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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning, amending Sections 23.57.009, 23.57.010, 23.57.011, 23.57.012, 23.57.013, 23.57.014, 23.57.015, and 23.84A.006, and adding new Section 23.57.017 to Seattle Municipal Code Chapter 23.57, Communications Regulations, to provide use and development standards and add definitions for communication cabinets and low power FM broadcasting facilities as minor communications utility uses in all zones.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.57.009 of the Seattle Municipal Code, last amended by Ordinance 120928, is amended as follows:

23.57.009 Permitted and prohibited locations for all minor communication utilities, and development standards for minor communication utilities with freestanding transmission towers in all zones((;))

A. Permitted and Prohibited Locations for All Minor Communication Utilities. New minor communication utilities and accessory communication devices shall be regulated as provided in Sections 23.57.010, 23.57.011, 23.57.012, 23.57.013, 23.57.014, and 23.57.015. However, minor communication utilities shall be permitted at any location if the applicant can demonstrate by technical studies that: (1) the facility is for commercial mobile service, unlicensed wireless services, fixed wireless service, or common carrier wireless exchange access service as defined by applicable federal statutes or regulations; and (2) a facility at the site proposed is necessary to close an existing significant gap or gaps in the availability of a wireless carrier's communication service or to provide additional call capacity and that((;)) absent the proposed facility, remote users of a wireless carrier's service are unable to connect with the land-based national telephone network((;)) or to maintain a connection capable of supporting a

1 reasonably uninterrupted communication; and (3) ~~((that))~~ the facility and the location proposed is
2 the least intrusive facility at the least intrusive location consistent with effectively closing the
3 service gap. In considering the degree of intrusiveness, the impacts considered shall include but
4 not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the
5 displacement of residential dwelling units in a residential zone.

6 B. Interior Locations. Minor communication utilities located entirely within the interior
7 of a structure shall be permitted outright on lots developed with non-single family principal uses
8 in single family zones, and on all lots in all other zones. The installation of the utility shall not
9 result in the removal of a dwelling unit in a residential zone.

10 C. Minor communication utilities with freestanding transmission towers shall be subject
11 to the access, setback, screening and landscaping requirements for major communication utilities
12 in subsections 23.57.008.B, 23.57.008.C, 23.57.008.E and 23.57.008.H ~~((of Section 23.57.008))~~
13 in addition to the standards of each zone as described in this ~~((e))~~Chapter 23.57, except that low
14 power FM broadcasting facilities are subject only to the standards of each zone as described in
15 this Chapter 23.57.

16 Section 2. Section 23.57.010 of the Seattle Municipal Code, last amended by Ordinance
17 123649, is amended as follows:

18 **23.57.010 Single Family and Residential Small Lot zones**

19 A. Uses Permitted Outright.

20 1. Amateur radio devices accessory to a residential use and low power FM
21 broadcasting facilities that meet the development standards of subsection 23.57.010.E are
22 permitted outright. Low power FM broadcasting facilities are permitted if they meet the
23 standards for home occupations in Section 23.42.050.

1 2. Administrative Conditional Use Criteria.

2 a. The proposal shall not be significantly detrimental to the residential
3 character of the surrounding residentially zoned area, and the facility and the location proposed
4 shall be the least intrusive facility at the least intrusive location consistent with effectively
5 providing service, except as modified by subsection 23.57A.010.C.2.g. In considering
6 detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not
7 be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the
8 displacement of residential dwelling units.

9 b. The visual impacts that are addressed in Section 23.57.016 shall be
10 mitigated to the greatest extent practicable.

11 c. Within a Major Institution Overlay District, a Major Institution may
12 locate a minor communication utility or an accessory communication device, either of which
13 may be larger than permitted by the underlying zone, when:

14 1) The antenna is at least 100 feet from a Major Institution Overlay
15 District boundary, and

16 2) The antenna is substantially screened from the surrounding
17 neighborhood's view.

