ORDINANCE 116295

AN ORDINANCE relating to land use and zoning and regulating communication facilities; amending Sections 23.44.002, 23.44.012, 23.45.002, 23.45.009, 23.45.050, 23.45.066, 23.47.002, 23.47.004, 23.47.006, 23.47.012, 23.47.014, 23.49.002, 23.49.008, 23.49.046, 23.49.066, 23.49.096, 23.49.122, 23.49.148, 23.49.338, 23.50.002, 23.50.012, 23.50.020, 23.84.006, 23.84.040 and 23.84.048; deleting Sections 23.44.054, 23.45.104, 23.45.156; and adding a new Chapter 23.57.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.002 of the Seattle Municipal Code, as last amended by Ordinance 110669, is further amended to read as follows:

23.44.002 Applicability of provisions

This chapter details those authorized uses and their development standards which are or may be permitted in the three (3) single-family residential zones: SF 9600, SF 7200 and SF 5000. Communication utilities and accessory communication devices are subject to additional regulations in Chapter 23.57.

Section 2. Section 23.44.012 of the Seattle Municipal Code, as last amended by Ordinance 113883, is further amended to read as follows:

23.44.012 Height limits

* * *

C. Height Limit Exemptions.

1. Radio and Television ((~~aerials~~)) Antennas and Flagpoles. Except in the Airport Height District, Chapter 23.64, receive-only radio and television ((~~aerials~~)) antennas,

except for dishes, and flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty percent (50%) of their height above existing grade, or, if attached only to a roof, no closer than fifty percent (50%) of their height above the roof portion where attached.

2. Other Features. Open rails, planters, skylights, and chimneys may exceed the height limits by four feet (4') or may extend four feet (4') above the ridge of a pitched roof.

3. Solar Collectors. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.046.

Section 3. Section 23.45.002 of the Seattle Municipal Code, as last amended by Ordinance 114196, is further amended to read as follows:

23.45.002 Scope of provisions

This chapter details those authorized uses and their development standards which are or may be permitted in the ((~~six (6)~~)) seven (7) multifamily residential zones: Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR).

Communication utilities and accessory communication devices are regulated by Chapter 23.57.

Section 4. Section 23.45.009 of the Seattle Municipal Code, as last amended by Ordinance 115043, is further amended to read as follows:

23.45.009 Structure height - Lowrise Zones

* * *

C. Rooftop Features.

1. Radio and television ((~~receiving-aerials~~)) receive-only antennas, except for dish antennas, flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty per cent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, ((~~dish-antennae,~~)) parapets and firewalls may extend four feet (4') above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend ten feet (10') above the maximum height limit established in subsection A so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent(20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five feet (5') from the roof edge;

d. Chimneys.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subdivision at least ten feet (10') from the

north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antenna((~~e~~)) s, permitted on rooftops by Special Exception according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment.

Section 5. Section 23.45.050 of the Seattle Municipal Code, as last amended by Ordinance 110793, is further amended to read as follows:

23.45.050 Midrise - Height

* * *

D. Rooftop Features.

1. Radio and television ((~~receiving aerials,~~)) receive-only antennas, except dish antennas, flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty percent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, ((~~dish-antennae,~~)) parapets and firewalls may extend four feet (4′) above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend ten feet (10′) above the maximum height limit set in subsections A and B of this section, so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five feet (5′) from the roof edge;

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Greenhouses which meet minimum energy standards administered by the Director.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subdivision at least ten feet (10′) from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antenna((e~~,~~)) s, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

Section 6. Section 23.45.066 of the Seattle Municipal Code, as last amended by Ordinance 114450, is further amended to read as follows:

23.45.066 Highrise - Structure Height

* * *

C. Height Exceptions.

1. Radio and television ((~~receiving aerials,~~)) receive-only antennas, except dish antennas, flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty per cent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, ((~~dish antennae,~~)) parapets and firewalls may extend four feet (4′) above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend up to ten feet (10′) above the maximum height limit so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five feet (5′) from the roof edge;

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet (10′) from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antenna((e~~,~~)) s, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

Section 7. Section 23.47.002 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.47.002 Scope of provisions

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D. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking quantity, access and design are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Requirements for communication utilities and accessory communication devices are contained in Chapter 23.57.

