

ATTACHMENT A-3

Code sections from SMC Chapter 23.60A

23.60A.004 - Shoreline goals and policies

The Shoreline Goals and Policies are part of the Land Use Element of Seattle's Comprehensive Plan. The Shoreline Goals and Policies and the purpose and location criteria for each shoreline environment designation contained in Section 23.60A.220 shall be considered in making all discretionary decisions in and adjacent to the Shoreline District where the intent of the Land Use Code is a criterion and the proposal may have an adverse impact on the Shoreline District. They shall also be used by the Director in the promulgation of rules and in interpretation decisions. The Shoreline Goals and Policies do not constitute regulations and shall not be the basis for enforcement actions.

(Ord. 124105, § 3, 2013)

23.60A.012 - Inconsistent development prohibited

No development shall be undertaken, no shoreline modification shall be made, and no use, including a use that is located on a vessel, shall be established in the Shoreline District unless the Director has determined that it is consistent with the policy of the Shoreline Management Act and the regulations of this Chapter 23.60A. This restriction applies even if no shoreline substantial development permit is required.

(Ord. 124105, § 3, 2013)

23.60A.014 - Liberal construction

- A. This Chapter 23.60A is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes of RCW 90.58, the State Shoreline Management Act. The standard in this Chapter 23.60A that is most restrictive applies.
- B. This Chapter 23.60A shall not be used when construing other chapters of this Title 23 except for actions in the Shoreline District or as stated in subsections 23.60A.016.B and 23.60A.016.C.

(Ord. 124105, § 3, 2013)

23.60A.016 - Regulations supplemental

- A. The regulations of this Chapter 23.60A are superimposed upon and modify the underlying zones in the Shoreline District. The regulations of this Chapter 23.60A supplement other regulations of this Title 23 as set out in subsections 23.60A.016.B and 23.60A.016.C.
- B. Uses and shoreline modifications. To be allowed in the Shoreline District, a use or a shoreline modification must be allowed in both the shoreline environment, the underlying zone and any other overlay district in which it is located.
- C. Development Standards
 - 1. A development, shoreline modification, or use in the Shoreline District shall meet the development standards of Chapter 23.60A, the underlying zone and any other overlay district in which it is located. In the case of irreconcilable conflicts between the regulations of Chapter 23.60A and the underlying zone or overlay district, Chapter 23.60A applies, except as provided in this subsection 23.60A.016.C.
 - 2. The height limit for a structure in the Shoreline District is the lower of the height limits provided in the shoreline environment, the underlying zone, or overlay district, except in the Urban Harborfront (UH) Environment, where the shoreline height limit controls.
 - 3. The floor area ratio (FAR) of the underlying zone may not be exceeded, regardless of whether the maximum height and lot coverage allowed in the applicable shoreline environment can be achieved.
 - 4. Yards and/or setbacks of the underlying zone may be reduced or waived for lots subject to view corridor requirements, in accordance with Section 23.60A.170, and to preserve buffers and riparian management areas in environmentally critical areas as allowed in Section 23.60A.156.
 - 5. Within the Shoreline District, submerged lands are not counted in calculating lot area for purposes of minimum lot area.
 - 6. Measurements in the Shoreline District are regulated in this Chapter 23.60A, Subchapter XVII, Measurements.
 - 7. Seattle Construction Limit Line
 - a. Established. There is established along the shores of Lake Union and waters in the vicinity thereof in the City, a "Seattle Construction Limit Line." The Seattle Construction Limit Line is as shown on the Official Land Use Map Chapter 23.32.
 - b. Unlawful Construction—Exceptions. It is unlawful to erect, construct or maintain any building or structure outward from the shores of Lake Union beyond the Seattle Construction Limit Line, except such buildings or structures as are expressly authorized by the laws of the United States or State of Washington; provided, any residential structure located in whole or in part beyond the Seattle Construction Limit Line prior to December 18, 1968, is allowed as a nonconforming structure and is regulated pursuant to Section 23.60A.124.
- D. Nothing in this Chapter 23.60A changes the legal effect of existing approved Major Institution Master Plans adopted pursuant to Chapter 23.69 or Ordinance 121041.

