



CITY OF COSMOPOLIS SHORELINE MASTER PROGRAM USER GUIDE

January 2016



Funded through a grant from the
Washington State Department of Ecology

Prepared by:



1. Shoreline Master Program Overview	3
2. Frequently Asked Questions	5
3. Focus Topics	9
Critical Areas and Shoreline Vegetation Conservation	9
Industrial and Port Development	9
Boating and Water Access Facilities	11
Shoreline Buffers and Setbacks	15
Existing Non-Conforming Uses, Developments, or Structures	18
Vegetation Management	20
4. Shoreline Permit Process	22
When is a Shoreline Permit Required?	22
Shoreline Permit Application Requirements	23
Shoreline Permit Review Steps	24
Other Permits Required	26
5. Appendices	27
Appendix A: Shoreline Environment Designation Map	27
Appendix B: Shoreline Use Table	29
Appendix C: Shoreline Modifications	31
Appendix D: Shoreline Development Standards	32

List of Tables

Table 1: Industrial and Port Development Standards in the Shoreline	10
Table 2: Shoreline Buffers	16
Table 3: Modified Buffer Widths	17
Table 4: Nonconforming Uses, Developments, and Structures	18
Table 5: Vegetation Management within the Shoreline Jurisdiction	20
Table 6: Permitted, Conditional, and Prohibited Uses	29
Table 7: Shoreline Modifications Table	31
Table 8: Shoreline Development Standards	32

List of Figures

Figure 1: Buffers and Setbacks	15
--------------------------------	----





Photo by Washington State
Department of Ecology

1. SHORELINE MASTER PROGRAM OVERVIEW

The Washington State Shoreline Management Act (SMA) of 1971 protects the shorelines in Washington State and promotes responsible shoreline use and development, environmental protection, and public access. Within the framework of the SMA, the City of Aberdeen is required to update its Shoreline Master Program (SMP) to sure that it is tailored to local conditions and based on citizen participation. The state ensures the City's SMP safeguards statewide public interests.

The City originally prepared and adopted its SMP in 1974 with the intent of balancing development and protection in the shorelines. In the more than forty years since the City's SMP was drafted, the City's shorelines have physically changed in many ways. In addition, state laws and rules have advanced as development and conservation practices have evolved. Because of all these changes, The City adopted the update to its SMP in 2016 tailored to the local needs that considered existing and planned development within the City's shorelines. The City's SMP Update was prepared as part of a coalition with the cities of Aberdeen and Hoquiam. The coalition obtained grant number G1200451 from Ecology in 2013 to conduct a comprehensive SMP update.

The following documents are important components of the updated SMP:

- Shoreline Master Program – which contains the goals, policies, and regulations, as well as shoreline environment designation maps that guide and regulate future development in the shoreline.
- Restoration Plan –the County's guide to voluntary actions that will be undertaken to improve the overall health of the shoreline.

USING THIS GUIDE

The intent of this user guide is to assist shoreline property owners and those wanting to develop shoreline property in working with City Staff to achieve their goals while meeting the requirements of the City's SMP.

This guide includes tables, diagrams, and illustrations that help explain six of the most common topics that arise in the development of the City's shoreline:

- Critical areas and shoreline vegetation conservation
- Industrial and port development
- Boating and water access facilities
- Shoreline buffers and setbacks
- Existing non-conforming uses, developments, or structures
- Vegetation management

This guide should be used in consultation with City Staff.





2. FREQUENTLY ASKED QUESTIONS

WHY DOES COSMOPOLIS HAVE A SHORELINE MASTER PROGRAM?

The SMP is a combination of long-range planning and regulatory elements that guide and regulate shoreline development. The City is required to update its SMP based on the state SMA. Key principles of the SMP include striking a balance between environmental protection, public access, and water-oriented uses while achieving no net loss of ecological functions based on the baseline conditions of the City's shoreline when the SMP was updated in 2016.

The purposes of the City's SMP are to:

1. Keep the City compliant with the SMA;
2. Promote public health, safety, and general welfare by providing goals, policies, and regulations for the future development of shoreline resources in the City;
3. Implement and enforce SMA policies and SMP goals; and
4. Comply with the State SMP Guidelines.

In particular, the SMP focuses on regulations and mitigation standards to ensure that development will not degrade nature environmental processes in the shoreline.

WHAT IS SHORELINE JURISDICTION?

“Shoreline Jurisdiction” is a term that describes all of the geographic areas covered by the SMA, related rules, the applicable SMP, and such areas in the City under the SMA.

The Shoreline Jurisdiction is defined as the following Shorelines of the State subject to the SMA within the City that include:

1. The area between the ordinary high water mark (OHWM) and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets.
2. Segments of streams / rivers where the mean annual flow exceeds 20 cubic feet per second.
3. Lakes and reservoirs that are 20 acres and greater in area.
4. Shorelands adjacent to these waterbodies. These include:
 - a. Lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM);
 - b. Adopted Federal Emergency Management Agency (FEMA) floodways and contiguous floodplain areas landward 200 feet from such adopted FEMA floodways; and
 - c. All wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the SMA.



The following waterbodies are subject to the city of Cosmopolis’ SMP: the Chehalis River and Mill Creek.

Based on **RCW 35.21.160** – ‘Jurisdiction over adjacent water,’ shoreline jurisdiction also extends to the middle of Grays Harbor. The city will coordinate with Ecology and the other jurisdictions in Grays Harbor County on a case-by-case basis to avoid creating jurisdictional conflicts.

The extent of shoreline jurisdiction in the city is depicted on the official shoreline map included in **Error! Reference source not found.**

DOES THE SMP APPLY TO MY PROPERTY?

The SMP applies to all new development occurring within shoreline jurisdiction. The SMP does not apply retroactively, so legally existing structures and uses may continue. However, if existing structures are changed, they will be subject to the existing development provisions of the SMP. For more information on how changes to existing structures are affected by the shoreline program, see the **Focus Topic** on Existing Non-Conforming Use, Development, or Structures for more details.



To determine the extent of shoreline jurisdiction for your area, see the official shoreline maps in Appendix A.

WILL THE SMP AFFECT MY HOME?

Under the provisions of the updated SMP, existing single-family homes are not affected, as the new regulations do not apply to them retroactively. However, all new development or the replacement of a damaged home will need to meet SMP requirements. For more information on this topic, visit the Ecology website on exemptions found here:

http://www.ecy.wa.gov/programs/sea/sma/st_guide/administration/exemptions/sfr.html.

WHAT IS NO NET LOSS OF ECOLOGICAL FUNCTIONS?

