23.60.370;

((~~I~~))H. Parks and o((~~O~~))pen space uses except shoreline recreation uses permitted by Section 23.60.360 A((~~B~~));

((~~J~~))I. Agricultural uses except aquaculture;

((~~K~~))J. The following shoreline protective structures:

1. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except drift sills or other structures ((~~which~~)) that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches; and



CITY CLERK

((~~L~~))K. Landfill ((~~which~~)) that creates dry land except as part of habitat mitigation or enhancement.

Section 5. Section 23.60.424 of the Seattle Municipal Code, which Section was last amended by Ordinance 113674, is amended as follows:

**SMC 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, and

3. Vessel repair, minor((~~,~~));

B. The following transportation facility uses:

((4))1. Recreational marina,

((~~5~~))2. Dry ((~~storage of~~))boat((~~s~~)) storage,

((~~6~~))3. Water-dependent passenger terminals, provided that the impact of terminal operation on adjacent residential neighborhoods and streets can be mitigated, and

((~~7~~))4. Airports, water-based;

((~~B~~))C. Streets;

((~~C~~))D. Bridges;

((~~D~~))E. Expansion of existing sewage treatment plants, not including expansion for additional treatment capacity or the addition of a new treatment level;

((~~E~~))F. Public facilities, water-dependent or water-related;



CITY CLERK

((~~F~~))G. 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, and

4. Shoreline recreation accessory to a school, college or university;

((~~G~~))H. 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;

((~~H~~))I. Dredging, when the dredging is necessary for a water-dependent or water-related use;

((~~I~~))J. The following types of landfill:

1. Landfill on submerged lands ((~~which~~)) that 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~~)) that creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

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



CITY CLERK

(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.

Section 6. Section 23.60.426 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.426 Conditional uses permitted in the CM Environment.**

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

A. Non-water-dependent commercial uses associated with a recreational marina:

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A2:

a. Sale <u>and rental</u> of <u>small boats,</u> boat parts ((~~or~~))<u>and</u> accessories, and

b. Eating and drinking establishments;

2. a. The use is associated with a recreational marina with at least nine thousand (9,000) lineal feet of moorage,

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

c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty (50) feet and a dry land location is not feasible;

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



CITY CLERK

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and

((~~e~~))d. Eating and drinking establishments.((~~;~~))

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

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

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

d. A Certificate of Approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half ( 1/2) mile of the proposed site;

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

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

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and



CITY CLERK

((~~e~~))d. Eating and drinking establishments.((~~;~~))

2. a. The use is associated with a public park,

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

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

Section 7. Section 23.60.430 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 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~~))2. Sale and rental of small boats, boat parts ((~~or~~))and accessories except when permitted as a conditional use,

((~~5~~))3. ((~~Personal and household retail~~))General sales and services except when permitted as a conditional use,

((~~6~~))4. Medical services,

((~~7~~))5. ((~~Animal services~~))Animal shelters and kennels,

((~~8~~))6. Automotive ((~~retail~~))sales and services,



EMS CITY CLERK

((~~9~~))7. Eating and drinking establishments except when permitted as a conditional use,

((~~10~~))8. Lodging,

((~~11. Mortuary services,~~

~~12~~))9. ((~~Nonhousehold~~))Heavy sales and services except major durables retail sales when permitted as a conditional use,

((~~13. Parking, principal use,~~

~~14~~))10. Offices,

((~~15~~))11. Entertainment uses,

((~~16. Wholesale showrooms,~~

~~17. Mini-warehouses,~~

~~18. Warehouses,~~

~~19. Outdoor storage,~~

~~20. Personal transportation services,~~

~~21. Passenger terminals, non-water-dependent,~~

~~22. Cargo terminals,~~

~~23. Transit vehicle bases,~~

~~24. Helistops and heliports,~~

~~25. Airports, land-based,~~

~~26~~))12. Research and development laboratories, and

((~~27~~))13. Food processing and craft work uses;

C. ((~~Salvage and recycling uses;~~))The following transportation facilities uses:

1. Commercial moorage,



CITY CLERK

2. Tugboat services,

3. Principal use parking,

4. Vehicle storage and maintenance,

5. Non-water-dependent passenger terminals,

6. Cargo terminals,

7. Helistops and heliports, and

8. Land-based airports;

D. Railroads;

E. The following utilities:

1. Communication utilities,

2. Solid waste management((~~transfer stations~~)),

3. Power plants, ((~~and~~))

4. New sewage treatment plants, and

5. Recycling;

F. Storage uses;

((~~F~~))G. Manufacturing uses;

((~~G~~))H. High-impact uses;

((~~H~~))I. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;

((~~I~~))J. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.436 and those that are non-water-dependent;

((~~J~~))K. Parks and ((~~O~~))open space uses except shoreline recreation;

((~~K~~))L. Agricultural uses except aquaculture; and



CITY CLERK

((~~L~~))M. The following shoreline protective structures:

1. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except drift sills or other structures ((~~which~~)) that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches.

Section 8. Section 23.60.484 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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, and

2. ((~~Commercial moorage,~~

~~3. Tugboat services,~~

4)) Rental of boats((~~, and~~

~~5. Airport, water-based~~));

D. The following transportation facility uses:

1. Commercial moorage,

2. Tugboat services, and

3. Airport, water-based;

((~~D~~))E. Museum, water-dependent;



CITY CLERK

((~~E~~))F. Public facilities, water-dependent or water-related;

((~~F~~))G. Shoreline protective structures;

((~~G~~))H. Utility lines, excluding communication utilities;

((~~H~~))I. Dredging necessary to maintain or improve navigation channels, to install utility lines or for a water-dependent or water-related use; and

((~~I~~))J. Landfill ((~~which~~)) that does not create dry land.

Section 9. Section 23.60.486 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.486 Conditional uses in the CW Environment.**

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

A. Commercial uses:

1. Vessel repair, major, of historic ships;

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

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale and rental of small boats, boat parts and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and

((~~c~~))d. 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,



CITY CLERK

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 ( 1/2) mile of the proposed site.

Section 10. Section 23.60.488 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.488 Prohibited uses in the CW Environment.**

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 and rental of small boats, boat parts and accessories,

((~~4. Dry boat storage,~~

~~5. Recreational marina,~~

~~6~~))4. All non-water-dependent commercial uses except those permitted on historic ships, and

((~~7~~))5. Vessel repair, major, except of historic ships;



CITY CLERK

B. The following transportation facility uses:

1. Dry boat storage, and

2. Recreational marina;

((~~B~~))C. Residential uses;

((~~C~~))D. 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~~)) that creates dry land.

Section 11. Section 23.60.544 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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. Transportation facility uses;

C. Storage uses;

((~~B~~))D. The following utilities:

1. Major and minor communication utilities,

2. Solid waste management((~~transfer stations~~)),

3. Power plants, ((~~and~~))



CITY CLERK

4. Sewage treatment plants, and

5. Recycling;

((~~C. Salvage and recycling uses;~~

~~D~~))E. Manufacturing uses;

((~~E~~))F. High-impact uses;

((~~F~~))G. The following institutional uses:

1. Institutions, non-water-dependent,

2. Private yacht, boat and beach clubs;

((~~G~~))H. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.550;

((~~H~~))I. Agricultural uses;

((~~I~~))J. Parks and ((~~O~~))open space uses except shoreline recreation;

((~~J~~))K. The following shoreline protective structures:

1. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except drift sills or other structures ((~~which~~)) that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches.

Section 12. Section 23.60.600 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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:



Ens CITY CLERK

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

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

a. Located in Lake Union or Portage Bay,

b. Occupied solely by no more than two (2) existing floating homes as defined in subsection A4 of Section 23.60.196, under any of the following conditions:

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

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

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

d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of((~~the effective date of the ordinance codified in this chapter~~))December 31, 1987;

B. The following commercial uses:



CITY CLERK

1. Marine ((~~retail~~))sales and services,

2. Food processing, water-related, and

3. Wholesale showroom,((~~mini-warehouse, warehouse and open storage,~~))water-related((~~, and~~));

C. Storage uses, water-related;

((4))D. Passenger terminals, water-dependent;

((~~C~~))E. 1. The following non-water-dependent commercial uses on dry land when the requirements of subsection ((~~C~~))E2 are met:

a. ((~~Personal and household retail~~))General sales and services,

b. Major durables retail sales,

((~~b~~))c. Eating and drinking establishments,

((~~e~~))d. Offices outside the Lake Union area,

((~~d~~))e. 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~~))f. Entertainment uses, and

((~~f~~))g. Custom and craft work,

2. The uses listed in subsection ((~~C~~))E1 shall be permitted when a water-dependent use occupies forty (40) percent of the dry-land portion of the lot or the development provides one (1) or more of the following facilities or amenities in addition to regulated public access:

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



CITY CLERK

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

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

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

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

f. A major public open space, occupying at least one-third ( 1/3) of the dry-land lot area, ((~~which~~)) <u>that</u> 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 <u>that</u>((~~which~~)) provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director;

((~~D~~))<u>F</u>. Streets, railroads and bridges;

((~~E~~))<u>G</u>. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

((~~F~~))<u>H</u>. Light and general manufacturing uses, water-dependent or water-related;



CITY CLERK

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

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

1. The dry-land portion of the lot is less than fifty (50) feet in depth,

2. Location of such facilities on the dry-land portion of the lot is not feasible, and

3. The facilities or amenities required by Section 23.60.600 C are provided;

((~~I~~))K. Public facilities, water-dependent or water-related;

((~~J~~))L. Open space uses; and

((~~K~~))M. Aquaculture.

Section 13. Subsections B and C of Section 23.60.604 of the Seattle Municipal Code, which Section was last amended by Ordinance 119871, are amended as follows:

**SMC 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 173-27-160 are satisfied:

* * *

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

1. Eating and drinking establishments meeting the criteria of subsection ((~~C~~))E2 of Section 23.60.600,

2. Marine ((~~retail~~))sales and services,

3. General ((~~Personal and household retail~~))sales and service uses,



CITY CLERK

4. Entertainment uses, and

5. Custom and craft work;

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

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

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and

((~~e~~))d. 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 ( 1/2) mile of the proposed site.

Section 14. Section 23.60.606 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.606 Prohibited uses on waterfront lots in the US Environment.**



CITY CLERK

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

A. New residences over water and residential uses at or below the ground floor, except as permitted as conditional uses ((~~by~~))pursuant to Section 23.60.604;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels((~~services~~)),

3. Pet grooming,

((~~3~~))4. Automotive ((~~retail~~))sales and services,

((~~4~~))5. Lodging,

((~~5. Mortuary services,~~))

6.((~~Parking, principal use,~~))Food processing, non-water-dependent,

7. ((~~Nonhousehold~~))Heavy sales and services except water-dependent wholesale showrooms,

8. Ground-level offices in the Lake Union area,

9. ((~~Non-water-dependent wholesale showroom, mini-warehouse, warehouse and outdoor storage uses,~~)) Research and development laboratories, and

10. Off-premises signs((~~,~~));

C. The following transportation facility uses:

1. Parking, principal use,

((~~11~~))2. Personal transportation services,

((~~12~~))3. Passenger terminals, non-water-dependent,

((~~13~~))4. Cargo terminals,



CITY CLERK

((~~14~~))5. Transit vehicle bases,

((~~15~~))6. Helistops and heliports, and

((~~16~~))7. Airports, land-based((~~,~~));

((~~17. Food processing, non-water-dependent, and~~

~~18. Research and development laboratory;~~

~~C. Salvage and recycling uses;~~))

D. The following manufacturing uses:

1. Light and general manufacturing, non-water-dependent, and

2. Heavy manufacturing uses;

E. High-impact uses;

F. The following utilities:

1. Major communication utilities,

2. Solid waste management((~~transfer stations~~)),

3. Power plants,

4. Recycling uses,

5. Sewage treatment plants, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

G. Storage uses;

((~~G~~))H. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.612 and those that are non-water-dependent;

((~~H~~))I. Institutional uses, non-water-dependent;

((~~I~~))J. Agricultural uses except aquaculture; and



BDS CITY CLERK

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

Section 15. Subsection A of Section 23.60.608 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.608 Permitted uses on upland lots in the US Environment.**

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirements of Section 23.60.600 ((~~C~~)) E to provide special public benefits.

2. Additional uses permitted outright on upland lots:

a. The following residential uses:

(1) Single-family and multifamily residences, and

(2) Congregate residences and nursing homes;

b. The following commercial uses:

(1) Medical services,

(2) Animal((~~services~~))shelters and kennels,

(3) Pet grooming,

(((~~3~~)))(4) Automotive ((~~retail~~))sales and service,

((~~(4) Parking, principal use,~~))

(5) Lodging,

((~~(6) Mortuary services,~~))

(((~~7~~)))(6) ((~~Nonhousehold~~))Heavy sales and service,



EDS CITY CLERK

((~~(8) Wholesale showroom, mini- warehouse, warehouse and outdoor storage uses, non-water-dependent,~~))

((~~(9)~~))(7) Research and development laboratories, and

((~~(10)~~))(8) Ground-level offices in the Lake Union area;

c. Parking, principal use;

d. Storage uses;

((~~c. Recycling collection stations;~~))

((~~d~~))e. Light and general manufacturing uses;

((~~e~~))f. Institutional uses; and

((~~f~~))g. Public facilities.

* * *

Section 16. Subsection E of Section 23.60.636 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.636 View corridors in the US Environment.**

* * *

E. A view corridor or corridors of not less than sixty-five (65) percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street. The following may be located in the required view corridors:

1. Open wet moorage;
2. Dry ((~~storage of~~))boat((s)) storage; and
3. Parking for both water-dependent and non-water-dependent uses.



CITY CLERK

Section 17. Section 23.60.660 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.660 Uses permitted outright on waterfront lots in the UH Environment.**

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

A. The following commercial uses:

1. ((~~Personal and household retail~~))General sales and services,

2. Marine ((~~retail~~))sales and services,

3. Eating and drinking establishments,

4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,

((~~5. Parking over water when accessory to a water-dependent or water- related use,~~

~~6. Parking on dry land when accessory to a permitted use,~~

~~7~~))5. Offices when located above wharf level,

((~~8~~))6. Entertainment uses,

((~~9. Passenger terminals, water-dependent,~~

~~10. Breakbulk cargo terminals,~~

~~11~~))7. Research and development laboratories, water-dependent, and

((~~12~~))8. Food processing and craft work uses;

B. The following transportation facilities:

1. Parking over water when accessory to a water-dependent or water- related use,

2. Parking on dry land when accessory to a permitted use,



CITY CLERK

3. Passenger terminals, water-dependent, and

4. Breakbulk cargo terminals;

((~~B~~))C. Light manufacturing uses, water-dependent or water-related;

((~~C~~))D. Streets, railroads and bridges;

((~~D~~))E. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,

2. Maritime museums,

3. Colleges that have water-dependent or water-related facilities,

4. Community centers,

5. Vocational schools, water-dependent or water-related,

6. Community yacht, boat, and beach clubs, and

7. Child care centers when located above wharf level;

((~~E~~))F. The following public facilities:

1. Public facilities, water-dependent or water-related, and

2. Public facilities that are part of an approved public improvement plan for the Harbor front adopted by the Council;

((~~F~~))G. Shoreline Recreation;

((~~G~~))H. Aquaculture; and

((~~H~~))I. Minor communication utilities, except freestanding transmission towers.

Section 18. Section 23.60.664 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:



Ens CITY CLERK

**SMC 23.60.664 Administrative conditional uses permitted on waterfront lots in the UH Environment.**

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

A. The following commercial uses:

((~~1. Outdoor storage, water-related or water-dependent,~~

~~2. Warehouses, water-related or water-dependent,~~

~~3~~))1. Wholesale showrooms, and

((4))2. Research and development laboratories, non-water-dependent;

B. The following storage uses:

1. Outdoor storage, water-related or water-dependent, and

2. Warehouses, water-related or water-dependent;

((~~B~~))C. Non-water-dependent commercial uses on historic ships:

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

a. Sale and rental of small boats, boat parts and((~~or~~)) accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and

((~~e~~))d. 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,



CITY CLERK

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

c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (1/2) mile of the proposed site, unless the proposed site is within the Historic Character Area;

((~~C~~))D. Light manufacturing uses, non-water-dependent, that ((~~which~~)):

1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,

2. Contribute to the maritime or tourist character of the area, and

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

((~~D~~))E. The following non-water-dependent institutions:

1. Institutes for advanced study,

2. Museums,

3. Colleges, and

4. Vocational schools.

Section 19. Section 23.60.668 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.668 Prohibited uses on waterfront lots in the UH Environment.**



CITY CLERK

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 shelters and kennels ((~~services~~)),

3. Pet grooming,

((~~3~~))4. Automotive ((~~retail~~))sales and service,

((4))5. Lodging, except existing hotels,

((~~5. Mortuary services,~~))

6. Offices at wharf/street level,

7. Adult motion picture theaters and panorams, and

((~~8. Parking, principal use,~~))

8.((~~9. Nonhousehold~~))Heavy sales and services except wholesale showrooms and major durables retail sales;((~~;~~

~~10. Mini-warehouses,~~))

C. The following transportation facilities:

1. Parking, principal use,

((~~11~~))2. Personal transportation services,

((~~12~~))3. Cargo terminals, except breakbulk,

((~~13~~))4.((~~Transit vehicle~~))Bus bases,

((~~14~~))5. Heliports,

((~~15~~))6. Airports, land-based, and

((~~16~~))7. Airports, water-based;



CITY CLERK

D. Mini-warehouses,

((~~C. Salvage and recycling uses;~~

~~D~~))E. The following utilities:

1. Solid waste management((~~transfer stations~~)),

2. Power plants,

3. Sewage treatment plants,

4. Recycling,

5. Major communication utilities, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

((~~E~~))F. General and heavy manufacturing;

((~~F~~))G. The following institutional uses:

1. Schools, elementary or secondary,

2. Hospitals,

3. Religious facilities, and

4. Private yacht, boat and beach clubs;

((~~G~~))H. Public facilities or projects that are non-water-dependent except those that are part of a public improvement plan for the harborfront adopted by the Council;

((~~H~~))I. High-impact uses;

((~~I~~))J. Agriculture uses except aquaculture;

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

((~~K~~))L. Landfill ((~~which~~)) that creates dry land.



Ens CITY CLERK

Section 20. Subsection A of Section 23.60.670 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 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~~))Heavy sales and services,

(2) ((~~Warehouses,~~

~~(3)~~)) Medical services,

((~~(4)~~))(3) Lodging,

((~~(5)~~))(4) Offices at street level,

c. The following transportation facilities,

((~~(6)~~))(1) Parking garages, principal use,

((~~(7)~~))(2) Surface parking areas, principal use,

((~~(8)~~))(3) Personal transportation services,

d. Warehouses,

((~~e~~))e. Institutions, and

((~~d~~))f. Public facilities.

* * *



CITY CLERK

Section 21. Section 23.60.720 of the Seattle Municipal Code, which Section was enacted by Ordinance 120927, is amended as follows:

**SMC 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 and rental of small boats, boat parts ((~~or~~))and accessories,

2. ((~~Tugboat services,~~

~~3.~~))Wholesale showrooms, ((~~warehouse and outdoor storage uses,~~))water-dependent or water-related, and

((~~4. Passenger terminals, water-dependent,~~

~~5. Cargo terminals, water-dependent or water-related,~~

~~6~~))3. Food processing, water-dependent or water-related;

B. The following transportation facilities:

1. Tugboat services,

2. Passenger terminals, water-dependent, and

3. Cargo terminals, water-dependent or water-related;

C. The following storage uses:

1. Warehouses, water-dependent or water-related, and

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

((~~B~~))D. Streets, railroads and bridges;

((~~C~~))E. The following utilities:



CITY CLERK

1. Utility lines,

2. Utility ((~~public~~))service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

((~~D~~))F. 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~~))G. Light and general manufacturing uses, water-dependent or water- related;

((~~F~~))H. Public facilities, water-dependent or water-related;

((~~G~~))I. Shoreline recreation uses; and

((~~H~~))J. Aquaculture.