(Ord. 124105, § 3, 2013)

23.60A.020 - Permits and exemptions

A. Shoreline substantial development permit required

1. A shoreline substantial development permit is required prior to undertaking any development unless the Director determines the development is not substantial development or has issued an exemption under this Section 23.60A.020. Development does not include demolition, except when the Director determines that such demolition will have a major impact upon the character of the shoreline.
2. Criterion for requiring a shoreline substantial development permit
 - a. "Substantial development" means any development for which the total cost or fair market value exceeds \$6,416, as adjusted under RCW 90.58.030(3)(e), or any development that materially interferes with the normal public use of the water or shorelines of the City. The dollar threshold will be recalculated and published in the Washington State Register every five years with the next recalculation to occur in 2017.
 - b. A development, shoreline modification, or use that does not meet the definition of substantial development or that has received an exemption from the shoreline substantial development permit process shall comply with the Shoreline Management Act, the provisions of this Chapter 23.60A, and any other regulatory requirements.
3. A development, shoreline modification, or use that is listed as a shoreline conditional use in this Chapter 23.60A or that is not identified in the shoreline environment where it is proposed to be located and is allowed in the underlying zone and special district requires a shoreline conditional use permit under this Chapter 23.60A, even if the development, shoreline modification, or use does not otherwise require a shoreline substantial development permit.
4. A development or shoreline modification that does not comply with the bulk, dimensional or performance standards of this Chapter 23.60A may only be authorized by a variance under this Chapter 23.60A, even if the development or shoreline modification does not otherwise require a shoreline substantial development permit.
5. Repair and maintenance of an existing development, shoreline modification, or use that was authorized by a special use, shoreline conditional use, or shoreline variance does not require approval of a special use permit, shoreline conditional use permit, or shoreline variance, if no expansion occurs; if expansion would occur, the permit process is the process applicable to the type of development, use, or shoreline modification as if it were a new application under the Shoreline Master Program in effect when the application for such repair and maintenance is made.

B. Application and interpretation of exemptions

1. The applicant has the burden of proof that an action is not development, that a development is not substantial development, and that a substantial development is exempt from the shoreline substantial development permit process.
2. Exemption interpretation
 - a. Exemptions shall be construed narrowly.
 - b.

Substantial developments that meet the precise terms of one or more of the listed exemptions may be granted an exemption from the shoreline substantial development permit process.

- c. If any part of a proposed substantial development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed development project.
3. The Director may attach conditions to the approval of exempted developments as necessary to assure consistency of the project with the Shoreline Management Act and this Chapter 23.60A.
- C. Exemptions. The following substantial developments are exempt from obtaining a shoreline substantial development permit from the Director:
 1. "Normal maintenance" or repair of existing structures or developments, including damage by accident, fire or elements.
 - a. "Normal maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resources or environment.
 - b. Replacement of a structure or development is repair if such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse effects to shoreline resources or environment.
 2. Construction of a "normal protective bulkhead" common to single-family residences. A "normal protective bulkhead" means those structural and nonstructural developments installed at or near, and parallel to, the OHW mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. Construction of a normal protective bulkhead or repair is exempt if:
 - a. It is not constructed for the purpose of creating dry land;
 - b. A vertical wall is being constructed or reconstructed, and not more than 1 cubic yard of fill per 1 foot of wall may be used as backfill;
 - c. An existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, and it is constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;
 - d. A bulkhead has deteriorated such that an ordinary high water (OHW) mark has been established by the presence and action of water landward of the bulkhead, and the replacement bulkhead is located at or near the actual OHW mark; and
 - e. Beach nourishment, or non-structural or soft stabilization is proposed; such projects may be considered a normal protective bulkhead if all structural elements are consistent with the requirements of this subsection 23.60A.020.C.2 and if the project has been approved by the Washington Department of Fish and Wildlife (WDFW).
 3. Emergencies

- a. Emergency construction necessary to protect property from damage by the elements if:
 1. It does not include creation of new permanent protective structures where none previously existed; or
 2. If new protective structures are deemed by the Director to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to RCW 90.58 or these regulations shall be obtained; and
 3. Flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
 - b. Upon abatement of the emergency situation the new structure shall be removed or any permit, which would have been required, absent an emergency, pursuant to RCW 90.58 or these regulations, shall be obtained. All emergency construction shall be consistent with the policies of RCW 90.58 and the Seattle Shoreline Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar structure, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, are not considered normal or necessary farming or ranching activities.
 5. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids, such as channel markers and anchor buoys.
 6. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence, for his or her own use or for the use of his or her family, that does not exceed a height of 35 feet above average grade level and meets all requirements of the City. Construction authorized under this exemption shall be located landward of the OHW mark. For the purpose of this exemption:
 - a. Single family residence means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership that are a normal appurtenance.
 - b. A normal appurtenance is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHW mark and the perimeter of a wetland. Normal appurtenances include, but are not limited to, a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading that does not exceed 250 cubic yards and that does not involve placement of fill in any wetland, riparian watercourse or waterward of the OHW mark.
 7. Construction of a pier accessory to residential structures, including a community pier, designed for pleasure craft only for the private noncommercial use of the owners, lessee or contract purchaser of a single-family or multifamily residence. For the purpose of this exemption a pier is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:
 - a.