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Section 8. Section 23.47.004 of the Seattle Municipal Code, as last amended by Ordinance 115043, is further amended to read as follows:

23.47.004 Permitted and prohibited uses

* * *

USES: CHART A

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales & Services					
1. Personal & Household Retail Sales & Services					
-Multi-purpose convenience stores	P	P	P	P	P
-General retail sales and service	P	P	P	P	P
-Major durables sales, service and rental	P	P	P	P	P
-Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
-Animal health services	P	P	P	P	P
-Kennels	X	X	X	X	P
-Animal shelters	X	X	X	X	X
4. Automotive Retail Sales & Services					
-Gas stations	P	P	P	P	P
-Sales and rental of motorized vehicles	X	P	P	P	P
-Vehicle repair, minor	P	P	P	P	P
-Car wash	X	P	P	P	P
-Towing services	X	X	X	P	P
-Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales & Services					
-Sales and rental of large boats	X	P	P	P	P
-Vessel repair, minor	P	P	P	P	P
-Vessel repair, major	X	X	X	S	S
-Marine service station	P	P	P	P	P
-Dry storage of boats	X	P	P	P	P
-Recreational marinas	S	S	S	S	S
-Commercial moorage	S	S	S	S	S
-Sale of boat parts or accessories	P	P	P	P	P
6. Eating & Drinking Establishments					
-Restaurants without cocktail lounges	P	P	P	P	P
-Restaurants with cocktail lounges	X	P	P	P	P
-Fast food restaurant (750 square feet and under)	P	P	P	P	P

	ZONES				
	NC1	NC2	NC3	C1	C2
-Fast food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
-Tavern	CU	CU	P	P	P
-Brewpub	CU	CU	P	P	P
7. Lodging	X	X	P	P	P
-Hotel					
-Motel	X	X	P	P	P
-Bed and breakfast	P[3]	P[3]	P	P	P
8. Mortuary Services	X	P	P	P	P
9. Existing cemeteries	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales & Service					
1. Business Support Services	P	P	P	P	P
2. Business Incubator	P	P	P	P	P
3. Sales, Service & Rental of Office Equipment	X	P	P	P	P
4. Sales, Service & Rental of Commercial Equipment & Construction Materials	X	X	P	P	P
5. Sale of Heating Fuel	X	X	P	P	P
6. Heavy Commercial Services	X	X	X	P	P
-Construction services	X	X	X	P	P
-Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer Service Office	P	P	P	P	P
2. Administrative Office	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
-Performing arts theater	X	P	P	P	P
-Spectator sports facility	X	P	P	P	P
-Lecture & meeting halls	X	P	P	P	P
-Motion picture theater	X	P	P	P	P
-Adult motion picture theater	X	X	X	X	X
-Adult panoramas	X	X	X	X	X
2. Participant Sports and Recreation					
-Indoor	P	P	P	P	P
-Outdoor	X	X	X	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X	P	P
J. Transportation Facilities					
1. Personal Transportation Services	X	X	P	P	P
2. Passenger Terminals	X	X	P	P	P
3. Cargo Terminals	X	X	X	S	P

	ZONES				
	NC1	NC2	NC3	C1	C2
4. Transit Vehicle Base	X	X	X	CCU[4]	CCU[4]
5. Helistops	X	X	CCU[5]	CCU[5]	CCU[5]
6. Heliports	X	X	X	X	X
7. Airport, Landbased	X	X	X	X	X
8. Airport, Waterbased	X	X	X	X	S
9. Railroad Switchyard	X	X	X	X	X
10. Railroad Switchyard with mechanized hump	X	X	X	X	X
K. Food Processing & Craft Work					
1. Food Processing for Human Consumption	P	P	P	P	P
2. Custom & Craft Work	P	P	P	P	P
L. Research and Development Laboratories	P	P	P	P	P
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P ((CU))	P ((CU))	P ((CU))	P ((P))	P ((P))
B. Major Communication Utility 6	X	X	X	CCU	CCU
C. Minor Communication Utility 6	P	P	P	P	P
D.((C.)) Solid Waste Transfer Station	X	X	X	X	X
E.((D.)) Power Plants	X	X	X	X	X
F.((E.)) Sewage Treatment Plants	X	X	X	X	X
G.((F.)) Solid Waste Incineration Facility	X	X	X	X	X
H.((G.)) Solid Waste Landfill	X	X	X	X	X
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P