18 d. If the proposed minor communication utility is proposed to exceed the
19 permitted height of the zone, the applicant shall demonstrate the following:

20 1) The requested height is the minimum necessary for the effective
21 functioning of the minor communication utility, and

22 2) Construction of a network of minor communication utilities that
23 consists of a greater number of smaller less obtrusive utilities is not technically feasible.

1 e. If the proposed minor communication utility is proposed to be a new
2 freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible
3 for the proposed facility to be on another existing transmission tower or on an existing building
4 in a manner that meets the applicable development standards. The location of a facility on a
5 building on an alternative site or sites, including construction of a network that consists of a
6 greater number of smaller less obtrusive utilities, shall be considered.

7 f. If the proposed minor communication utility is for a personal wireless
8 facility and it would be the third separate utility, or any subsequent separate utility after the third
9 utility, on the same lot, the applicant shall demonstrate that it meets the criteria contained in
10 subsection 23.57.009.A, except for minor communication utilities located on a freestanding
11 water tower or similar facility.

12 g. Low power FM broadcasting facilities shall meet the criteria of
13 subsections 23.57.010.C.2.a through f, except that the location proposed shall be the least
14 intrusive facility at the least intrusive location on the property proposed as the site of the low
15 power FM broadcasting facility, consistent with effectively providing service, and subject to the
16 following standards:

17 1) A maximum of three antennas up to 18 inches in diameter and
18 up to 18 inches in height are permitted; and

19 2) The antennas may be attached to a structure, or to a pole not
20 exceeding 2 inches in diameter that is either mounted on the ground or on a structure; and

21 3) The maximum height of the antennas and pole does not exceed
22 100 feet in height measured from existing or finished grade at ground level.

23 * * *

1 E. Development Standards.

2 1. Location. Minor communication utilities and accessory communication devices
3 regulated pursuant to Section 23.57.002, ~~((and))~~ amateur radio towers, and low power FM
4 broadcasting facilities:

5 a. Are prohibited in the required front yard, and amateur radio towers and
6 low power FM broadcasting facilities are additionally prohibited in side yards.

7 b. When ground-mounted, shall be included in lot coverage and rear yard
8 coverage calculations. For dish antennas, lot coverage shall be calculated with the dish in a
9 horizontal position.

10 c. May be located on rooftops of non-residential buildings, but shall not be
11 located on rooftops of principal or accessory structures containing residential uses, except as
12 provided in subsection 23.57.010.E.5.

13 2. Height and Size.

14 a. The height limit of the zone applies to minor communication utilities
15 and accessory communication devices. Exceptions to the height limit may be authorized through
16 the approval of an Administrative Conditional Use pursuant to subsection 23.57.010.C or a
17 Council Conditional Use pursuant to subsection 23.57.010.D.

18 b. The maximum diameter of dish antennas is 6 feet, except for major
19 institutions within a Major Institution Overlay District, when regulated as an administrative
20 conditional use pursuant to subsection 23.57.010.C.

21 c. The maximum height of an accessory amateur radio tower is no more
22 than 50 feet above existing grade. Cages and antennas may extend to a maximum additional 15

1 feet. The base of the tower shall be setback from any lot line a distance at least equivalent to one-
2 half the height of the total structure, including tower or other support, cage and antennas.

3 d. Low power FM antennas and poles may extend to a maximum height of
4 65 feet above existing grade. The base of a pole shall be setback from any lot line a distance at
5 least equivalent to one-half the height of the total height of the antennas and pole.

6 * * *

7 Section X. Section 23.57.011 of the Seattle Municipal Code, last amended by Ordinance
8 123963, is amended as follows:

9 **23.57.011 - Multifamily zones and Master Planned Community zones**

10 A. Uses Permitted Outright.

11 1. Amateur radio devices accessory to a residential use, and low power FM
12 broadcasting facilities that meet the development standards of subsection 23.57.011.C are
13 permitted outright. Low power FM broadcasting facilities are permitted if they meet the
14 standards for home occupations in Section 23.42.050.

