



Legislation Details (With Text)

File #: CB 119471 **Version:** 2 **Name:** CB 119471
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 8/5/2019

Final Action: 8/9/2019 **Ord. No.** Ord 125882

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.

Sponsors: Rob Johnson

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Director's Report, 3. Presentation (5/1/19), 4. Central Staff Memo, 5. Proposed Amendment 1, 6. WA Department of Ecology's SMP Vessel Amendment Determination, 7. Signed Ordinance 125882, 8. Affidavit of Publication

Date	Ver.	Action By	Action	Result
8/9/2019	2	City Clerk	attested by City Clerk	
8/9/2019	2	Mayor	returned	
8/9/2019	2	Mayor	Signed	
8/9/2019	2	City Clerk	submitted for Mayor's signature	
8/5/2019	1	City Council	passed	Pass
6/19/2019	1	Planning, Land Use, and Zoning Committee	pass as amended	Pass
6/5/2019	1	Planning, Land Use, and Zoning Committee	postponed	
5/1/2019	1	Planning, Land Use, and Zoning Committee	discussed	
3/4/2019	1	City Council	referred	
2/22/2019	1	Council President's Office	sent for review	
2/19/2019	1	City Clerk	sent for review	
2/19/2019	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

* * *

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

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

2. A permit for the house barge was secured from the Seattle Department of Construction and

Inspections verifying that the house barge existed and was used for residential purposes within the City before July 1990 and has been continuously used since that time.

3. Verification

a. Each house barge must be verified by the Director, and owners shall pay a one-time fee to receive a verification number. The fee shall be established by the Director to recover the reasonable costs

of the program for issuing a verification number. Owners of house barges authorized by this Section 23.60A.204 may apply to the Director for verification or may wait until the Director asks for verification information. If a house barge is not verified pursuant to this subsection 23.60A.204.B, the Director may require the owner to submit verification information and pay the required fee.

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

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

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

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

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

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

* * *

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

<http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?
d=CODE&s1=23.60.482.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G>
<http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?
d=CODE&s1=23.60.482.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G>

23.60A.916 - Definitions - "H"

* * *

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

* * *

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

<http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?
d=CODE&s1=23.60.482.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G>
<http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?
d=CODE&s1=23.60.482.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G>

23.60.942 Definitions - "V"

* * *

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

* * *

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

Section 5. 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) 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)