

Ordinance No. 119929

Council Bill No. 113152

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning, amending Sections 23.60.092, 23.60.662 and 23.60.668 of the Seattle Municipal Code to prohibit the location of water-based airports in the Urban Harborfront Environment.

FRED
5/3/00

CF No. _____

Date Introduced: <u>APR 10 2000</u>		
Date 1st Referred: <u>APR 14 2000</u>	To: (committee) <u>City Budget & Economic Development Committee</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>5-8-00</u>	Full Council Vote: <u>6-0</u>	
Date Presented to Mayor: <u>5-9-00</u>	Date Approved: <u>5-11-00</u>	
Date Returned to City Clerk: <u>5-11-00</u>	Date Published: <u>31</u>	T.O. _____ F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

5-8-00 Pass

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

Jan Drago

Councilmember

Committee Action:

FBEA Do pass

3-0

Drago

5/3/00

McIver

Conlin

5-8-00 Passed 6-0 (Excused: AL, PS, HCU)

This file is complete and ready for presentation to Full Council.

Committee:

(initial/date)

Law Department
Law Department

(initials)

(initials)
Approved for presentation to Full Council

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE **119929**

AN ORDINANCE relating to land use and zoning, amending Sections 23.60.092, 23.60.662 and 23.60.668 of the Seattle Municipal Code to prohibit the location of water-based airports in the Urban Harborfront Environment.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.60.092 of the Seattle Municipal Code, as last amended by Ordinance 116907, is further amended as follows:

SMC 23.60.092 Accessory uses.

B. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices and caretaker's quarters not exceeding eight hundred (800) square feet in living area. For purposes of this section, landfill, water-based airports, heliports and helistops shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.

Section 2. Section 23.60.662 of the Seattle Municipal Code, as last amended by Ordinance 113466, is further amended as follows:

23.60.662 Special uses permitted on waterfront lots in the UH Environment.

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

~~A. Airport, water-based;~~

BA. The following utilities:

1. Communication utilities that require a shoreline location,
2. Utility service uses that require a shoreline location, and
3. Utility lines;

~~CB.~~ The following shoreline protective structures:

1. Natural beach protection, and
2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;

~~DC.~~ Dredging when necessary for water-dependent and water-related uses or to install utility lines;

~~ED.~~ The following types of landfill:



- 1 1. Landfill on dry land where necessary for a permitted use and as part of an approved
development,
- 2 2. Landfill on submerged lands which does not create dry land, where necessary for a
water-dependent or water-related use or for the installation of a bridge or utility line.

3
4 **Section 3.** Section 23.60.668 of the Seattle Municipal Code, as last amended by Ordinance
5 113764, is further amended as follows:

6 **23.60.668 Prohibited uses on waterfront lots in the UH Environment.**

7 The following uses are prohibited as principal uses on waterfront lots in the UH Environment:

- 8 A. Residential uses;
- 9 B. The following commercial uses:
 - 10 1. Medical services,
 - 11 2. Animal services,
 - 12 3. Automotive retail sales and service,
 - 13 4. Lodging, except existing hotels,
 - 14 5. Mortuary services,
 - 15 6. Offices at wharf/street level,
 - 16 7. Adult motion picture theaters and panorams,
 - 17 8. Parking, principal use,
 - 18 9. Nonhousehold sales and services,
 - 19 10. Mini-warehouses,
 - 20 11. Personal transportation services,
 - 21 12. Cargo terminals, except breakbulk,
 - 22 13. Transit vehicle bases,
 - 23 14. Heliports, ((and))
 - 24 15. Airports, land-based((:)), and
 16. Airports, water-based;
- C. Salvage and recycling uses;
- D. The following utilities:
 1. Solid waste transfer stations,
 2. Power plants, and
 3. Sewage treatment plants;
- E. General and heavy manufacturing;
- F. The following institutional uses:
 1. Schools, elementary or secondary,
 2. Hospitals,
 3. Religious facilities, and
 4. Private yacht, boat and beach clubs;
- G. Public facilities or projects that are nonwater-dependent except those that are part of
public improvement plan for the harborfront adopted by the Council;
- H. High-impact uses;
- I. Agriculture uses except aquaculture;

- J. Groins and similar structures which block the flow of sand to adjacent beaches, except drift sills or other structures which are part of a natural beach protection system; and
- K. Landfill which creates dry land.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 8th day of May, 2000, and signed by me in open session in authentication of its passage this 8th day of May, 2000.