Section 22. Subsections B and C of Section 23.60.724 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, are amended as follows:

**SMC 23.60.724 Conditional uses on waterfront lots in the UM Environment.**

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

* * *

B. Non-water-dependent commercial and manufacturing uses:



CITY CLERK

1. The following non-water-dependent commercial, storage, and manufacturing uses may be permitted as principal uses on dry land or over water when meeting the criteria of subsection B2 or B3:

a. Sale and rental of small boats, boat parts and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Eating and drinking establishments,

d. ((~~Nonhousehold~~))Heavy sales and services except commercial laundries,

e. Offices,

f. Warehouse,((~~wholesale showroom,~~)) mini-warehouse, outdoor storage,

g. Food processing and craft work, and

h. Light, general and heavy manufacturing,

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

a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,

b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and

c. The uses are located on site to accommodate water-dependent or water-related uses on site,

3. The uses listed in subsection B1 are permitted on dry land or over water when:



CITY CLERK

a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,

b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,

c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and

d. The non-water-dependent uses are located to accommodate the water-dependent or water-related uses on site,

4. The uses permitted in subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met;

C. Multifamily residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

3. The facilities or amenities required by Section 23.60.600 ((~~G~~))E are provided;

4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and

5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial((~~.~~));

* * *

Section 23. Section 23.60.728 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.728 Prohibited uses on waterfront lots in the UM Environment.**



EMS CITY CLERK

The following principal uses are prohibited on waterfront lots:

A. Residential uses, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

B. The following commercial uses:

1. Medical services,

2. Animal ((~~services~~))shelters and kennels,

3. Pet grooming,

((~~3~~))4. Automotive ((~~retail~~))sales and service,

((~~4. Parking, principal use,~~))

5. Lodging,

6. ((~~Mortuary services,~~))

((~~7.~~)) Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,

((~~8.~~))7. Commercial laundries, and

8. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. The following transportation facility uses:

1. Parking, principal use,

((~~9~~))2. Personal transportation services,

((~~10~~))3. Passenger terminals, non-water-dependent,

((~~11~~))4. Cargo terminals, non-water-dependent,

((~~12~~))5. ((~~Transit vehicle~~))Bus bases,

((~~13~~))6. Helistops,



EMS CITY CLERK

((~~14~~))7. Heliports,

((~~15~~))8. Airports, land-based, and

((~~16~~))9. Covered wet moorage on Lake Union and Portage Bay((~~, and~~));

((~~17. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;~~))

((~~C. Salvage and recycling uses;~~))

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management((~~transfer stations~~)),

3. Recycling,

((~~3~~))4. Power plants,

((4))5. Sewage treatment plants, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

F. Institutions, non-water-dependent;

G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;

H. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.734 and those that are non-water-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;



CITY CLERK

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

Section 24. Subsection A of Section 23.60.730 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.730 Permitted uses on upland lots in the UM Environment.**

A. Uses Permitted Outright.

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

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

(1) Sale and rental of small boats, boat parts ((~~or~~))and accessories,

(2) ((~~Personal and household retail~~))General sales and service uses,

(3) Medical services,

(4) Animal ((~~services~~)) shelters and kennels,

(5) Automotive ((~~retail~~))sales and service,

(6) Eating and drinking establishments,

(7) ((~~Nonhousehold~~))Heavy sales and services,

(8) Food processing and craft work,

(9) Offices except in the Lake Union area, and

(10) Research and development laboratories;((~~Wholesale showroom, mini-warehouse, warehouse and outdoor storage,~~))



CITY CLERK

b. Storage uses;

c. The following transportation facilities:

((~~(9)~~))(1) Cargo terminals, non-water-dependent,

((~~(10)~~))(2) Personal transportation services,

((~~(11)~~))(3) Passenger terminals, non-water-dependent,

((~~(12)~~))(4) Transit vehicle base;((~~,~~))

((~~(13) Food processing,~~

~~(14) Custom and craft work,~~

~~(15) Offices except in the Lake Union area, and~~

~~(16) Research and development laboratories;~~))

((~~b~~))d. Recycling((~~centers~~));

((~~c~~))e. Light and general manufacturing uses, non-water-dependent;

((~~d~~))f. Public facilities; and

((~~e~~))g. Minor communication utilities, except freestanding transmission towers.

* * *

Section 25. Section 23.60.780 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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:



CITY CLERK

1. ((~~Personal and household retail~~))General sales and services,

2. Medical services,

3. Animal ((~~services~~))shelters and kennels,

4. Marine ((~~retail~~))sales and services,

5. Eating and drinking establishments,

6. ((~~Nonhousehold~~))Heavy sales and service uses,

7. Office uses,

8. Entertainment uses,

9. Research and development laboratories,

10. Food processing and craft work uses;((~~Wholesale showroom,~~))

C. Storage uses;((~~mini-warehouse, warehouse and outdoor storage,~~))

D. The following transportation facilities:

1((~~0~~)). Passenger terminals, water-dependent or water-related,

2((~~11~~)). Cargo terminals, water-dependent or water-related;((~~, and~~))

((~~12. Research and development laboratories;~~))

((~~C~~))E. Streets;

((~~D~~))F. Bridges;

((~~E~~))G. Railroads;

((~~F~~))H. The following utilities:

1. Utility lines,

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

3. Solid waste transfer stations that are water-related, and

4. Minor communication utilities, except freestanding transmission towers;



Ens CITY

((~~G~~))I. Manufacturing uses;

((~~H~~))J. Institutional uses;

((~~I~~))K. Public Facilities;

((~~J~~))L. Parks and ((~~O~~))open space uses; and

((~~K~~))M. Aquaculture.((~~; and~~

~~L. Food processing and craft work uses.~~))

Section 26. Section 23.60.786 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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, and

3. Mortuary services;((~~,~~))

C. The following transportation facilities:

((~~4~~))1. Parking, principal use((~~s~~)),

((~~5~~))2. Personal transportation services,

((~~6~~))3. Passenger terminals, non-water-dependent,

((~~7~~))4. Cargo terminals, non-water-dependent,

((~~8~~))5. ((~~Transit vehicle~~))Bus bases,

((~~9~~))6. Helistops,

((~~10~~))7. Heliports, and



CITY CLERK

((~~11~~))8. Airports, land-based;

((~~C. Salvage and recycling uses;~~))

D. The following utilities:

1. Major communication utility,

2. Solid waste ((~~transfer stations~~))management, non-water-dependent,

3. Recycling uses,

4. Power plants,

((4))5. Sewage treatment plants, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

E. Agricultural uses except aquaculture; and

F. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except for drift sills or other structures ((~~which~~)) that are part of a natural beach protection system.

Section 27. Subsection A of Section 23.60.788 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 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.



CITY CLERK

* * *

Section 28. Section 23.60.840 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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 and rental of small boats, boat parts ((~~or~~))and accessories,

((~~2. Tugboat services,~~))

((~~3~~))2. Research and development laboratories,

((4))3. Wholesale showrooms, and

4. Food processing and craft work, water-dependent or water-related;

C. The following storage uses:

1. ((~~w~~))Warehouses, and

2. ((~~o~~))Outdoor storage uses;((~~,~~))

D. The following transportation facilities:

1. Tugboat services,

2. Commercial moorage,

3. Dry boat storage,

((~~5~~))4. Passenger terminals, water-dependent or water-related, and

((~~6~~))5. Cargo terminals, water-dependent or water-related;((~~, and~~



CITY CLERK

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

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

~~D~~))E. Streets, railroads and bridges;

((~~E~~))F. The following utilities:

1. Utility lines,

2. Solid waste management uses((~~transfer stations~~)), water-dependent or water-related,

3. Recycling uses, water-dependent or water-related,

4. Utility service uses whose operations require a shoreline location, and

((4))5. Minor communication utilities, except freestanding transmission towers;

((~~F~~))G. Manufacturing uses;

((~~G~~))H. 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~~))I. High-impact uses, water-dependent or water-related;

((~~I~~))J. Public facilities, water-dependent or water-related;

((~~J~~))K. Shoreline recreation uses; and

((~~K~~))L. Aquaculture.

Section 29. Subsection B of Section 23.60.844 of the Seattle Municipal Code, which Section was last amended by Ordinance 119971, is amended as follows:



DNS CITY CLERK

**SMC 23.60.844 Conditional uses on waterfront lots in the UI Environment.**

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

* * *

B. Non-water-dependent Commercial Uses.

1. The following non-water-dependent commercial uses when meeting the criteria of subsection B2:

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories;

b. ((~~Personal and household retail~~))General sales and services;

c. Eating and drinking establishments in the Ballard Interbay Northend Manufacturing/Industrial Center;

d. ((~~Nonhousehold~~))Heavy sales and services except commercial laundries and wholesale showrooms;

e. Offices;

f. Mini-warehouse in the Ballard Interbay Northend Manufacturing/Industrial Center; and

g. Food processing and craft work.

2. The uses listed in subsection B1 are permitted when:

a. The total of non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land portion of the lot; and

b. The non-water-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.



CITY CLERK

3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of subsection B2 are met.

Section 30. Section 23.60.848 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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~~)) <u>shelters and kennels</u>,

<u>3. Pet grooming,</u>

((~~3~~))<u>4</u>. Automotive ((~~retail~~))sales and service,

((~~4. Parking, principal use,~~))

5. Lodging,

((~~6. Mortuary services,~~))

((~~7~~))<u>6</u>. Heavy commercial services,

((~~8~~))<u>7</u>. Entertainment uses, <u>and</u>

<u>8. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;</u>

<u>C. The following transportation facility uses:</u>

<u>1. Parking, principal use,</u>

((~~9~~))<u>2</u>. Personal transportation services,

((~~10~~))<u>3</u>. Passenger terminal, non-water-dependent,



EMS CITY CLERK

((~~11~~))4. Cargo terminal, non-water-dependent,

((~~12~~))5. Transit vehicle bases,

((~~13~~))6. Helistops, and

((~~14~~))7. Heliports((~~,~~));

D. ((~~15.~~))Mini-warehouses in the Duwamish Manufacturing/Industrial Center;((~~, and~~

~~16. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;~~

~~C. Salvage and recycling uses, non-water-dependent;~~))

E((~~D~~)). The following utilities:

1. Major communication utilities,

2. Solid waste management((~~transfer stations~~)), non-water-dependent,

3. Recycling uses, non-water-dependent,

((~~3~~))4. Power plants,

((4))5. Sewage treatment plants, located outside of the Duwamish area, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

((~~E~~))F. High-impact uses, non-water-dependent;

((~~F~~))G. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;

((~~G~~))H. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.854 and those that are ((~~non-~~))neither water-dependent nor ((~~non-~~))water-related;

((~~H~~))I. Agricultural uses except aquaculture;

((~~I~~))J. All open space uses except shoreline recreation; and

((~~J~~))K. Groins and similar structures ((~~which~~))that block the flow of sand to



EDS CITY CLERK

adjacent beaches, except for drift sills or other structures ((~~which~~)) that are part of a natural beach protection system.

Section 31. Subsection A of Section 23.60.850 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.850 Permitted uses on upland lots in the UI Environment.**

A. Uses Permitted Outright.

1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.

2. Additional uses permitted outright:

a. All commercial uses;

b. ((~~Salvage and recycling~~))Solid waste management uses that are non-water-dependent, except for solid waste transfer stations;

c. Recycling uses, non-water-dependent;

((~~c~~))d. Parks and ((~~O~~))open space uses;

((~~d~~))e. The following institutions:

(1) Vocational and fine arts schools,

(2) Uses connected to a major institution and permitted by an approved master plan;

((~~e~~))f. All agricultural uses.

* * *

Section 32. Section 23.60.900 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.900 Definitions generally.**



CITY CLERK

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapters 24.08 and 23.84A, 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 23.84A, the definition in this chapter shall apply in the Shoreline District.

Section 33. The following subsection of Section 23.60.902 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

**SMC 23.60.902 "A."**

* * *

"Agriculture use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

Animal husbandry;

Aquaculture;

Horticulture((~~al use~~)).

* * *

Section 34. The following subsections of Section 23.60.906 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, are amended as follows:

**SMC 23.60.906 "C."**

* * *

"Commercial use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- ((~~Retail~~))General retail sales and services;

((~~-- Principal use parking;~~))

-- ((~~Nonhousehold~~))Heavy sales and services;

-- Eating and drinking establishments;



CITY CLERK

-- Lodging;

-- Offices;

-- Entertainment;

-- Automotive sales and services;

-- Marine sales and services;

-- Animal shelters and kennels;

((~~-- Wholesale showroom;~~

~~-- Warehouse;~~

~~-- Mini-warehouse;~~

~~-- Outdoor storage;~~

~~-- Transportation facilities;~~))

-- Food processing and craft work;

-- Medical services;

-- Research and development laboratories.

"Commercial moorage" means a ((~~marine retail sales and service~~)) parking and moorage 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.

Communication Devices and Utilities (and Related Terms). See Section 23.84A.006 "C."

* * *

Section 35. The following subsection of Section 23.60.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 121276, is amended as follows:



CITY CLERK

**SMC 23.60.908 "D."**

* * *

"Dry boat storage((~~of boats~~))" means a parking and moorage ((~~marine retail sales and service~~))use, in which space on a lot on dry land or inside a building over((-)) water or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

Section 36. Section 23.60.918 of the Seattle Municipal Code, which Section was enacted by ordinance 113466, is amended as follows:

**SMC 23.60.918 "I."**

"Institutions" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Institute for advanced study;

-- Private club;

-- ((~~Day~~))Child care center;

-- Museum;

-- School, elementary or secondary;

-- College;

-- Community club and center;

-- Community club;

-- Vocational or fine arts school;

-- Hospital;

-- Religious facility.((~~;~~

~~-- University.~~))



Ens CITY CLERK

Section 37. The following subsections of Section 23.60.926 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, are amended as follows:

**SMC 23.60.926 "M."**

"Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions:

-- Light manufacturing;

-- General manufacturing;

-- Heavy manufacturing.

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

"Marine ((~~retail~~))sales and service" means a ((~~retail sales and service~~))commercial use ((~~which~~))that includes one (1) or more of the following uses:

-- Sale or rental of large boats;

-- Marine service station;

-- Major or minor vessel repair;

-- Sale and rental of small boats, ((~~of~~)) boat parts ((~~or~~))and accessories.((~~;~~

~~-- Recreational marina;~~

~~-- Commercial moorage;~~

~~-- Dry storage of boats;~~

~~-- Tugboat services.~~))



CITY CLERK

"Marine service station" means a marine ((~~retail~~))sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

* * *

"Mortuary service" means a medical service use which provides services including but not limited to the preparation of the dead for burial or cremation, viewing of the body and funerals.

Section 38. The following subsection of Section 23.60.934 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended, and a subsection thereof is repealed, as follows:

**SMC 23.60.934 "R."**

* * *

"Residential use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Artist's studio/dwelling;

-- ((~~Boarding house~~))Assisted living facility;

-- Caretaker's quarters;

-- Floating home;

-- Mobile home park;

-- Multifamily structure;

-- Single-family dwelling unit;

-- Congregate residence.

* * *



CITY CLERK

((~~"Retail sales and service use" means the following uses, as defined in Chapter 23.84, Definitions:~~

~~Personal and household retail sales and service;~~

~~Medical services;~~

~~Animal services;~~

~~Automobile retail sales and service;~~

~~Marine retail sales and service;~~

~~Eating and drinking establishments;~~

~~Lodging;~~

~~Mortuary services.~~))

Section 39. The following subsections of Section 23.60.936 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, are amended, and a subsection thereof is repealed, as follows:

**SMC 23.60.936 "S."**

"Sale and/or rental of large boats" means a marine ((~~retail~~))sales and service use in which boats sixteen (16) feet or more in length are rented or sold. ((~~The sale or rental of smaller boats shall be defined as a major durables sales and service use.~~))

"Sale <u>and rental</u> of <u>small boats,</u> boat parts ((~~or~~))<u>and</u> accessories" means a marine ((~~retail~~))sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines, and boats less than sixteen (16) feet in length.



CITY CLERK

((~~"Salvage and recycling" means the following uses, as defined in Chapter 23.84, Definitions:~~

~~-- Recycling collection station;~~

~~-- Recycling center;~~

~~-- Salvage yard.~~))

* * *

Section 40. Section 23.60.938 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.938 "T."**

"Transportation facilities" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Rail transit facilities;

-- Vehicle storage and maintenance;

-- Air transportation facilities;

((~~-- Airport, land-based;~~))

-- Cargo terminal;

((~~-- Heliport;~~

~~-- Helistop;~~))

-- Passenger terminal;

-- Parking and moorage; and

-- Tugboat services.

((~~-- Personal transportation services;~~

~~-- Transit vehicle base.~~))



CITY CLERK

"Tugboat services" means a ((~~retail sales and service~~))transportation facility use ((~~which~~)) that consists of moorage for more than one (1) tugboat and dispatch offices, except ((~~. Uses which~~))that facilities that include barge moorage and loading and unloading facilities for barges as well as tugboat moorages ((~~shall be~~))are not tugboat services and are classified as cargo terminals.

Section 41. The following subsection of Section 23.60.940 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.940 "U."**

* * *

"Utilities" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Communication utility;

-- Utilities((~~y~~)) service uses;

-- Solid waste management((~~transfer station~~));

-- Recycling;

-- Sewage treatment plant;

-- Power plant; and

((~~-- Solid waste processing facility;~~

~~-- Solid waste incineration facility~~))

-- Utility lines.

* * *

Section 42. Chapter 23.84 of the Seattle Municipal Code is repealed.

Section 43. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.



CITY CLERK

Section 44. This ordinance shall take effect and be in force on whichever is the later of: (a) the effective date of approval of the amendments in this ordinance by the Washington State Department of Ecology; or (b) (i) thirty (30) days from and after approval by the Mayor or, (ii) if not approved and returned by the Mayor within (10) days after presentation, then as provided by Municipal Code Section 1.04.020; or (c) the effective date of new Seattle Municipal Code chapters 23.84A and 23.47A, providing definitions for the Land Use Code and regulating uses and developments in the City's commercial zones, whether through passage of C.B. 115746, as introduced or as it may be amended, or through another ordinance.

Passed by the City Council the 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

President _____ of the City Council

Approved by me this 21st day of December, 2006.

Gregory J. Nickels, Mayor

Filed by me this 21st day of December 2006.

City Clerk

(Seal)



CITY CLERK

*Author's Name: Lish Whitson/Rebecca Herzfeld*
*Date: September15, 2006*
*Name of Companion Legislation:* ***Shoreline Ord 9-1-06 v7.doc***
*Version #:1*

Form revised December 9, 2004

# FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|---|---|---|
| Legislative | Rebecca Herzfeld 615-1674 | Not Applicable |

**Legislation Title:**
AN ORDINANCE related to land use and zoning, amending various sections of the Shoreline District Chapter of the Land Use Code, Chapter 23.60 of the Seattle Municipal Code, and repealing Chapter 23.84.

- **Summary of the Legislation:**

Amends the Shorelines chapter (SMC 23.60) of the land use code to maintain consistent use of terms between that chapter of the code and changes to terms and definitions proposed in the amendments to the commercial Land Use Code provisions. The legislation also repeals the current Definitions chapter (23.84), which is proposed to be replaced with a new Definitions chapter (23.84A) under the commercial code changes.

- **Background:**

The proposed legislation maintains consistency between the Shorelines chapter of the Land Use Code and changes proposed in companion legislation.

**__X__ This legislation does not have any financial implications.**



CITY CLERK

**ORDINANCE _____**

AN ORDINANCE related to land use and zoning, amending various sections of the Shoreline District Chapter of the Land Use Code, Chapter 23.60 of the Seattle Municipal Code, and repealing Chapter 23.84.

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

Section 1. Section 23.60.246 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.246 Prohibited uses in the CN Environment.**

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

A. Residential uses;

B. Commercial uses;

C. Utilities, except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses;

((~~H~~))G. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.248;

((~~I~~))H. All shoreline recreation uses except underwater diving areas and reefs;

((~~J~~))I. Agricultural uses except aquaculture;

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



ACTING CITY CLERK

((~~L~~))K. Landfill ((~~which~~)) that creates dry land, except for wildlife habitat mitigation or enhancement.

Section 2. Section 23.60.306 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.306 Prohibited uses in the CP Environment.**

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

A. Residential uses;

B. Commercial uses including accessory parking;

C. Utility uses, except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses except permitted shoreline recreational uses;

((~~H~~))G. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.308;

((~~I~~))H. Shoreline recreation uses except underwater diving areas or reefs, bicycle and pedestrian paths and viewpoints;

((~~J~~))I. Agricultural uses except aquaculture;

((~~K~~))J. The following protective structures:

1. Bulkheads on Class I beaches, and

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



ACTING CITY CLERK

((~~L~~))K. Landfill ((~~which~~)) that creates dry land except as part of wildlife or fisheries habitat.

Section 3. Subsection C of Section 23.60.365 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.365 Administrative conditional uses in the CR Environment.**

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

* * *

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

1. The following uses when associated with a public park:
   a. Small craft center,
   b. Boat launching ramp for auto-trailered boats,
   c. The following non-water-dependent commercial uses:
      (1) Sale and rental of small boats, boat parts ((~~or~~))and accessories,
      (2) ((~~Personal and household retail~~)) General sales and services,
      (3) Major durables retail sales, and
      (((~~3~~)))(4) Eating and drinking establishments;
2. Community yacht, boat and beach clubs when:
   a. No eating and drinking establishments are included in the use,
   b. No more than one (1) pier or float is included in the use, and



ACTING CITY CLERK

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

Section 4. Section 23.60.368 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.368 Prohibited uses in the CR Environment.**

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

A. Residential uses except those permitted by Section 23.60.365 A;

B. Commercial uses except those specifically permitted by Section 23.60.365 C;

C. Utility uses except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses except community clubs meeting the criteria of Section 23.60.365 C;

((~~H~~))G. Public facilities not authorized ((~~by~~ )) pursuant to Section 23.60.370;

((~~I~~))H. Parks and o((~~O~~))pen space uses except shoreline recreation uses permitted by Section 23.60.360 A((~~B~~));

((~~J~~))I. Agricultural uses except aquaculture;

((~~K~~))J. The following shoreline protective structures:

1. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except drift sills or other structures ((~~which~~)) that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches; and



ACTING CITY CLERK

((~~L~~))K. Landfill ((~~which~~)) that creates dry land except as part of habitat mitigation or enhancement.