The new environmental protection standard under the SMA for the updated SMP is “no net loss of shoreline ecological functions.” The term “ecological functions” broadly applies to features in the environment that provide habitat for fish and wildlife, protect water quality, and enhance flows in streams and lakes. The *Shoreline Inventory and Characterization - Aberdeen, Cosmopolis, Hoquiam (SIC) Report* documented these baseline conditions, and the description of conditions found in the report is what “no net loss” standard will be measured against. Protection of these functions is accomplished by avoiding or minimizing the introduction of impacts to ecological functions resulting from new shoreline development. For more information on this topic, visit the Ecology website on frequently asked questions found here:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/faqs.html>.

WHAT ARE SHORELINE ENVIRONMENT DESIGNATIONS?

All land in the City that is within the shoreline jurisdiction for the SMP is assigned one of the five shoreline environment designations. These designations are similar to the Comprehensive Plan’s land use designations or the districts on the zoning map, because they establish the uses that are allowed and the bulk and dimensional regulations. The five shoreline environment designations are:

- ① High Intensity
- ② Shoreline Residential
- ③ Urban Conservancy
- ④ Natural
- ⑤ Aquatic



The City has a map that identifies the designations. Specific purposes, designation criteria, and management policies apply for each shoreline environment designation. For more information about the designations, please read *SMP Chapter 3*.



To determine the Shoreline Environmental Designation of your parcel or property, see the map in Appendix A.

WHAT IS A “WATER-DEPENDENT USE”?

Subcategories for types of uses or activities include the following terms:

1. **Water-dependent** means a use that cannot exist in any other location and is dependent on the water due to the intrinsic nature of its operations, such as a port or sewer outfall.
2. **Water-related** means a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location, such as a fish processing plant or a sewer treatment plant.
3. **Water-enjoyment** means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use. Examples include public trails, golf courses, parks, etc.
4. **Non-water-oriented** means everything else: an auto parts store, etc.





3. FOCUS TOPICS

Critical Areas and Shoreline Vegetation Conservation

Within the SMP, buffers for lakes and streams that are shorelines of the state are considered “shoreline buffers” while the buffers for all other critical areas regulated under [SMP Appendix 2: Critical Areas Regulations](#) are called “critical areas buffers.” Native vegetation conservation is emphasized within both of the areas. Native vegetation supports many ecological functions or processes in shoreline and critical area buffers, and retaining the vegetation will help the city to meet the SMA goal of no net loss of shoreline ecological functions.

Industrial and Port Development

INDUSTRIAL AND PORT DEVELOPMENT WITHIN SHORELINE JURISDICTION

In applying the policies and regulations of this section, the following definitions are used:

- “Industrial” means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of goods and materials is considered industrial development.
- “Port” means a center for water-borne commerce and traffic and includes marine terminals and moorage facilities.

Industrial and port developments are often associated with other uses and modifications that are identified separately in the SMP, such as parking or dredging. Every use and type of shoreline

modification should be identified and reviewed for compliance with all applicable sections. Table 6 and Table 7 provide summaries of information included in the SMP.

For the purposes of determining to which uses and activities this classification applies, the use of marine terminals and moorage facilities shall be permitted only where port and industrial uses are allowed. This use category shall likewise apply to facilities that handle the loading and unloading of cargo, freight mobility, and materials associated with industrial or port uses.

Industrial and port development is intensive and has the potential to impact the shoreline environment. When impacts cannot be avoided, they must be mitigated to assure no net loss of the ecological function necessary to sustain shoreline resources.

Table 1: Industrial and Port Development Standards in the Shoreline

Topic	Development Standard
General Requirements	<ul style="list-style-type: none">Water-dependent industrial and port uses shall have shoreline location priority over all other uses in the High Intensity shoreline environment designationThe location, design, and construction of industrial and port development shall result in no net loss of ecological functions or have significant negative impacts to shoreline use, resources, and navigation, recreation, and public accessBest Management Practices (BMPs) shall be strictly adhered to for facilities, vessels, and products used in association with these facilities and vessels
Buffers	<ul style="list-style-type: none">All new or expanded upland industrial or port development shall be set back and buffered from adjacent shoreline properties, which are used for non-industrial purposes. Buffers shall be of adequate width, height, and plant and soil composition to protect shorelines and such other properties from visual or noise intrusion, minimize erosion, and protect water qualityNew or expanded industrial and port development shall be set back and buffered from the shoreline except those water-dependent portions of the development, which require direct access to the water, or shoreline and any adverse impacts are minimizedBuffers shall not be used for storage of industrial or port equipment or materials, or for waste disposal, but may be used for outdoor recreation if consistent with public access and other provisions of the SMP

Topic	Development Standard
New Non-Water Uses	<p>New non-water-oriented uses are prohibited in shoreline jurisdiction unless they meet one of the following criteria:</p> <ul style="list-style-type: none"> It is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit such as providing public access or ecological restoration; Navigability is severely limited on the site and the industrial use provides a significant public benefit of providing public access or ecological restoration; The site is physically separated from the shoreline by another property or public right of way; or The site is adjacent to a tributary such as Fry Creek or an associated wetland and not the Chehalis, Hoquiam, or Wishkah Rivers or the Grays Harbor Estuary.
Public Access	<ul style="list-style-type: none"> Public access should be incorporated where feasible Public access shall be required where feasible for new industrial and port development on publicly owned land and does not interfere with operations, violate federal security regulations, or endanger public health and safety
Air and Water Quality	<ul style="list-style-type: none"> Industrial and port development shall comply with all local, state, and federal requirements regarding air and water quality.
Pollution	<ul style="list-style-type: none"> All developments shall include the capability to contain and clean up spills, discharges, or pollutants, and shall be responsible for any pollution, which they cause
Toxic Materials	<ul style="list-style-type: none"> Procedures for handling toxic materials in shoreline areas shall prevent their entering the air or water
Accessory Development	<ul style="list-style-type: none"> Accessory development, which does not require a shoreline location, shall be located upland of the water-dependent portions of the development and set back from the OHWM as set forth in the shoreline environment designation

Boating and Water Access Facilities

This section applies to all in-water and overwater structures and uses facilitating water access or the launching or mooring of vessels including all public and private docks, piers, marinas, mooring buoys, launch ramps, and recreational floats. It does not apply to marine terminals and moorage structures, which are regulated in [SMP Section 5.10](#).

Construction of dock structures for the private noncommercial use of the owner, lessee, or contract purchaser of single- and multifamily residences are exempt from the requirement for a shoreline substantial development permit pursuant to [RCW 90.58.030\(3\)\(e\)\(vii\)](#) and [WAC 173-27-040\(h\)](#). An HPA from WDFW may still be required. The design standards, mitigation requirements, and application requirements of [SMP Section 5.07.02](#) still apply.