Margaret Peeler
President _____ of the City Council

Approved by me this 11 day of MAY, 2000.

Paul Sawyer
Mayor

Filed by me this 11th day of May, 2000.

Janith E. Papp
City Clerk

(Seal)





City of Seattle

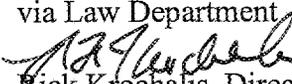
Paul Schell, Mayor

Department of Design, Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

TO: City Council President Margaret Pageler
via Law Department

FROM: 
Rick Krochalis, Director

DATE: March 30, 2000

SUBJECT: Prohibition of Water-based Airports (for Seaplane Operations) on the
Downtown Waterfront

Transmittal

With this memorandum we are transmitting for City Council consideration a proposed ordinance to amend the shoreline portion of the Land Use Code to prohibit the establishment of "airport, water-based" uses, as defined in SMC 23.84.038, within the "Urban Harborfront Environment". Such uses may now be authorized by the Director of the Department of Design, Construction and Land use as "special uses" (SMC 23.60.662).

Background And Summary Of Recommendations

In January 1999 the Seattle City Council passed, and the Mayor signed, Ordinance 119328 establishing a temporary moratorium on accepting new applications for seaplane operation facilities (water-based airports) along the downtown waterfront extending from Bay Street south to S. Jackson Street. (Ordinance 119677 enacted subsequently extended the temporary moratorium until November 1, 2000.)

The work program adopted by Council as part of the temporary moratorium, and its subsequent extension, directed DCLU to gather information, to analyze the information and issues, and to prepare recommendations on how to proceed. This information would assist the City Council in its consideration of whether or not the Seattle central waterfront is an appropriate location for seaplane operations and facilities. The Council directed DCLU to research Seattle's experience with seaplane operations on Lake Union and other jurisdictions' experience with seaplanes. This research was to be directed to two main areas of impact: noise and vessel traffic on Elliott Bay.

A prohibition of water-based airports on Elliott Bay would eliminate the possibility of sight seeing trips taking off from the downtown waterfront and the accompanying economic benefits. However, such operations are not an essential service that must be provided. From a public policy point of view, the argument is a strong one that Seattle is encouraging downtown residential use and any added noise is a deterrent to downtown living. Although the exact effects of seaplane operations on Elliott Bay, especially noise impacts on desired residential uses, is unknown, it is unlikely to be beneficial and appears that it could be detrimental. While it may be possible to establish conditions to mitigate these impacts, it is not known whether or not these measures would be sufficient. Without additional evidence of the effectiveness of these measures, and given the harmful impact on residential uses that could result from seaplane operations, it makes sense from a public policy standpoint to avoid establishing this activity in the first place. DCLU, therefore, recommends that the City Council prohibit water-based airports along the downtown harborfront.

SEPA

DCLU has conducted environmental review on this proposal and issued a Determination of Non-Significance (no environmental impact statement required) on February 24, 2000. No appeals of the determination were filed during the appeal period that ended on March 16, 2000.

Non-Financial Legislation

The proposed legislation has no financial implications.

If you have any questions about the proposed legislation, please contact Cliff Marks by email at cliff.marks@ci.seattle.wa.us or by phone at (206) 684-8372.

Attachments:

Proposed legislation

Director's Report



City of Seattle

DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE
DIRECTOR'S REPORT AND RECOMMENDATION

Proposed Land Use Code Amendments to Prohibit Water-based Airports
on the Downtown Waterfront

March 29, 2000

BACKGROUND

This report presents the Department of Design, Construction and Land Use recommendation on whether or not the downtown central waterfront is an appropriate location for seaplane operations and facilities. It is the result of DCLU's research and analysis of this issue as requested by the City Council when the temporary moratorium on new seaplane operations was established last year. We are recommending that such uses not be permitted in Elliott Bay.