Section 5. Section 23.60.424 of the Seattle Municipal Code, which Section was last amended by Ordinance 113674, is amended as follows:

**SMC 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, and

3. Vessel repair, minor((,)); and

B. The following transportation facility uses:

((4))1. Recreational marina,

((~~5~~))2. Dry ((~~storage of~~))boat((s)) storage,

((~~6~~))3. Water-dependent passenger terminals, provided that the impact of terminal operation on adjacent residential neighborhoods and streets can be mitigated, and

((~~7~~))4. Airports, water-based;

((~~B~~))C. Streets;

((~~C~~))D. Bridges;

((~~D~~))E. Expansion of existing sewage treatment plants, not including expansion for additional treatment capacity or the addition of a new treatment level;

((~~E~~))F. Public facilities, water-dependent or water-related;



ACTING CITY CLERK

((F))G. 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, and

4. Shoreline recreation accessory to a school, college or university;

((~~G~~))H. 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;

((~~H~~))I. Dredging, when the dredging is necessary for a water-dependent or water-related use;

((~~I~~))J. The following types of landfill:

1. Landfill on submerged lands ((~~which~~)) that 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~~)) that creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

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



ACTING CITY CLERK

(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.

Section 6. Section 23.60.426 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.426 Conditional uses permitted in the CM Environment.**

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

A. Non-water-dependent commercial uses associated with a recreational marina:

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A2:

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories, and

b. Eating and drinking establishments;

2. a. The use is associated with a recreational marina with at least nine thousand (9,000) lineal feet of moorage,

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

c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty (50) feet and a dry land location is not feasible;

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



ACTING CITY CLERK

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and

((~~e~~))d. Eating and drinking establishments.((~~;~~))

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

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

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

d. A Certificate of Approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half ( 1/2) mile of the proposed site;

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

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

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and



ACTING CITY CLERK

((~~e~~))d. Eating and drinking establishments.((~~;~~))

2. a. The use is associated with a public park,

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

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

Section 7. Section 23.60.430 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 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))2. Sale and rental of small boats, boat parts ((~~or~~))and accessories except when permitted as a conditional use,

((~~5~~))3. ((~~Personal and household retail~~))General sales and services except when permitted as a conditional use,

((~~6~~))4. Medical services,

((~~7~~))5. ((~~Animal services~~))Animal shelters and kennels,

((~~8~~))6. Automotive ((~~retail~~))sales and services,



ACTING CITY CLERK

((~~9~~))7. Eating and drinking establishments except when permitted as a conditional use,

((~~10~~))8. Lodging,

((~~11. Mortuary services,~~

~~12~~))9. ((~~Nonhousehold~~))Heavy sales and services except major durables retail sales when permitted as a conditional use,

((~~13. Parking, principal use,~~

~~14~~))10. Offices,

((~~15~~))11. Entertainment uses,

((~~16. Wholesale showrooms,~~

~~17. Mini-warehouses,~~

~~18. Warehouses,~~

~~19. Outdoor storage,~~

~~20. Personal transportation services,~~

~~21. Passenger terminals, non-water-dependent,~~

~~22. Cargo terminals,~~

~~23. Transit vehicle bases,~~

~~24. Helistops and heliports,~~

~~25. Airports, land-based,~~

~~26~~))11. Research and development laboratories, and

((~~27~~))12. Food processing and craft work uses;

C. ((~~Salvage and recycling uses;~~))The following transportation facilities uses:

1. Commercial moorage,



ACTING CITY CLERK

2. Tugboat services,

3. Principal use parking,

4. Vehicle storage and maintenance,

5. Non-water-dependent passenger terminals,

6. Cargo terminals,

7. Helistops and heliports, and

8. Land-based airports;

D. Railroads;

E. The following utilities:

1. Communication utilities,

2. Solid waste management((~~transfer stations~~)),

3. Power plants, ((~~and~~))

4. New sewage treatment plants, and

5. Recycling;

F. Storage uses;

((~~F~~))G. Manufacturing uses;

((~~G~~))H. High-impact uses;

((~~H~~))I. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;

((~~I~~))J. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.436 and those that are non-water-dependent;

((~~J~~))K. Parks and ((~~O~~))open space uses except shoreline recreation;

((~~K~~))L. Agricultural uses except aquaculture; and



ACTING CITY CLERK

((~~L~~))M. The following shoreline protective structures:

1. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except drift sills or other structures ((~~which~~)) that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches.

Section 8. Section 23.60.484 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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, and

2. ((~~Commercial moorage,~~

~~3. Tugboat services,~~

4)) Rental of boats((~~, and~~

~~5. Airport, water-based~~));

D. The following transportation facility uses:

1. Commercial moorage,

2. Tugboat services, and

3. Airport, water-based;

((~~D~~))E. Museum, water-dependent;



ACTING CITY CLERK

((~~E~~))F. Public facilities, water-dependent or water-related;

((~~F~~))G. Shoreline protective structures;

((~~G~~))H. Utility lines, excluding communication utilities;

((~~H~~))I. Dredging necessary to maintain or improve navigation channels, to install utility lines or for a water-dependent or water-related use; and

((~~I~~))J. Landfill ((~~which~~)) that does not create dry land.

Section 9. Section 23.60.486 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.486 Conditional uses in the CW Environment.**

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

A. Commercial uses:

1. Vessel repair, major, of historic ships;

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

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale and rental of small boats, boat parts and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and

((~~c~~))d. 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,



ACTING CITY CLERK

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 ( 1/2) mile of the proposed site.

Section 10. Section 23.60.488 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.488 Prohibited uses in the CW Environment.**

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 and rental of small boats, boat parts and accessories,

((~~4. Dry boat storage,~~

~~5. Recreational marina,~~

~~6~~))4. All non-water-dependent commercial uses except those permitted on historic ships, and

((~~7~~))5. Vessel repair, major, except of historic ships;



ACTING CITY CLERK

B. The following transportation facility uses:

1. Dry boat storage, and

2. Recreational marina;

((~~B~~))C. Residential uses;

((~~C~~))D. 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~~)) that creates dry land.

Section 11. Section 23.60.544 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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. Transportation facility uses;

C. Storage uses;

((~~B~~))D. The following utilities:

1. Major and minor communication utilities,

2. Solid waste management((~~transfer stations~~)),

3. Power plants, ((~~and~~))



ACTING CITY CLERK

4. Sewage treatment plants, and

5. Recycling;

((~~C. Salvage and recycling uses;~~

~~D~~))E. Manufacturing uses;

((~~E~~))F. High-impact uses;

((~~F~~))G. The following institutional uses:

1. Institutions, nonwater-dependent,

2. Private yacht, boat and beach clubs;

((~~G~~))H. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.550;

((~~H~~))I. Agricultural uses;

((~~I~~))J. Parks and ((~~O~~))open space uses except shoreline recreation;

((~~J~~))K. The following shoreline protective structures:

1. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except drift sills or other structures ((~~which~~)) that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches.

Section 12. Section 23.60.600 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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:



CITY CLERK

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

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

a. Located in Lake Union or Portage Bay,

b. Occupied solely by no more than two (2) existing floating homes as defined in subsection A4 of Section 23.60.196, under any of the following conditions:

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

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

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

d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of((~~the effective date of the ordinance codified in this chapter~~))December 31, 1987;

B. The following commercial uses:



CITY CLERK

1. Marine ((~~retail~~))sales and services,

2. Food processing, water-related, and

3. Wholesale showroom,((~~mini-warehouse, warehouse and open storage,~~))water-related((~~, and~~));

C. Storage uses, water-related;

((4))D. Passenger terminals, water-dependent;

((~~C~~))E. 1. The following non-water-dependent commercial uses on dry land when the requirements of subsection ((~~C~~))E2 are met:

a. ((~~Personal and household retail~~))General sales and services,

b. Major durables retail sales,

((~~b~~))c. Eating and drinking establishments,

((~~e~~))d. Offices outside the Lake Union area,

((~~d~~))e. 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~~))f. Entertainment uses, and

((~~f~~))g. Custom and craft work,

2. The uses listed in subsection ((~~C~~))E1 shall be permitted when a water-dependent use occupies forty (40) percent of the dry-land portion of the lot or the development provides one (1) or more of the following facilities or amenities in addition to regulated public access:

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



ACTI CITY CLER

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

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

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

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

f. A major public open space, occupying at least one-third ( 1/3) of the dry-land lot area, ((~~which~~)) <u>that</u> 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 <u>that</u>((~~which~~)) provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director;

((~~D~~))<u>F</u>. Streets, railroads and bridges;

((~~E~~))<u>G</u>. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

((~~F~~))<u>H</u>. Light and general manufacturing uses, water-dependent or water-related;

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

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

1. The dry-land portion of the lot is less than fifty (50) feet in depth,

2. Location of such facilities on the dry-land portion of the lot is not feasible, and

3. The facilities or amenities required by Section 23.60.600 C are provided;

((~~I~~))K. Public facilities, water-dependent or water-related;

((~~J~~))L. Open space uses; and

((~~K~~))M. Aquaculture.

Section 13. Subsections B and C of Section 23.60.604 of the Seattle Municipal Code, which Section was last amended by Ordinance 119871, are amended as follows:

**SMC 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 173-27-160 are satisfied:

* * *

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

1. Eating and drinking establishments meeting the criteria of subsection ((~~C~~))E2 of Section 23.60.600,

2. Marine ((~~retail~~))sales and services,

3. General ((~~Personal and household retail~~))sales and service uses,

4. Entertainment uses, and

5. Custom and craft work;

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

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

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and

((~~e~~))d. 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 ( 1/2) mile of the proposed site.

Section 14. Section 23.60.606 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.606 Prohibited uses on waterfront lots in the US Environment.**

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

A. New residences over water and residential uses at or below the ground floor, except as permitted as conditional uses ((~~by~~))pursuant to Section 23.60.604;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels((~~services~~)),

3. Pet grooming,

((~~3~~))4. Automotive ((~~retail~~))sales and services,

((4))5. Lodging,

((~~5. Mortuary services,~~

~~6. Parking, principal use,~~))Food processing, non-water-dependent,

7. ((~~Nonhousehold~~))Heavy sales and services except water-dependent wholesale showrooms,

8. Ground-level offices in the Lake Union area,

9. ((~~Non-water-dependent wholesale showroom, mini-warehouse, warehouse and outdoor storage uses,~~)) Research and development laboratories, and

10. Off-premises signs((~~,~~));

C. The following transportation facility uses:

1. Parking, principal use,

((~~11~~))2. Personal transportation services,

((~~12~~))3. Passenger terminals, non-water-dependent,

((~~13~~))4. Cargo terminals,



ACTING CITY

((~~14~~))5. Transit vehicle bases,

((~~15~~))6. Helistops and heliports, and

((~~16~~))7. Airports, land-based((~~,~~));

((~~17. Food processing, non-water-dependent, and~~

~~18. Research and development laboratory;~~

~~C. Salvage and recycling uses;~~))

D. The following manufacturing uses:

1. Light and general manufacturing, non-water-dependent, and

2. Heavy manufacturing uses;

E. High-impact uses;

F. The following utilities:

1. Major communication utilities,

2. Solid waste management((~~transfer stations~~)),

3. Power plants,

4. Recycling uses,

5. Sewage treatment plants, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

G. Storage uses;

((~~G~~))H. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.612 and those that are non-water-dependent;

((~~H~~))I. Institutional uses, non-water-dependent;

((~~I~~))J. Agricultural uses except aquaculture; and



ACTING CITY CLERK

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

Section 15. Subsection A of Section 23.60.608 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.608 Permitted uses on upland lots in the US Environment.**

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirements of Section 23.60.600 ((~~C~~)) E to provide special public benefits.

2. Additional uses permitted outright on upland lots:

a. The following residential uses:

(1) Single-family and multifamily residences, and

(2) Congregate residences and nursing homes;

b. The following commercial uses:

(1) Medical services,

(2) Animal((~~services~~))shelters and kennels,

(3) Pet grooming,

(((~~3~~))4) Automotive ((~~retail~~))sales and service,

(((~~4) Parking, principal use,~~))

(5) Lodging,

(((~~6) Mortuary services,~~))

(((~~7~~))6) ((~~Nonhousehold~~))Heavy sales and service,



ACTING CITY CLERK

((~~(8) Wholesale showroom, mini-warehouse, warehouse and outdoor storage uses, non-water-dependent,~~))

(((~~9~~))7) Research and development laboratories, and

(((~~10~~))8) Ground-level offices in the Lake Union area;

c. Parking, principal use;

d. Storage uses;

((~~e. Recycling collection stations;~~))

((~~d~~))e. Light and general manufacturing uses;

((~~e~~))f. Institutional uses; and

((~~f~~))g. Public facilities.

* * *

Section 16. Subsection E of Section 23.60.636 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.636 View corridors in the US Environment.**

* * *

E. A view corridor or corridors of not less than sixty-five (65) percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street. The following may be located in the required view corridors:

1. Open wet moorage;
2. Dry ((~~storage of~~))boat((s)) storage; and
3. Parking for both water-dependent and non-water-dependent uses.



ACTING CITY CLERK

Section 17. Section 23.60.660 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.660 Uses permitted outright on waterfront lots in the UH Environment.**

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

A. The following commercial uses:

1. ((~~Personal and household retail~~))General sales and services,

2. Marine ((~~retail~~))sales and services,

3. Eating and drinking establishments,

4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,

((~~5. Parking over water when accessory to a water-dependent or water- related use,~~

~~6. Parking on dry land when accessory to a permitted use,~~

~~7~~))5. Offices when located above wharf level,

((~~8~~))6. Entertainment uses,

((~~9. Passenger terminals, water-dependent,~~

~~10. Breakbulk cargo terminals,~~

~~11~~))7. Research and development laboratories, water-dependent, and

((~~12~~))8. Food processing and craft work uses;

B. The following transportation facilities:

1. Parking over water when accessory to a water-dependent or water- related use,

2. Parking on dry land when accessory to a permitted use,



ACTIVE CITY CLERK

3. Passenger terminals, water-dependent, and

4. Breakbulk cargo terminals;

((~~B~~))C. Light manufacturing uses, water-dependent or water-related;

((~~C~~))D. Streets, railroads and bridges;

((~~D~~))E. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,

2. Maritime museums,

3. Colleges that have water-dependent or water-related facilities,

4. Community centers,

5. Vocational schools, water-dependent or water-related,

6. Community yacht, boat, and beach clubs, and

7. Child care centers when located above wharf level;

((~~E~~))F. The following public facilities:

1. Public facilities, water-dependent or water-related, and

2. Public facilities that are part of an approved public improvement plan for the Harbor front adopted by the Council;

((~~F~~))G. Shoreline Recreation;

((~~G~~))H. Aquaculture; and

((~~H~~))I. Minor communication utilities, except freestanding transmission towers.

Section 18. Section 23.60.664 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:



ACTING CITY CLERK

**SMC 23.60.664 Administrative conditional uses permitted on waterfront lots in the UH Environment.**

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

A. The following commercial uses:

((~~1. Outdoor storage, water-related or water-dependent,~~

~~2. Warehouses, water-related or water-dependent,~~

~~3~~))1. Wholesale showrooms, and

((4))2. Research and development laboratories, non-water-dependent;

B. The following storage uses:

1. Outdoor storage, water-related or water-dependent, and

2. Warehouses, water-related or water-dependent;

((~~B~~))C. Non-water-dependent commercial uses on historic ships:

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection ((~~C~~))D2 below:

a. Sale and rental of small boats, boat parts and((~~or~~)) accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Major durables retail sales, and

((e))d. 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,



ACTING CITY CLERK

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

c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (1/2) mile of the proposed site, unless the proposed site is within the Historic Character Area;

((~~C~~))D. Light manufacturing uses, non-water-dependent, that ((~~which~~)):

1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,

2. Contribute to the maritime or tourist character of the area, and

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

((~~D~~))E. The following non-water-dependent institutions:

1. Institutes for advanced study,

2. Museums,

3. Colleges, and

4. Vocational schools.

Section 19. Section 23.60.668 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.668 Prohibited uses on waterfront lots in the UH Environment.**



CITY CLERK

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 shelters and kennels ((~~services~~)),

3. Pet grooming,

((~~3~~))4. Automotive ((~~retail~~))sales and service,

((4))5. Lodging, except existing hotels,

((~~5. Mortuary services,~~))

6. Offices at wharf/street level,

7. Adult motion picture theaters and panorams, and

((~~8. Parking, principal use,~~))

8.((~~9. Nonhousehold~~))Heavy sales and services except wholesale showrooms and major durables retail sales;((~~,~~

~~10. Mini-warehouses,~~))

C. The following transportation facilities:

1. Parking, principal use,

((~~11~~))2. Personal transportation services,

((~~12~~))3. Cargo terminals, except breakbulk,

((~~13~~))4.((~~Transit vehicle~~))Bus bases,

((~~14~~))5. Heliports,

((~~15~~))6. Airports, land-based, and

((~~16~~))7. Airports, water-based;



ACTING CITY CLERK

D. Mini-warehouses,

((~~C. Salvage and recycling uses;~~

~~D~~))E. The following utilities:

1. Solid waste management((~~transfer stations~~)),

2. Power plants,

3. Sewage treatment plants,

4. Recycling,

5. Major communication utilities, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

((~~E~~))F. General and heavy manufacturing;

((~~F~~))G. The following institutional uses:

1. Schools, elementary or secondary,

2. Hospitals,

3. Religious facilities, and

4. Private yacht, boat and beach clubs;

((~~G~~))H. Public facilities or projects that are non-water-dependent except those that are part of a public improvement plan for the harborfront adopted by the Council;

((~~H~~))I. High-impact uses;

((~~I~~))J. Agriculture uses except aquaculture;

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

((~~K~~))L. Landfill ((~~which~~)) that creates dry land.



ACTING CITY CLERK

Section 20. Subsection A of Section 23.60.670 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 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~~))Heavy sales and services,

(2) ((~~Warehouses,~~

~~(3)~~)) Medical services,

((~~(4)~~))(3) Lodging,

((~~(5)~~))(4) Offices at street level,

c. The following transportation facilities,

((~~(6)~~))(1) Parking garages, principal use,

((~~(7)~~))(2) Surface parking areas, principal use,

((~~(8)~~))(3) Personal transportation services,

d. Warehouses,

((~~e~~))e. Institutions, and

((~~d~~))f. Public facilities.

* * *



ACTING CITY CLERK

Section 21. Section 23.60.720 of the Seattle Municipal Code, which Section was enacted by Ordinance 120927, is amended as follows:

**SMC 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 and rental of small boats, boat parts ((~~or~~))and accessories,

2. ((~~Tugboat services,~~

~~3.~~))Wholesale showrooms, ((~~warehouse and outdoor storage uses,~~))water-dependent or water-related, and

((~~4. Passenger terminals, water-dependent,~~

~~5. Cargo terminals, water-dependent or water-related,~~

~~6~~))3. Food processing, water-dependent or water-related;

B. The following transportation facilities:

1. Tugboat services,

2. Passenger terminals, water-dependent, and

3. Cargo terminals, water-dependent or water-related;

C. The following storage uses:

1. Warehouses, water-dependent or water-related, and

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

((~~B~~))D. Streets, railroads and bridges;

((~~C~~))E. The following utilities:



ACTING CITY CLERK

1. Utility lines,

2. Utility ((~~public~~))service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

((~~D~~))F. 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~~))G. Light and general manufacturing uses, water-dependent or water- related;

((~~F~~))H. Public facilities, water-dependent or water-related;

((~~G~~))I. Shoreline recreation uses; and

((~~H~~))J. Aquaculture.