EXISTING USES AND STRUCTURES

The following provides information on how the SMP affects existing uses and structures for boating and water access facilities:

Topic	Requirements
Replacement	If any of the following are proposed, the project is considered a new boating and water access facility and must be designed consistent with any applicable standards for new boating and water access facilities: <ul style="list-style-type: none">▪ Replacement of the entire overwater boating and water access facility;▪ Replacement of 75% or more of support piles on a cumulative basis over the life of the piles; or▪ Replacement of 75% or more of a boat launch on a cumulative basis over the life of the boat launch.
Modification or Enlargement	Applicants must demonstrate that there is a need for modification or enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water. Enlarged portions of boating and water access facilities must comply with any applicable design and mitigation standards for new facilities.
Repairs	Repairs to existing legally established boating and water access facilities that fall below the standards identified in <i>SMP Section 5.07.02(k)(1)</i> are permitted consistent with all other applicable codes and regulations. All repairs must utilize any material standards specified for new facilities.

LOCATION, DESIGN, MITIGATION AND SUPPLEMENTARY STANDARDS

Boating and other water access facilities must be sited and designed to ensure no net loss of shoreline ecological functions. Such facilities must meet the Washington State Department of Natural Resources (WDNR) requirements and other state guidance if located in or over state-owned aquatic lands. *SMP Section 5.07.02* contains regulations including design standards, mitigation requirements, and application requirements related to these structures and uses.

The General Design Standards for Boating and Water Access Facilities and the Additional Standards for Docks and Piers are provided on the following pages.



GENERAL DESIGN STANDARDS FOR BOATING AND WATER ACCESS FACILITIES

Boating and Water Access Facilities:

Boating and water access facilities shall be designed and operated to avoid or minimize impacts. Unavoidable impacts must be mitigated consistent with the mitigation sequence in SMP Section 4.03 and critical areas in SMP Section 4.04.

All boating and water access facilities and shoreline modifications to support these uses shall be the minimum size necessary to accommodate the anticipated demand for the facility.

Boating and water access facilities shall be designed to provide physical or visual public access to the shoreline for as many water-oriented recreational uses as feasible, commensurate with the scale of the proposal, including, but not limited to, physical and visual access to waterbodies, public piers, or fishing platforms.

Project applicants shall comply with all local and state policies and regulations, including all applicable health, safety, and welfare requirements associated with the primary or accessory use. These standards include but are not limited to WDNR and WDFW standards and regulations including Hydraulic Code Rules (Chapter 220-660 WAC).

All boating or water access facilities shall be constructed and maintained in a safe condition. Abandoned or unsafe boating or water access facilities shall be removed or repaired promptly by the owner.

Wooden components of boating or water access facilities that will be in contact with water or installed over water shall not be treated or coated with herbicides, fungicides, paint, pentachlorophenol, arsenate, creosote, or similar toxic substances. Boating or water access facilities shall be made out of materials that have been approved by applicable state and federal agencies.

Lighting associated with boating or water access facilities shall be shielded to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.

Boating or water access facilities must be limited to day moorage only. No live-aboard vessels or floating homes are allowed.

Non-water-dependent elements and uses, such as decks and gazebos built on docks or piers, are not allowed.

Upland boat storage may be allowed within the shoreline jurisdiction provided impermeable surface limitations and other standards are met, mitigation sequencing is followed, and impacts can be mitigated to achieve no net loss.

Additional Standards for Docks and Piers:

New docks and piers shall follow BMPs and the standards in WAC 220-660-140 to avoid impacts to shoreline ecological functions, such as effects to nearshore habitat.

New docks and piers shall be allowed only for public access and water-dependent uses, including single-family residences, so long as the dock or pier complies with the regulations contained in this section. Docks and piers shall meet the following standards: (1) Docks and piers serving a single-family residence are defined as water-dependent accessory uses. To be authorized, the residential use and the accessory dock or pier must be allowed in the underlying upland shoreline environment designation. (2) New docks and piers that are not accessory to single-family residences shall be permitted only when they are intended for public use or when the applicant demonstrates that the new dock or pier supports a water-dependent use. (3) No more than one dock or pier is permitted for each single-family residence existing as of the effective date of the SMP. (4) Only joint-use overwater structures and launching facilities are allowed for new residential development or subdivisions of two or more waterfront dwellings occurring after the effective date of the SMP. (5) No more than one pier, dock, or other moorage structure is allowed for a water-dependent commercial use or a multifamily development.

When individual lots have less than 50 feet of water frontage, a joint-use dock or pier that is shared with neighboring properties shall be required, provided that an individual dock may be allowed subject to the requirements of SMP Tables 5-1 – 5-3: Permitted, Conditional, and Prohibited Uses when lots on either side of the subject lot have legal pre-existing docks or piers and the applicant demonstrates to the satisfaction of the Shoreline Administrator that a shared use agreement is not feasible. In this case only, a lot with less than 50 feet of minimum shoreline frontage may be permitted an individual dock or pier.

The maximum dimensions of a dock or pier shall be no greater than necessary and shall generally meet the following development standards. An explanation of why the dock or pier length was chosen must be submitted with the application. (1) Residential docks and piers shall be no more than four feet in width and shall not exceed 150 feet beyond the OHWM. (2) Docks and piers for commercial, recreational, or public access use may be up to eight feet in width and shall not exceed 200 feet beyond the OHWM. (3) Docks and piers shall be set back a minimum of ten feet from side property lines. Provided that joint-use facilities may be located closer to or upon a side property line when agreed to by contract or covenant with the owners of the affected properties. A copy of such agreement shall be recorded with the Grays Harbor County Auditor and filed with the shoreline permit application. (4) Proposed docks and piers that do not comply with the dimensional standards above may only be approved if they obtain a shoreline variance. Pursuant to WAC 173-27-040(2)(b), any existing legal nonconforming dock or pier may be repaired or restored to its original size, dimension, and location without the need for a variance, if it is below the replacement thresholds found in SMP Section 5.07.02(K)(1). Projects undertaken pursuant to this section must be permitted within two years of removal of the pre-existing, nonconforming structure.

Shoreline Buffers and Setbacks

BUFFERS AND SETBACKS ESTABLISHED

Buffers are established to protect and maintain ecological functions (e.g., fish and wildlife habitat and water quality protection) next to a stream, lake, or wetland by providing separation from development and land uses that could impact these functions.

Building setbacks are established to separate structures from buffers by adding *additional* distance between buffers and the associated higher intensity development to prevent further buffer impacts.

A minimum building setback line of **15 feet** is required from the edge of any shoreline buffer or critical area buffer in shoreline jurisdiction. All structures and certain activities must be located outside of the shoreline buffer, unless explicitly permitted in the SMP.