In January 1999 the Seattle City Council passed, and the Mayor signed, Ordinance 119328 establishing a temporary moratorium on accepting new applications for seaplane operation facilities (water-based airports) along the downtown waterfront extending from Bay Street south to S. Jackson Street. (Ordinance 119677 enacted subsequently extended the temporary moratorium until November 1, 2000.) The City had previously received an application from Kenmore Air to establish such a use on Pier 54 to provide sightseeing flights for tourists.

Water-based airports are "Special Uses" in the Urban Harborfront Environment* as set forth in the shoreline section of the Land Use Code. The Director of the Department of Design, Construction and Land Use (DCLU) may approve them as long as certain general criteria (SMC 23.60.032) are met. (Approval Criteria address consistency with the Shoreline Policies; noninterference with the normal public use of public shorelines; compatibility with other permitted uses within the area; effects to the shoreline environment; and effect on the public interest.)

The City's temporary moratorium on the acceptance of new applications permitted the Kenmore Air application to proceed but only allowed one summer of operation.

* The Urban Harborfront Environment is a shoreline overlay zone. The moratorium applied to the underlying zoning, the Downtown Harborfront 1 and Downtown Harborfront 2 zones. However, uses permitted in the underlying zones (SMC 23.49.300 and SMC 23.49.318) are determined by the shoreline overlay zone (Urban Harborfront Environment) regulations. Therefore, the recommended regulatory changes are more appropriately made to the Urban Harborfront Environment provisions.



The Council noted, in the temporary moratorium ordinance, that in response to the Kenmore Air proposal:

The City has received comments from citizens, organizations, and governmental agencies expressing concerns about the wisdom of allowing seaplane operations along the central waterfront. These concerns include issues of public safety, resulting from the potentially hazardous congestion of vessels and seaplanes in the area, and public health and welfare, resulting from the noise of seaplanes taking off and landing. Concern exists regarding potential cumulative adverse impacts from several seaplane operations, as well as the general appropriateness of such a use along the central waterfront.

To respond to these concerns, the City Council adopted a work program and directed DCLU to gather information, to analyze the information and issues, and to prepare recommendations on how to proceed. This information would assist the City Council in its consideration of whether or not the Seattle central waterfront is an appropriate location for seaplane operations and facilities. Since one proponent had submitted an application for a seaplane operation on the waterfront, the work program included an evaluation of the actual impacts of this activity. It was envisioned that this information would be useful in deciding whether such uses are appropriate to the waterfront.

In spring 1999, DCLU approved the Kenmore Air permit for a temporary trial period. The approval of the temporary permit was appealed to the State Shorelines Hearing Board and the permit application was subsequently withdrawn. Therefore, we do not have a period of actual operations in Elliott Bay by which to judge impacts, especially noise and vessel traffic safety. The study conclusions and recommendations contained in this report are therefore based on the following:

- Analysis carried out by DCLU in reviewing and approving the Kenmore Air application
- Public and agency comments received both on the temporary moratorium proposal and the Kenmore Air application
- Other jurisdictions' experience and publications
- Public policy analysis

SUMMARY OF RESEARCH AND IMPACT EVALUATION

The work program adopted by Council as part of the temporary moratorium, and its subsequent extension, directed DCLU to review existing City goals, policies and regulations that might apply to the waterfront area. It also directed DCLU to research Seattle's experience with seaplane operations on Lake Union and other jurisdictions' experience with seaplanes. This research was to be directed to two main areas of impact: noise and vessel traffic on Elliott Bay. As noted, an analysis of the actual impacts of the proposed Kenmore Air operation was also to have played a major role in this analysis; however, this was not possible since the Kenmore Air application was withdrawn. This

section of the Director's Report summarizes this research. Background data from interviews of agency representatives and reports prepared by other jurisdictions are available at DCLU.