- In saltwater, which includes Puget Sound, Elliott Bay, Shilshole Bay, the Harborfront and the Duwamish River and all associated bays and inlets, the fair market value of the pier accessory to residential structures does not exceed \$2,500; or
- b. In freshwater, the fair market value of the pier accessory to residential structures does not exceed \$10,000; but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Chapter 23.60A.
8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
 9. The marking of property lines or corners on state-owned lands, if such marking does not significantly interfere with normal public use of the surface of the water.
 10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, that were created, developed or used primarily as a part of an agricultural drainage or diking system.
 11. Actions under a certification from the Governor pursuant to RCW 80.50.
 12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Chapter 23.60A, if:
 - a. The activity does not interfere with the normal public use of the surface waters;
 - b. The activity will have no significant adverse impact on the environment, including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of any structure, and upon the completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - d. A private entity seeking development authorization under this Section 23.60A.020 first posts a performance bond or provides other evidence of financial responsibility to the Director to ensure that the site will be restored to preexisting conditions; and
 - e. The activity is not subject to the permit requirements of RCW 90.58.550.
 13. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other chemical treatment methods applicable to weed control that is recommended by a final environmental impact statement published by the department of agriculture or Ecology jointly with other state agencies under RCW 43.21C.
 14. Watershed restoration projects that implement a watershed restoration plan and meet the following criteria: The Director shall review the projects for consistency with its Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving from the applicant all materials necessary to review the request for exemption. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this Section 23.60A.020.
 15. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, if all of the following apply:
 - a. The project has been approved in writing by WDFW as necessary for the improvement of

the habitat or passage and appropriately designed and sited to accomplish the purpose;

- b. The project has received Hydraulic Project Approval by WDFW pursuant to RCW 75.20; and
- c. The project is consistent with the City's Shoreline Master Program. This determination shall be made in a timely manner and provided to the project proponent in writing. A fish habitat enhancement project that conforms to RCW 77.55.290 is deemed to be consistent with this Chapter 23.60A.

16. Hazardous substance remedial actions for which a consent decree, order or agreed order has been issued pursuant to RCW 70.105D or to Ecology when it conducts a remedial action under RCW 70.105D. Ecology shall, in conjunction with The City of Seattle, assure that such projects comply with the substantive requirements of RCW 90.58 and the Seattle Shoreline Master Program.

17. Development on that portion of land that is brought under shoreline jurisdiction due to a lawful shoreline restoration project creating a landward shift in the OHW mark, except when substantial development is proposed that would be partly on such land and partly on other land within the Shoreline District.

D. Developments proposed in the Shoreline District may require permits from other governmental agencies. A permit issued by the City may be subject to rights reserved or otherwise held by Indian Tribes pursuant to Treaties, Executive Orders, or statutes.

E. If a use is allowed, allowed as a special use, or allowed as a conditional use and either the use is limited to a maximum percentage of development or the use is required to be on a site containing a minimum percentage of another use, the permit issued shall identify the specific uses and gross floor areas of each use that is relied upon to meet the applicable use percentage requirements.

(Ord. 124750, § 2, 2015; Ord. 124105, § 3, 2013)

23.60A.034 - Criteria for shoreline conditional use permits

- A. The shoreline conditional use process may be used if either:
1. A use or shoreline modification is listed in this Chapter 23.60A as requiring shoreline conditional use approval; or
 2. A use or shoreline modification is not identified in the shoreline environment where it is proposed to be located and is allowed in the underlying zone.
- B. The Director may approve or approve with conditions a shoreline conditional use application if the Director finds the applicant has demonstrated that the proposed use or shoreline modification:
1. Complies with the criteria in WAC 173-27-160 and the Shoreline Policies in the Comprehensive Plan;
 2. Complies with standards in Section 23.60A.030;
 3. Complies with all additional shoreline conditional use criteria in this Chapter 23.60A for the specific use or shoreline modification listed as a shoreline conditional use; and
 4. Can achieve no net loss of ecological functions, unless the applicant obtains a variance from this requirement under subsection 23.60A.036.C.
- C. The Director's decision shall be transmitted to Ecology, which may approve the decision, or take further action to amend conditions, or deny the application.

(Ord. 124105, § 3, 2013)