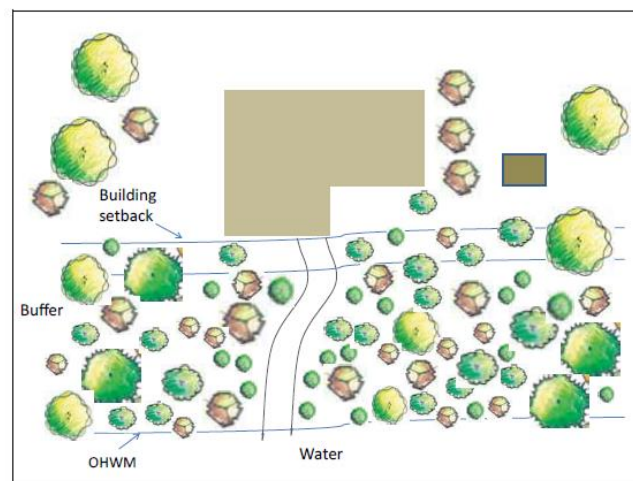
Comment [NS1]: Source: SMP Appendix 2: Cosmopolis Section 1.08.

SHORELINE BUFFERS

Figure 1~~Error! Reference source not found.~~ illustrates the concept of buffers and setbacks on a shoreline. The setback separates the structure from the buffer. Buffers should have a mix of trees, shrubs, and groundcovers. Buffers and setbacks are measured landward from the OHWM.

Table 2 provides shoreline buffer width requirements according to shoreline environment designation. Shoreline buffers are measured landward from the OHWM in a horizontal direction perpendicular to the OHWM of the Shoreline of the State. Shoreline buffers may be modified as described in Table 3.

Figure 1: Buffers and Setbacks



Note: the graphic is not drawn to scale. Source: Washington State Ecology SMP Handbook.

Table 2: Shoreline Buffers

Shoreline Buffer from the OHWM ⁽¹⁾	Shoreline Environment Designation			
	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Aquaculture				
Water-dependent structures and uses	0 feet	0 feet	0 feet	N/A
Water-related and water-enjoyment mixed-use structures and uses	75 feet	75 feet	75 feet	N/A
Non-water-oriented structures and uses	150 feet	150 feet	150 feet	N/A
Boating Facilities				
Water-dependent structures and uses	0 feet	0 feet	0 feet	N/A
Water-related and water-enjoyment mixed-use structures and uses	75 feet	75 feet	75 feet	N/A
Non-water-oriented structures and uses	150 feet	150 feet	150 feet	N/A
Commercial Development				
Water-dependent structures and uses	0 feet	N/A	N/A	N/A
Water-related and water-enjoyment mixed-use structures and uses	75 feet	N/A	N/A	N/A
Non-water-oriented structures and uses	150 feet	N/A	N/A	N/A
Industrial and Port Development				
Water-dependent structures and uses	0 feet	N/A	N/A	N/A
Water-related and water-enjoyment mixed-use structures and uses	75 feet	N/A	N/A	N/A
Non-water-oriented structures and uses	150 feet	N/A	N/A	N/A
Parking	150 feet	150 feet	150 feet	N/A
Recreational Development ⁽²⁾				
Water-dependent structures and uses	0 feet	0 feet	0 feet	N/A
Water-related and water-enjoyment structures and uses	75 feet	75 feet	75 feet	N/A
Non-water-oriented structures and uses	150 feet	150 feet	150 feet	N/A
Residential Development	150 feet	150 feet	150 feet	N/A
Signs (Freestanding Structures)	150 feet	150 feet	150 feet	N/A
Transportation Facilities				
Bridges and trestles	0 feet	0 feet	0 feet	N/A
New transportation facilities related to permitted shoreline uses	150 feet	150 feet	150 feet	N/A
Expansion or relocation of existing transportation facilities	150 feet	150 feet	150 feet	N/A
Utilities (Primary)				
Water-dependent structures	0 feet	0 feet	0 feet	N/A

Shoreline Buffer from the OHWM ⁽¹⁾	Shoreline Environment Designation			
	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Water-related structures	75 feet	75 feet	75 feet	N/A
Non-water-oriented structures	150 feet	150 feet	150 feet	N/A

Notes:

- (1) Reductions in the shoreline buffer from the OHWM may be authorized according to the standards in [SMP Section 4.04.02\(C\)](#).
- (2) Passive, water-oriented recreational uses are allowed within shoreline buffers; provided, the use does not include the construction of structures. Wildlife viewing structures and permeable trails or raised boardwalks may be allowed on a limited basis within riparian and wetland buffers in accordance with the mitigation sequence found in [SMP 4.03](#) and the provisions of [SMP Appendix 2: Critical Areas Regulations](#).

BUFFER MODIFICATIONS

Under the SMP, shoreline and critical area buffers may be reduced as shown in Table 3. Only one buffer width reduction option below may be selected per development, and the “common line buffer” and “reduction for road or railroads in buffer” modification only applies to shoreline buffers.

Table 3: Modified Buffer Widths

Type of Buffer Modification	Criteria
Buffer Averaging	The width of a buffer may be averaged thereby reducing the width of a portion of the shoreline buffer and increasing the width of another portion of the shoreline buffer. A mitigation plan shall be prepared by the applicant as outlined in SMP Appendix 2 Section 2.09 with shoreline functions substituted for wetland functions, and the applicant will need to meet criteria in SMP 4.04.02(C)(1) .
Shoreline Buffer Width Reduction	Reductions of up to 25% of a buffer may be approved administratively if buffer averaging, common line provisions or reductions for road or railroads in buffer are infeasible. The applicant may provide a mitigation plan as outlined in SMP Appendix 2 Section 2.09 with shoreline functions substituted for wetland function, and the applicant will need to meet criteria in SMP 4.04.02(C)(4) .
Common Line Provisions	<u>This option is only applicable to shoreline buffers.</u> To accommodate adequate shoreline views comparable to adjacent existing residences, the Shoreline Administrator may reduce the shoreline buffer for a new single-family residence consistent with

Type of Buffer Modification	Criteria
	requirements in <i>SMP Section 4.04.02(C)(2)</i> .
Reduction for Road or Railroads in Buffer	<p>This option is only applicable to shoreline buffers. Where a legally established road or railroad, excluding a private driveway, or the expansion of existing roads and railroads or construction of new roads or railroads related to cargo handling and freight mobility whether included as a portion of a large development or submitted as an individual project crosses a standard shoreline buffer, the Shoreline Administrator may reduce the standard shoreline buffer width to the waterward edge of the improved road or railroad if a qualified person documents that the part of the standard shoreline buffer on the upland side of the road or railroad:</p> <p>(1) Does not provide additional protection for the waterbody; and</p> <p>(2) Does not provide significant biological, geological, or hydrological functions for the waterward portion of the shoreline buffer adjacent to the OHWM of the waterbody.</p>

Existing Non-Conforming Uses, Developments, or Structures

Existing, legally established structures and uses are allowed to continue in the shoreline even though in some cases they might not meet the updated SMP regulations. These structures and uses can continue to be used, maintained, and repaired. This is the case even if the updated SMP regulations would not allow new uses or development to be configured or built exactly as the existing uses or structures. There are different ways to address continuance and expansion of buildings, structures, and uses that do not meet the updated SMP regulations.

