



SEATTLE CITY COUNCIL

Legislative Summary

CB 119471

Record No.: CB 119471

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125882

In Control: City Clerk

File Created: 12/12/2018

Final Action: 08/09/2019

Title: AN ORDINANCE relating to land use and zoning; clarifying the definition of vessel and consistently using the term vessel in the Shoreline Master Program; and amending Sections 23.60A.204, 23.60A.916, and 23.60A.942 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: bonita.chinn@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	02/19/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	02/19/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	02/22/2019	sent for review	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee						
	Notes:						
1	City Council	03/04/2019	referred	Planning, Land Use, and Zoning Committee			
	Action Text: The Council Bill (CB) was referred. to the Planning, Land Use, and Zoning Committee						

Legislative Summary Continued (CB 119471)

Notes:

- 1 Planning, Land Use, and Zoning Committee 05/01/2019 discussed
Action Text: The Council Bill (CB) was discussed in Committee.
Notes:
- 1 Planning, Land Use, and Zoning Committee 06/05/2019 held
Action Text: The Council Bill (CB) was held.
- 1 Planning, Land Use, and Zoning Committee 06/19/2019 pass as amended Pass
Action Text: The Committee recommends that City Council pass as amended the Council Bill (CB).
In Favor: 3 Chair Pacheco, Vice Chair O'Brien, Member Herbold
Opposed: 0
- 1 City Council 08/05/2019 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
In Favor: 9 Councilmember Bagshaw, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant
Opposed: 0
- 2 City Clerk 08/09/2019 submitted for Mayor
Mayor's signature
- 2 Mayor 08/09/2019 Signed
- 2 Mayor 08/09/2019 returned City Clerk
- 2 City Clerk 08/09/2019 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
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CITY OF SEATTLE

ORDINANCE 125882

COUNCIL BILL 119471

AN ORDINANCE relating to land use and zoning; clarifying the definition of vessel and consistently using the term vessel in the Shoreline Master Program; and amending Sections 23.60A.204, 23.60A.916, and 23.60A.942 of the Seattle Municipal Code.

WHEREAS, the goals of the Shoreline Management Act are to promote water dependent uses, protect the shoreline environment, and promote public access to the shorelines; and

WHEREAS, the State's Shoreline Management Act and Shoreline Master Program Guidelines direct the City to implement the Shoreline Master Program regulations in a manner that provides the most protection for the shoreline environment and provides the area needed for water-dependent uses and public access to the shorelines; and

WHEREAS, when implementing the Shoreline Master Program Guidelines uses that occur over the water are to be limited to water-dependent uses to minimize environmental damage; and

WHEREAS, redefining a vessel, which is water-dependent and exists over water, as a floating on-water residence, which is not water-dependent and exists over water, conflicts with the goals and policies of the State Shoreline Management Act and the City's Shoreline Master Program regulations; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.60A.204 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.60A.204 Floating structures and standards for house barges

* * *

1 B. For purposes of this Chapter 23.60A, house barges are only allowed under the
2 following conditions:

3 1. The house barge was moored at a recreational marina in the City before July
4 1990.

5 2. A permit for the house barge was secured from the Seattle Department of
6 Construction and Inspections verifying that the house barge existed and was used for residential
7 purposes within the City before July 1990 and has been continuously used since that time.

8 3. Verification

9 a. Each house barge must be verified by the Director, and owners shall pay
10 a one-time fee to receive a verification number. The fee shall be established by the Director to
11 recover the reasonable costs of the program for issuing a verification number. Owners of house
12 barges authorized by this Section 23.60A.204 may apply to the Director for verification or may
13 wait until the Director asks for verification information. If a house barge is not verified pursuant
14 to this subsection 23.60A.204.B, the Director may require the owner to submit verification
15 information and pay the required fee.

16 b. If an owner disputes the Director's denial of verification as a house barge
17 under this Section 23.60A.204, the owner may appeal the Director's determination to the hearing
18 examiner, in conformance with the hearing examiner rules, within 30 days of date the Director's
19 determination was mailed. The appeal shall be conducted de novo, and the City shall have the
20 burden of showing by a preponderance of the evidence that the decision of the Director was correct.
21 Nothing in this Section 23.60A.204 precludes the City from enforcing this code under Chapter
22 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing
23 examiner upholding the City's denial of house barge verification.