Section 22. Subsections B and C of Section 23.60.724 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, are amended as follows:

**SMC 23.60.724 Conditional uses on waterfront lots in the UM Environment.**

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

* * *

B. Non-water-dependent commercial and manufacturing uses:



ACTING CITY CLERK

1. The following non-water-dependent commercial, storage, and manufacturing uses may be permitted as principal uses on dry land or over water when meeting the criteria of subsection B2 or B3:

a. Sale and rental of small boats, boat parts and accessories,

b. ((~~Personal and household retail~~))General sales and services,

c. Eating and drinking establishments,

d. ((~~Nonhousehold~~))Heavy sales and services except commercial laundries,

e. Offices,

f. Warehouse,((~~wholesale showroom,~~)) mini-warehouse, outdoor storage,

g. Food processing and craft work, and

h. Light, general and heavy manufacturing,

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

a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,

b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and

c. The uses are located on site to accommodate water-dependent or water-related uses on site,

3. The uses listed in subsection B1 are permitted on dry land or over water when:



CITY CLERK

a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,

b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,

c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and

d. The non-water-dependent uses are located to accommodate the water-dependent or water-related uses on site,

4. The uses permitted in subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met;

C. Multifamily residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

3. The facilities or amenities required by Section 23.60.600 ((C))E are provided;

4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and

5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial((.));

* * *

Section 23. Section 23.60.728 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.728 Prohibited uses on waterfront lots in the UM Environment.**



ACTIN CITY CLERK

The following principal uses are prohibited on waterfront lots:

A. Residential uses, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

B. The following commercial uses:

1. Medical services,

2. Animal ((~~services~~))shelters and kennels,

3. Pet grooming,

((~~3~~))4. Automotive ((~~retail~~))sales and service,

((~~4. Parking, principal use,~~))

5. Lodging,

6. ((~~Mortuary services,~~))

((~~7.~~)) Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,

((~~8.~~))7. Commercial laundries, and

8. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. The following transportation facility uses:

1. Parking, principal use,

((~~9~~))2. Personal transportation services,

((~~10~~))3. Passenger terminals, non-water-dependent,

((~~11~~))4. Cargo terminals, non-water-dependent,

((~~12~~))5. ((~~Transit vehicle~~))Bus bases,

((~~13~~))6. Helistops,



ACTI. CITY CLERK

((~~14~~))7. Heliports,

((~~15~~))8. Airports, land-based, and

((~~16~~))9. Covered wet moorage on Lake Union and Portage Bay((~~, and~~));

((~~17. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;~~))

((~~C. Salvage and recycling uses;~~))

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management((~~transfer stations~~));

3. Recycling,

((~~3~~))4. Power plants,

((~~4~~))5. Sewage treatment plants, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

F. Institutions, non-water-dependent;

G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;

H. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.734 and those that are non-water-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;



ACTING CITY CLERK

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

Section 24. Subsection A of Section 23.60.730 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.730 Permitted uses on upland lots in the UM Environment.**

A. Uses Permitted Outright.

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

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

(1) Sale and rental of small boats, boat parts ((~~or~~))and accessories,

(2) ((~~Personal and household retail~~))General sales and service uses,

(3) Medical services,

(4) Animal ((~~services~~)) shelters and kennels,

(5) Automotive ((~~retail~~))sales and service,

(6) Eating and drinking establishments,

(7) ((~~Nonhousehold~~))Heavy sales and services,

(8) Food processing and craft work,

(9) Offices except in the Lake Union area, and

(10) Research and development laboratories;((~~Wholesale showroom, mini-warehouse, warehouse and outdoor storage,~~))



CITY CLERK

b. Storage uses;

c. The following transportation facilities:

((~~(9)~~))(1) Cargo terminals, non-water-dependent,

((~~(10)~~))(2) Personal transportation services,

((~~(11)~~))(3) Passenger terminals, non-water-dependent,

((~~(12)~~))(4) Transit vehicle base;((~~,~~))

((~~(13) Food processing,~~

~~(14) Custom and craft work,~~

~~(15) Offices except in the Lake Union area, and~~

~~(16) Research and development laboratories;~~))

((~~b~~))d. Recycling((~~centers~~));

((~~c~~))e. Light and general manufacturing uses, non-water-dependent;

((~~d~~))f. Public facilities; and

((~~e~~))g. Minor communication utilities, except freestanding transmission towers.

* * *

Section 25. Section 23.60.780 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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:



ACTING CITY CLERK

1. ((~~Personal and household retail~~))General sales and services,
2. Medical services,
3. Animal ((~~services~~))shelters and kennels,
4. Marine ((~~retail~~))sales and services,
5. Eating and drinking establishments,
6. ((~~Nonhousehold~~))Heavy sales and service uses,
7. Office uses,
8. Entertainment uses,
9. Research and development laboratories,
10. Food processing and craft work uses;((~~Wholesale showroom,~~))

C. Storage uses;((~~mini-warehouse, warehouse and outdoor storage,~~))

D. The following transportation facilities:

1((~~0~~)). Passenger terminals, water-dependent or water-related,

2((~~11~~)). Cargo terminals, water-dependent or water-related;((~~, and~~))

((~~12. Research and development laboratories;~~))

((~~C~~))E. Streets;

((~~D~~))F. Bridges;

((~~E~~))G. Railroads;

((~~F~~))H. The following utilities:

1. Utility lines,
2. Utility service uses whose operations require a shoreline location,
3. Solid waste transfer stations that are water-related, and
4. Minor communication utilities, except freestanding transmission towers;



CITY CLERK

((~~G~~))I. Manufacturing uses;

((~~H~~))J. Institutional uses;

((~~I~~))L. Public Facilities;

((~~J~~))M. Parks and ((~~O~~))open space uses; and

((~~K~~))N. Aquaculture.((~~; and~~

~~L. Food processing and craft work uses.~~))

Section 26. Section 23.60.786 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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, and

3. Mortuary services;((~~,~~))

C. The following transportation facilities:

((~~4~~))1. Parking, principal use((~~s~~)),

((~~5~~))2. Personal transportation services,

((~~6~~))3. Passenger terminals, non-water-dependent,

((~~7~~))4. Cargo terminals, non-water-dependent,

((~~8~~))5. ((~~Transit vehicle~~))Bus bases,

((~~9~~))6. Helistops,

((~~10~~))7. Heliports, and



ACTING CITY

((~~11~~))8. Airports, land-based;

((~~C. Salvage and recycling uses;~~))

D. The following utilities:

1. Major communication utility,

2. Solid waste ((~~transfer stations~~))management, non-water-dependent,

3. Recycling uses,

4. Power plants,

((4))5. Sewage treatment plants, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

E. Agricultural uses except aquaculture; and

F. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except for drift sills or other structures ((~~which~~)) that are part of a natural beach protection system.

Section 27. Subsection A of Section 23.60.788 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 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.



ACTING CITY CLERK

* * *

Section 28. Section 23.60.840 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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 and rental of small boats, boat parts ((~~or~~))and accessories,

((~~2. Tugboat services,~~))

((~~3~~))2. Research and development laboratories,

((4))3. Wholesale showrooms, and

4. Food processing and craft work, water-dependent or water-related;

C. The following storage uses:

1. ((~~w~~))Warehouses, and

2. ((~~o~~))Outdoor storage uses;((~~,~~))

D. The following transportation facilities:

1. Tugboat services,

2. Commercial moorage,

3. Dry boat storage,

((~~5~~))4. Passenger terminals, water-dependent or water-related, and

((~~6~~))5. Cargo terminals, water-dependent or water-related;((~~, and~~



Archived CITY CLERK

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

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

~~D~~))E. Streets, railroads and bridges;

((~~E~~))F. The following utilities:

1. Utility lines,

2. Solid waste management uses((~~transfer stations~~)), water-dependent or water-related,

3. Recycling uses, water-dependent or water-related,

4. Utility service uses whose operations require a shoreline location, and

((4))5. Minor communication utilities, except freestanding transmission towers;

((~~F~~))G. Manufacturing uses;

((~~G~~))H. 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~~))I. High-impact uses, water-dependent or water-related;

((~~I~~))K. Public facilities, water-dependent or water-related;

((~~J~~))L. Shoreline recreation uses; and

((~~K~~))M. Aquaculture.

Section 29. Subsection B of Section 23.60.844 of the Seattle Municipal Code, which Section was last amended by Ordinance 119971, is amended as follows:



ACTING CITY CLERK

**SMC 23.60.844 Conditional uses on waterfront lots in the UI Environment.**

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

* * *

B. Non-water-dependent Commercial Uses.

1. The following non-water-dependent commercial uses when meeting the criteria of subsection B2:

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories;

b. ((~~Personal and household retail~~))General sales and services;

c. Eating and drinking establishments in the Ballard Interbay Northend Manufacturing/Industrial Center;

d. ((~~Nonhousehold~~))Heavy sales and services except commercial laundries and wholesale showrooms;

e. Offices;

f. Mini-warehouse in the Ballard Interbay Northend Manufacturing/Industrial Center; and

g. Food processing and craft work.

2. The uses listed in subsection B1 are permitted when:

a. The total of non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land portion of the lot; and

b. The non-water-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.



ACTING CITY CLERK

3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of subsection B2 are met.

Section 30. Section 23.60.848 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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~~)) <u>shelters and kennels,</u>

<u>3. Pet grooming,</u>

((~~3~~))<u>4</u>. Automotive ((~~retail~~))sales and service,

((~~4. Parking, principal use,~~))

5. Lodging,

((~~6. Mortuary services,~~))

((~~7~~))<u>6</u>. Heavy commercial services,

((~~8~~))<u>7</u>. Entertainment uses, <u>and</u>

<u>8. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;</u>

<u>C. The following transportation facility uses:</u>

<u>1. Parking, principal use,</u>

((~~9~~))<u>2</u>. Personal transportation services,

((~~10~~))<u>3</u>. Passenger terminal, non-water-dependent,



ACTING CITY CLERK

((~~11~~))4. Cargo terminal, non-water-dependent,

((~~12~~))5. Transit vehicle bases,

((~~13~~))6. Helistops, and

((~~14~~))7. Heliports((~~,~~));

D. ((~~15.~~))Mini-warehouses in the Duwamish Manufacturing/Industrial Center;((~~, and~~

~~16. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;~~

~~C. Salvage and recycling uses, non-water-dependent;~~)).

E((~~D~~)). The following utilities:

1. Major communication utilities,

2. Solid waste management((~~transfer stations~~)), non-water-dependent,

3. Recycling uses, non-water-dependent,

((~~3~~))4. Power plants,

((~~4~~))5. Sewage treatment plants, located outside of the Duwamish area, and

((~~5~~))6. Freestanding transmission towers for minor communication utilities;

((~~E~~))F. High-impact uses, non-water-dependent;

((~~F~~))G. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;

((~~G~~))H. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.854 and those that are ((~~non-~~))neither water-dependent nor ((~~non-~~))water-related;

((~~H~~))I. Agricultural uses except aquaculture;

((~~I~~))J. All open space uses except shoreline recreation; and

((~~J~~))K. Groins and similar structures ((~~which~~))that block the flow of sand to



ACTIN CITY CLERK

adjacent beaches, except for drift sills or other structures ((~~which~~)) that are part of a natural beach protection system.

Section 31. Subsection A of Section 23.60.850 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.850 Permitted uses on upland lots in the UI Environment.**

A. Uses Permitted Outright.

1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.

2. Additional uses permitted outright:

a. All commercial uses;

b. ((~~Salvage and recycling~~))Solid waste management uses that are non-water-dependent, except for solid waste transfer stations;

c. Recycling uses, non-water-dependent;

((e))d. Parks and ((~~O~~))open space uses;

((~~d~~))e. The following institutions:

(1) Vocational and fine arts schools,

(2) Uses connected to a major institution and permitted by an approved master plan;

((~~e~~))f. All agricultural uses.

* * *

Section 32. Section 23.60.900 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.900 Definitions generally.**



ACTING CITY CLERK

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapters 24.08 and 23.84A, 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 23.84A, the definition in this chapter shall apply in the Shoreline District.

Section 33. The following subsection of Section 23.60.902 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

**SMC 23.60.902 "A."**

* * *

"Agriculture use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

Animal husbandry;

Aquaculture;

Horticulture((~~al use~~)).

* * *

Section 34. The following subsections of Section 23.60.906 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, are amended as follows:

**SMC 23.60.906 "C."**

* * *

"Commercial use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- ((~~Retail~~))General retail sales and services;

((~~-- Principal use parking;~~))

-- ((~~Nonhousehold~~))Heavy sales and services;

-- Eating and drinking establishments;



ACTING CITY CLERK

-- Lodging;

-- Offices;

-- Entertainment;

-- Automotive sales and services;

-- Marine sales and services;

-- Animal shelters and kennels;

((~~-- Wholesale showroom;~~

~~-- Warehouse;~~

~~-- Mini-warehouse;~~

~~-- Outdoor storage;~~

~~-- Transportation facilities;~~))

-- Food processing and craft work;

-- Medical services;

-- Research and development laboratories.

"Commercial moorage" means a ((~~marine retail sales and service~~)) parking and moorage 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.

Communication Devices and Utilities (and Related Terms). See Section 23.84A.006 "C."

* * *

Section 35. The following subsection of Section 23.60.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 121276, is amended as follows:



ACTING CITY CLERK

**SMC 23.60.908 "D."**

* * *

"Dry boat storage((~~of boats~~))" means a parking and moorage ((~~marine retail sales and service~~))use, in which space on a lot on dry land or inside a building over((-)) water or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

Section 36. Section 23.60.918 of the Seattle Municipal Code, which Section was enacted by ordinance 113466, is amended as follows:

**SMC 23.60.918 "I."**

"Institutions" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Institute for advanced study;

-- Private club;

-- ((~~Day~~))Child care center;

-- Museum;

-- School, elementary or secondary;

-- College;

-- Community club and center;

-- Community club;

-- Vocational or fine arts school;

-- Hospital;

-- Religious facility.((~~;~~

~~University.~~))



ACTING CITY CLERK

Section 37. The following subsections of Section 23.60.926 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, are amended as follows:

**SMC 23.60.926 "M."**

"Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions:

-- Light manufacturing;

-- General manufacturing;

-- Heavy manufacturing.

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

"Marine ((~~retail~~))sales and service" means a ((~~retail sales and service~~))commercial use ((~~which~~))that includes one (1) or more of the following uses:

-- Sale or rental of large boats;

-- Marine service station;

-- Major or minor vessel repair;

-- Sale and rental of small boats, ((~~of~~)) boat parts ((~~or~~))and accessories.((~~;~~

~~-- Recreational marina;~~

~~-- Commercial moorage;~~

~~-- Dry storage of boats;~~

~~-- Tugboat services.~~))



ACTING CITY CLERK

"Marine service station" means a marine ((~~retail~~))sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

* * *

"Mortuary service" means a medical service use which provides services including but not limited to the preparation of the dead for burial or cremation, viewing of the body and funerals.

Section 38. The following subsection of Section 23.60.934 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended, and a subsection thereof is repealed, as follows:

**SMC 23.60.934 "R."**

* * *

"Residential use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Artist's studio/dwelling;

-- ((~~Boarding house~~))Assisted living facility;

-- Caretaker's quarters;

-- Floating home;

-- Mobile home park;

-- Multifamily structure;

-- Single-family dwelling unit;

-- Congregate residence.

* * *



ACTING CITY CLERK

((~~"Retail sales and service use" means the following uses, as defined in Chapter 23.84, Definitions:~~

~~Personal and household retail sales and service;~~

~~Medical services;~~

~~Animal services;~~

~~Automobile retail sales and service;~~

~~Marine retail sales and service;~~

~~Eating and drinking establishments;~~

~~Lodging;~~

~~Mortuary services.~~))

Section 39. The following subsections of Section 23.60.936 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, are amended, and a subsection thereof is repealed, as follows:

**SMC 23.60.936 "S."**

"Sale and/or rental of large boats" means a marine ((~~retail~~))sales and service use in which boats sixteen (16) feet or more in length are rented or sold. ((~~The sale or rental of smaller boats shall be defined as a major durables sales and service use.~~))

"Sale <u>and rental</u> of <u>small boats,</u> boat parts ((~~or~~))<u>and</u> accessories" means a marine ((~~retail~~))sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines, and boats less than sixteen (16) feet in length.



ACTING CITY CLERK

((~~"Salvage and recycling" means the following uses, as defined in Chapter 23.84, Definitions:~~

~~-- Recycling collection station;~~

~~-- Recycling center;~~

~~-- Salvage yard.~~))

* * *

Section 40. Section 23.60.938 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.938 "T."**

"Transportation facilities" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Rail transit facilities;

-- Vehicle storage and maintenance;

-- Air transportation facilities;

((~~-- Airport, land-based;~~))

-- Cargo terminal;

((~~-- Heliport;~~

~~-- Helistop;~~))

-- Passenger terminal;

-- Parking and moorage; and

-- Tugboat services.

((~~-- Personal transportation services;~~

~~-- Transit vehicle base.~~))



ACTING CITY CLERK

"Tugboat services" means a ((~~retail sales and service~~))transportation facility use ((~~which~~)) that consists of moorage for more than one (1) tugboat and dispatch offices, except ((~~. Uses which~~))that facilities that include barge moorage and loading and unloading facilities for barges as well as tugboat moorages ((~~shall be~~))are not tugboat services and are classified as cargo terminals.

Section 41. The following subsection of Section 23.60.940 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.940 "U."**

* * *

"Utilities" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Communication utility;

-- Utilities((~~y~~)) service uses;

-- Solid waste management((~~transfer station~~));

-- Recycling;

-- Sewage treatment plant;

-- Power plant; and

((~~-- Solid waste processing facility;~~

~~-- Solid waste incineration facility~~))

-- Utility lines.

* * *

Section 42. Chapter 23.84 of the Seattle Municipal Code is repealed.

Section 43. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.



CITY CLERK

Section 44. This ordinance shall take effect and be in force on whichever is the later of: (a) the effective date of approval of the amendments in this ordinance by the Washington State Department of Ecology; or (b) (i) thirty (30) days from and after approval by the Mayor or, (ii) if not approved and returned by the Mayor within (10) days after presentation, then as provided by Municipal Code Section 1.04.020; or (c) the effective date of new Seattle Municipal Code chapters 23.84A and 23.47A, providing definitions for the Land Use Code and regulating uses and developments in the City's commercial zones, whether through passage of C.B. 115409, as introduced or as it may be amended, or through another ordinance.

Passed by the City Council the ____ day of _____, 2006, and signed by me in open session in authentication of its passage this _____ day of _____, 2006.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2006.

_____

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2006.

_____

City Clerk

(Seal)



ACTING CITY CLERK

*Author's Name: Lish Whitson/Reb Herzfeld*
*Date: September15, 2006*
*Name of Companion Legislation:* ***Shoreline Ord 9-1-06 v7.doc***
*Version #: 1*

Form revised December 9, 2004

# FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|---|---|---|
| Legislative | Rebecca Herzfeld 615-1674 | Not Applicable |

**Legislation Title:**
AN ORDINANCE related to land use and zoning, amending various sections of the Shoreline District Chapter of the Land Use Code, Chapter 23.60 of the Seattle Municipal Code, and repealing Chapter 23.84.

- **Summary of the Legislation:**

Amends the Shorelines chapter (SMC 23.60) of the land use code to maintain consistent use of terms between that chapter of the code and changes to terms and definitions proposed in the amendments to the commercial Land Use Code provisions. The legislation also repeals the current Definitions chapter (23.84), which is proposed to be replaced with a new Definitions chapter (23.84A) under the commercial code changes.

- **Background:**

The proposed legislation maintains consistency between the Shorelines chapter of the Land Use Code and changes proposed in companion legislation.

**__X__ This legislation does not have any financial implications.**



ACTING CITY CLERK

# STATE OF WASHINGTON – KING COUNTY

--ss.

205808 No.
CITY OF SEATTLE,CLERKS OFFICE

## 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 122310

was published on

12/28/06

The amount of the fee charged for the foregoing publication is the sum of $3,132.60, which amount has been paid in full.

Pamela Oglesby

Subscribed and sworn to before me on

12/28/06

Notary public for the State of Washington,
residing in Seattle

JENNIFER A. PATZER
COMMISSION EXPIRES
NOTARY
PUBLIC
OCT 24 2007
STATE OF WASHINGTON

Ordinance Files # 122310

3 Sheets

for 35 mm filming

removed from file here

# State of Washington, King County

## City of Seattle

**ORDINANCE 122310**

AN ORDINANCE related to land use and zoning, amending various sections of the Shoreline District Chapter of the Land Use Code, Chapter 23.60 of the Seattle Municipal Code, and repealing Chapter 23.84.

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

Section 1. Section 23.60.246 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.246 Prohibited uses in the CN Environment.**

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

A. Residential uses;

B. Commercial uses;

C. Utilities, except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses;

((~~H~~))G. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.248;

((~~I~~))H. All shoreline recreation uses except underwater diving areas and reefs;

((~~J~~))I. Agricultural uses except aquaculture;

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

((~~L~~))K. Landfill ((~~which~~)) that creates dry land, except for wildlife habitat mitigation or enhancement.

Section 2. Section 23.60.306 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.306 Prohibited uses in the CP Environment.**

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

A. Residential uses;

B. Commercial uses including accessory parking;

C. Utility uses, except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses except permitted shoreline recreational uses;

((~~H~~))G. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.308;

((~~I~~))H. Shoreline recreation uses except underwater diving areas or reefs, bicycle and pedestrian paths and viewpoints;

((~~J~~))I. Agricultural uses except aquaculture;

((~~K~~))J. The following protective structures:

1. Bulkheads on Class I beaches, and

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

((~~L~~))K. Landfill ((~~which~~)) that creates dry land except as part of wildlife or fisheries habitat.

Section 3. Subsection C of Section 23.60.365 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.365 Administrative conditional uses in the CR Environment.**

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

* * *

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

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

a. Small craft center,

b. Boat launching ramp for auto-trailered boats,

c. The following non-water-dependent commercial uses:

(1) Sale and rental of small boats, boat parts ((~~or~~))and accessories,

(2) ((~~Personal and household retail~~)) General sales and services,

(3) Major durables retail sales, and

(((~~3~~)))(4) Eating and drinking establishments;

2. Community yacht, boat and beach clubs when:

a. No eating and drinking establishments are included in the use,

b. No more than one (1) pier or float is included in the use, and

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

Section 4. Section 23.60.368 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 23.60.368 Prohibited uses in the CR Environment.**

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

A. Residential uses except those permitted by Section 23.60.365 A;

B. Commercial uses except those specifically permitted by Section 23.60.365 C;

C. Utility uses except utility lines;

((~~D. Salvage and recycling uses;~~

~~E~~))D. Manufacturing uses;

((~~F~~))E. High-impact uses;

((~~G~~))F. Institutional uses except community clubs meeting the criteria of Section 23.60.365 C;

((~~H~~))G. Public facilities not authorized ((~~by~~)) pursuant to Section 23.60.370;

((~~I~~))H. Parks and o((~~O~~))pen space uses except shoreline recreation uses permitted by Section 23.60.360 A((~~B~~));

((~~J~~))I. Agricultural uses except aquaculture;

((K))J. The following shoreline protective structures:

1. Groins and similar structures ((~~which~~)) that block the flow of sand to adjacent beaches, except drift sills or other structures ((~~which~~)) that are part of a natural beach protection system, and

2. Bulkheads on Class I beaches; and

((~~L~~))K. Landfill ((~~which~~)) that creates dry land except as part of habitat mitigation or enhancement.