	ZONES				
	NC1	NC2	NC3	C1	C2
M. Major Institutions subject to provisions of Chapter 23.69	P	P	P	P	P
VII. PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Center((6))7	CCU	CCU	CCU	CCU	CU
VIII. PARK & POOL/RIDE LOT					
A. Park & Pool Lots	P((7))8	P	P	P	P
B. Park & Ride Lots	X	X	CU	CU	CU
IX.RESIDENTIAL((8))9					
A. Single Family Dwelling Units	P/CU	P/CU	P/CU	P/CU	CU
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Special Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Boarding Homes	P/CU	P/CU	P/CU	P/CU	CU
G. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
H. Caretaker's Quarters	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P((9))10	P((9))10	P((9))10	P((9))10	
X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. AGRICULTURAL USES					
A. Animal Husbandry	X((9))10	X((P))10	X((9))10	X((9))10	P
B. Horticultural Uses	P	P	P	P	P
C. Aquaculture	P	P	P	P	P

P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District when permitted by the Seattle Shoreline Master Program

1 Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.47.006.

2 The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.

3 In existing structures only

4 New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand

5 Permitted only as an accessory use according to Section 23.47.006

6 See Chapter 23.57 for regulation of communication utilities.

7((6))Subject to dispersion criteria in Section 23.47.006
8((7))Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot
9((8))Residential uses in mixed use structures are permitted outright in NC1, NC2, NC3 and C1 zones. Single purpose residential structures are permitted in NC1, NC2, NC3, and C1 zones as an administrative conditional use according to the provisions of Section 23.47.024, except where the height limit is 85 feet or higher. All residential uses in C2 zones are subject to administrative conditional use approval.
10((9))Permitted only as an accessory use

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Section 9. Section 23.47.006 of the Seattle Municipal Code, as last amended by Ordinance 115002, is further amended to read as follows:

23.47.006 Conditional uses

* * *

B. The following uses identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants which have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:

(1) Cause significant additional traffic to circulate through adjacent residential neighborhoods; or

(2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts; or

(3) Create traffic or access problems which will require the expenditure of City funds to mitigate; or

(4) Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot; or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or

(6) Interrupt established retail or service frontage designed to serve pedestrians.

d. In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-designated zones, the use shall not:

(1) Include a drive-in facility; or

(2) Provide any accessory parking; or

(3) Attract a significant number of customers who drive to the pedestrian district for the primary purpose of patronizing the business.

This shall be determined by a transportation analysis of travel modes and patterns of customers of similar businesses in the same or similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant. The Director shall review the application and the transportation analysis in conjunction with the Director of Engineering.

e. Fast-food restaurants which are drive-in businesses shall also comply with the provisions of Section 23.47.028, Standards for drive-in businesses.

2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following criteria:

a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking shall be compatible with adjacent residential zones.

c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.

d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.

~~((3.--Communication-Utilities.~~

~~a.--Communication-utilities-in-NC1,-NC2-and-NC3 zones-may-be-permitted-as-conditional-uses-according-to-the following-criteria:~~

~~(1)--The-proposed-communication-utility-will satisfy-a-public-necessity-or-will-be-an-integral-element-in the-communication-network;-or~~

~~(2)--The-proposed-communication-utility-will expand-an-existing-facility-and-avoid-the-need-to-construct-a new-communication-utility.~~

~~(3)--The-requirements-of-Chapter-23.64,-Airport Height-District,-are-met.~~

~~(4)--Rooftop communications utilities shall be set back a minimum of ten feet (10') from all lot lines.~~

~~b.--The Director may permit departures from the development standards of Subchapter II of this chapter of communications utilities permitted by this subsection B3, if the departure is required by technological necessity or the regulatory provisions of governmental agencies.~~))

3.((~~4.~~)) Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

a. Conditional Use Criteria.

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and other measures may be required to provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area.