Existing City Plans, Policies, and Regulations

Seattle has very little in the way of policies that apply directly to seaplanes. However, there are City policies in the Comprehensive Plan adopted in 1994, the Land Use and Transportation Plan for Downtown Seattle adopted in 1985 and revised in 1995, and recently adopted neighborhood plan(s), that encourage residential uses downtown. To the extent that seaplanes could cause adverse impacts, such as noise, that might make living downtown less desirable, these policies are relevant to the issue of the appropriateness of seaplane operations in Elliott Bay. Speakers at the public hearing on the temporary moratorium voiced their objection to adding another noise source to an already noisy neighborhood when the City is encouraging residential uses downtown.

The Downtown Urban Center Planning Group is an umbrella organization that developed the Urban Center Plan for the five downtown urban villages. The following is included in the Downtown Urban Center Neighborhood Plan that has been acknowledged by the City Council:

Policy HO-3: INCREASE LIVABILITY OF DOWNTOWN AS A NEIGHBORHOOD.

Implementation Guideline 1 City Investment

Invest in facilities, residential parking structures, green streets and other amenities that attract developers and attract/retain residents and enhance residential "feel" and quality of life in downtown neighborhoods.

Implementation Guideline 2 Neighborhood Services

Increase recognition/responsiveness of city service departments to downtown mixed use 24 hour neighborhoods - such as enforcing noise ordinances, keeping streets/alleys clean, improving resident safety and maintaining existing landscaping.

The Neighborhood Planning Approval and Adoption Matrix (under "Increase the Supply of Downtown Housing") contains the following:

HS-12 Implement a program of aggressive design, regulatory, enforcement actions and operations policies to reduce noise levels, keep streets and alleys clean and to improve safety within all downtown neighborhoods.

The Executive comment in the Matrix notes the fact that DCLU was provided with funding for additional noise enforcement staffing in 1999. However, as noted below, seaplanes are not subject to the City's noise ordinance.

Seattle Noise Ordinance. Since noise is a major issue concerning seaplane operations, Seattle's Noise Ordinance (Chapter 25.08 of the Seattle Municipal Code) should be

noted. While watercraft noise is regulated by this ordinance (seaplanes are considered as "watercraft" when on the water), the code states that "Sounds created by the operation of commercial, non-recreational watercraft are exempt at all times" from provisions of the Noise Ordinance. (SMC 25.08.485C) In addition, the City of Seattle does not have jurisdiction over noise issues when seaplanes are airborne.

Seattle and Other Cities' Operational Experience: Noise

The main source of seaplane noise occurs when the planes are preparing for take off. Community groups and individuals that were once concerned with the noisy operations on Lake Union report that there does not seem to be much concern at present. There is a feeling that Kenmore Air has abided by the agreement to reduce noise impacts, especially by complying with the agreement not to fly in the early morning and evening hours. However, in light of this, some speakers at public hearings on the temporary moratorium argued that Queen Anne residents have complained about the noise and that others just may have given up complaining.

Experience in other jurisdictions indicates that noise can be a problem when take-offs are conducted close to residential uses. However, we have not found any specific noise standard that any jurisdiction has applied to seaplanes. There is no agreed upon standard. In fact, there does not appear to be any regulation of seaplane noise, per se, by any local jurisdiction.

Victoria, B.C. appears to be the city that has done the most research and study of this issue; this is documented in several reports including Victoria Harbour Noise Study, March 1998. However, the physical characteristics of Victoria's harbor, with a very limited area for take-offs located extremely close to residential units, is very different than Seattle's Elliott Bay where seaplanes would be able to taxi far out into the Sound and take off at some distance from residential uses. One of the conditions that DCLU imposed when granting the Kenmore Air temporary permit was to limit all daytime take-offs to a minimum distance of 2,000 feet from the shoreline, and evening and weekend take-offs to a distance of 3,000 feet. Whether or not the conditions imposed by DCLU would have been sufficient to mitigate noise impacts cannot be known since these operations will not now take place. In the summer of 1999 when Kenmore Air was conducting required testing of its operations on Elliott Bay in order to obtain FAA approval, there were a couple of complaints to DCLU that there was undesirable noise; however, no actual measurements of noise were taken at that time.