Section 5. Section 23.60.424 of the Seattle Municipal Code, which Section was last amended by Ordinance 118674, is amended as follows:

**SMC 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, and

3. Vessel repair, minor((.));

B. The following transportation facility uses:

((4))1. Recreational marina,

((5))2. Dry ((~~storage of~~))boat((s)) storage,

((6))3. Water-dependent passenger terminals, provided that the impact of terminal operation on adjacent residential neighborhoods and streets can be mitigated, and

((~~7~~))4. Airports, water-based;

((~~B~~))C. Streets;

((~~C~~))D. Bridges;

((~~D~~))E. Expansion of existing sewage treatment plants, not including expansion for additional treatment capacity or the addition of a new treatment level;

((~~E~~))F. Public facilities, water-dependent or water-related;

((~~F~~))G. 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, and

4. Shoreline recreation accessory to a school, college or university;

((~~G~~))H. 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;

((~~H~~))I. Dredging, when the dredging is necessary for a water-dependent or water-related use;

((~~I~~))J. The following types of landfill:

1. Landfill on submerged lands ((which)) that 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~~)) that creates dry land:

a. When the dry land is necessary for a water-dependent or water-related use, and

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

(1) No reasonable alternative to the landfill exists,

(2) The development provides a clear public benefit, and

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

Section 6. Section 23.60.426 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.426 Conditional uses permitted in the CM Environment.**

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

A. Non-water-dependent commercial uses associated with a recreational marina:

1. The following uses associated with a recreational marina may be permitted when meeting the criteria in subsection A2:

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories, and

b. Eating and drinking establishments;

2. a. The use is associated with a recreational marina with at least nine thousand (9,000) lineal feet of moorage,

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

((6))5. Cargo terminals, water-dependent or water-related;((~~, and~~

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

~~6. Salvage and recycling uses, water-dependent or water-related;~~

~~D~~))E. Streets, railroads and bridges;

((~~E~~))F. The following utilities:

1. Utility lines,

2. Solid waste management uses((~~transfer stations~~)), water-dependent or water-related,

3. Recycling uses, water-dependent or water-related.

4. Utility service uses whose operations require a shoreline location, and

((4))5. Minor communication utilities, except freestanding transmission towers;

((~~F~~))G. Manufacturing uses;

((~~G~~))H. 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~~))I. High-impact uses, water-dependent or water-related;

((~~I~~))J. Public facilities, water-dependent or water-related;

((~~J~~))K. Shoreline recreation uses; and

((~~K~~))L. Aquaculture.

Section 29. Subsection B of Section 23.60.844 of the Seattle Municipal Code, which Section was last amended by Ordinance 119971, is amended as follows:

**SMC 23.60.844 Conditional uses on waterfront lots in the UI Environment.**

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

* * *

B. Non-water-dependent Commercial Uses.

1. The following non-water-dependent commercial uses when meeting the criteria of subsection B2:

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories;

b. ((~~Personal and household retail~~))General sales and services;

c. Eating and drinking establishments in the Ballard Interbay Northend Manufacturing/Industrial Center;

d. ((~~Nonhousehold~~))Heavy sales and services except commercial laundries and wholesale showrooms;

e. Offices;

f. Mini-warehouse in the Ballard Interbay Northend Manufacturing/Industrial Center; and

g. Food processing and craft work.

2. The uses listed in subsection B1 are permitted when:

a. The total of non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land portion of the lot; and

b. The non-water-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.

3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of subsection B2 are met.

Section 30. Section 23.60.848 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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~~)) shelters and kennels,

3. Pet grooming,

((3))4. Automotive ((~~retail~~))sales and service,

((~~4. Parking, principal use,~~))

5. Lodging,

((~~6. Mortuary services,~~))

((7))6. Heavy commercial services,

((8))7. Entertainment uses, and

8. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;

C. The following transportation facility uses:

1. Parking, principal use,

((9))2. Personal transportation services,

((~~10~~))3. Passenger terminal, non-water-dependent,

((~~11~~))4. Cargo terminal, non-water-dependent,

((~~12~~))5. Transit vehicle bases,

((~~13~~))6. Helistops, and

((~~14~~))7. Heliports((;));

D. ((~~15.~~))Mini-warehouses in the Duwamish Manufacturing/Industrial Center;((~~, and~~

~~16. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;~~

~~C. Salvage and recycling uses, non-water-dependent;~~))

E((~~D~~)). The following utilities:

1. Major communication utilities,

2. Solid waste management((~~transfer stations~~)), non-water-dependent,

3. Recycling uses, non-water-dependent.

((3))4. Power plants,

((4))5. Sewage treatment plants, located outside of the Duwamish area, and

((5))6. Freestanding transmission towers for minor communication utilities;

((~~E~~))F. High-impact uses, non-water-dependent;

((~~F~~))G. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;

((~~G~~))H. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.854 and those that are ((~~non-~~))neither water-dependent nor ((~~non-~~))water-related;

((~~H~~))I. Agricultural uses except aquaculture;

((~~I~~))J. All open space uses except shoreline recreation; and

((~~J~~))K. Groins and similar structures (~~which~~))that block the flow of sand to

adjacent beaches, except for drift sills or other structures ((~~which~~)) that are part of a natural beach protection system.

Section 31. Subsection A of Section 23.60.850 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.850 Permitted uses on upland lots in the UI Environment.**

A. Uses Permitted Outright.

1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.

2. Additional uses permitted outright:

a. All commercial uses;

b. ((~~Salvage and recycling~~))Solid waste management uses that are non-water-dependent, except for solid waste transfer stations;

c. Recycling uses, non-water-dependent;

((c))d. Parks and ((~~O~~))open space uses;

((d))e. The following institutions:

(1) Vocational and fine arts schools,

(2) Uses connected to a major institution and permitted by an approved master plan;

((e))f. All agricultural uses.

* * *

Section 32. Section 23.60.900 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.900 Definitions generally.**

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapters 24.08 and 23.84A, 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 23.84A, the definition in this chapter shall apply in the Shoreline District.

Section 33. The following subsection of Section 23.60.902 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

**SMC 23.60.902 "A."**

* * *

"Agriculture use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

Animal husbandry;

Aquaculture;

Horticulture((~~al use~~)).

* * *

Section 34. The following subsections of Section 23.60.906 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, are amended as follows:

**SMC 23.60.906 "C."**

* * *

"Commercial use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- ((~~Retail~~))General retail sales and services;

((~~-- Principal use parking;~~))

-- ((~~Nonhousehold~~))Heavy sales and services;

-- Eating and drinking establishments;

-- Lodging;

-- Offices;

-- Entertainment;

-- Automotive sales and services;

-- Marine sales and services;

-- Animal shelters and kennels;

(( ~~-- Wholesale showroom;~~

~~-- Warehouse;~~

~~-- Mini-warehouse;~~

~~-- Outdoor storage;~~

~~-- Transportation facilities;~~))

-- Food processing and craft work;

-- Medical services;

-- Research and development laboratories.

"Commercial moorage" means a ((~~marine retail sales and service~~)) parking and moorage 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.

Communication Devices and Utilities (and Related Terms). See Section 23.84A.006 "C."

* * *

Section 35. The following subsection of Section 23.60.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 121276, is amended as follows:

**SMC 23.60.908 "D."**

* * *

"Dry boat storage((~~of boats~~))" means a parking and moorage ((~~marine retail sales and service~~))use, in which space on a lot on dry land or inside a building over((-)) water or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

Section 36. Section 23.60.918 of the Seattle Municipal Code, which Section was enacted by ordinance 113466, is amended as follows:

**SMC 23.60.918 "I."**

"Institutions" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Institute for advanced study;

-- Private club;

-- ((~~Day~~))Child care center;

-- Museum;

-- School, elementary or secondary;

-- College;

-- Community club and center;

-- Community club;

-- Vocational or fine arts school;

-- Hospital;

-- Religious facility</u<s>>((;

-- University.))

Section 37. The following subsections of Section 23.60.926 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, are amended as follows:

**SMC 23.60.926 "M."**

"Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions:

-- Light manufacturing;

-- General manufacturing;

-- Heavy manufacturing.

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

"Marine ((~~retail~~))sales and service" means a ((~~retail sales and service~~))commercial use ((~~which~~))that includes one (1) or more of the following uses:

-- Sale or rental of large boats;

-- Marine service station;

-- Major or minor vessel repair;

-- Sale and rental of small boats, ((~~of~~)) boat parts ((~~or~~))and accessories</u<s>>((;

-- Recreational marina;

-- Commercial moorage;

-- Dry storage of boats;

-- Tugboat services.))

"Marine service station" means a marine ((~~retail~~))sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

* * *

<p<u>>"Mortuary service" means a medical service use which provides services including but not limited to the preparation of the dead for burial or cremation, viewing of the body and funerals.

Section 38. The following subsection of Section 23.60.934 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended, and a subsection thereof is repealed, as follows:

**SMC 23.60.934 "R."**

* * *

"Residential use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Artist's studio/dwelling;

-- ((~~Boarding house~~))Assisted living facility;

-- Caretaker's quarters;

-- Floating home;

-- Mobile home park;

-- Multifamily structure;

-- Single-family dwelling unit;

-- Congregate residence.

* * *

((~~"Retail sales and service use" means the following uses, as defined in Chapter 23.84, Definitions:~~

~~-- Personal and household retail sales and service;~~

~~-- Medical services;~~

~~-- Animal services;~~

~~-- Automobile retail sales and service;~~

~~-- Marine retail sales and service;~~

~~-- Eating and drinking establishments;~~

~~-- Lodging;~~

~~-- Mortuary services.~~))

Section 39. The following subsections of Section 23.60.936 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, are amended, and a subsection thereof is repealed, as follows:

**SMC 23.60.936 "S."**

"Sale and/or rental of large boats" means a marine ((~~retail~~))sales and service use in which boats sixteen (16) feet or more in length are rented or sold. ((~~The sale or rental of smaller boats shall be defined as a major durables sales and service use.~~))

"Sale and rental of small boats, boat parts ((~~or~~))and accessories" means a marine ((~~retail~~))sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines, and boats less than sixteen (16) feet in length.

((~~"Salvage and recycling" means the following uses, as defined in Chapter 23.84, Definitions:~~

~~-- Recycling collection station;~~

~~-- Recycling center;~~

~~-- Salvage yard.~~))

* * *

Section 40. Section 23.60.938 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.938 "T."**

"Transportation facilities" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Rail transit facilities;

-- Vehicle storage and maintenance;

-- Air transportation facilities;

(( ~~-- Airport, land-based;~~))

-- Cargo terminal;

(( ~~-- Heliport;~~

~~-- Helistop;~~))

-- Passenger terminal;

-- Parking and moorage; and

-- Tugboat services.

(( ~~-- Personal transportation services;~~

~~-- Transit vehicle base.~~))

"Tugboat services" means a ((~~retail sales and service~~))transportation facility use ((~~which~~)) that consists of moorage for more than one (1) tugboat and dispatch offices, except ((~~. Uses which~~))that facilities that include barge moorage and loading and unloading facilities for barges as well as tugboat moorages ((~~shall be~~))are not tugboat services and are classified as cargo terminals.

Section 41. The following subsection of Section 23.60.940 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.940 "U."**

* * *

"Utilities" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Communication utility;

-- Utilities((y)) service uses;

-- Solid waste management((~~transfer station~~));

-- Recycling;

-- Sewage treatment plant;

-- Power plant; and

((~~-- Solid waste processing facility;~~

~~-- Solid waste incineration facility~~))

-- Utility lines.

* * *

Section 42. Chapter 23.84 of the Seattle Municipal Code is repealed.

Section 43. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 44. This ordinance shall take effect and be in force on whichever is the later of: (a) the effective date of approval of the amendments in this ordinance by the Washington State Department of Ecology; or (b) (i) thirty (30) days from and after approval by the Mayor or, (ii) if not approved and returned by the Mayor within (10) days after presentation, then as provided by Municipal Code Section 1.04.020; or (c) the effective date of new Seattle Municipal Code chapters 23.84A and 23.47A, providing definitions for the Land Use Code and regulating uses and developments in the City's commercial zones whether through passage of C.B. 115746 as introduced or as it may be amended, or through another ordinance.

Passed by the City Council the 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 21st day of December, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205808)

d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (1/2) mile of the proposed site, unless the proposed site is within the Historic Character Area;

((G))D. Light manufacturing uses, non-water-dependent, that ((which)):

1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,

2. Contribute to the maritime or tourist character of the area, and

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

((D))E. The following non-water-dependent institutions:

1. Institutes for advanced study,

2. Museums,

3. Colleges, and

4. Vocational schools.

Section 19. Section 23.60.668 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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 shelters and kennels ((services)),

3. Pet grooming,

((8))4. Automotive ((retail))sales and service,

((4))5. Lodging, except existing hotels,

((5. Mortuary services,))

6. Offices at wharf/street level,

7. Adult motion picture theaters and panorams, and

((8. Parking, principal use,))

8.((9. Nonhousehold))Heavy sales and services except wholesale showrooms and major durables retail sales;((;

10. Mini-warehouses,))

C. The following transportation facilities:

1. Parking, principal use,

((11))2. Personal transportation services,

((12))3. Cargo terminals, except break-bulk,

((13))4.(( Transit vehicle))Bus bases,

((14))5. Heliports,

((15))6. Airports, land-based, and

((16))7. Airports, water-based;

D. Mini-warehouses,

((G. Salvage and recycling uses;

D))E. The following utilities:

1. Solid waste management((transfer stations)),

2. Power plants,

3. Sewage treatment plants,

4. Recycling,

5. Major communication utilities, and

((5))6. Freestanding transmission towers for minor communication utilities;

((E))F. General and heavy manufacturing;

((F))G. The following institutional uses:

1. Schools, elementary or secondary,

2. Hospitals,

3. Religious facilities, and

4. Private yacht, boat and beach clubs;

((G))H. Public facilities or projects that are non-water-dependent except those that are part of a public improvement plan for the harborfront adopted by the Council;

((H))I. High-impact uses;

((I))J. Agriculture uses except aquaculture;

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

((K))L. Landfill ((which)) that creates dry land.

Section 20. Subsection A of Section 23.60.670 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

SMC [illegible]

((8))4. Automotive ((retail))sales and service,

((4. Parking, principal use,))

5. Lodging,

6. (( Mortuary services,))

((7.)) Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,

((8.))7. Commercial laundries, and

8. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. The following transportation facility uses:

1. Parking, principal use,

((9))2. Personal transportation services,

((10))3. Passenger terminals, non-water-dependent,

((11))4. Cargo terminals, non-water-dependent,

((12))5. ((Transit vehicle))Bus bases,

((13))6. Helistops,

((14))7. Heliports,

((15))8. Airports, land-based, and

((16))9. Covered wet moorage on Lake Union and Portage Bay((, and));

((17. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;))

((G. Salvage and recycling uses;))

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management((transfer stations)),

3. Recycling,

((8))4. Power plants,

((4))5. Sewage treatment plants, and

((5))6. Freestanding transmission towers for minor communication utilities;

F. Institutions, non-water-dependent;

G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;

H. Public facilities not authorized ((by))pursuant to Section 23.60.734 and those that are non-water-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;

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

Section 24. Subsection A of Section 23.60.730 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.730 Permitted uses on upland lots in the UM Environment.**

A. Uses Permitted Outright.

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

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

(1) Sale and rental of small boats, boat parts ((or))and accessories,

(2) ((Personal and household retail))General sales and service uses,

(3) Medical services,

(4) Animal ((services)) shelters and kennels,

(5) Automotive ((retail))sales and service,

(6) Eating and drinking establishments,

(7) ((Nonhousehold))Heavy sales and services,

(8) Food processing and craft work,

((F))H. Public facilities, water-dependent or water-related;

((G))I. Shoreline recreation uses; and

((H))J. Aquaculture.

Section 22. Subsections B and C of Section 23.60.724 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, are amended as follows:

**SMC 23.60.724 Conditional uses on waterfront lots in the UM Environment.**

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

* * *

B. Non-water-dependent commercial and manufacturing uses:

1. The following non-water-dependent commercial, storage, and manufacturing uses may be permitted as principal uses on dry land or over water when meeting the criteria of subsection B2 or B3:

a. Sale and rental of small boats, boat parts and accessories,

b. ((Personal and household retail))General sales and services,

c. Eating and drinking establishments,

d. ((Nonhousehold))Heavy sales and services except commercial laundries,

e. Offices,

f. Warehouse,((wholesale showroom,)) mini-warehouse, outdoor storage,

g. Food processing and craft work, and

h. Light, general and heavy manufacturing,

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

a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,

b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and

c. The uses are located on site to accommodate water-dependent or water-related uses on site,

3. The uses listed in subsection B1 are permitted on dry land or over water when:

a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,

b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,

c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and

d. The non-water-dependent uses are located to accommodate the water- dependent or water-related uses on site,

4. The uses permitted in subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met;

C. Multifamily residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

3. The facilities or amenities required by Section 23.60.600 ((G))E are provided;

4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and

5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial((.)); * * *

Section 23. Section 23.60.728 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.728 Prohibited uses on waterfront lots in the UM Environment.**

The following principal uses are prohibited on waterfront lots:

A. Residential uses, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

B. The following commercial uses:

1. Medical services,

2. Animal ((services))shelters and kennels,

3. Pet grooming,

((8))4. Automotive ((retail))sales and service,

((4. Parking, principal use,))

5. Lodging,

6. (( Mortuary services,))

((7.)) Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,

((8.))7. Commercial laundries, and

8. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. The following transportation facility uses:

1. Parking, principal use,

((9))2. Personal transportation services,

((10))3. Passenger terminals, non-water-dependent,

((11))4. Cargo terminals, non-water-dependent,

((12))5. ((Transit vehicle))Bus bases,

((13))6. Helistops,

((14))7. Heliports,

((15))8. Airports, land-based, and

((16))9. Covered wet moorage on Lake Union and Portage Bay((, and));

((17. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;))

((G. Salvage and recycling uses;))

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management((transfer stations)),

3. Recycling,

((8))4. Power plants,

((4))5. Sewage treatment plants, and

((5))6. Freestanding transmission towers for minor communication utilities;

F. Institutions, non-water-dependent;

G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;

H. Public facilities not authorized ((by))pursuant to Section 23.60.734 and those that are non-water-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;

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

Section 24. Subsection A of Section 23.60.730 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.730 Permitted uses on upland lots in the UM Environment.**

A. Uses Permitted Outright.

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

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

(1) Sale and rental of small boats, boat parts ((or))and accessories,

(2) ((Personal and household retail))General sales and service uses,

(3) Medical services,

(4) Animal ((services)) shelters and kennels,

(5) Automotive ((retail))sales and service,

(6) Eating and drinking establishments,

(7) ((Nonhousehold))Heavy sales and services,

(8) Food processing and craft work,

(10) Research and developm laboratories;((Wholesale showroom, m warehouse, warehouse and outdoor s age;))

b. Storage uses;

c. The following transportation facilit

((9))(1) Cargo terminals, non-wa dependent,

((10))(2) Personal transportation vices,

((11))(3) Passenger terminals, n water-dependent,

((12))(4) Transit vehicle base;((;))

((13) Food processing;

(14) Custom and craft work;

(15) Offices except in the Lake Un area, and

(16) Research and development labo tories;))

((b))d. Recycling((centers));

((c))g. Light and general manufactur uses, non-water-dependent;

((d))f. Public facilities; and

((e))g. Minor communication utilit except freestanding transmission towers.