4.((~~5.~~)) In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. Single-purpose residential structures as provided for in Section 23.47.008 may be permitted in NC1, NC2, NC3 and C1 zones as an administrative conditional use only if the following circumstances exist:

a. The amount of residential development existing and proposed would not reduce the current viability or significantly impact the longer-term potential of the commercial area; and

b. Residential development would not displace existing commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from the area's overall commercial character, and

c. There is an ample amount of vacant commercial land in the zone and/or, due to location, terrain or parcel size, the proposed site is not particularly suited to commercial development; and

d. There is limited demand for commercial use in the commercial zone (as evidenced by lack of commercial activity for a prolonged period of time [three (3) to five (5) years], commercial structures in disrepair, and/or high vacancy rates) coupled with a variety of commercial services available in nearby commercially zones areas, and/or ample land which is particularly suited for additional commercial development.

5.((6.)) Residential Uses in C2 Zones.

a. Residential uses in single-purpose or mixed use structures may be permitted in C2 zones as administrative conditional uses according to the following criteria:

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

(2) Relationship to Transportation Systems.

Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(3) Compatibility With Surrounding Areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

b. Residential uses required to obtain a shoreline conditional use shall not be required to obtain an administrative conditional use.

6.((~~7.~~)) Residential Use in International Special Review District. Single-purpose residential structures shall be permitted outright in those parts of the International Special Review District east of the Interstate 5 Freeway as provided in Section 23.66.330.

7.((~~8.~~)) Low-income Housing Projects. Single-purpose residential structure for low-income housing projects shall be permitted outright in all commercial zones if:

a. Applications for a reservation of tax credits for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance Commission have been filed on or before March 15, 1988; or

b. A nonprofit corporation has purchased sites, signed options or entered into real estate purchase agreements prior to March 15, 1988.

8.((~~9.~~)) Development of a medical service use over 10,000 square feet, outside but within 2,500 feet of a medical Major Institution Overlay District boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny a medical service use, the Director shall

determine whether an adequate supply of commercially-zoned land for businesses serving neighborhood residents will continue to exist. The following factors shall be used in making this determination:

a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the neighborhood-serving character of the commercial area; and

b. Whether medical service use development would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

9.((~~10.~~)) Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

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Section 10. Section 23.47.012 of the Seattle Municipal Code, as last amended by Ordinance 114382, is further amended to read as follows:

23.47.012 Structure height and floor area ratio

* * *

G. Rooftop Features.

1. Radio and television receiving ((~~aerials~~)) antennas excluding dish antenna((e)) s; ((~~communication utilities, including transmission towers;~~)) ham radio towers; smokestacks, chimneys; flagpoles; and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet (10′) from any side or rear lot line.

2. Open railings, planters, clerestories, skylights, ((~~dish antennae;~~)) parapets and firewalls may extend up to four feet (4′) above the maximum height limit with unlimited rooftop coverage.

3. Solar Collectors.

a. In zones with height limits of thirty (30′) or forty feet (40′), solar collectors may extend up to four feet (4′) above the maximum height limit, with unlimited rooftop coverage.

b. In zones with height limits of sixty-five feet (65′) or more, solar collectors may extend up to seven feet (7′) above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen feet (15′) above the maximum height limit, as long as the combined coverage of all features listed in this

subsection does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment;

d. Play equipment and open-mesh fencing, as long as the fencing is at least fifteen feet (15') from the roof edge; and

e. Dish antenna((e)) s, according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subdivision at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antenna((e;)) s, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment.

* * *

I. ((~~Freestanding Antennae and Transmission Towers.~~))

Television Receiving Antennas.

((~~1.---Amateur-Radio-Devices.---The-maximum-height-of-an amateur-radio-tower-for-sending-and/or-receiving-signals-shall be-no-more-than-fifty-feet-(50')-in-zones-where-the-maximum height-limit-does-not-exceed-fifty-feet(50').---Cages-and antennae-may-extend--to-a-maximum-additional-fifteen-feet (15').---In-zones-with-a-maximum-height-limit-which-exceeds fifty-feet-(50'),-the-maximum-height-of-the-tower-shall-not exceed-the-maximum-height-allowed-for-all-structures.~~))

((~~2.~~)) The maximum height of television receiving ((~~aerials~~)) antennas, except for dish antennas, shall be no more than fifty feet (50') in zones where the maximum height limit does not exceed fifty feet (50'). In zones with a maximum height limit which exceeds fifty feet (50') the maximum height of the ((~~aerial~~)) antenna shall not exceed the maximum height allowed for all structures.