“Nonconforming use or development” means a shoreline use, development, or structure that was lawfully constructed or established prior to the effective date of the SMA or the SMP, or amendments thereto, but does not conform to present regulations or standards of the SMP.

A general summary of continued existing uses and expansions is provided in Table 4. The SMP should be consulted for specific conditions and criteria. Additional mitigation may be required through the critical areas review process.

Table 4: Nonconforming Uses, Developments, and Structures

Use	Allowed or Not allowed?	Conditions
Existing use, development, or structure	Allowed	Cannot be enlarged or expanded without the expansion being brought into conformance with the SMP
Maintenance, repair or operation	Allowed	Legally established uses and developments within the shoreline jurisdiction and buffers

Use	Allowed or Not allowed?	Conditions
Movement or relocation	Not allowed: nonconforming use, development or structure which is moved any distance must be brought into conformance with the SMA and SMP	N/A
Replacement of Single Family Development	Allowed	<ul style="list-style-type: none"> ▪ Damaged up to 100% of replacement cost ▪ Restoration must be completed within 3 years of the date of damage
Replacement of other nonconforming structures	Allowed	<ul style="list-style-type: none"> ▪ Damaged up to 75% of replacement cost ▪ Reconstructed to the configuration existing immediately prior to the damage ▪ Restoration must be completed within 2 years of the date of damage
Change to another nonconforming use	Not allowed, regardless of the conforming or nonconforming status of the building or structure in which it is housed	N/A
Development of a nonconforming lot, tract, parcel, site, or division of land	Allowed	<ul style="list-style-type: none"> ▪ Must be located landward of the OHWM ▪ It was established in accordance with local and state subdivision requirements prior to the effective date of the SMP ▪ Must be permitted by other local land use regulations ▪ Must conform to all other requirements of the SMA and the SMP
A use requiring a shoreline conditional use permit	Allowed	<ul style="list-style-type: none"> ▪ Use existed prior to adoption of the SMP ▪ The use is considered nonconforming
A structure for which a shoreline variance has been issued	Allowed	<ul style="list-style-type: none"> ▪ Is considered a legal nonconforming structure ▪ Treated as any other nonconforming use, development or structure

Vegetation Management

Vegetation along the shoreline provides a number of benefits for the water body, the upland area, and shoreline residents and users. Vegetation helps to stabilize soils, filter pollutants and fine sediments, contributes to improved water quality, and provides important habitat and food sources for aquatic species. Conserving shoreline vegetation is important to preserving these benefits.

A general summary of vegetation management and conservation standards for new and expanded uses and developments is provided in Table 5. The SMP shall be consulted for specific conditions and criteria. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses, and developments may be maintained within shoreline jurisdiction as stipulated in the approval documents for the development.

Shoreline buffers protect the ecological functions of the shoreline, help to reduce the impacts of land uses on the waterbody or aquatic resource, and provide a transition between aquatic and upland areas.

Table 5: Vegetation Management within the Shoreline Jurisdiction

Activity / Topic	Vegetation Management
Normal maintenance of vegetated areas	<ul style="list-style-type: none"> In shoreline buffers, no more than 20% of the limbs on any single tree may be removed and no more than 20% of the canopy cover in any single stand of trees may be removed in any five-year period Pruning shall comply with the National Arborist Association pruning standards Trees that are felled in shoreline buffers should be left in place The exception to this regulation is that hazard trees, which are dead, diseased, leaning, or structurally unsound trees that are deemed an emergency, may be removed at any time; hazard tree removal is addressed in CMC Chapter 7.16
Removal of Native Vegetation	<ul style="list-style-type: none"> Authorized uses shall be designed to avoid removing existing native vegetation to the maximum extent feasible within shoreline and critical areas buffers consistent with safe construction practices, and other provisions of this section Any impacts to existing native vegetation must follow the mitigation sequence in SMP Section 4.03 and comply with SMP Appendix 2: Critical Areas Regulations, as modified in SMP Section 4.04.02(A) Removal of native vegetation from shoreline buffers must be compensated at a minimum 1:1 ratio, which the Shoreline Administrator may increase if necessary to assure no net loss of shoreline ecological functions; increases may be necessary to compensate for temporal losses, uncertainty of performance, and differences in ecological functions and values
Legally established uses and developments	<ul style="list-style-type: none"> Vegetation conservation standards shall not apply retroactively to existing, legally established uses and developments Existing, lawfully established landscaping and gardens within shoreline jurisdiction may be maintained in their existing condition In the context of this regulation, maintenance includes, but is not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning, and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas

Activity / Topic	Vegetation Management
Removal of Vegetation	<ul style="list-style-type: none"> Removal of vegetation within shoreline and critical areas buffers shall require a critical area report and/or a mitigation plan in coordination with the requirements of the applicable critical areas regulations The Shoreline Administrator may require a critical area report for critical areas regulations exempt activities if necessary to document compliance with the provisions in the SMP
Clearing of invasive, noxious non-native vegetation	<ul style="list-style-type: none"> Clearing of invasive, noxious non-native vegetation in shoreline buffers is allowed by hand labor or with light equipment Removal of noxious weeds as listed by the state in Chapter 16-750 WAC is allowed in a manner consistent with Washington State Noxious Weed Control Board regulations Native vegetation shall be promptly reestablished in the disturbed area
Mitigation	<ul style="list-style-type: none"> Mitigation ratios shall be based on a scientifically valid measure of habitat function, value, and area Critical area reports shall include a description of how the proposal complies with the mitigation sequence in SMP Section 4.03 and how mitigation areas will be monitored and maintained to ensure no net loss of shoreline ecological functions
Revegetation	<ul style="list-style-type: none"> Surfaces that are cleared of vegetation in shoreline or critical area buffers, aside from normal maintenance described in SMP Section 4.04.02(E)(6), and are not developed must be replanted within one year Replanted areas shall be planned and maintained such that within three years the vegetation cover is at least 90% reestablished Vegetation shall be planted in similar quantities and species to what existed previously on the site to achieve no net loss of ecological function Disturbed ornamental landscapes, including grass, may be replaced with similar species, unless mitigation is necessary to address project impacts Native plants are preferred for all revegetation and non-native species on the Grays Harbor County's list of invasive species shall not be allowed
Aquatic Vegetation Control	<ul style="list-style-type: none"> Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including WDFW requirements such as the Aquatic Plants and Fish Pamphlet, which serves as the Hydraulic Project Approval (HPA) for some types of aquatic weed or plant control and removal The application of herbicides or pesticides in lakes, wetlands, or ditches requires a permit from Ecology and may require preparation of a SEPA checklist for review by other agencies; the applicator must have a pesticide applicator license from the Washington State Department of Agriculture

If management of vegetation as required by the SMP conflicts with vegetation provisions included in State, Federal or other flood hazard agency documents governing licensed or certified flood or tsunami hazard reduction measures, the requirements of the SMP will not apply. The applicant must submit documentation of conflicting provisions with a shoreline permit application and shall comply with all other provisions of this section and the SMP that are not strictly prohibited by certifying or licensing agencies.