23.60A.090 - Identification of principal and accessory uses

- A. In all shoreline environments all uses on waterfront lots are prohibited over water as a principal or accessory use unless the use is allowed or allowed as a special use, a shoreline conditional use, or a Council conditional use in the shoreline environment where the use is proposed and the use is:
 - 1. Boat moorage, off-loading goods from boats, dry docks, swimming platforms, uses on vessels authorized under Sections 23.60A.214 and 23.60A.215, or other use components that by their nature require an over water location to operate;
 - 2. Railroad, rail transit, streets, bridges, and tunnels that reasonably need to cross water that is regulated in this Chapter 23.60A;
 - 3. Floating home moorages, floating homes, house barges, and floating on-water residences authorized under Section 23.60A.202, 23.60A.204, and 23.60A.203; or
 - 4. Allowed, allowed as a special use, allowed as a shoreline conditional use, or allowed as a Council conditional use as a use over water in the specific regulations for the type of use or for the shoreline environment.
- B. Any principal use allowed, allowed as a special use, allowed as a shoreline conditional use, or allowed as a Council conditional use in a specific shoreline environment may be an accessory use using the same process as if the use were the principal use, unless the use is prohibited as an accessory use in the shoreline environment. For the purposes of this subsection 23.60A.090.B, water-based airports, heliports, and helistops shall not be considered to be accessory to a principal use and are allowed pursuant to the applicable shoreline environment.
- C. A use that is prohibited as a principal use in a particular shoreline environment may be allowed as an accessory use on dry land if incidental to and necessary for the operation of a principal use that is allowed, allowed as a special use, allowed as a shoreline conditional use, or allowed as a Council conditional use in the specific shoreline environment, using the same process as the principal use, unless the use is prohibited as an accessory use in the shoreline environment. For purposes of this subsection 23.60A.090.C, water-based airports, heliports, and helistops shall not be considered to be accessory to a principal use and are allowed pursuant to the applicable shoreline environment.
- D. Standards for accessory uses
 - 1. Accessory uses shall be located on the same development site as the principal use, except as provided in subsection 23.60A.090.D.2.
 - 2. Accessory uses may be located off site if:
 - a. The accessory use is allowed as a principal use in the shoreline environment applicable to an adjacent development site, the accessory use may be located on that adjacent development site; or
 - b. The accessory use is parking and the parking is proposed to be located within 800 feet of the development site where the principal use is located; and
 - 1) The parking is located in a new or existing parking structure or at an existing surface parking area; and
 - 2) Additional and enhanced public access is provided commensurate with the area of parking that would have otherwise occurred on the site;
 - 3)

Ecological restoration and enhancement in the form of a decrease in the amount of impervious surface and an increase in the amount of native vegetation is provided commensurate with the area of parking that would have otherwise occurred on the site; and

- 4) Existing surface parking is removed within the Shoreline District or the area of new or existing parking is reduced in the Shoreline District.

(Ord. 124750, § 4, 2015; Ord. 124105, § 3, 2013)

23.60A.482 - Uses in the UI Environment

A. Use regulations

1. All uses on waterfront lots and over water are allowed, allowed as a special use, allowed as a shoreline conditional use, or prohibited pursuant to Section 23.60A.090, this Section 23.60A.482, Table A for 23.60A.482, and Section 23.60A.484. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.482.
2. Waterfront lots, uses over water and water-dependent, water-related, and water-oriented uses
 - a. Table A for 23.60A.482 and subsections 23.60A.482.C through 23.60A.482.J apply to waterfront lots.
 - b. Uses over water are regulated in Section 23.60A.484.
 - c. If Table A for 23.60A.482 or the text of Section 23.60A.482 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.
3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.

B. Uses on upland lots are regulated in Section 23.60A.483.Table A for 23.60A.482

Uses on waterfront lots in the UI Environment

| Use | Waterfront Lots |
|--|---|
| A. AGRICULTURAL AND FOREST PRACTICE | |
| A.1. Aquaculture | CU |
| A.2. Other agricultural and forest practice uses | X |
| B. CEMETERIES | X |
| C. COMMERCIAL USES | |
| C.1. Commercial uses WD/WR | P |
| C.2. Eating and drinking establishments | See subsection 23.60A.482.C |
| C.3. Entertainment uses | See subsection 23.60A.482.E |
| C.4. Food processing and craft work uses | See subsection 23.60A.482.C or 23.60A.482.D |

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| C.5. Laboratories, research and development | See subsection 23.60A.482.D |
| C.6. Offices | See subsection 23.60A.482.D |
| C.7. Sales and services, general | See subsection 23.60A.482.C |
| C.8. Sales and services, heavy | See subsection 23.60A.482.C or 23.60A.482.D |
| C.9. Other commercial uses not WD/WR | X |
| D. HIGH-IMPACT USES | WD/WR |
| E. INSTITUTIONAL USES | |
| E.1. Colleges | WD/WR |
| E.2. Institutes for advanced study | WD/WR |
| E.3. Vocational or fine arts schools | WD/WR |
| E.4. Yacht, boat and beach clubs | See subsection 23.60A.482.F |
| E.5. Other institutional uses | X |
| F. LIVE-WORK UNITS | X |
| G. MANUFACTURING USES | See subsection 23.60A.482.C or 23.60A.482.D |
| H. PARKS AND OPEN SPACE USES | |
| H.1. General parks and open space | X |
| H.2. Shoreline parks and open space | P |
| I. PUBLIC FACILITIES | See <u>Section 23.60A.207</u> |
| J. RESEARCH USES, Aquatic, Scientific, Historic, Cultural, and Educational | See <u>Section 23.60A.210</u> |
| K. RESIDENTIAL USES | X |
| L. RESTORATION AND ENHANCEMENT USES | See <u>Section 23.60A.211</u> |
| M. STORAGE USES | |