* * *

Section 25. Section 23.60.780 of Seattle Municipal Code, which Sect was last amended by Ordinance 120927 amended as follows:

**SMC 23.60.780 Uses permitted o right on waterfront lots in the Environment**

The following uses shall be permitted c right on waterfront lots in the Urban Gone Environment as either principal or access uses:

A. Existing dwelling units;

B. The following commercial uses:

1. ((Personal and househ retail))General sales and services,

2. Medical services,

3. Animal ((services))shelters and k nels,

4. Marine ((retail))sales and services,

5. Eating and drinking establishment

6. ((Nonhousehold))Heavy sales and s vice uses,

7. Office uses,

8. Entertainment uses,

9. Research and development labora ries,

10. Food processing and craft w uses;((Wholesale showroom,))

C. Storage uses;((mini-warehouse, wa house and outdoor storage,))

D. The following transportation fac ties:

1((9)). Passenger terminals, water-dep dent or water-related,

2((11)). Cargo terminals, water-depend or water-related;((, and))

((12. Research and development labo tories;))

((G))E. Streets;

((D))F. Bridges;

((E))G. Railroads;

((F))H. The following utilities:

1. Utility lines,

2. Utility service uses whose operatio require a shoreline location,

3. Solid waste transfer stations that a water-related, and

4. Minor communication utilities, exce freestanding transmission towers;

((G))I. Manufacturing uses;

((H))J. Institutional uses;

((I))K. Public Facilities;

((J))L. Parks and ((O))open space us and

((K))M. Aquaculture,((, and

L. Food processing and craft wo uses;))

Section 26. Section 23.60.786 of t Seattle Municipal Code, which Secti was last amended by Ordinance 120927, amended as follows:

**SMC 23.60.786 Prohibited princ pal uses on waterfront lots in the U Environment.**

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

A. Residential uses except artist studi dwellings;

B. The following commercial uses:

1. Automotive ((retail))sales and servi uses,

2. Lodging uses, and

3. Mortuary services;((;))

C. The following transportation faci ties:

((4))1. Parking, principal use((s)),

((5))2. Personal transportation service

((6))3. Passenger terminals, non-wate dependent,

((7))4. Cargo terminals, non-water-depe dent,

((8))5. ((Transit vehicle))Bus bases,

((9))6. Helistops,

((10))7. Heliports, and

((11))8. Airports, land-based;

((G. Salvage and recycling uses;))

D. The following utilities:

1. Major communication utility,

2. Solid waste ((transf stations))management, non-water-depe dent,

3. Recycling uses,

4. Power plants,

((4))5. Sewage treatment plants, and

((5))6. Freestanding transmission towe for minor communication utilities;

E. Agricultural uses except aquacultur and

F. Groins and similar structures ((which that block the flow of sand to adjacent beac es, except for drift sills or other structure ((which)) that are part of a natural beach pr tection system.

Section 27. Subsection A of Sectio 23.60.788 of the Seattle Municipal Cod which Section was enacted by Ordinanc 113466, is amended as follows:

**SMC 23.60.788 Permitted uses o upland lots in the UG Environment.**

The following uses are permitted o upland lots in the UG Environment:

A. Uses Permitted Outright.

1. Uses permitted outright on waterfror lots are permitted outright on upland lots.

2. Additional ((commercial))uses permit ted outright:

a. Automotive ((retail))sales and servic es; and

b. Parking, principal use.

* * *

Section 28. Section 23.60.840 of th Seattle Municipal Code, which Sectio was last amended by Ordinance 120927, i amended as follows:

**SMC 23.60.840 Uses permitted out right on waterfront lots in the U Environment.**

The following uses shall be permitte outright on waterfront lots in the Urba Industrial Environment as either principa or accessory uses:

A. Existing dwelling units;

B. The following commercial uses:

1. Marine ((retail))sales and service except ((marinas and))sale and rental o small boats, boat parts ((or))and accesso ries,

((2. Tugboat services,))

((8))2. Research and development labo ratories,

((4))3. Wholesale showrooms, and

4. Food processing and craft work, water dependent or water-related;

C. The following storage uses:

1. ((w))Warehouses, and

2. ((o))Outdoor storage uses;((;))

D. The following transportation facili ties:

1. Tugboat services,

2. Commercial moorage,

3. Dry boat storage,

((5))4. Passenger terminals, water-dependent or water-related, and

c. The use is located on dry land, provided the use may be located over water if the lot has a depth of less than fifty (50) feet and a dry land location is not feasible;

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

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale and rental of small boats, boat parts ((or))and accessories,

b. ((Personal and household retail))General sales and services,

c. Major durables retail sales, and

((c))d. Eating and drinking establishments,((;))

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

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

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

d. A Certificate of Approval has been obtained from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half ( 1/2) mile of the proposed site;

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

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

a. Sale and rental of small boats, boat parts ((or))and accessories,

b. ((Personal and household retail))General sales and services,

c. Major durables retail sales, and

((c))d. Eating and drinking establishments,((;))

2. a. The use is associated with a public park,

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

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

Section 7. Section 23.60.430 of the Seattle Municipal Code, which Section was last amended by Ordinance 118663, is amended as follows:

**SMC 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))2. Sale and rental of small boats, boat parts ((or))and accessories except when permitted as a conditional use,

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

((6))4. Medical services,

((7))5. ((Animal services))Animal shelters and kennels,

((8))6. Automotive ((retail))sales and services,

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

((10))8. Lodging,

((11. Mortuary services,

12))9. ((Nonhousehold))Heavy sales and services except major durables retail sales when permitted as a conditional use,

((13. Parking, principal use,

14))10. Offices,

((15))11. Entertainment uses,

((16. Wholesale showrooms,

17. Mini-warehouses,

18. Warehouses,

19. Outdoor storage,

20. Personal transportation services,

21. Passenger terminals, non-water-dependent,

22. Cargo terminals,

23. Transit vehicle bases,

24. Helistops and heliports,

25. Airports, land-based,

26))12. Research and development laboratories, and

((27))13. Food processing and craft work uses;

C. ((Salvage and recycling uses,))The following transportation facilities uses:

1. Commercial moorage,

2. Tugboat services,

3. Principal use parking,

4. Vehicle storage and maintenance,

5. Non-water-dependent passenger terminals,

6. Cargo terminals,

7. Helistops and heliports, and

8. Land-based airports;

D. Railroads;

E. The following utilities:

1. Communication utilities,

2. Solid waste management((transfer stations)),

3. Power plants, ((and))

4. New sewage treatment plants, and

5. Recycling;

F. Storage uses;

((F))G. Manufacturing uses;

((G))H. High-impact uses;

((H))I. Institutional uses except those specifically permitted under Sections 23.60.420 and 23.60.422;

((I))J. Public facilities not authorized ((by)) pursuant to Section 23.60.436 and those that are non-water-dependent;

((J))K. Parks and ((O))open space uses except shoreline recreation;

((K))L. Agricultural uses except aquaculture; and

((L))M. The following shoreline protective structures:

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

2. Bulkheads on Class I beaches.

Section 8. Section 23.60.484 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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, and

2. ((Commercial moorage,

3. Tugboat services,

4)) Rental of boats((, and

5. Airport, water-based));

D. The following transportation facility uses:

1. Commercial moorage,

2. Tugboat services, and

3. Airport, water-based;

((D))E. Museum, water-dependent;

((E))F. Public facilities, water-dependent or water-related;

((F))G. Shoreline protective structures;

((G))H. Utility lines, excluding communication utilities;

((H))I. Dredging necessary to maintain or improve navigation channels, to install utility lines or for a water-dependent or water-related use; and

((I))J. Landfill ((which)) that does not create dry land.

Section 9. Section 23.60.486 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.486 Conditional uses in the CW Environment.**

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

A. Commercial uses:

1. Vessel repair, major, of historic ships;

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

1. The following uses may be permitted on an historic ship when meeting the criteria in subsection B2:

a. Sale and rental of small boats, boat parts and accessories,

b. ((Personal and household retail))General sales and services,

c. Major durables retail sales, and

((c))d. 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 ( 1/2) mile of the proposed site.

Section 10. Section 23.60.488 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.488 Prohibited uses in the CW Environment.**

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 and rental of small boats, boat parts and accessories,

((4. Dry boat storage,

5. Recreational marina,

6))4. All non-water-dependent commercial uses except those permitted on historic ships, and

((7))5. Vessel repair, major, except of historic ships;

B. The following transportation facility uses:

1. Dry boat storage, and

2. Recreational marina;

((B))C. Residential uses;

((C))D. 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)) that creates dry land.

Section 11. Section 23.60.544 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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. Transportation facility uses;

C. Storage uses;

((B))D. The following utilities:

1. Major and minor communication utilities,

2. Solid waste management((transfer stations)),

3. Power plants, ((and))

4. Sewage treatment plants, and

5. Recycling;

((C. Salvage and recycling uses;

D))E. Manufacturing uses;

((E))F. High-impact uses;

((F))G. The following institutional uses:

1. Institutions, non-water-dependent,

2. Private yacht, boat and beach clubs;

((G))H. Public facilities not authorized ((by)) pursuant to Section 23.60.550;

((H))I. Agricultural uses;

((I))J. Parks and ((O))open space uses except shoreline recreation;

((J))K. The following shoreline protective structures:

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

2. Bulkheads on Class I beaches.

Section 12. Section 23.60.600 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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 over-water single-family residences provided there is no additional water coverage, and

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

a. Located in Lake Union or Portage Bay,

b. Occupied solely by no more than two (2) existing floating homes as defined in subsection A4 of Section 23.60.196, under any of the following conditions:

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

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

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

d. The moorage is added to a recreational marina, commercial moorage, or floating home moorage existing as of((the effective date of the ordinance codified in this chapter))December 31, 1987;

B. The following commercial uses:

1. Marine ((retail))sales and services,

2. Food processing, water-related, and

3. Wholesale showroom,((mini-warehouse, warehouse and open storage,))water-related((; and));

C. Storage uses, water-related;

((4))D. Passenger terminals, water-dependent;

((C))E. 1. The following non-water-dependent commercial uses on dry land when the requirements of subsection ((G))E2 are met:

a. ((Personal and household retail))General sales and services,

b. Major durables retail sales,

((b))c. Eating and drinking establishments,

((c))d. Offices outside the Lake Union area,

((d))e. 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))f. Entertainment uses, and

((f))g. Custom and craft work,

2. The uses listed in subsection ((G))E1 shall be permitted when a water- dependent use occupies forty (40) percent of the dry-land portion of the lot or the development provides one (1) or more of the following facilities or amenities in addition to regulated public access:

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

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

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

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

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

f. A major public open space, occupying at least one-third ( 1/3) of the dry-land lot area, ((which)) that 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 that((which)) provide an opportunity for substantial numbers of people to enjoy the shoreline, when approved by the Director;

((D))F. Streets, railroads and bridges;

((E))G. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

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

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

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

1. The dry-land portion of the lot is less than fifty (50) feet in depth,

2. Location of such facilities on the dry-land portion of the lot is not feasible, and

3. The facilities or amenities required by Section 23.60.600 C are provided;

((I))K. Public facilities, water-dependent or water-related;

((J))L. Open space uses; and

((K))M. Aquaculture.

Section 13. Subsections B and C of Section 23.60.604 of the Seattle Municipal Code, which Section was last amended by Ordinance 119871, are amended as follows:

**SMC 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 173-27-160 are satisfied:

* * *

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

1. Eating and drinking establishments meeting the criteria of subsection ((G))E2 of Section 23.60.600,

2. Marine ((retail))sales and services,

3. General ((Personal and household retail))sales and service uses,

4. Entertainment uses, and

5. Custom and craft work;

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

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

a. Sale and rental of small boats, boat parts ((or))and accessories,

b. ((Personal and household retail))General sales and services,

c. Major durables retail sales, and

((c))d. 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 ( 1/2) mile of the proposed site.

Section 14. Section 23.60.606 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.606 Prohibited uses on waterfront lots in the US Environment.**

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

A. New residences over water and residential uses at or below the ground floor, except as permitted as conditional uses ((by))pursuant to Section 23.60.604;

B. The following commercial uses:

1. Medical services,

2. Animal shelters and kennels((services)),

3. Pet grooming,

((3))4. Automotive ((retail))sales and services,

((4))5. Lodging,

((5. Mortuary services,))

6.((Parking, principal use,))Food processing, non-water-dependent,

7. ((Nonhousehold))Heavy sales and services except water-dependent wholesale showrooms,

8. Ground-level offices in the Lake Union area,

9. ((Non-water-dependent wholesale showroom, mini-warehouse, warehouse and outdoor storage uses,)) Research and development laboratories, and

10. Off-premises signs((;)).

C. The following transportation facility uses:

1. Parking, principal use,

((11))2. Personal transportation services,

((12))3. Passenger terminals, non-water-dependent,

((13))4. Cargo terminals,

((14))5. Transit vehicle bases,

((15))6. Helistops and heliports, and

((16))7. Airports, land-based((;)).

((17. Food processing, non-water-dependent, and

18. Research and development laboratory;

C. Salvage and recycling uses;))

D. The following manufacturing uses:

1. Light and general manufacturing, non-water-dependent, and

2. Heavy manufacturing uses;

E. High-impact uses;

F. The following utilities:

1. Major communication utilities,

2. Solid waste management((transfer stations)),

3. Power plants,

4. Recycling uses,

5. Sewage treatment plants, and

((5))6. Freestanding transmission towers for minor communication utilities;

G. Storage uses;

((G))H. Public facilities not authorized ((by)) pursuant to Section 23.60.612 and those that are non-water-dependent;

((H))I. Institutional uses, non-water-dependent;

((I))J. Agricultural uses except aquaculture; and

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

Section 15. Subsection A of Section 23.60.608 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.608 Permitted uses on upland lots in the US Environment.**

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the US Environment are permitted outright on upland lots and are not subject to the requirements of Section 23.60.600 ((G)) E to provide special public benefits.

2. Additional uses permitted outright on upland lots:

a. The following residential uses:

(1) Single-family and multifamily residences, and

(2) Congregate residences and nursing homes;

b. The following commercial uses:

(1) Medical services,

(2) Animal((services))shelters and kennels,

(3) Pet grooming,

(((3)))(4) Automotive ((retail))sales and service,

(((4) Parking, principal use,))

(5) Lodging,

(((6) Mortuary services,))

(((7)))(6) ((Nonhousehold))Heavy sales and service,

(((8) Wholesale showroom, mini-warehouse, warehouse and outdoor storage uses, non-water-dependent,))

(((9)))(7) Research and development laboratories, and

(((10)))(8) Ground-level offices in the Lake Union area;

c. Parking, principal use;

d. Storage uses;

((c. Recycling collection stations;))

((d))e. Light and general manufacturing uses;

((e))f. Institutional uses; and

((f))g. Public facilities.

* * *

Section 16. Subsection E of Section 23.60.636 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.636 View corridors in the US Environment.**

* * *

E. A view corridor or corridors of not less than sixty-five (65) percent of the width of the lot shall be provided on the waterfront lots fronting on Seaview Avenue Northwest between the north boundary of 38th Avenue Northwest and the south boundary of vacated Northwest 80th Street. The following may be located in the required view corridors:

1. Open wet moorage;

2. Dry ((storage of))boat((s)) storage; and

3. Parking for both water-dependent and non-water-dependent uses.

Section 17. Section 23.60.660 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.660 Uses permitted outright on waterfront lots in the UH Environment.**

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

A. The following commercial uses:

1. ((Personal and household retail))General sales and services,

2. Marine ((retail))sales and services,

3. Eating and drinking establishments,

4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,

((5. Parking over water when accessory to a water-dependent or water- related use,

6. Parking on dry land when accessory to a permitted use,

7))5. Offices when located above wharf level,

((8))6. Entertainment uses,

((9. Passenger terminals, water-dependent,

10. Breakbulk cargo terminals,

11))7. Research and development laboratories, water-dependent, and

((12))8. Food processing and craft work uses;

B. The following transportation facilities:

1. Parking over water when accessory to a water-dependent or water- related use,

2. Parking on dry land when accessory to a permitted use,

3. Passenger terminals, water-dependent, and

4. Breakbulk cargo terminals;

((B))C. Light manufacturing uses, water-dependent or water-related;

((C))D. Streets, railroads and bridges;

((D))E. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,

2. Maritime museums,

3. Colleges that have water-dependent or water-related facilities,

4. Community centers,

5. Vocational schools, water-dependent or water-related,

6. Community yacht, boat, and beach clubs, and

7. Child care centers when located above wharf level;

((E))F. The following public facilities:

1. Public facilities, water-dependent or water-related, and

2. Public facilities that are part of an approved public improvement plan for the Harbor front adopted by the Council;

((F))G. Shoreline Recreation;

((G))H. Aquaculture; and

((H))I. Minor communication utilities, except freestanding transmission towers.

Section 18. Section 23.60.664 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.664 Administrative conditional uses permitted on waterfront lots in the UH Environment.**

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

A. The following commercial uses:

((1. Outdoor storage, water-related or water-dependent,

2. Warehouses, water-related or water-dependent,

3))1. Wholesale showrooms, and

((4))2. Research and development laboratories, non-water-dependent;

B. The following storage uses:

1. Outdoor storage, water-related or water-dependent, and

2. Warehouses, water-related or water-dependent;

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

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

a. Sale and rental of small boats, boat parts and((or)) accessories,

b. ((Personal and household retail))General sales and services,

c. Major durables retail sales, and

((c))d. Eating and drinking establishments,

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

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

c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to sustain the ship in a reasonably good physical condition,

d. The use shall obtain a certificate of approval from the Landmarks Preservation Board, and

e. No other historic ship containing restaurant or retail uses is located within one-half (1/2) mile of the proposed site, unless the proposed site is within the Historic Character Area;

((G))D. Light manufacturing uses, non-water-dependent, that ((which)):

1. Are part of a mixed-use development when the light manufacturing uses occupy no more than twenty-five (25) percent of the developed portion of the lot,

2. Contribute to the maritime or tourist character of the area, and

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

((D))E. The following non-water-dependent institutions:

1. Institutes for advanced study,

2. Museums,

3. Colleges, and

4. Vocational schools.

Section 19. Section 23.60.668 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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 shelters and kennels ((services)),

3. Pet grooming,

((3))4. Automotive ((retail))sales and service,

((4))5. Lodging, except existing hotels,

((5. Mortuary services,))

6. Offices at wharf/street level,

7. Adult motion picture theaters and panorams, and

((8. Parking, principal use,))

8.((9. Nonhousehold))Heavy sales and services except wholesale showrooms and major durables retail sales;((,

10. Mini-warehouses,))

C. The following transportation facilities:

1. Parking, principal use,

((11))2. Personal transportation services,

((12))3. Cargo terminals, except breakbulk,

((13))4.(( Transit vehicle))Bus bases,

((14))5. Heliports,

((15))6. Airports, land-based, and

((16))7. Airports, water-based;

D. Mini-warehouses,

((C. Salvage and recycling uses;

D))E. The following utilities:

1. Solid waste management((transfer stations)),

2. Power plants,

3. Sewage treatment plants,

4. Recycling,

5. Major communication utilities, and

((5))6. Freestanding transmission towers for minor communication utilities;

((E))F. General and heavy manufacturing;

((F))G. The following institutional uses:

1. Schools, elementary or secondary,

2. Hospitals,

3. Religious facilities, and

4. Private yacht, boat and beach clubs;

((G))H. Public facilities or projects that are non-water-dependent except those that are part of a public improvement plan for the harborfront adopted by the Council;

((H))I. High-impact uses;

((I))J. Agriculture uses except aquaculture;

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

((K))L. Landfill ((which)) that creates dry land.

Section 20. Subsection A of Section 23.60.670 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 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))Heavy sales and services,

(2) ((Warehouses,

(3))) Medical services,

(((4)))(3) Lodging,

((<s?->(5)))(4) Offices at street level,

c. The following transportation facilities,

(((6)))(1) Parking garages, principal use,

(((7)))(2) Surface parking areas, principal use,

(((8)))(3) Personal transportation services,

d. Warehouses,

((c))e. Institutions, and

((d))f. Public facilities.

* * *

Section 21. Section 23.60.720 of the Seattle Municipal Code, which Section was enacted by Ordinance 120927, is amended as follows:

**SMC 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 and rental of small boats, boat parts ((or))and accessories,

2. ((Tugboat services,

3.))Wholesale showrooms, ((warehouse and outdoor storage uses,))water- dependent or water-related, and

((4. Passenger terminals, water-dependent,

5. Cargo terminals, water-dependent or water-related,

6))3. Food processing, water-dependent or water-related;

B. The following transportation facilities:

1. Tugboat services,

2. Passenger terminals, water-dependent, and

3. Cargo terminals, water-dependent or water-related;

C. The following storage uses:

1. Warehouses, water-dependent or water-related, and

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

((B))D. Streets, railroads and bridges;

((C))E. The following utilities:

1. Utility lines,

2. Utility ((public))service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

((D))F. 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))G. Light and general manufacturing uses, water-dependent or water- related;

((F))H. Public facilities, water-dependent or water-related;

((G))I. Shoreline recreation uses; and

((H))J. Aquaculture.