4. SHORELINE PERMIT PROCESS

When is a Shoreline Permit Required?

All proposed uses, activities, or developments occurring within shoreline jurisdiction are regulated by the City's SMP, whether or not a permit or other form of authorization is required. Permits help the City track development and uses in the shoreline to make sure the program requirements are being met.

Shoreline approval types include a **Shoreline Substantial Development Permit**, **Shoreline Conditional Use Permit**, **Shoreline Variance**, or **Shoreline Exemption**.

See [Appendix B](#) for the entire table of Permitted, Conditional, and Prohibited Uses and [Appendix D](#) for Shoreline Development Standards.



Note: a letter of exemption is not an exemption from the provisions of the SMP. It is an exemption from the requirements for a substantial development permit.

TYPICAL ACTIVITIES REQUIRING A SHORELINE PERMIT

Shoreline Substantial Development Permit

- Typically required for a project that proposes to undertake a substantial development within the shoreline jurisdiction. A substantial development is any development of which the total cost or fair market value exceeds \$6,416 or as adjusted by the State Office of Financial Management (OFM), or any development which materially interferes with the normal public use of the water or shorelines of the state.

Shoreline Conditional Use Permit

- Needed if a proposed use is listed as a conditional use in Appendix B, or if the SMP does not address the use. Conditional Use Permits may be required for uses such as dredging, placement of in-water fill, and boat ramps.

Shoreline Variance Permit

- Required for a project to deviate from the SMP's dimensional standards (e.g., setback, height, or impervious surface coverage requirements). A shoreline variance proposal must meet variance criteria found in state rule and be consistent with other environment and use requirements. See **SMP Section 7.04.03** for variance criteria.

SHORELINE EXEMPTION

Certain types of developments are exempt from substantial development permit requirements, per [SMP Section 7.04.04](#). Except for existing agricultural activities, all proposed uses, activities, or development occurring within shoreline jurisdiction that are exempt from substantial development permits **must still comply with the SMP and all development standards** such as setbacks and other regulations in the City's SMP.

Except for emergency developments pursuant to [WAC 173-27-040\(2\)\(d\)](#), all requests for an exemption from a Shoreline Substantial Development Permit shall be submitted to the Cosmopolis Community Development Department. Letters of exemption may be issued by the Shoreline Administrator when an exemption applies, or when the provisions of [WAC 173-27-050](#) require a letter of exemption.

The following list includes some, but not all, of the activities and projects that are included as "exempt":

<i>Exempted activities and projects:</i>	Total cost or fair market value does not exceed \$6,416.00 (<i>or updated OFM limit</i>)
	Normal maintenance or repair of existing structures
	Owner-occupied, single-family residences and appurtenant structures
	Construction and practices normal or necessary for farming, irrigation, drainage, and ranching activities, including service roads and utilities (see Section 3 – Focus Topic: Agriculture)
	Emergency construction to protect property from the elements
	Building bulkheads to protect existing single-family residences and appurtenant structures
	Habitat improvements, toxic waste cleanup, weed control, or watershed restoration
	Dock construction designed for pleasure craft that is valued at less than \$10,000 and meets other conditions
	Operation, maintenance, repair, or construction of canals, waterways, and other facilities as part of an irrigation system
	Site exploration and investigation activities
	Building navigation aids, marking property lines

Shoreline Permit Application Requirements

The Community Development Staff can provide application forms and other materials to assist with the process of applying for a permit. In addition to the shoreline permit application, other state and federal application(s) or requirements may be required. The applicant carries the burden of proving that the proposed development is consistent with the criteria set forth in the SMP and the requirements of the SMA. Additional specific information may be required, depending on the nature of the proposal and the

presence of sensitive ecological features or issues related to compliance with other City requirements and the provisions of the SMP.

The following list shows some of the information that an application must include:

Shoreline Permit Application Requirements:

- ☐ Completed intake form from **WAC 173-27-990, Appendix A – SMA Permit Data Sheet and Transmittal Letter**.
- ☐ The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
- ☐ The name, address and phone number of the applicant's representative, if other than the applicant.
- ☐ The name, address and phone number of the property owner, if other than the applicant.
- ☐ The property address and identification of the section, township, and range to the nearest quarter, quarter section, or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
- ☐ Identification of the SMA waterbody the proposal affects.
- ☐ A general description of the proposed project including the proposed use or uses and the activities necessary to accomplish the project.
- ☐ A general description of the property as it now exists including its physical characteristics, improvements, and structures.
- ☐ A general description of the vicinity of the proposed project including identification of the adjacent uses, structures, and improvements, intensity of development, and physical characteristics.
- ☐ A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs, and text, which shall include details outlined in **WAC 173-27-180(9)**.

Shoreline Permit Review Steps

Applications for shoreline substantial development permits, conditional use permits, and variances shall be processed in accordance with the appropriate provisions of the applicable local code; if, where the provisions of a local code and the administration and permitting provisions of the SMP conflict, the provisions of the SMP shall apply. The applicable local codes are found in **CMC Section 15.08: Shoreline**

Management. The application process shall consist of the following components, as described in detail in *SMP Chapter 7: Shoreline Administration*:

Comment [NS2]: AHBL comment for Darrin:
Please check to see if edits are needed on this section

1. Complete application is submitted.
2. The Shoreline Administrator provides public notice of application within 14 days of making a determination that an application is complete; notice of environmental review under SEPA may be combined with the application notice. This public notice will include many components according to *SMP Section 7.03*, including a statement of the public comment period, which shall be at least 30 days and date, time and place of the public hearing, if any. At least 15 days public notice must be provided for the public hearing.
3. A public hearing is held by the Hearing Examiner for a Shoreline Conditional Use Permit, or Shoreline Variance. Public hearings are not typically held for a Shoreline Substantial Development Permit, unless one or more of the following conditions apply: (a) one or more interested persons has submitted to the Shoreline Administrator, within 15 days of the final publication of notice of the application, a written request for a public hearing together with a statement of the reasons for the request; (b) The estimated total cost of the proposed development exceeds \$500,000; or (c) The Shoreline Administrator determines that the proposed development is one of broad public significance. If necessary, the public hearing for the Shoreline Substantial Development Permit will be held by the Hearing Examiner.
4. The Shoreline Administrator provides notice of the final approval, conditional approval, or disapproval of a shoreline substantial development permit, conditional use permit, or variance within 14 days of the Hearing Examiner's or Shoreline Administrator's final decision.
5. Development may not start until 21 days after the date of filing of the permit with Ecology and the Attorney General. Shoreline conditional use permits and variances are subject to Ecology review and approval before the 21-day period starts.