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| M.1. Mini-warehouses | See subsection 23.60A.482.D |
| M.2. Storage, outdoor | See subsection 23.60A.482.D |
| M.3. Warehouses | See subsection 23.60A.482.C, 23.60A.482.D, or 23.60A.482.G |
| N. TRANSPORTATION FACILITY USES | |
| N.1. Bridges and tunnels | P |
| N.2. Cargo terminals | WD/WR |
| N.3. Moorage | |
| N.3.a. Boat moorage | |
| N.3.a.1. Commercial marinas | P |
| N.3.a.2. Recreational marinas | See subsection 23.60A.482.F |
| N.3.b. Dry boat storage | P |
| N.4. Navigational locks | X |
| N.5. Parking | |
| N.5.a. Parking, principal use | X |
| N.5.b. Parking, accessory use | P |
| N.6. Passenger terminals | WD/WR |
| N.7. Rail transit facilities | P |
| N.8. Transportation facilities, air | |
| N.8.a. Airports, land-based | X |
| N.8.b. Airports, water-based | SU |
| N.8.c. Heliports | X |
| N.8.d. Helistops | X |

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|---|-----------------------------|
| N.9. Vehicle storage and maintenance | X |
| N.10. Tugboat services | P |
| N.11. Railroads | P |
| N.12. Streets | P |
| O. UTILITY USES | |
| O.1. Communication utilities, minor | See subsection 23.60A.482.H |
| O.2. Communication utilities, major | X |
| O.3. Power plants | X |
| O.4. Recycling | WD/WR |
| O.5. Sewage treatment plants | See subsection 23.60A.482.I |
| O.6. Solid waste management | WD/WR |
| O.7. Utility service uses | See subsection 23.60A.482.J |
| P. UTILITY LINES | P |
| <p>Key to Table A for <u>23.60A.482</u></p> <p>CU = Shoreline Conditional Use</p> <p>P = Allowed by permit</p> <p>SU = Special Use</p> <p>WD = Allowed for water-dependent uses; prohibited otherwise</p> <p>WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise</p> <p>WR = Allowed for water-related uses; prohibited otherwise</p> <p>X = Prohibited</p> | |

C. Limited commercial, storage and manufacturing uses

1. The following uses are allowed if they are water-dependent or water-related or if they are nonwater-oriented and meet the standards of subsections 23.60A.482.C.2, 23.60A.482.D, or 23.60A.482.G and are prohibited otherwise:
 - a. Eating and drinking establishments, limited to an area equal to no more than 2,500 square feet and not located within the Duwamish Manufacturing/Industrial Center;

- b. Food processing and craft work, limited to material suppliers and repair services;
 - c. Sales and services, general, limited to grocery suppliers and hardware stores;
 - d. Sales and services, heavy, limited to material suppliers, repair services, fuel suppliers, and crane operators;
 - e. Storage uses, limited to cold storage; and
 - f. Manufacturing limited to material suppliers and repair services.
2. To be allowed as a nonwater-oriented use the uses listed in subsection 23.60A.482.C.1 shall:
- a. Provide a service used by a water-dependent or water-related use located in the same sub-geographic area; and
 - b. The uses that are not water-dependent or water-related allowed in this subsection 23.60A.482.C and subsections 23.60A.482.D and 23.60A.482.E.1 occupy no more than 20 percent of the dry land area of the development site.
3. Permits issued pursuant to subsection 23.60A.482.C.2.b shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.482.C and the other uses that occupy the 80 percent dry land area on the site.
- D. General commercial, storage and manufacturing uses
1. The following uses are allowed if they are water-dependent or water-related or if the use is water-oriented and meet the standards of subsections 23.60A.482.C or 23.60A.482.G, or the standards of subsections 23.60A.482.D.2 through 23.60A.482.D.8; otherwise, these uses are prohibited:
- a. Food processing and craft work;
 - b. Laboratories, research and development;
 - c. Offices, limited to office uses that facilitate water-dependent and water-related uses, such as yacht brokers, finance and insurance, and government agencies;
 - d. Sales and service, heavy, limited to heavy commercial sales, construction services, and building maintenance services. Commercial laundry is prohibited;
 - e. Storage uses, except that mini-warehouse uses shall not be located in the Duwamish Manufacturing/Industrial Center; and
 - f. Light, general and heavy manufacturing, except the heavy manufacturing use extraction and mining of raw material, which is prohibited.
2. The uses that are not water-dependent or water-related as allowed in subsection 23.60A.482.C, this subsection 23.60A.482.D, and subsection 23.60A.482.E.1 occupy a total area equal to no more than 20 percent of the dry land area of the site.
3. The uses are located on the site to prevent conflicts with water-dependent or water-related uses on-site and on abutting properties.
4. Eating and drinking establishment and mini-warehouse uses shall not be located in the Duwamish Manufacturing/Industrial Center.
5. If the site contains a structure meeting the standards of subsection 23.60A.486.B.2, the use is located in the structure that contains accessory uses for the water-dependent and water-related use.
6. The use is part of a development or on a site that includes a water-dependent use;
7. Ecological restoration in an amount equivalent to the gross floor area of the nonwater-