~~3.---Dish-antennae-shall-not-exceed-the-height-limit-of the-zone-in-which-they-are-located.~~

~~4.---Communication-utilities-shall-be-exempt-from-height controls,-except-for-the-requirements-of-Chapter-23.64, Airport-Height-District.~~))

* * *

Section 11. Section 23.47.014 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.47.014 Setback Requirements.

* * *

F. Setback Requirements for Specific Uses or Structures.

1. Farm animals and structures housing them shall be located at least fifty feet (50′) from any residentially zoned lot.

2. Beehives shall not be located within twenty-five feet (25′) of any property line except when located eight feet (8′) or more above the grade immediately adjacent to the subject lot or when situated less than eight feet (8′) above the adjacent existing grade and behind a solid fence or hedge six feet (6′) high, parallel to any property line within twenty-five feet (25′) beyond the hive in both directions.

3. Parking occupying the street-level frontage of a structure shall be set back at least five feet (5′) from all street lot lines and from all residentially zoned lots, and landscaped according to the requirements of Section 23.47.016, Screening and Landscaping standards.

4. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve feet (12′) shall be required for the loading berth, measured from the centerline of the alley (Exhibit 23.47.014 E). This setback shall be maintained up to a height of sixteen feet (16′).

((~~5. Communication utilities shall be set back at least ten feet (10′) from side and rear lot lines.~~))

* * *

Section 12. Section 23.49.002 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.49.002 Scope of provisions

* * *

E. Communication utilities and accessory communication devices are regulated by Chapter 23.57.

Section 13. Section 23.49.008 of the Seattle Municipal Code, as last amended by Initiative 31, is further amended to read as follows:

23.49.008 Structure height.

The following provisions regulating structure height shall apply to all property in downtown zones except the DH1, PSM, IDM, and IDR zones.

* * *

C. Rooftop Features.

1. Open railings, planters, clerestories, skylights, ((~~dish antennae,~~)) play equipment, parapets and firewalls may extend up to four feet (4′) above the maximum height limit with unlimited rooftop coverage.

2. Solar collectors may extend up to seven feet (7′) above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen feet (15′) above the maximum height limit, as long as the combined coverage of all features listed in this subsection does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment; and

d. Play equipment and open-mesh fencing, as long as the fencing is at least fifteen feet (15′) from the roof edge.

4. Radio and television receiving ((~~aerials~~)) antennas excluding dish((es)) antennas; religious symbols such as belfries or spires, and that portion of the roof which supports them; ((~~transmission towers;~~)) smokestacks; and flagpoles may extend up to fifty feet (50′) above the roof of the structure on which they are located or fifty feet (50′) above the maximum height limit, whichever is less, except as regulated in Chapter 23.64, Airport Height District. They shall be located a minimum of ten feet (10′) from all lot lines.

5. Council Conditional Use for Rooftop Features. The rooftop features listed in subsection C4 may exceed a height of fifty feet (50′) above the roof of the structure on which they are located if authorized by a Council Conditional Use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

a. The feature shall be compatible with and not adversely affect the downtown skyline.

b. The feature shall not have a significant adverse effect upon the light, air, solar, and visual access of properties within a three-hundred-foot (300′) radius.

c. The feature, supporting structure, and structure below shall be compatible in design elements such as bulk, profile, color, and materials.

d. The feature shall not adversely affect the function of existing transmission or receiving equipment within a five (5) mile radius.

e. The increased size is necessary for the successful physical function of the feature.

Section 14. Section 23.49.046 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.046 Downtown Office Core 1, conditional uses.

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50′) above the roof of the structure on which they are located may be authorized by the Council as a conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 15. Section 23.49.066 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.066 Downtown Office Core 2, conditional uses.

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50′) above the roof of the structure on which they are located may be authorized by the Council as a conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 16. Section 23.49.096 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.096 Downtown Retail Core, conditional uses.

* * *

F. Rooftop features listed in 23.49.008 C4 more than fifty feet (50′) above the roof of the structure on which they are located may be authorized by the Council as a Council Conditional Use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 17. Section 23.49.122 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.122 Downtown Mixed Commercial, conditional uses

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50′) above the roof of the structure on which they are located may be authorized by the Council as a conditional use

pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 18. Section 23.49.148 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.148 Downtown Mixed Residential, conditional uses.