15 2. Communication devices accessory to residential, public facility, public utility,
16 major institution or institutional use are permitted outright when they meet the development
17 standards of subsection 23.57.011.C.

18 3. Mechanical equipment, associated with minor communication utilities whose
19 antennas are located on another site or in the right-of-way, is permitted outright where the
20 equipment is completely enclosed within a structure that meets the development standards of the
21 zone. The equipment shall not emit radiofrequency radiation, and shall not result in the loss of a
22 dwelling unit. Antennas attached to City-owned poles in the right-of-way shall follow the terms
23 and conditions contained in Section 15.32.300.

1 4. Minor communication utilities are permitted outright on existing freestanding
2 major or minor telecommunication utility towers. Minor communication utilities locating on
3 major communication utility towers are subject to the limitations of Sections 23.57.003 and
4 23.57.005.

5 5. Communication cabinets that are 66 inches or less in height as measured from
6 existing or finished grade, whichever is lower and have a maximum volume of 36 cubic feet or
7 less, subject to the development standards of Section 23.57.017.

8 B. Uses Permitted by Administrative Conditional Use. The establishment or expansion of
9 a minor communication utility regulated pursuant to Section 23.57.002, including low power FM
10 broadcasting facilities exceeding the limits of 23.57.011.C and communication cabinets
11 exceeding the size limits of subsection 23.57.011.A.5, may be permitted as an Administrative
12 Conditional Use when they meet the development standards of subsection 23.57.011.C and the
13 following criteria, as applicable:

14 1. The project shall not be substantially detrimental to the residential character of
15 nearby residentially zoned areas, and the facility and the location proposed shall be the least
16 intrusive facility at the least intrusive location consistent with effectively providing service,
17 except as modified by subsection 23.57A.011.B.6. In considering detrimental impacts and the
18 degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise,
19 compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling
20 units.

21 2. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to
22 the greatest extent practicable.

1 3. Within a Major Institution Overlay District, a Major Institution may locate a
2 minor communication utility or an accessory communication device, either of which may be
3 larger than permitted by the underlying zone, when:

4 a. The antenna is at least 100 feet from a MIO boundary, and

5 b. The antenna is substantially screened from the surrounding
6 neighborhood's view.

7 4. If the minor communication utility is proposed to exceed the zone height limit,
8 the applicant shall demonstrate that the requested height is the minimum necessary for the
9 effective functioning of the minor communication utility.

10 5. If the proposed minor communication utility is proposed to be a new
11 freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible
12 for the proposed facility to be on another existing transmission tower or on an existing building
13 in a manner that meets the applicable development standards. The location of a facility on a
14 building on an alternative site or sites, including construction of a network that consists of a
15 greater number of smaller less obtrusive utilities, shall be considered.

16 6. Low power FM broadcasting facilities shall meet the criteria of subsections
17 23.57.011.B.1 through B.5, except that the location proposed may be the least intrusive facility at
18 the least intrusive location on the property proposed as the site of the low power FM
19 broadcasting facility, consistent with effectively providing service, if the low power FM
20 broadcasting facility meets the following standards:

21 1) A maximum of two antennas up to 18 inches in diameter and up to 18 inches
22 in height are permitted; and

1 2) The antennas may be attached to a structure, or to a pole not exceeding 2
2 inches in diameter that is either mounted on the ground or on a structure; and

3 3) The maximum height of the antennas and pole does not exceed 100 feet in
4 height measured from existing or finished grade at ground level.

5 C. Development standards.

6 1. Location. Minor communication utilities and accessory communication devices
7 regulated pursuant to Section 23.57.002, ~~((and))~~ amateur radio towers, and low power FM
8 antennas and poles:

9 a. Are prohibited in a required front or side setback.

10 b. May be located in a required rear setback, except for transmission
11 towers other than low power FM antennas and poles.