Section 22. Subsections B and C of Section 23.60.724 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, are amended as follows:

**SMC 23.60.724 Conditional uses on waterfront lots in the UM Environment.**

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

* * *

B. Non-water-dependent commercial and manufacturing uses:

1. The following non-water-dependent commercial, storage, and manufacturing uses may be permitted as principal uses on dry land or over water when meeting the criteria of subsection B2 or B3:

a. Sale and rental of small boats, boat parts and accessories,

b. ((Personal and household retail))General sales and services,

c. Eating and drinking establishments,

d. ((Nonhousehold))Heavy sales and services except commercial laundries,

e. Offices,

f. Warehouse,((wholesale showroom,)) mini-warehouse, outdoor storage,

g. Food processing and craft work, and

h. Light, general and heavy manufacturing,

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

a. The non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land area of the lot except that when the lot provides more than nine thousand (9,000) lineal feet of moorage for commercial vessels, the non-water-dependent commercial uses may occupy up to twenty (20) percent of the dry-land area of the lot,

b. The total of all non-water-dependent commercial and manufacturing uses occupy no more than twenty (20) percent of the dry land area of the lot, and

c. The uses are located on site to accommodate water-dependent or water-related uses on site,

3. The uses listed in subsection B1 are permitted on dry land or over water when:

a. The lot has less than fifty (50) feet of dry land and, if located over water, a dry-land location of the uses is not feasible,

b. The non-water-dependent commercial uses occupy no more than five (5) percent of the total lot area including submerged lands,

c. The total of all non-water-dependent commercial and manufacturing uses occupy no more than ten (10) percent of the total lot area including submerged land, and

d. The non-water-dependent uses are located to accommodate the water- dependent or water-related uses on site,

4. The uses permitted in subsection B1 may be relocated on a lot provided the requirements of subsection B2 or B3 are met;

C. Multifamily residential and research and development laboratory uses when:

1. The lot abuts a lot designated Urban Residential;

2. All Urban Stable Development Standards are met;

3. The facilities or amenities required by Section 23.60.600 ((G))E are provided;

4. Residential uses are limited to locations on dry land and above the ground floor of a structure; and

5. Not located within one hundred (100) feet of an abutting lot designated Urban Industrial((.)).

* * *

Section 23. Section 23.60.728 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.728 Prohibited uses on waterfront lots in the UM Environment.**

The following principal uses are prohibited on waterfront lots:

A. Residential uses, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

B. The following commercial uses:

1. Medical services,

2. Animal ((services))shelters and kennels,

3. Pet grooming,

((3))4. Automotive ((retail))sales and service,

((4. Parking, principal use,))

5. Lodging,

6. (( Mortuary services,))

((7.)) Entertainment uses, except where permitted as a conditional use pursuant to Section 23.60.724 D,

((8.))7. Commercial laundries, and

8. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724;

C. The following transportation facility uses:

1. Parking, principal use,

((9))2. Personal transportation services,

((10))3. Passenger terminals, non-water-dependent,

((11))4. Cargo terminals, non-water-dependent,

((12))5. ((Transit vehicle))Bus bases,

((13))6. Helistops,

((14))7. Heliports,

((15))8. Airports, land-based, and

((16))9. Covered wet moorage on Lake Union and Portage Bay((, and));

((17. Research and development laboratories, except where permitted as a conditional use pursuant to subsection C of Section 23.60.724,))

((C. Salvage and recycling uses;))

D. High-impact uses;

E. The following utilities:

1. Major communication utilities,

2. Solid waste management((transfer stations)),

3. Recycling,

((3))4. Power plants,

((4))5. Sewage treatment plants, and

((5))6. Freestanding transmission towers for minor communication utilities;

F. Institutions, non-water-dependent;

G. The following water-dependent institutions: Yacht, boat and beach clubs that have eating and drinking establishments;

H. Public facilities not authorized ((by))pursuant to Section 23.60.734 and those that are non-water-dependent;

I. Agricultural uses except aquaculture;

J. Open space uses except shoreline recreation;

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

Section 24. Subsection A of Section 23.60.730 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 23.60.730 Permitted uses on upland lots in the UM Environment.**

A. Uses Permitted Outright.

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

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

(1) Sale and rental of small boats, boat parts ((or))and accessories,

(2) ((Personal and household retail))General sales and service uses,

(3) Medical services,

(4) Animal ((services)) shelters and kennels,

(5) Automotive ((retail))sales and service,

(6) Eating and drinking establishments,

(7) ((Nonhousehold))Heavy sales and services,

(8) Food processing and craft work,

(9) Offices except in the Lake Union area, and

(10) Research and development laboratories;((Wholesale showroom, mini-warehouse, warehouse and outdoor storage,))

b. Storage uses;

c. The following transportation facilities:

(((9)))(1) Cargo terminals, non-water-dependent,

(((10)))(2) Personal transportation services,

(((11)))(3) Passenger terminals, non-water-dependent,

(((12)))(4) Transit vehicle base;((,))

((13) Food processing,

(14) Cutom and craft work,

(15) Offices except in the Lake Union area, and

(16) Research and development laboratories;))

((b))d. Recycling((centers));

((c))e. Light and general manufacturing uses, non-water-dependent;

((d))f. Public facilities; and

((e))g. Minor communication utilities, except freestanding transmission towers.

* * *

Section 25. Section 23.60.780 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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))General sales and services,

2. Medical services,

3. Animal ((services))shelters and kennels,

4. Marine ((retail))sales and services,

5. Eating and drinking establishments,

6. ((Nonhousehold))Heavy sales and service uses,

7. Office uses,

8. Entertainment uses,

9. Research and development laboratories,

10. Food processing and craft work uses;((Wholesale showroom,))

C. Storage uses;((mini-warehouse, warehouse and outdoor storage,))

D. The following transportation facilities:

1((0)). Passenger terminals, water-dependent or water-related,

2((11)). Cargo terminals, water-dependent or water-related;((, and))

((12. Research and development laboratories,))

((G))E. Streets;

((D))F. Bridges;

((E))G. Railroads;

((F))H. The following utilities:

1. Utility lines,

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

3. Solid waste transfer stations that are water-related, and

4. Minor communication utilities, except freestanding transmission towers;

((G))I. Manufacturing uses;

((H))J. Institutional uses;

((I))K. Public Facilities;

((J))L. Parks and ((O))open space uses; and

((K))M. Aquaculture,((, and

L. Food processing and craft work uses,))

Section 26. Section 23.60.786 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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, and

3. Mortuary services;((,))

C. The following transportation facilities:

((4))1. Parking, principal use((s)),

((5))2. Personal transportation services,

((6))3. Passenger terminals, non-water-dependent,

((7))4. Cargo terminals, non-water-dependent,

((8))5. ((Transit vehicle))Bus bases,

((9))6. Helistops,

((10))7. Heliports, and

((11))8. Airports, land-based;

((C. Salvage and recycling uses;))

D. The following utilities:

1. Major communication utility,

2. Solid waste ((transfer stations))management, non-water-dependent,

3. Recycling uses,

4. Power plants,

((4))5. Sewage treatment plants, and

((5))6. Freestanding transmission towers for minor communication utilities;

E. Agricultural uses except aquaculture; and

F. Groins and similar structures ((which)) that block the flow of sand to adjacent beaches, except for drift sills or other structures ((which)) that are part of a natural beach protection system.

Section 27. Subsection A of Section 23.60.788 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 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.

* * *

Section 28. Section 23.60.840 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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 and rental of small boats, boat parts ((or))and accessories,

((2. Tugboat services,))

((3))2. Research and development laboratories,

((4))3. Wholesale showrooms, and

4. Food processing and craft work, water-dependent or water-related;

C. The following storage uses:

1. ((w))Warehouses, and

2. ((o))Outdoor storage uses;((,))

D. The following transportation facilities:

1. Tugboat services,

2. Commercial moorage,

3. Dry boat storage,

((5))4. Passenger terminals, water-dependent or water-related, and

((6))5. 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))E. Streets, railroads and bridges;

((E))F. The following utilities;

1. Utility lines,

2. Solid waste management uses((~~transfer stations~~)), water-dependent or water-related,

3. Recycling uses, water-dependent or water-related,

4. Utility service uses whose operations require a shoreline location, and

((4))5. Minor communication utilities, except freestanding transmission towers;

((F))G. Manufacturing uses;

((G))H. 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))I. High-impact uses, water-dependent or water-related;

((I))J. Public facilities, water-dependent or water-related;

((J))K. Shoreline recreation uses; and

((K))L. Aquaculture.

Section 29. Subsection B of Section 23.60.844 of the Seattle Municipal Code, which Section was last amended by Ordinance 119971, is amended as follows:

**SMC 23.60.844 Conditional uses on waterfront lots in the UI Environment.**

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

* * *

B. Non-water-dependent Commercial Uses.

1. The following non-water-dependent commercial uses when meeting the criteria of subsection B2:

a. Sale and rental of small boats, boat parts ((~~or~~))and accessories;

b. ((~~Personal and household retail~~))General sales and services;

c. Eating and drinking establishments in the Ballard Interbay Northend Manufacturing/Industrial Center;

d. ((~~Nonhousehold~~))Heavy sales and services except commercial laundries and wholesale showrooms;

e. Offices;

f. Mini-warehouse in the Ballard Interbay Northend Manufacturing/Industrial Center; and

g. Food processing and craft work.

2. The uses listed in subsection B1 are permitted when:

a. The total of non-water-dependent commercial uses occupy no more than ten (10) percent of the dry-land portion of the lot; and

b. The non-water-dependent commercial uses are located to accommodate any water-dependent or water-related uses on the lot.

3. The uses identified in subsection B1 may be relocated on a lot provided the requirements of subsection B2 are met.

Section 30. Section 23.60.848 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, is amended as follows:

**SMC 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~~)) shelters and kennels,

3. Pet grooming,

((3))4. Automotive ((~~retail~~))sales and service,

((~~4. Parking, principal use,~~))

5. Lodging,

((~~6. Mortuary services,~~))

((7))6. Heavy commercial services,

((8))7. Entertainment uses, and

8. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;

C. The following transportation facility uses:

1. Parking, principal use,

((9))2. Personal transportation services,

((10))3. Passenger terminal, non-water-dependent,

((11))4. Cargo terminal, non-water-dependent,

((12))5. Transit vehicle bases,

((13))6. Helistops, and

((14))7. Heliports((;));

D. ((15.))Mini-warehouses in the Duwamish Manufacturing/Industrial Center;((; and

~~16. Eating and drinking establishments in the Duwamish Manufacturing/Industrial Center;~~

~~C. Salvage and recycling uses, non-water-dependent;~~))

E((D)). The following utilities:

1. Major communication utilities,

2. Solid waste management((~~transfer stations~~)), non-water-dependent,

3. Recycling uses, non-water-dependent,

((3))4. Power plants,

((4))5. Sewage treatment plants, located outside of the Duwamish area, and

((5))6. Freestanding transmission towers for minor communication utilities;

((E))F. High-impact uses, non-water-dependent;

((F))G. All institutional uses except shoreline recreation facilities of colleges and universities and boat and yacht clubs without eating and drinking facilities;

((G))H. Public facilities not authorized ((~~by~~))pursuant to Section 23.60.854 and those that are ((~~non-~~))neither water-dependent nor ((~~non-~~))water-related;

((H))I. Agricultural uses except aquaculture;

((I))J. All open space uses except shoreline recreation; and

((J))K. Groins and similar structures ((~~which~~))that block the flow of sand to

adjacent beaches, except for drift sills or other structures ((~~which~~)) that are part of a natural beach protection system.

Section 31. Subsection A of Section 23.60.850 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.850 Permitted uses on upland lots in the UI Environment.**

A. Uses Permitted Outright.

1. Principal and accessory uses permitted outright on waterfront lots in the UI Environment are permitted outright on upland lots.

2. Additional uses permitted outright:

a. All commercial uses;

b. ((~~Salvage and recycling~~))Solid waste management uses that are non-water-dependent, except for solid waste transfer stations;

c. Recycling uses, non-water-dependent;

((c))d. Parks and ((O))open space uses;

((d))e. The following institutions:

(1) Vocational and fine arts schools,

(2) Uses connected to a major institution and permitted by an approved master plan;

((e))f. All agricultural uses.

* * *

Section 32. Section 23.60.900 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.900 Definitions generally.**

For the purpose of this chapter, certain terms and words are defined. The definitions established in this Subchapter XVI are in addition to definitions contained in Chapters 24.08 and 23.84A, 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 23.84A, the definition in this chapter shall apply in the Shoreline District.

Section 33. The following subsection of Section 23.60.902 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

**SMC 23.60.902 "A."**

* * *

"Agriculture use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

Animal husbandry;

Aquaculture;

Horticulture((~~al use~~)).

* * *

Section 34. The following subsections of Section 23.60.906 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, are amended as follows:

**SMC 23.60.906 "C."**

* * *

"Commercial use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- ((~~Retail~~))General retail sales and services;

((~~-- Principal use parking;~~))

-- ((~~Nonhousehold~~))Heavy sales and services;

-- Eating and drinking establishments;

-- Lodging;

-- Offices;

-- Entertainment;

-- Automotive sales and services;

-- Marine sales and services;

-- Animal shelters and kennels;

((~~-- Wholesale showroom;~~

~~-- Warehouse;~~

~~-- Mini-warehouse;~~

~~-- Outdoor storage;~~

~~-- Transportation facilities;~~))

-- Food processing and craft work;

-- Medical services;

-- Research and development laboratories.

"Commercial moorage" means a ((~~marine retail sales and service~~)) parking and moorage 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.

Communication Devices and Utilities (and Related Terms). See Section 23.84A.006 "C."

* * *

Section 35. The following subsection of Section 23.60.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 121276, is amended as follows:

**SMC 23.60.908 "D."**

* * *

"Dry boat storage((~~of boats~~))" means a parking and moorage ((~~marine retail sales and service~~))use, in which space on a lot on dry land or inside a building over((-)) water or on dry land, is rented or sold to the public or to members of a yacht, boat or beach club for the purpose of storing boats. Sometimes referred to as dry moorage.

Section 36. Section 23.60.918 of the Seattle Municipal Code, which Section was enacted by ordinance 113466, is amended as follows:

**SMC 23.60.918 "I."**

* * *

"Institutions" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Institute for advanced study;

-- Private club;

-- ((~~Day~~))Child care center;

-- Museum;

-- School, elementary or secondary;

-- College;

-- Community club and center;

-- Community club;

-- Vocational or fine arts school;

-- Hospital;

-- Religious facility</u<s>>((;

-- University.))

Section 37. The following subsections of Section 23.60.926 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, are amended as follows:

**SMC 23.60.926 "M."**

"Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions:

-- Light manufacturing;

-- General manufacturing;

-- Heavy manufacturing.

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

"Marine ((~~retail~~))sales and service" means a ((~~retail sales and service~~))commercial use ((~~which~~))that includes one (1) or more of the following uses:

-- Sale or rental of large boats;

-- Marine service station;

-- Major or minor vessel repair;

-- Sale and rental of small boats, ((~~of~~)) boat parts ((~~or~~))and accessories</u<s>>((;

-- Recreational marina;

-- Commercial moorage;

-- Dry storage of boats;

-- Tugboat services.))

"Marine service station" means a marine ((~~retail~~))sales and service use in which fuel for boats is sold, and where accessory uses including but not limited to towing or minor vessel repair may also be provided.

* * *

<p<u>>"Mortuary service" means a medical service use which provides services including but not limited to the preparation of the dead for burial or cremation, viewing of the body and funerals.

Section 38. The following subsection of Section 23.60.934 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended, and a subsection thereof is repealed, as follows:

**SMC 23.60.934 "R."**

* * *

"Residential use" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Artist's studio/dwelling;

-- ((~~Boarding house~~))Assisted living facility;

-- Caretaker's quarters;

-- Floating home;

-- Mobile home park;

-- Multifamily structure;

-- Single-family dwelling unit;

-- Congregate residence.

* * *

((~~"Retail sales and service use" means the following uses, as defined in Chapter 23.84, Definitions:~~

~~-- Personal and household retail sales and service;~~

~~-- Medical services;~~

~~-- Animal services;~~

~~-- Automobile retail sales and service;~~

~~-- Marine retail sales and service;~~

~~-- Eating and drinking establishments;~~

~~-- Lodging;~~

~~-- Mortuary services.~~))

Section 39. The following subsections of Section 23.60.936 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, are amended, and a subsection thereof is repealed, as follows:

**SMC 23.60.936 "S."**

"Sale and/or rental of large boats" means a marine ((~~retail~~))sales and service use in which boats sixteen (16) feet or more in length are rented or sold. ((~~The sale or rental of smaller boats shall be defined as a major durables sales and service use.~~))

"Sale and rental of small boats, boat parts ((~~or~~))and accessories" means a marine ((~~retail~~))sales and service use in which goods are rented or sold primarily for use on boats and ships but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul-weather gear, marine engines, and boats less than sixteen (16) feet in length.

((~~"Salvage and recycling" means the following uses, as defined in Chapter 23.84, Definitions:~~

~~-- Recycling collection station;~~

~~-- Recycling center;~~

~~-- Salvage yard.~~))

* * *

Section 40. Section 23.60.938 of the Seattle Municipal Code, which Section was enacted by Ordinance 113466, is amended as follows:

**SMC 23.60.938 "T."**

"Transportation facilities" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Rail transit facilities;

-- Vehicle storage and maintenance;

-- Air transportation facilities;

((~~-- Airport, land-based;~~))

-- Cargo terminal;

((~~-- Heliport;~~

~~-- Helistop;~~))

-- Passenger terminal;

-- Parking and moorage; and

-- Tugboat services.

((~~-- Personal transportation services;~~

~~-- Transit vehicle base.~~))

"Tugboat services" means a ((~~retail sales and service~~))transportation facility use ((~~which~~)) that consists of moorage for more than one (1) tugboat and dispatch offices, except ((~~- Uses which~~))that facilities that include barge moorage and loading and unloading facilities for barges as well as tugboat moorages ((~~shall be~~))are not tugboat services and are classified as cargo terminals.

Section 41. The following subsection of Section 23.60.940 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.940 "U."**

* * *

"Utilities" means the following uses ((~~as defined in Chapter 23.84, Definitions~~)):

-- Communication utility;

-- Utilities((y)) service uses;

-- Solid waste management((~~transfer station~~));

-- Recycling;

-- Sewage treatment plant;

-- Power plant; and

((~~-- Solid waste processing facility;~~

~~-- Solid waste incineration facility~~))

-- Utility lines.

* * *

Section 42. Chapter 23.84 of the Seattle Municipal Code is repealed.

Section 43. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 44. This ordinance shall take effect and be in force on whichever is the later of: (a) the effective date of approval of the amendments in this ordinance by the Washington State Department of Ecology; or (b) (i) thirty (30) days from and after approval by the Mayor or, (ii) if not approved and returned by the Mayor within (10) days after presentation, then as provided by Municipal Code Section 1.04.020; or (c) the effective date of new Seattle Municipal Code chapters 23.84A and 23.47A, providing definitions for the Land Use Code and regulating uses and developments in the City's commercial zones, whether through passage of C.B. 115746, as introduced or as it may be amended, or through another ordinance.

Passed by the City Council the 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 21st day of December, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December, 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205808)

# City of Seattle

## ORDINANCE 122319

AN ORDINANCE authorizing amendment of the Property Use and Development Agreement executed and recorded pursuant to Ordinance 113093, regarding property located on Myers Way South.

WHEREAS, in 1986, the City Council passed Ordinance No. 113093, revised by Ordinance No. 113271, approving an annexation and rezone to C 2/65, for portions of Section 32, Township 24 North, Range 4 East, W.M., and of Sections 5 and 6, Township 23 North, Range 4 East, W.M., in King County; on Myers Way South in Seattle, King County, Washington (herein "the Property"), subject to the execution and recordation of a Property Use and Development Agreement (PUDA); and

WHEREAS, as part of the annexation and rezone approved by Ordinance No. 113093, the City also accepted a Property Use and Development Agreement (herein "PUDA") executed by the then owners of the Property and recorded in the King County Recorder's Office, Recording No. 8609231392, imposing certain conditions that related solely to the plans proposed for a business park that was never built; and

WHEREAS, the City of Seattle purchased the Property in 2003 for the location of a Joint Training Facility (JTF) for the Fire Department, Seattle Public Utilities, and the Department of Transportation; and

WHEREAS, approximately 31 acres of the Property are excess to the City's needs for the development of the JTF, and the Fleets and Facilities Department intends to sell the excess portion of the Property; and

WHEREAS, the conditions imposed in the PUDA executed by the then owners of the Property are not applicable to other proposed development, and the City desires to modify the PUDA to delete the inapplicable PUDA conditions; NOW, THEREFORE,

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

Section 1. The Director of Fleets and Facilities is authorized to execute and record an Amended Property Use and Development Agreement for the Property described in Section 1 of Ordinance 113271, substantially in the form attached as Attachment A, that deletes the conditions currently contained in paragraphs 1-6 of subsection (a) of paragraph 1 of the Property Use and Development Agreement recorded pursuant to Ordinance 113093 and Ordinance 113271.

Section 2. This ordinance shall take effect 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 by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 21st day of December 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December, 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Attachment A: Amended Property Use and Development Agreement

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205815)

# City of Seattle

## ORDINANCE 122316

AN ORDINANCE relating to historic preservation, imposing controls upon the Medical Dental Building, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements and objects having historical, cultural, architectural, engineering or geographic significance; and

WHEREAS, the Landmarks Preservation Board ("the Board"), after a public meeting on December 21, 2005, voted to approve the nomination of the Medical Dental Building ("the Site") located at 509 Olive Way, in Seattle, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on February 1, 2006 the Board voted to approve the designation of the Medical Dental Building as a landmark under SMC Chapter 25.12; and

WHEREAS, on August 16, 2006, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives.

NOW, THEREFORE,

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

Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board ("the Board") of the improvement known as Medical Dental Building is hereby acknowledged.