Seattle and Other Cities' Operational Experience: Vessel Traffic

The Seattle Harbor Patrol reports that seaplane operations have not caused navigational safety or other problems on Lake Union. In fact, Kenmore Air has an exemplary safety record in its operations on Lake Union. The area of operation on Lake Union is smaller than Elliott Bay and there are probably more small recreational boats using Lake Union, but fewer large vessels such as ferries as compared to Elliott Bay.

The Coast Guard and other jurisdictions report that seaplanes operate safely in many locations. The two jurisdictions that we surveyed in the greatest detail (Victoria and Vancouver, B.C.) did not report any problems from a vessel safety standpoint. However, since so much depends on the specific circumstances regarding the size of area for seaplane take-offs and landings and other vessel traffic, it is difficult to make generalizations. Concerning potential operations on Elliott Bay, the Coast Guard believed the key to avoiding or preventing safety problems was adequate communication with other vessels.

However, others have disagreed as negative comments have been made on this issue. The Washington State Department of Transportation believed that the proposed flight operations would have had a significant negative impact on ferry operational safety, ferry maneuvering, and the ferry system's ability to meet tight schedules. A recent report, The Washington State Ferries Risk Assessment, prepared in June, 1999 for the Blue Ribbon Panel on Washington State Ferry Safety and Washington State Transportation Commission found that the risk of collisions between state ferries and other vessels would increase slightly as new fast ferries are added. However, the study did not look specifically at the issue of seaplane operations.

Impact Analysis of Actual Operations on Elliott Bay

Because Kenmore Air withdrew its application and no other applications are allowed under the terms of the temporary moratorium, there will be no analysis of the actual impacts of seaplane operations on Elliott Bay.

OPTIONS FOR DEALING WITH THE ISSUE

There are three basic alternatives to deal with this issue of seaplane operations on Elliott Bay:

1. No Change – leave water-based airports and seaplane operations in Elliott Bay as a Special Use in the Land Use Code
2. Amend the Land Use Code to establish more specific criteria to address the impacts of seaplane operations, especially dealing with noise and vessel traffic safety, as well as establish specific conditions of operation
3. Amend the Land Use Code to prohibit water-based airports for seaplane operations in Elliott Bay

No Change Alternative

This alternative would leave water-based airports as "special uses" that could be approved by the Director of DCLU. Under this alternative future applications by seaplane operations could be approved with the potential for noise, vessel safety, and other impacts. Residential uses in the downtown waterfront area could be negatively affected.

Establish Detailed Criteria and Conditions for Seaplane Operations

Under this alternative certain additional criteria would be added to the Land Use Code. These criteria would guide the future review of permit applications; decisions would be based on clearer criteria that were specifically developed to address issues relating to seaplane operations, probably resulting in better impact mitigation. The intention of Council's decision in enacting the moratorium to allow the temporary permit for a seaplane operation was to provide a "test" of the types of conditions that could address noise and safety concerns. Examples would be conditions that establish certain noise levels that could not be exceeded, or operational requirements that seaplanes take off a certain distance from the shoreline, or other mitigation measures to deal with noise or safety impacts. Under this alternative there could be significant impacts on DCLU resources required to monitor the impacts and enforce conditions, assuming citizen complaints were on-going.

Prohibit Water-based Airports Along the Downtown Harborfront

This alternative would be the most straight forward approach. It would be based on the vision of the downtown harborfront as a mixed-use neighborhood that includes and encourages residences. Since facilities for seaplane operations would not be allowed on Elliott Bay, potential negative impacts, especially noise impacts on residential uses, would clearly be avoided. Also, there would be no need for extensive evaluations of impacts whenever an application were submitted, and on-going monitoring and possibly enforcement actions by DCLU would not be required. It would also avoid the difficult issue of how to deal with cumulative impacts of more than one operation.