12 c. May be located on rooftops of buildings, including sides of parapets and
13 penthouses above the roofline. Rooftop space within the following parameters does not count
14 toward open space or amenity area requirements: the area 8 feet from and in front of a directional
15 antenna and at least 2 feet from the back of a directional antenna, or, for an omnidirectional
16 antenna, 8 feet away from the antenna in all directions. Public Health—Seattle & King County
17 may require a greater distance for paging facilities after review of the Non-Ionizing
18 Electromagnetic Radiation (NIER) report.

19 2. Height and Size.

20 a. The height limit of the zone shall apply to minor communication
21 utilities and accessory communication devices, except as may be permitted in this subsection
22 23.57.011.C.

1 b. The maximum diameter of dish antennas shall be 6 feet, except for
2 major institutions within the Major Institution Overlay District, regulated through an
3 administrative conditional use in subsection 23.57.011.B above.

4 c. The maximum height of an amateur radio tower shall be no more than
5 50 feet above existing grade. Cages and antennas may extend to a maximum additional 15 feet.
6 The base of the tower shall be setback from any lot line a distance at least equivalent to one-half
7 the height of the total structure, including tower or other support, cage and antennas.

8 d. Low power FM antennas and poles may extend to a maximum height of
9 65 feet above existing grade. The base of a pole shall be setback from any lot line a distance at
10 least equivalent to one-half the height of the antennas and pole.

11 3. Visual Impacts. All minor communication utilities and accessory
12 communication devices, except for facilities located on buildings designated by the Seattle
13 Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio
14 towers, shall meet the standards set forth in Section 23.57.016.

15 4. Access and Signage. Access to transmitting minor communication utilities and
16 to accessory communication devices shall be restricted to authorized personnel by fencing or
17 other means of security. Warning signs at every point of access to the rooftop or common area
18 shall be posted with information on the existence of radio frequency radiation.

19 5. Reception Window Obstruction. When, in the case of an accessory
20 communications device or minor communications utility that would otherwise comply with this
21 Section 23.57.011, the strict adherence to all development standards would result in reception
22 window obstruction in all permissible locations on the subject lot, the Director may grant a

1 waiver from the screening requirements of Section 23.57.016. Approval of a waiver shall be
2 subject to the following criteria:

3 a. The applicant shall demonstrate that the obstruction is due to factors
4 beyond the control of the property owner, taking into consideration potential permitted
5 development on adjacent and neighboring lots with regard to future reception-window
6 obstruction.

7 b. The applicant shall use material, shape and color to minimize visual
8 impact.

9 Section X. Section 23.57.012 of the Seattle Municipal Code, last amended by Ordinance
10 124172, is amended as follows:

11 **23.57.012 Commercial zones**

12 A. Uses permitted outright

13 1. In Neighborhood Commercial, Commercial, and Seattle Mixed zones, minor
14 communication utilities, other than freestanding transmission towers and accessory
15 communication devices are permitted outright when meeting the height limit of the zone as
16 modified by subsection 23.57.012.C. Communication cabinets are also subject to the
17 development standards of Section 23.57.017.

18 2. Minor communication utilities that do not meet the height limit of the zone are
19 permitted outright on existing freestanding major or minor telecommunication utility towers.
20 Minor communication utilities locating on major communication utility towers are subject to the
21 limitations of Sections 23.57.003 and 23.57.005.

22 B. Uses permitted by administrative conditional use. In Neighborhood Commercial,
23 Commercial, and Seattle Mixed zones, an administrative conditional use shall be required for the

1 establishment or expansion of a free standing transmission tower, regardless of height, and for
2 minor communication utilities and accessory communication devices that exceed the height limit
3 of the underlying zone as modified by subsection 23.57.012.C, including low power FM
4 broadcasting facilities. Approval shall be pursuant to the following criteria, as applicable:

5 1. The proposal does not result in a significant change in the pedestrian or retail
6 character of the commercial area.