A. Legal Description. Medical Dental Building ("the Site") is located on property that is legally described as:

All of Lot 6, except that portion condemned by the City of Seattle for Westlake Avenue; all of Lot 7; all of Lot 5, except the South 20 feet thereof; and all of Lot 8, except the South 20 feet thereof;

together with that portion of the vacated alley lying between said portion of Lots 5 and 6 on the West, and Lot 7 and said portion of Lot 8 on the East; all in Block 2, addition to the town of Seattle as laid off by the heirs of Sarah A. Bell, deceased, (commonly known as heirs of Sarah A. Bell's addition the City of Seattle) according to the plat thereof, recorded in Volume 1 of Plats, page 103, in King County, Washington.

B. Specific Features and/or Characteristics Designated. Pursuant to SMC 25.12.660A2, the following specific features and/or characteristics of Medical Dental Building are designated:

1. The exterior of the building, including the 1950 addition.

C. Basis of Designation. The designation was made because Medical Dental Building has significant character, interest or value as a part of the development, heritage or cultural characteristics of the City, state or nation, it has integrity or the ability to convey its significance, and because it satisfies the following from Section 25.12.350:

1. It is associated in a significant way with a significant aspect of the cultural, political or economic heritage of the community, city, state or nation. (SMC 25.12.350C)

2. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction. (SMC 25.12.350D)

3. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City. (SMC 25.12.350F)

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the Medical Dental Building, which were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in Section 2A2 below, the owner must obtain a Certificate of Approval, issued by the Board pursuant to SMC chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:

a. The exterior of the building, including the 1950 addition.

2. No certificate of approval or approval by the City Historic Preservation Officer (CHPO) is required for the following:

a. Any in-kind maintenance or repairs of the features listed in Section 2. A. 1.

B. City Historic Preservation Officer (CHPO) Approval Process.

1. The CHPO may review and approve the items listed in Section 2 A.1. according to the following procedure:

a. The owner shall submit to the City Historic Preservation Officer (CHPO) a written request for the alterations, including applicable drawings and/or specifications.

b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations are consistent with the purposes of SMC chapter 25.12, the alterations shall be approved without further action by the Board.

c. If the CHPO does not approve the alterations, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC chapter 25.12, as provided in Subsection 2A.

2. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to approve or disapprove the request shall constitute approval of the request.

3. CHPO Approval for the designated areas of the landmark described in Section 1.B. is available for the following:

a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, wiring, and other similar mechanical elements necessary for the normal operation of the building, including generator exhaust pipes.

b. The addition or elimination of parking garage warning signs (visual and audible) and mirrors.

c. The addition or elimination of building security equipment.

Section 3. INCENTIVES. The following incentives are hereby granted on the features and characteristics of Medical Dental Building, which were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal Code Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code, SMC chapter 22.100 and the Energy Code of the City, SMC chapter 22.700 may be authorized pursuant to the applicable provisions thereof.

C. Historic Preservation Special Tax Valuation pursuant to Chapter 84.26 RCW may be granted upon application and compliance with the requirements of that statute.

Section 4. Enforcement of this ordinance and penalties for its violation shall be as provided in SMC 25.12.910.

Section 5. Medical Dental Building is hereby added to the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Director of Records and Elections, deliver two copies to the City Historic Preservation Officer, and deliver one copy to the Director of the Department of Planning and Development. The CHPO is directed to provide a copy of the ordinance to the owner of the landmark.

Section 7. This ordinance shall take effect 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 by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 21st day of December, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December, 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205810)

# City of Seattle

## ORDINANCE 122317

AN ORDINANCE relating to transferable development rights; authorizing the sale by the City of transferable development rights acquired from low-income housing sites to a developer of a project at 2001 8th Avenue; and authorizing related agreements and a deed.

WHEREAS, under the City's Land Use Code certain Downtown properties, including those preserved for low-income housing, are eligible to transfer unused development rights; and

WHEREAS, by Ordinance 114029, as amended, the City has established a "TDR Bank" and authorized the Director of the Office of Housing ("Housing Director"), as the successor to the housing functions of the former Department of Housing and Human Services, to negotiate the sale of transferable development rights ("TDR") obtained by the City from such low-income housing sites ("Housing TDR"); and

WHEREAS, pursuant to Ordinance 122001, the City acquired 26,704 square feet of Housing TDR from a low-income housing site known as Haddon Hall and 26,704 square feet of such TDR has not been sold to date; and

WHEREAS, pursuant to Ordinance 120389, the City acquired 32,155 square feet of Housing TDR from a low-income housing site known as International District Village Square I and 32,155 square feet of such TDR has not been sold to date; and

WHEREAS, the developer of a hotel expansion project has offered to purchase up to 58,859 square feet of Housing TDR for use in accordance with the City's Land Use Code; the Housing Director has negotiated the terms of sale; and the Mayor has recommended that the negotiated terms be accepted; NOW, THEREFORE,

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

Section 1. The Housing Director is authorized, for and on behalf of The City of Seattle, to execute, deliver, perform, administer, and enforce an agreement for the sale of up to Fifty-Eight Thousand Eight Hundred and Fifty-Nine (58,859) square feet of Housing TDR based on the terms set forth in Exhibit A to this Ordinance, with such additional terms and conditions and such modifications, other than reduction in price, as the Housing Director shall find to be appropriate to effect the intent of this ordinance ("Agreement"). The Housing TDR to be sold derive from the properties described on Exhibit B to this Ordinance. Upon performance by the buyer in accordance with the terms of the Agreement, the Housing Director is further authorized to execute and deliver a deed to the TDR sold, substantially in the form of Exhibit B to this Ordinance; provided, that if consistent with the Agreement the Buyer elects to acquire less than the full amount of TDR authorized, then the Housing Director is authorized to deliver a deed for the lesser amount. The proceeds of sale of the Housing TDR shall be deposited in the TDR/Mitigation Subfund (16430).

Section 2. The Housing Director or her designee is hereby authorized, for and on behalf of the City, to negotiate, execute, deliver, record, accept, modify, perform, and administer, as appropriate, any additional documents that may be contemplated by the Agreement or that may be necessary or appropriate to implement the intent of the Agreement or this Ordinance.

Section 3. This ordinance shall take effect 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 by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of December, 200_, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 21st day of December, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December, 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Exhibits:

A. Term Sheet

B. Form of Special Warranty Deed – Development Rights

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205811)

# City of Seattle

## NOTICE OF PROPOSED CHANGE TO CITY COUNCIL RULES AND PROCEDURES

The Seattle City Council will consider an addition to the City Council Rules and Procedures. The proposed change adds a requirement that Chairs of the Council's standing committees annually present a legislative report. Final voting action on this change to the Rules is anticipated January 16, 2007.

To receive a copy of complete text of the proposed addition, contact the Office of the City Clerk, (206) 684-8344; clerk@seattle.gov, or come to Floor 3, Seattle City Hall. Text will be available after January 2, 2007 at http://clerk.ci.seattle.wa.us or on the City Council's website.

Written public comments regarding this proposed addition may be submitted to City Clerk Judith Pippin, and will be accepted through January 10, 2007. Your comments will be shared with Councilmembers. Send comments to Judith Pippin, City Clerk, P. O. Box 94728, Seattle, WA 98124-4728 or judith.pippin@seattle.gov; or deliver to Floor 3 of City Hall.

Questions: Contact Judith Pippin 206-684-8361

Publication Ordered by Judith E. Pippin, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205831)

# City of Seattle

## ORDINANCE 122312

AN ORDINANCE related to the donation of King Street Station to the City of Seattle; authorizing the Director of Transportation to execute an agreement with the Burlington Northern and Santa Fe Railway Company relating to the donation of King Street Station to the City of Seattle to accept and record the deed thereto; authorizing the Director of Transportation to execute an agreement with the Burlington Northern and Santa Fe Railway Company and the National Passenger Railroad Corporation ("Amtrak") whereby Amtrak consents to the donation and verifies its continuing rights and obligations; and assigning jurisdiction and management of King Street Station to the Seattle Department of Transportation.

WHEREAS, the renovation of the King Street Station will be a significant catalyst for redevelopment and help link the neighborhoods of North Duwamish, South Downtown, Pioneer Square and the Chinatown/International District; and

WHEREAS, the King Street Station is part of Seattle's Center City transportation vision and is one of three multi-modal transportation hubs in the Center City; and

WHEREAS, the City can provide an effective focus to ensure integrated design and operation of related transportation modes, public actions and integrated development; and

WHEREAS, both the City and the Burlington Northern and Santa Fe Railway Company (BNSF) want to establish a multimodal transportation hub at the King Street Station; and

WHEREAS, the King Street Station hub will connect passenger rail, commuter rail, light rail and bus transit users providing access throughout the city and region; and

WHEREAS, the Mayor and Council have determined that accepting BNSF's donation of the King Street Station provides a unique opportunity to create a multi-modal transportation hub that will benefit commuters traveling to, from, and within the city; and

WHEREAS, the Mayor and Council wish to accept BNSF's donation of the King Street Station; NOW, THEREFORE,

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

Section 1. As requested by the Seattle Department of Transportation and recommended by the Mayor, the Director of Transportation ("Director") is hereby authorized to execute the real estate donation agreement between the City of Seattle and the Burlington Northern and Santa Fe Railway Company (BNSF), consistent with the form of Exhibit 1 attached to this Ordinance. The Director is authorized to fill in blanks and to make such other changes to the real estate donation agreement as the Director determines are in the best interests of the City.

Section 2. The Director is also hereby authorized to execute the consent and agreement among the City of Seattle, the Burlington Northern and Santa Fe Railway Company (BNSF) and the National Passenger Railroad Corporation ("Amtrak"), consistent with the form of Exhibit 2 attached to this Ordinance.

Section 3. The Director or her designee is authorized to execute such documents as she deems necessary or desirable to complete the donation of King Street Station consistent with this ordinance. Upon delivery of the quit claim deed for King Street Station, the Director or her designee is authorized to accept the deed on behalf of the City of Seattle by attaching to the deed her written acceptance thereof, and to record the same. King Street Station shall be accepted for general municipal purposes and placed under the jurisdiction and management of the Seattle Department of Transportation.

Section 4. This ordinance shall take effect 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 by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 21st day of December, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December, 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Exhibit 1: Real Estate Donation Agreement between the Burlington Northern and Santa Fe Railway Company (BNSF) and the City of Seattle for the King Street Station

Exhibit 2: Consent and Agreement between the Burlington Northern and Santa Fe Railway Company (BNSF), the National Passenger Railroad Corporation ("Amtrak") and the City of Seattle for the King Street Station

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205812)

# City of Seattle

## ORDINANCE 122314

AN ORDINANCE relating to the Neighborhood Parks, Green Spaces, Trails and Zoo Levy; authorizing the acquisition of real property commonly known as the East Blaine Street parcels; authorizing acceptance of the deeds for open space, park, and recreation purposes; and increasing appropriations to the Department of Parks and Recreation in the 2006 Budget; all by a three-fourths vote of the City Council.

WHEREAS, the Neighborhood Parks, Green Spaces, Trails, and Zoo Levy (2000 Parks Levy), as proposed by Ordinance 120024 and approved by City of Seattle voters on November 7, 2000, provides funds for the acquisition of new neighborhood parks and green spaces; and

WHEREAS, Ordinance 120024 included the St. Marks Greenbelt as a target area for acquisition in the 2000 Parks Levy Green Spaces Acquisition subcategory; and

WHEREAS, the acquisition of two parcels of land in the St. Marks Greenbelt, commonly referred to as the East Blaine Street Parcels #2 and #3, will be paid for with Green Spaces funds from the 2000 Parks Levy; and

WHEREAS, the Parks and Green Spaces Levy Oversight Committee recommended in October 2005 that the East Blaine Street parcels be preserved with St. Marks Greenbelt project funds from the 2000 Parks Levy Green Spaces Acquisition subcategory; and

WHEREAS, acquisition of the East Blaine Street Parcels #2 and #3 will improve the pedestrian connection from Capitol Hill to the Eastlake and Lake Union neighborhoods through I-5 Colonnade Park, extend the wildlife habitat corridor provided by the St. Marks Greenbelt on the western slope of Capitol Hill, and enhance the wooded buffer along the East Blaine Street public stairway; NOW THEREFORE,

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

Section 1. The Superintendent of Parks and Recreation (Superintendent) or his designee is authorized, on behalf of the City, to acquire the following described real property (Property): Parcel A: That portion of Lots 6, 7, and 8, Block 2, Wight's Scenic Addition to the City of Seattle, according to the plat thereof recorded in Volume 11 of Plats, page 26, records of King County, Washington, lying easterly of the following described line: Beginning 71 feet east of the southwest corner of said Lot 6; Thence north 0°10'12" west 30 feet; Thence north 35°03'03" west 71.69 feet; Thence north 0°10'12" west 30 feet to the northwest corner of said Lot 7 and the terminus of said line; and Parcel B: Lot 1 in block 2 of Replat of Allmond Addition to the City of Seattle, according to the plat recorded in Volume 7 of Plats at page 15, in King County, Washington.

Section 2. The Superintendent or his designee is authorized to execute such documents as he deems necessary or desirable to accomplish acquisition of the Property consistent with this ordinance. Upon delivery of the statutory warranty deeds for the Property, the Superintendent or his designee is authorized to accept the deeds on behalf of the City by attaching to the deeds his written acceptance thereof, and to record the same. The Property shall be accepted for open space, park, and recreation purposes, and placed under the jurisdiction of the Department of Parks and Recreation (DPR).

Section 3. To pay for the acquisitions authorized in Section 1 above and for necessary related costs and expenses, for which insufficient appropriations were made, the following appropriation amount is added to the 2006 Budget of DPR:

**Fund** -- 2000 Parks Levy Fund (33850)

**Department** -- Parks and Recreation

**Budget Control Level/Capital Improvement Program** -- 2000 Parks Levy -- Green Spaces Acquisitions.

**Amount** -- $450,000

Section 4. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 5. This ordinance shall take effect 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 by Municipal Code Section 1.04.020.

Passed by a three-fourths (3/4) vote of all the members of the City Council the 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council

Approved by me this 21st day of December, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December, 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205813)

# City of Seattle

## ORDINANCE 122318

AN ORDINANCE relating to Magnuson Park; amending the Master Plan approved by Ordinance 121502 for the development of wetlands and wildlife habitat and an athletic field complex at Magnuson Park; expressing support for the proposed phase 2 wetlands, natural areas and athletic fields; requesting additional information from the Department of Parks and Recreation; reaffirming conditions in Ordinance 121502 for the use of external funding for wetlands, natural areas and athletic fields at Magnuson Park; and lifting a budget proviso that had restricted spending on phase 2 construction of athletic fields.

WHEREAS, in June, 2004 the Council passed Ordinance 121502 approving a Master Plan for the development of wetlands and wildlife habitat and an athletic field complex at Magnuson Park (Master Plan); and

WHEREAS, Ordinance 121502 required the Department of Parks and Recreation to provide the Council with further information and plans on the proposed phase 2 improvements at Magnuson Park before commencing phase 2 construction; and

WHEREAS, the Department of Parks and Recreation has now provided the requested information to the Council; and

WHEREAS, pursuant to the guidance in Section 4(b) of Ordinance 121502, the Department of Parks and Recreation has presented to the Council a Wetland/natural area Monitoring and Adaptive Management Plan, called the "Monitoring Plan for Wetland Compensatory Mitigation for Magnuson Park Phase 2 Development," which plan may be amended as requirements are imposed by various local, state and federal regulatory agencies for which approvals must be obtained and which amended plan the Department of Parks and Recreation will implement to ensure the success of the wetland/natural areas; and

WHEREAS, Ordinance 121502 contemplated that the Council might choose to amend the Master Plan to include some or all of the additional requested information and plans and the Council believes that now doing so will serve to clarify expectations for the phase 2 improvements at Magnuson Park:

NOW, THEREFORE,

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

Section 1. The Magnuson Park Wetland / Habitat and Athletic Field Complex Master Plan ("Master Plan") approved by Ordinance 121502 is hereby amended by incorporating the overlay maps showing the extent and nature of habitat types for the wetland/natural areas of the Park ("Habitat Overlay Maps"), substantially in the form of Attachments 1a and 1b. These overlay maps supersede any map showing the extent and nature of habitat types for the wetland/natural areas of the Park contained in or attached to Ordinance 121502.

Section 2. Pursuant to the guidance in Section 4(b) of Ordinance 121502, the Master Plan is further amended by adopting and incorporating Section 2.1 "Goals and Objectives" of the "Monitoring Plan for Wetland Compensatory Mitigation for Magnuson Park Phase 2 Development", ("Monitoring Plan") and the performance standards assumptions of Section 2.2 of the Monitoring Plan, which Monitoring Plan is attached in full as Attachment 2. Annually for seven years beginning in August 2007, the Department of Parks and Recreation will submit a written report to the Council on: (a) progress in meeting each objective in Section 2.1 "Goals and Objectives" of the Monitoring Plan, along with any problems encountered and remedial actions proposed; and (b) results of monitoring for then current performance standards developed by the Department of Parks and Recreation for the animal and habitat monitoring parameters listed in Section 2.2 Tables A-H, including: (i) how the measurements compare to target levels stated in the performance standards and (ii) what adaptive management responses are being proposed whenever performance standards are not being met. Performance standards and monitoring activities should reflect best management practices and cover all key monitoring parameters listed in Table I in Section 2.2 of the Monitoring Plan (i.e., hydrology; water quality; vegetation; non-native invasive species; condition and composition of existing groves; condition of informal trails, barriers, and signage; wildlife use and condition of habitat structures; birds, amphibians, and aquatic macroinvertebrates; site grading; removal of impervious surfaces; construction of the new trail; and construction of educational access sites and ADA access for the new trail).

Section 3. The Council recognizes that funding to fully implement the wetland/natural areas and athletic fields in the Master Plan as amended has not yet been secured. Subject to approval of necessary future appropriations, the Council supports construction of the "phase 2" wetlands and natural areas and athletic fields and supporting facilities as shown in the Department of Parks and Recreation's "Phase 2 Developments and Funding Plan," (Attachment 3) and finds that funding sufficient to construct the phase 2 improvements has been identified with the possible exception of the completion of field 5. The Council finds that the Habitat Overlay Maps, the Monitoring Plan, and Department of Parks and Recreation's "Phase 2 Developments and Funding Plan" satisfy those requirements for commencing phase 2 construction set forth in sections 1, 4(b) and 5(b) of Ordinance 121502, respectively.

Section 4. The Department of Parks and Recreation is to include with its 2008 proposed budget, a request for and documentation of the necessary projected operating and maintenance costs for 2008 to fully implement the Monitoring Plan and those parts of the Department of Parks and Recreation's Magnuson Park Vegetation Management Plan (December 2001) that are relevant to the phase 2 improvements for that period in order to ensure the success of the existing, enhanced and new wetlands and natural areas to be included in phase 2. The Department is also to include a request for and provide documentation to support a reasonable contingency amount to be included in the CIP to remedy any problems with the phase 2 wetlands and natural areas. Furthermore, the documentation should state the extent to which the proposed 2008 budget and proposed 2008-2013 CIP include these costs and where they are budgeted.

Section 5. Prior to commencing construction of any phase 2 improvements the cost of which is to be met in whole or in part with funds not identified in the "Phase 2 Developments and Funding Plan," the Department of Parks and Recreation should brief the Council on any conditions attached to the City's use of such funding and demonstrate that such conditions do not conflict with the direction set forth in Ordinance 121502, section 5, that:

A) "[A]ny external funding for phase 2 Magnuson Park wetland/habitat and athletic field complex improvements not constrain the City's ability to determine the scope, nature, sequencing or timing of 1) any improvements other than those funded by the external source and any required matching funds or 2) operation and maintenance expenditures at Sand Point/Magnuson Park." and

B) "User fees and facility and field scheduling policies and practices at the Magnuson Park wetland/habitat and athletic field complex be consistent with Citywide policies and practices."

Section 6. The restriction imposed by the following budget proviso is lifted, including for Subsection 1(b) of Ordinance 121660:

Department -- Department of Parks and Recreation

Green Sheet -- 102-2-A-2

Proviso -- None of the money appropriated for 2005 for the Department of Parks and Recreation Improved Facility BCL can be spent to pay construction of the Phase 2 fields in the Sand Point Magnuson Park – Athletic Field Renovation (CIP Project K733140), until authorized by a future ordinance.

BCL/Project Code -- 2000 Parks Levy – Playfields and Facilities (K723005) /Project K733140

Section 7. This ordinance shall take effect 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 by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 21st day of December, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December, 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Attachments 1a and 1b: Habitat Overlay Maps

Attachment 2: Monitoring Plan for Wetland Compensatory Mitigation for Magnuson Park Phase 2 Development

Attachment 3: Phase 2 Developments and Funding Plan

Publication orderd by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006.

12/28(205814)

# City of Seattle

**December 28, 2006**

## NOTICE OF DECISIONS

The Director of the Department of Planning and Development has reviewed the Master Use Permit application(s) below and issued the following decisions. Interested parties may appeal these decisions.

**Hearing Examiner Appeals**

To appeal to the City's Hearing Examiner, the appeal MUST be in writing and delivered either in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or by mail to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729. Appeals must be received prior to 5:00 P.M. of the appeal deadline indicated below and be accompanied by a $50.00 filing fee in a check payable to the City of Seattle. (The Hearing