1 c. The owner of a house barge that complies with the requirements of
2 subsections 23.60A.204.B.1 and 23.60A.204.B.2 may choose to have the house barge verified
3 and regulated as a floating on-water residence under Section 23.60A.203 instead of under this
4 Section 23.60A.204.

5 d. The owner shall display the verification number issued by the Seattle
6 Department of Construction and Inspections on the pier and landward side of the ((vessel)) house
7 barge, in numerals at least 3 inches high in a location legible from the pier, or on the side most
8 commonly used for access from the pier, or if public access to the pier is not available then on a
9 side visible from the water.

10 e. Failure to verify an authorized house barge or correctly display a
11 verification number is a violation of this Chapter 23.60A that is subject to the enforcement
12 process in Chapter 23.90 and does not forfeit the owner's right to maintain an authorized house
13 barge.

14 4. A house barge verification number is transferable between owners but is not
15 transferable to another house barge, except to a house barge that has been replaced as provided in
16 subsection 23.60A.204.C.

17 5. House barges must be moored at a recreational marina, as defined by Section
18 23.60A.926.

19 * * *

20 Section 2. Section 23.60A.916 of the Seattle Municipal Code, last amended by Ordinance
21 124750, is amended as follows:

22 **23.60A.916 - Definitions — "H"**

23 * * *

1 "House barge" means a (~~vessel~~) structure that floats on water and is designed or used as
2 a place of residence without a means of self-propulsion and steering equipment or capability.

3 * * *

4 Section 3. Section 23.60.942, last amended by Ordinance 124750, is amended as follows:

5 **23.60.942 Definitions — "V"**

6 * * *

7 "Vessel" means ships, boats, barges, or any other floating craft that are designed for
8 navigation in order to transport people or goods over water, (~~and~~) are used for or capable of
9 being used for navigation, and do not interfere with the normal public use of the water(~~(;~~
10 ~~including~~)). A vessel is considered capable of being used for navigation even if it is not used for
11 navigation due to actions or inactions of the vessel owner(s) or due to conditions affecting the
12 use of the vessel for navigation, which include, but are not limited to, broken engines, lack of an
13 engine, hull damage, physical modifications, or missing sails. Vessel also means historic ships
14 that do not have means of self-propulsion and steering equipment (~~and house barges~~).

15 * * *

16 Section 4. Nothing in this ordinance alters the status of floating on-water residences that
17 received verifications from the City, prior to the effective date of this ordinance, pursuant to the
18 requirements of subsection 23.60A.203.B and the definition of floating on-water residence in
19 Section 23.60A.912.

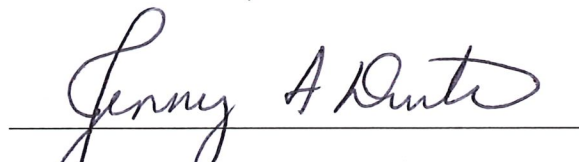
1 Section 5. This ordinance shall take effect and be in force on whichever is the later of: (a)
2 the effective date of approval of the amendments in this ordinance by the Washington State
3 Department of Ecology; or (b) 30 days from and after its approval by the Mayor, but if not
4 approved and returned by the Mayor within ten days after presentation, it shall take effect as
5 provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the 5th day of August, 2019,
7 and signed by me in open session in authentication of its passage this 5th day of
8 August, 2019.

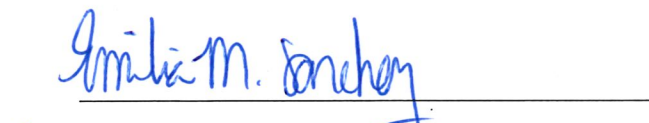
9 

10 President _____ of the City Council

11 Approved by me this 9th day of August, 2019.

12 
13 Jenny A. Durkan, Mayor

14 Filed by me this 9th day of AUGUST, 2019.

15 
16 for Monica Martinez Simmons, City Clerk

17 (Seal)