7 2. If the minor communication utility is proposed to exceed the zone height limit
8 as modified by subsection 23.57.012.C, the applicant shall demonstrate that the requested height
9 is the minimum necessary for the effective functioning of the minor communication utility.

10 3. If the proposed minor communication utility is proposed to be a new
11 freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible
12 for the proposed facility to be on another existing transmission tower or on an existing building
13 in a manner that meets the applicable development standards. The location of a facility on a
14 building on an alternative site or sites, including construction of a network that consists of a
15 greater number of smaller, less obtrusive utilities, shall be considered.

16 4. Low power FM broadcasting facilities shall meet the criteria of subsections
17 23.57.012.B.1 and 23.57.012.B.2, and this subsection 23.57.012.B.4 instead of subsection
18 23.57.012.B.3 for a freestanding transmission tower supporting low power FM antennas only if:

19 a. The tower contains a maximum of three antennas up to 18 inches in
20 diameter and up to 18 inches in height; and

21 b. The tower structure is a pole not exceeding 2 inches in diameter.

22 C. Development standards

1 1. Location and height. Facilities in special review, historic, and landmark
2 districts are subject to the standards of Section 23.57.014. On sites that are not in special review,
3 historic, or landmark districts, antennas may be located on the rooftops of buildings, including
4 sides of parapets and equipment penthouses above the roofline, subject to the height limits in
5 subsections 23.57.012.C.1.a, ~~((and))~~ 23.57.012.C.1.b, and 23.57.012.C.1.c, as limited by
6 subsection 23.57.012.C.1.~~((e))~~d below:

7 a. Utilities and devices located on a rooftop of a building nonconforming
8 as to height may extend up to 15 feet above the height of the building legally existing as of the
9 effective date of September 23, 2002.

10 b. Utilities and devices located on a rooftop of a building that conforms to
11 the height limit may extend up to 15 feet above the zone height limit or above the highest portion
12 of a building, whichever is less.

13 c. Low power FM antennas located on a freestanding pole or on the
14 rooftop of a building shall meet the following standards:

15 1) A maximum of two antennas up to 18 inches in diameter and up
16 to 18 inches in height are permitted; and

17 2) The antennas may be attached to a structure, or to a pole not
18 exceeding 2 inches in diameter that is either mounted on the ground or on a structure; and

19 3) The maximum height of the antennas and pole does not exceed
20 100 feet in height measured from existing or finished grade at ground level.

21 ~~((e))~~d. Any height above the underlying zone height limit permitted under
22 subsections 23.57.012.C.1.a, ~~((and))~~ 23.57.012.C.1.b, and 23.57.012.C.1.c, shall be allowed only
23 if the combined total coverage by communication utilities and accessory communication devices,

1 in addition to the roof area occupied by rooftop features listed in subsection 23.47A.012.C.4,
2 does not exceed 20 percent of the total rooftop area, or 25 percent of the rooftop area if
3 mechanical equipment is screened.

4 ((e))e. The following rooftop areas shall not be counted towards amenity
5 area requirements:

6 1) The area 8 feet from and in front of a directional antenna and the
7 area 2 feet from and in back of a directional antenna.

8 2) The area within 8 feet in any direction from an omnidirectional
9 antenna.

10 3) Such other areas in the vicinity of paging facilities as
11 determined by the Seattle-King County Health Department after review of the Non-Ionizing
12 Electromagnetic Radiation (NIER) report.

13 * * *

14 Section X. Section 23.57.013 of the Seattle Municipal Code, last amended by Ordinance
15 123668, is amended as follows:

16 **23.57.013 Downtown zones**

17 A. Permitted Uses. Minor communication utilities and accessory communication devices
18 are permitted outright when meeting development standards of the zone in which the site is
19 located, except for height limits, and subsection 23.57.013.B. Communication cabinets are also
20 subject to the development standards of Section 23.57.017.

21 B. Development Standards.

22 1. Access to transmitting minor communication utilities and accessory
23 communication devices shall be restricted to authorized personnel when located on rooftops or

1 other common areas. Warning signs at every point of access to the rooftop or common area shall
2 be posted with information on the existence of radiofrequency radiation.