RECOMMENDATION

DCLU recommends that the City Council adopt the third alternative approach and prohibit water-based airports along the downtown harborfront. From a public policy point of view, the argument is a strong one that Seattle is encouraging downtown residential use and any added noise is a deterrent to downtown living. The element of perceptions is important here. One could argue at great length about actual noise levels, and conduct extensive noise monitoring with appropriate meters. However, if residents perceive that this is another affront on their ability to enjoy living downtown this, in itself, is an important consideration. And, in fact, since we don't know exactly what noise levels can be expected or what mitigation measures would be needed to avoid these impacts, seaplane operations could be seen as incompatible with residential uses downtown. This is especially true since the City's Noise Ordinance does not cover seaplane operations.

The potential negative impacts must be weighed against the benefits of seaplane operations. Potential benefits to tourists and others of sightseeing excursions would be lost. Also, a Victoria study (Economic Impacts, Benefits and Costs of Harbour Float

Planes by Dr. Robert L. Bish) argues that significant economic benefits are the major reason for float plane usage of the harbor.

It is true that a prohibition of water-based airports on Elliott Bay would eliminate the possibility of sight seeing trips taking off from the downtown waterfront and the accompanying economic benefits. However, such operations are not an essential service that must be provided. In contrast to the Vancouver-Victoria situation, where there is a need for an easy connection between British Columbia's largest city and its capitol, no similar need exists in Seattle for tourist seaplane operations on Elliott Bay. Also, seaplanes were operating for many years in Victoria and Vancouver prior to the increase in nearby residential uses (especially in Victoria). Again, such is not the case in Seattle. Also, since seaplanes use Lake Union at present, there is a location in the city where sightseeing flights could take off from.

Lastly, the principle of "prudent avoidance" should be mentioned since it is an appropriate public policy consideration in this instance. Although the exact effects of seaplane operations on Elliott Bay, especially noise impacts on desired residential use, is unknown, it is unlikely to be beneficial and appears that it could be detrimental. Although it may be possible to establish conditions to mitigate these impacts, it is not known whether or not these measures would be sufficient. Without additional evidence of the effectiveness of these measures, and given the harmful impact on residential uses that could result from seaplane operations, it makes sense from a public policy standpoint to avoid establishing this activity in the first place.



STATE OF WASHINGTON - KING COUNTY

118350
City of Seattle, City Clerk

-ss.

No. FULL ORDINAN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:119929 ORDINANCE

was published on

05/18/00

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

A. Patterson

Subscribed and sworn to before me on

05/18/00

M. O'Quinn

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 115925

AN ORDINANCE relating to land use and zoning, amending Sections 23.60.092, 23.60.662 and 23.60.668 of the Seattle Municipal Code to prohibit the location of water-based airports in the Urban Harborfront Environment.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 23.60.092 of the Seattle Municipal Code, as last amended by Ordinance 116907, is further amended as follows:

SMC 23.60.092 ACCESSORY USES.

B. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices and caretaker's quarters not exceeding eight hundred (800) square feet in living area. For purposes of this section, landfill, water-based airports, heliports and helistops shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.

SECTION 2. Section 23.60.662 of the Seattle Municipal Code, as last amended by Ordinance 113466, is further amended as follows:

23.60.662 SPECIAL USES PERMITTED ON WATERFRONT LOTS IN THE UH ENVIRONMENT.

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.032 are satisfied:

A. Airport, water-based;

BA. The following utilities:

1. Communication utilities that require a shoreline location,
2. Utility service uses that require a shoreline location, and
3. Utility lines;

CB. The following shoreline protective structures:

1. Natural beach protection; and
2. Bulkheads to support a water-dependent or water-related use, or to enclose a permitted landfill area, or to prevent erosion on Class II or Class III beaches, when natural beach protection is not a practical alternative;

DC. Dredging when necessary for water-dependent and water-related uses or to install utility lines.

ED. The following types of landfill:

1. Landfill on dry land where necessary for a permitted use and as part of an approved development,
2. Landfill on submerged lands which does not create dry land, where necessary for a water-dependent or water-related use or for the installation of a bridge or utility line.

SECTION 3. Section 23.60.668 of the Seattle Municipal Code, as last amended by Ordinance 113764, is further amended as follows:

23.60.668 PROHIBITED USES ON WA-