oriented use is provided pursuant to Section 23.60A.159; and

8. Permits issued pursuant to this subsection 23.60A.482.D shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.482.D and the other uses that occupy the 80 percent dry land area on the site.

E. Entertainment uses

1. The entertainment use of indoor sports and recreation is allowed as a special use if:
 - a. Located outside the Duwamish Manufacturing/Industrial Center;
 - b. Located in an existing building;
 - c. The use is located on site to prevent conflict with the operation of any water-dependent or water-related use on-site or on abutting properties, or jeopardize the safety for users of the indoor sports and recreation use;
 - d. Parking is available to accommodate the use;
 - e. The uses that are not water-dependent or water-related as allowed in subsections 23.60A.482.C, 23.60A.482.D, and this subsection 23.60A.482.E.1 occupy a total area equal to no more than 20 percent of the dry land area of the development site.
 - f. Ecological restoration in an amount equivalent in square footage to the gross floor area of the nonwater-oriented use is provided pursuant to Section 23.60A.159; and
 - g. Permits issued pursuant to this subsection 23.60A.482.E shall identify the specific uses and gross floor areas of each use that is authorized by the permit under this subsection 23.60A.482.E and the other uses that occupy the 80 percent dry land area on the site.
2. Entertainment uses are allowed in existing buildings at passenger terminals for cruise ships if all of the following standards are met:
 - a. The use does not increase conflicts with water-dependent and water-related uses on the site beyond that created by the passenger terminal use;
 - b. Ecological restoration is provided as a onetime condition as follows, except as set out in subsection 23.60A.482.E.2.b.4:
 - 1) In an amount equivalent in square footage to the gross floor area of the entertainment use pursuant to Section 23.60A.159;
 - 2) If the entertainment use occurs fewer than 365 days per year, the amount of ecological restoration shall be prorated by the number of days per year the entertainment use occurs;
 - 3) The area used to calculate the ecological restoration shall be the maximum area used for any one event; and
 - 4) If the number of days used for the entertainment use increases from the original permit, the additional number of days shall be subject to an additional permit, and ecological restoration shall be provided based on the additional days the site is used per year; and
 - c. The entertainment use does not include adult cabaret, adult motion picture theaters, and adult panorams.

- F. In the Duwamish area, yacht, boat and beach clubs and recreational marinas are allowed as a shoreline conditional use and in Lake Union and the Ship Canal yacht boat and beach clubs and recreational marinas are allowed if:

1. The use does not include an eating and drinking establishment;
 2. The use is located where there is no or minimal interference with turning basins, navigation areas for large vessels or other areas that would conflict with shipping;
 3. The use is located to not conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and
 4. The use is located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent commercial uses because of:
 - a. Shallow water depth; or
 - b. Inadequate amount of dry land.
- G. Existing warehouse uses that are not water-dependent or water-related are allowed but may not expand. New or expanded warehouse uses that are not water-dependent or water-related are prohibited except as provided in subsections 23.60A.482.C and 23.60A.482.D.
- H. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.
- I. Sewage treatment plants are allowed as a Council conditional use if:
1. Located in the Duwamish area;
 2. A Plan Shoreline Permit is obtained pursuant to Section 23.60A.066 and a determination has been made for expansion of an existing sewage treatment plant that an alternative design and locating the expanded portion of the sewage treatment plant is infeasible and for a new sewage treatment plant that no feasible alternative location for the sewage treatment plant outside the shoreline exist as determined under Section 23.60A.066;
 3. The plant is set back 60 feet from the line of the OHW mark;
 4. Public access is provided along the entire length of the shoreline that is part of the sewage treatment facility, except for any portion occupied by barge loading and unloading facilities to serve the sewage treatment plant; and
 5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other adverse impacts on the human and natural environment are required.
- J. Utility service uses are allowed if they reasonably require a shoreline location to operate.
- (Ord. 124750, § 46, 2015; Ord. 124105, § 3, 2013)

23.60A.484 - Uses allowed over water in the UI Environment

In addition to uses allowed over water in Section 23.60A.090, the following uses are allowed in the UI Environment over water in existing buildings or on existing structures, if they are water-dependent and are otherwise prohibited;

- A. Commercial uses;
- B. Light and general manufacturing uses;
- C. Cargo and passenger terminals; and
- D. Uses specifically allowed at existing passenger terminals pursuant to subsection 23.60A.482.E.