TIME REQUIRED

Shoreline permits are generally processed within 120 days. Additional time for the Ecology review process and appeal period are required.

Ecology also reviews Shoreline Exemptions that require federal permits under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of Federal Water Pollution Control Act of 1972. Ecology reviews these exemptions and must concur that the exemption is appropriate.

APPEALS

Any person aggrieved by the granting or denying of a shoreline substantial development permit, conditional use permit, or variance, or by the rescinding of a permit in accordance with the provisions of the SMP, may seek review from the Washington State Shorelines Hearings Board (SHB). A request for review may be done by filing a petition for review with the board within 21 days of the date of filing of the final decision, as defined by [RCW 90.58.140\(6\)](#) and by concurrently filing copies of such request with the City Clerk, Ecology, and the Attorney General's office. SHB regulations are provided [in RCW 90.58.180](#) and Chapter [461-08 WAC](#).

An appeal of a shoreline letter of exemption follows the Land Use Petition Act (LUPA) judicial review of land use decisions process found in [Chapter 36.70C RCW](#).

Other Permits Required

The Shoreline Substantial Development Permit does not take the place of any other required permit or review. A project or development may also require:

- Building or grading permit
- A variance or conditional use permit
- Washington State Department of Ecology Water Quality Certification
- State Environmental Policy Act (SEPA) review
- Hydraulic Project Approval (HPA) from WDFW
- Lease from the State Department of Natural Resources (DNR)
- Federal U.S. Army Corps of Engineers permit for work in navigable waters of the United States (Section 10 Permit)
- Discharge of Dredge or Fill Material , Federal Section 404 Permit

5. APPENDICES

Appendix A: Shoreline Environment Designation Map

The map on the following page only approximately represents the lateral extent of shoreline jurisdiction. The actual lateral extent of shoreline jurisdiction shall be determined on a case-by-case basis established by the location of the OHWM, adopted FEMA floodways, adopted floodplains, and the presence of associated wetlands. In circumstances where shoreline jurisdiction does not include an entire parcel, only that portion of the parcel and any use, activity or development on that portion of the parcel is subject to the SMP. The actual location of the OHWM, floodway, floodplain, and wetland boundaries shall be determined at the time a development is proposed.



Shoreline Environment Designations

Figure 17.4: Cosmopolis

Date: 6/30/2015

Shoreline Environment Designation

- High Intensity
- Shoreline Residential
- Urban Conservancy
- Aquatic
- Reaches
- City Boundary
- SMA Rivers
- SMA Lakes
- Highways

0 0.25 0.5 Miles

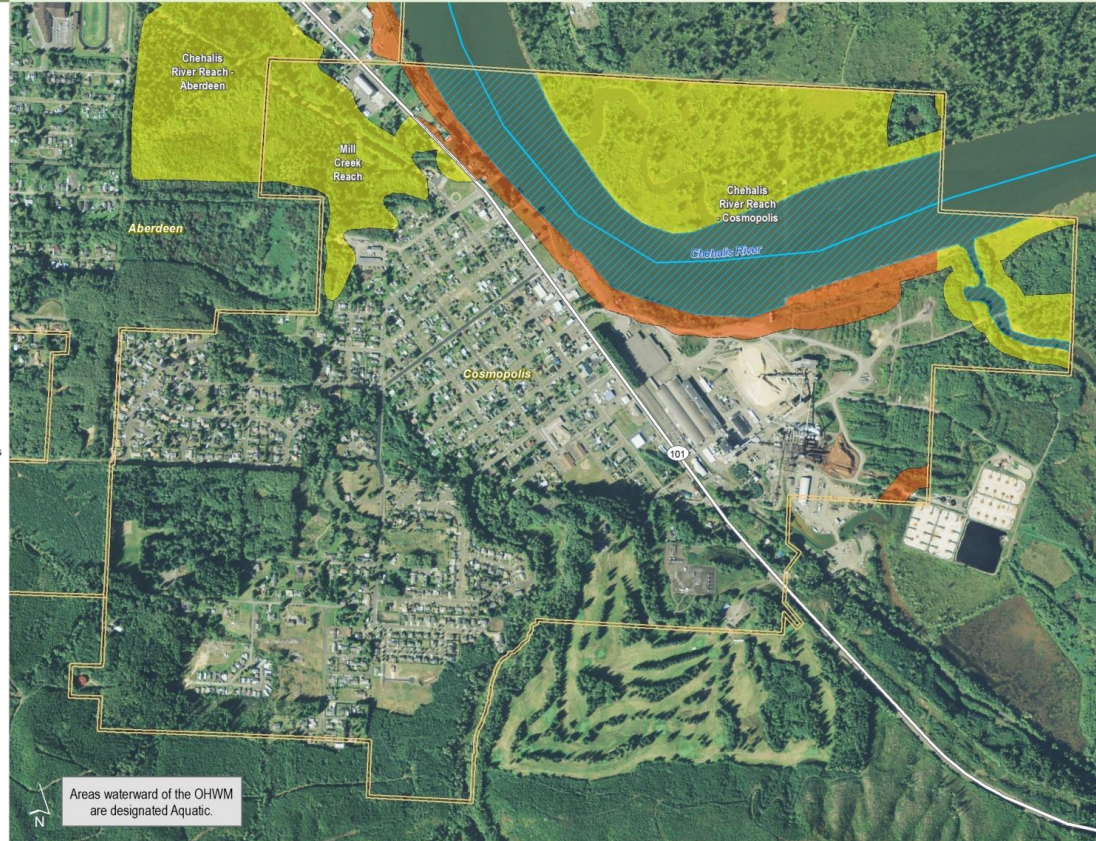
1:10,000

Area of Interest in Map



Source: Grays Harbor County, USFWS NWI (2011), FEMA Preliminary DFIRM (2013), WA DNR, WSDOT, DOE, NRCS NAIP (2013)

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm information shown on this map.