3 * * *

4 Section X. Section 23.57.014 of the Seattle Municipal Code, last amended by Ordinance
5 120928, is amended as follows:

6 **23.57.014 Special review, historic and landmark districts**~~((:))~~

7 Communication utilities and accessory communication devices for which a Certificate of
8 Approval may be required in IDR, PSM, IDM, PMM (see SMC Chapter 25.24) zones, the
9 International Special Review District, the Pioneer Square Preservation District, and the Ballard
10 Avenue (SMC Chapter 25.16), Columbia City (SMC Chapter 25.20) and Harvard-Belmont
11 (SMC Chapter 25.22) Landmark Districts shall be sited in a manner that minimizes visibility
12 from public streets and parks and may be permitted as follows:

13 A. Minor communication utilities and accessory communication devices may be
14 permitted subject to the use provisions and development standards of the underlying zone and
15 this ~~((e))~~Chapter 23.57, with the following additional height allowance: communication utilities
16 and devices may extend up to ~~((four-))~~4~~((+))~~ feet above a roof of the structure, regardless of zone
17 height limit. Communication cabinets are also subject to the development standards of Section
18 23.57.017.

19 * * *

20 Section X. Section 23.57.015 of the Seattle Municipal Code, last amended by Ordinance
21 120928, is amended as follows:

22 **23.57.015 Industrial zones.**

1 be located a minimum of 3 feet from a side lot line and shall not occupy a location that is needed
2 to meet a development standard of the Land Use Code applicable to an existing or proposed
3 development on the site, including but not limited to lot coverage limits, landscaping, amenity
4 area, or required parking.

5 2. Screening, landscaping, or wraps. Screening or landscaping shall be provided
6 around the perimeter of the communication cabinet if the cabinet would otherwise be visible
7 from a street or adjacent property.

8 a. Screening shall consist of fences or walls. Screening shall be at least as
9 tall as the maximum height of the communications cabinets, but shall not exceed 6 feet in height.

10 b. If landscaping is used, the landscaped area shall not be less than 2 feet
11 in width and may include hedges or landscaped berms. The type and size of plants, spacing of
12 plants, use of drought-tolerant plants, and access to light and air for plants shall be determined by
13 the Director in accordance with Director's rules for landscaping.

14 c. Decorative wraps if screening or landscaping cannot occur due to
15 physical or topographical constraints.

16 B. Neighborhood Commercial, Commercial, Downtown, and Industrial zones, and
17 special review, historic and landmark districts.

18 1. Location. Communication cabinets may be located anywhere on a site within a
19 maximum area 10 feet wide by 10 feet deep, except that they may not occupy a location that is
20 needed to meet a development standard of the Land Use Code applicable to an existing or
21 proposed development on the site, including but not limited to setbacks, landscaping, amenity
22 area, or required parking.

1 a. ((a)) A satellite earth station antenna, which receives signals from and/or transmits
2 signals to satellites, or

3 b. ((a)) A point-to-consecutive-point antenna, which receive signals from terrestrial
4 sources. Also called "Satellite dish antenna."

5 2. "Antenna, whip" means an omnidirectional antenna, cylindrical in shape, 4 inches or
6 less in diameter and 12 feet or less in length.

7 3. "Candelabra mounting" means a single spreader that supports more than two antennas.

8 4. "Communication cabinet" means all structures, cabinets, electric meters, and any other
9 appurtenances, except utility poles and attachments to poles, by any publicly or privately owned
10 entity for the purposes of providing any communications transmission, emission or reception of
11 signals, writings, pictures, images, and sounds or intelligences of any nature; by wire, cable,
12 radio, optical, or other electromagnetic systems. A communication cabinet is a minor
13 communication utility use.