(Ord. 124750, § 48, 2015; Ord. 124105, § 3, 2013)

23.60A.906 - Definitions — "C"

"Cargo terminal" means a "transportation facility" use in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers, or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.

"Central Waterfront Landmark Area" means all lots from the southerly edge of Pier 54 to the northerly edge of Pier 59 along Seattle's downtown waterfront.

"Critical Root Zone" means the area on the ground surrounding a tree that is one and one-half times the maximum diameter of the tree's canopy or 20 times the DBH, whichever is greater.

"CM" means the Conservancy Management shoreline environment.

"CN" means the Conservancy Navigation shoreline environment.

"Commercial use" means the following uses:

- Animal shelters and kennels;
- Eating and drinking establishments;
- Entertainment uses;
- Food processing and craft work uses;
- Laboratories, research and development;
- Lodging;
- Medical services;
- Offices;
- Sales and service uses, automotive;
- Sales and services, general;
- Sales and service uses, heavy;
- Sales and services, marine.

"Conditional use" means a use identified in this Chapter 23.60A as requiring specific approval by either Ecology (shoreline conditional use) or the City Council (Council conditional use).

"Conservancy shoreline environments" means the Conservancy Management, Conservancy Navigation, Conservancy Preservation, Conservancy Recreation and the Conservancy Waterway shoreline environments.

"Constructed" means the process of creating or undertaking development including but not limited to construction of structures, associated site work, installation of on-site utilities, and re-establishment of disturbed areas.

"CR" means the Conservancy Recreation shoreline environment.

"Critical area." See "Environmentally critical area."

"CP" means the Conservancy Preservation shoreline environment.

"Custom craft work" means, in addition to the definitions in Section 23.84A.012, Food processing and craft work, wooden boat building, which is a water-related use.

"CW" means the Conservancy Waterway shoreline environment.

(Ord. 124750, § 62, 2015; Ord. 124105, § 3, 2013)

23.60A.926 - Definitions — "M"

"Manufacturing" means the following uses as defined in Chapter 23.84A, Definitions, as of the effective date of this ordinance:

- Light manufacturing;
- General manufacturing;
- Heavy manufacturing.

"Marina" means both marina, commercial and marina, recreational.

"Marina, commercial" means a use in which a system of piers, buoys, or floats is used to provide moorage for:

1. Sale, or rent usually on a monthly or yearly basis, for commercial vessels, where commercial vessels occupy 75 percent or more of the moorage;
2. Commercial vessels moored for the operation of commercial businesses; or
3. Commercial or recreational vessels undergoing repair by commercial businesses. Minor vessel repair, haul-out, dry boat storage, tugboat dispatch offices, and other services are also often accessory to or associated with the use.

"Marina, recreational" means a use, in which a system of piers, buoys, or floats is used to provide moorage for sale or rent, usually on a monthly or yearly basis. Recreational vessels occupy 75 percent or more of the moorage. Minor vessel repair, haul-out, dry boat storage and other services are also often accessory to or associated with the use.

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

"Master Program." See "Shoreline Master Program."

"May" means the action is acceptable, provided it conforms to the provisions of this Chapter 23.60A.

"Mean higher high water (MHHW)" means a tidal datum. The average of the higher of the high water heights, each tidal day, observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent or accepted values of the National Tidal Datum Epoch. The elevation of this datum on the shore is the MHHW line.

"Mean lower low water (MLLW)" means a tidal datum. The average of the lower of the low water heights, each tidal day, observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent or accepted values of the National Tidal Datum Epoch. The elevation of this datum on the shore is the MLLW line.

"Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with the use of mechanical harvesters that cut and collect aquatic plants, and mechanical cutters that only cut aquatic plants.

"MHHW." See "Mean higher high water."

"Mitigation" means the action taken to minimize, rectify, reduce or eliminate adverse impacts over time and/or compensate for the loss of ecological functions resulting from new development or use, or from maintaining, repairing or altering existing development or use that creates new adverse impacts to ecological functions, or from substantially improving, replacing or rebuilding a nonconforming development. Loss of ecological functions may be due to, but not limited to, location, design, construction and management of the development or use.

Mitigation sequencing means the steps taken to avoid, minimize, rectify, reduce or eliminate adverse impacts over time and/or compensate for the loss to ecological functions, as specified in subsection 23.60A.158.B.1, so that mitigation achieves no-net-loss to ecological functions.

"MLLW." See "Mean lower low water."

"Moorage, covered" means a pier and pier structures or system of floating or fixed access-ways covered with a roof, to which boats on water may be secured.

"Moorage, open wet" means an uncovered pier and pier structures or system of floating or fixed access-ways to which boats on water may be secured.