Appendix B: Shoreline Use Table

Table 6: Permitted, Conditional, and Prohibited Uses

Shoreline Uses (1)	Shoreline Environment Designation			
	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic (2)
Agriculture (3)(4)	X	X	X	X
Aquaculture	C	C	C	C
Boating and Facilities				
Boat Ramps and Launches	P	P	C	P
Boat Launching Rails	P	P	C	P
Boat Lifts and Canopies	P	P	C	P
Moorage Covers (Open Sides, Structural Roof)	C	C	C	C
Mooring Buoys	X	X	X	P
Private Single / Joint-Use Docks and Piers	P	P	C	P
Public Piers / Docks / Marinas	P	P	C	P
Recreational Floats	X	X	X	P
Commercial Development				
Water-oriented	P	X	X	X
Non-water-oriented	C	X	X	X
Forest Practices	X	X	X	X
Industrial and Port Development				
Industry				
Water-oriented	P	X	X	X
Non-water-oriented	C	X	X	X
Marine Terminals and Mooring Structures				
New Marine Terminals and Mooring Structures (Primary Use)	C	C	C	C
New Marine Terminals and Mooring Structures (Accessory to a Permitted Use)	P	P	P	C
Expansion or Movement of Marine Terminals and Mooring Structures (Primary Use)	C	C	C	C
Expansion or Movement of Marine Terminals and Mooring Structures (Accessory to a Permitted Use)	P	P	P	C
Mining	X	X	X	X
Parking (5)	P	P	P	X
Recreational Development (6)				
Water-oriented	P	P	P	P (7)
Non-water-oriented	P	P	C	X
Paved trails	P	P	C	X

Shoreline Uses (1)	Shoreline Environment Designation			
	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic (2)
Unpaved trails	P	P	P	X
Residential Development (8)	P	P	P	X
Signs (Separate Structures)	P	P	P	X
Transportation Facilities				
Bridges and trestles	C	C	C	C
New transportation facilities related to permitted shoreline uses	P	P	P	X
Expansion or relocation of existing transportation facilities	C	C	C	X
Utilities (Primary)				
Solid waste disposal or transfer sites	X	X	X	X
Other	C	C	C	C

Key: P = Permitted Use, C = Conditional Use, X = Prohibited

Notes:

- (1) Any use that would substantially degrade the ecological functions in shoreline jurisdiction should not be allowed. In addition, development shall be subject to the allowed uses established by the CMC.
- (2) Where a use would be located both upland and over-water, the more restrictive standards apply.
- (3) Includes agricultural commercial uses such as roadside stands, on-farm markets, pumpkin patches, and Christmas tree farms.
- (4) Upland finfish facilities in shoreline jurisdiction require a shoreline conditional use permit.
- (5) Parking is allowed as an accessory use to an approved use in SMP Section 5.13. Off-street parking lots or parking structures as a primary use are prohibited in all shoreline environment designations.
- (6) Concession stands, gift shops, and interpretive centers are permitted as accessory uses when limited to the minimum size necessary for the use and serving a related, permitted recreational use in the Shoreline Residential and Urban Conservancy shoreline environment designations.
- (7) Only water-dependent uses are permitted in the Aquatic shoreline environment designation.
- (8) Home occupations, as established by CMC 18.52.100: Home Occupations – Conditions, are incidental and accessory to a residential use. Use the 'Residential' use category to determine whether they are allowed in a particular shoreline environment designation.



Appendix C: Shoreline Modifications

The Shoreline Modifications Table, below, establishes what specific shoreline modification activities are allowed within each of the shoreline environment designations. Shoreline modification activities may be permitted, allowed with a conditional use permit, or not applicable to a shoreline environment designation. Refer to individual standards in *SMP Chapter 6* for a full explanation of modifications and required conditions for permitted uses.

Table 7: Shoreline Modifications Table

Shoreline Modifications (1)(2)	Shoreline Environment Designation			
	High Intensity	Shoreline Residential	Urban Conservancy	Aquatic
Clearing and Grading	P	P	P	N/A
Fill				
Fill Landward of OHWM	P	P	P	N/A
Fill Waterward of OHWM	N/A	N/A	N/A	C
Dredging and Dredge Material Disposal	C	C	C	C
In-Water Structures (3)	N/A	N/A	N/A	C
Restoration (4)	P	P	P	P
Shoreline Stabilization				
Hard Shoreline Stabilization Measures	P	P	C	C
Soft Shoreline Stabilization Measures	P	P	P	C

Key: P = Permitted Use, C = Conditional Use, N/A = Not Applicable

Notes:

- (1) In the event of a conflict between SMP Table 6-1: Shoreline Modifications and the regulatory text, the text shall hold.
- (2) In the shoreline environment designations where these activities are allowed, fill waterward of the OHWM and dredging are only permitted in limited situations. See SMP Section 6.03 and SMP Section 6.04 for requirements.
- (3) All in-water structures require a shoreline conditional use permit, except when such structures are installed to protect or restore ecological functions, such as woody debris installed in streams. In such cases, it would be considered a permitted shoreline modification.
- (4) Exemptions from shoreline permitting are available for certain restoration activities as outlined in WAC 173-27-040(2)(o) and WAC 173-27-040(2)(p). Projects are still required to comply with the SMP.

Appendix D: Shoreline Development Standards

Table 8: Shoreline Development Standards

Development Standard	Requirement		
Density (Allowed residential uses)	In accordance with the underlying zoning requirements of the CMC		
Lot Coverage (Allowed residential uses)	In accordance with the underlying zoning requirements of the CMC		
Building Setback	A minimum building setback line of 15 feet is required from the edge of any shoreline or critical area buffer		
Maximum height for new or expanded buildings, or structures (1)	Shoreline Environment Designation:	High Intensity	35 feet (2)(3)
		Shoreline Residential	35 feet
		Urban Conservancy	35 feet
		Aquatic	35 feet

Notes:

- (1) The following structures are exempt from the shoreline height standard requirements: dams, shipping cranes or other freight moving equipment, power or light poles, chimneys, tanks, towers, cupolas, steeples, flagpoles, smokestacks, silos, elevators, fire or parapet walls, open railings, and/or similar necessary building appurtenances. These structures may exceed the shoreline height limit provided all other requirements of the City are met and no usable floor space above the shoreline height limit is added.
- (2) Maximum shoreline height may be increased to 40 feet in the Multiple Use District (MU) and Waterfront Use District (WUD) zoning designations with approval of a shoreline variance.
- (3) Maximum shoreline height may be increased over 35 feet in the Manufacturing (M) zoning designation with approval of a shoreline variance.