14 5. "Communication device, accessory" means a device by which radiofrequency
15 communication signals are transmitted and/or received, such as but not limited to whip, horn and
16 dish antennas, and that is accessory to the principal use on the site. Antennas and other
17 equipment associated with major and minor communication utilities are not accessory
18 communication devices.

19 ((5))6. "Communication device, receive-only" means a radio frequency device with the
20 ability to receive signals, but not to transmit them.

21 ((6))7. "Communication utility, major" means a use in which the means for
22 radiofrequency transfer of information are provided by facilities with significant impacts beyond
23 their immediate area. These utilities include, but are not limited to, FM and AM radio and UHF

1 and VHF television transmission towers; but does not include low power FM broadcasting
2 facilities. A major communication utility use does not include communication equipment
3 accessory to residential uses; nor does it include the studios of broadcasting companies, such as
4 radio or television stations, which shall be considered administrative offices even if there is
5 point-to-point transmission to a broadcast tower.

6 ((7))8. "Communication utility, minor" means a use in which the means for
7 radiofrequency transfer of information are provided but do not have significant impacts beyond
8 the immediate area. These utilities are smaller in size than major communication utilities and
9 include two-way, land-mobile, personal wireless services and cellular communications facilities;
10 cable TV facilities; point-to-point microwave antennas; communication cabinets; low power FM
11 broadcasting facilities; FM translators; and FM boosters with ((under ten))a maximum of 100
12 watts transmitting power. A minor communication utility does not include wire, cables, or
13 communication equipment accessory to residential uses; nor does it include the studios of
14 broadcasting companies, such as radio or television stations, which shall be considered
15 administrative offices even if there is point-to-point transmission to a broadcast tower, except
16 that the broadcasting studios for low power FM broadcasting facilities may be accessory to the
17 low power FM minor communication utility use.

18 ((8))9. "Communication utility, physical expansion of major or minor" means any
19 increase in footprint and/or envelope of transmission towers. Physical expansion does not
20 include an increase in height of the tower resulting from repair, reconstruction, replacement or
21 modification to the antenna that would result in lower radio frequency radiation exposure
22 readings at ground level or in greater public safety, as long as the height above mean sea level
23 does not increase by more than ten percent and in any event does not exceed 1,100 feet above

1 mean sea level. Replacement of existing antennas or addition of new antennas is not considered
2 physical expansion, unless such replacement or addition increases the envelope of the
3 transmission tower by such means as utilizing a candelabra mounting. Replacement or expansion
4 of an equipment building is not considered physical expansion.

5 ~~((9))~~10. "Low power FM broadcasting facility" means an FM broadcasting facility
6 including antennas and poles that is limited by Federal Communications Commission (FCC)
7 regulations to no more than 100 Watts of broadcast capability.

8 ~~((9))~~11. "Reception window obstruction" means a physical barrier that would block the
9 signal between an orbiting satellite and a land-based antenna.

10 ~~((40))~~12. "Telecommunication facility, shared-use" means a telecommunication facility
11 used by two or more television stations or five or more FM stations.

12 ~~((44))~~13. "Telecommunication facility, single-occupant" means a telecommunication
13 facility used only by one television station or by one television station and one to four FM
14 stations.

15 ~~((42))~~14. "Transmission tower" means a tower or monopole on which communication
16 devices are placed. Transmission towers may serve either as a major or minor communication
17 facility.

18 ~~((43))~~15. "Wireless service, fixed" means the transmission of commercial non-broadcast
19 communication signals via wireless technology to and/or from a fixed customer location. Fixed
20 wireless service does not include AM radio, FM radio, amateur ("HAM") radio, Citizen's Band
21 (CB) radio, and Digital Audio Radio Service (DARS) signals.

22 ~~((44))~~16. "Wireless service, personal" means a commercial use offering cellular mobile
23 services, unlicensed wireless services and common carrier wireless exchange access services.

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

Passed by the City Council the ____ day of _____, 2016, and signed by me in open session in authentication of its passage this ____ day of _____, 2016.

President _____ of the City Council

Approved by me this ____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)