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

"Mudflat" means a coastal wetland consisting of fine-grained silt or organic matter that is covered at high tide and exposed at low tide.

(Ord. 124750, § 69, 2015; Ord. 124105, § 3, 2013)

23.60A.940 - Definitions — "U"

"UC" means the Urban Commercial shoreline environment.

"UG" means the Urban General shoreline environment.

"UH" means the Urban Harborfront shoreline environment.

"UI" means the Urban Industrial shoreline environment.

"UM" means the Urban Maritime shoreline environment.

"UR" means the Urban Residential shoreline environment.

"Urban shoreline environments" means the Urban Commercial, Urban General, Urban Harborfront, Urban Industrial, Urban Maritime and Urban Residential shoreline environments.

"USACE" means U.S. Army Corps of Engineers.

"Use" means a purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. For purposes of this Chapter 23.60A, uses include shoreline modifications and utility lines.

"Use, accessory" means a use that is incidental and intrinsic to the function of a principal use and is not a separate business establishment unless a home occupation.

"Use, principal" means any use, whether a separate business establishment or not, that has a separate and distinct purpose and function from other uses on the lot.

"USEPA" means U.S. Environmental Protection Agency.

"Utilities" means the following uses:

- Communication utility major or minor;
- Utility service uses;
- Solid waste management;
- Recycling;
- Sewage treatment plant; and
- Power plant.

"Utility lines" means pipes, cables or other linear conveyance systems used to transport power, water, gas, oil, wastewater or similar items. Utility lines include outfalls and intakes.

(Ord. 124105, § 3, 2013)

23.60A.944 - Definitions — "W"

"WAC" means the Washington Administrative Code, which are regulations of executive branch agencies issued by authority of Washington State statutes that interpret the statutes.

"Water-dependent use" means a use that cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses are included:

Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, moorage, sale or rental of large boats, tour boats, cruise ships, tug and barge operations, recreation that provides physical access to the water, limnological or oceanographic research facilities that require the use of the adjacent water for its operation. Water-dependent use includes businesses that receive or transport 50 percent or more product or material used in the business via the water adjacent to such business. The following uses and similar uses are not water-dependent: offices, eating and drinking establishments, catering services, non-marine sales and service, lodging, adult care centers, child care centers, religious facilities, hospitals, and residential uses.

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and that through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. The following uses are often considered water-enjoyment uses: eating and drinking establishments and recreation that provides visual access to the water.

"Water-oriented use" means a use that is a water-dependent, water-related, or water-enjoyment use, or a combination of such uses.

"Water quality" means the physical characteristics of water within the Shoreline District, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics.

"Water-related use" means a use or portion of a use not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a location in the shoreline district because:

1. The use has a functional requirement for a waterfront location, such as the arrival or shipment of a substantial portion of up to 50 percent of product or materials arrive by vessel, or the need for large quantities of water in the use; or
2. The storage of material that is transported by a vessel and is either loaded or off-loaded in the Shoreline District; or
3. The use provides a necessary service supportive of water-dependent uses and the proximity

of the use to its customers makes its services less expensive and/or more convenient.

The following uses, and similar uses, are often considered water-related: Seafood and fish processing, lumber and plywood mills, sand and gravel companies and concrete mix and cement plants if a substantial portion of up to 50 percent of product or materials for any of the foregoing uses arrive by vessel, water pollution control services, marine electronics, marine refrigeration, marine sales, boat rigging operations and storage of items that have come off of a vessel and will be returned to a vessel or transported to another location; such as, cargo containers and products. The following uses and similar uses are not water-related: offices, eating and drinking establishments, catering services, non-marine sales and service, lodging, adult care centers, child care centers, religious facilities, hospitals, and residential uses.

"Watershed restoration plan" means a plan developed or sponsored by the Washington Department of Fish and Wildlife, the State Department of Ecology, the State Department of Natural Resources, the State Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to RCW 43.21, the State Environmental Policy Act.

"Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or part of the plan and consists of one or more of the following activities:

1. A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
2. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
3. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream.

"Waterway" means a public highway for watercraft providing access from land to water and from water to land platted by the Washington State Harbor Line Commission for the convenience of commerce and navigation.

"WDFW" means Washington Department of Fish and Wildlife.

"Weed rolling" means the use of a mechanical roller designed to control aquatic weeds.

"Weir" means a structure in a stream or river for measuring or regulating stream flow.

"Wetlands" means those areas identified and delineated in accordance with the approved federal wetland delineation manual and applicable regional supplements.

"Wharf" See "pier."

"Wildlife" means living things that are neither human nor domesticated, including but not limited to mammals, birds and fishes.

"WRIA" means Water Resource Inventory Area.

(Ord. 124750, § 76, 2015; Ord. 124105, § 3, 2013)