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50′) above the roof of the structure on which they are located may be authorized by the Council as a conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 19. Section 23.49.338 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.338 Pike Market Mixed, prohibited uses.

A. The following uses are prohibited as both principal and accessory uses in areas outside of the Pike Place Market Historic District, Map XIIA:

1. Drive-in businesses, except gas stations located in parking garages;

2. Outdoor storage;

3. Adult motion picture theaters and adult panoramas;

4. Transportation facilities;

5. Communication ((~~facilities;~~)) utilities;

6. All general manufacturing uses;

7. All salvage and recycling uses, except recycling collection stations;

8. All industrial uses;

9. Jails; and

10. Work-release centers.

* * *

Section 20. Section 23.50.002 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.50.002 Scope of provisions

* * *

D. Communication utilities and accessory communication devices are regulated by Chapter 23.57. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Signs are regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Definitions are in Chapter 23.84.

* * *

Section 21. Section 23.50.012 of the Seattle Municipal Code, as last amended by Ordinance 115043, is further amended to read as follows:

23.50.012 Permitted and prohibited uses.

* * *

USES

Chart A
for Section 23.50.012

Uses	Zones		
	IB	IC	IG1 and IG2
I. Manufacturing			
A. Light manufacturing	P	P	P
B. General Manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. High-impact Uses	X	X or CU[3]	X or CU[4]
III. Commercial			
A. Retail Sales and Service			
1. Personal and household sales and service	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal Services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
c. Animal control shelter	P	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating & Drinking Establishment			
a. Fast-food restaurants over 750 square feet	CU	CU	CU
b. Fast-food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	P	P	P
7. Lodging	CU	CU	CU
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X

Chart A for Section 23.50.012 (Continued)

Uses	Zones		
	IB	IC	IG1 and IG2
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P
E. Entertainment			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theater	P	P	P
e. Motion picture theater adult	X	X	X
f. Adult panoramas	X	X	X
2. Participant sports and recreation.			
a. Indoor	P	P	P
b. Outdoor	P	P	P
F. Wholesale showroom	P	P	P
G. Mini-warehouse	P	P	P
H. Warehouse	P	P	P
I. Outdoor storage	P	P	P
J. Transportation Facilities.			
1. Personal transportation services	P	P	P
2. Passenger terminal	P	P	P
3. Cargo terminal	P	P	P
4. Transit vehicle base	CU	CU	CU
5. Helistop	CCU	CU	CU
6. Heliport	X	CCU	CCU
7. Airport, land-based	X	CCU	CCU
8. Airport, water-based	X	CCU	CCU
9. Railroad switchyard	P	P	P
10. Railroad switchyard with mechanized hump	X	X	CU
K. Food processing and craft work	P	P	P
L. Research and development laboratory	P	P	P

Chart A for Section 23.50.012 (Continued)

Uses	Zones		
	IB	IC	IG1 and IG2
IV. Salvage and Recycling			
A. Recycling collection station	P	P	P
B. Recycling center	P	P	P
C. Salvage yard	X	X	P
V. Utilities			
A. Utility services use	P	P	P
B. Major Communication utility 6	CU((P))	CU((P))	CU((P))
C. Minor Communication utility 6	P	P	P
D.((e.)) Solid waste transfer station	X	CU	CU
E.((B.)) Power plant	X	CCU	P
F.((E.)) Sewage treatment plant	X	CCU	CCU
G.((F.)) Solid waste incineration facility	X	CCU	CCU
H.((G.)) Solid waste landfills	X	X	X
VI. Institutions			
A. Institute for advanced study	P	P	P
B. Private clubs	EB	EB	EB
C. Child care center	P	P	P
D. Museum	EB	EB	EB
E. School, elementary or secondary	EB	EB	EB
F. College	EB	EB	EB
G. Community center	EB	EB	EB
H. Community club	EB	EB	EB
I. Vocational or fine arts school	P	P	P
J. Hospital	EB	CU((6))8	EB
K. Religious facility	EB	EB	EB
L. University	EB	EB	EB
M. Major Institutions subject to provisions of Chapter 23.69	EB	EB	EB
VII. Public Facilities			
A. Jails	X	X	X
B. Work-release centers	X	X	X
C. Other public facilities	CCU	CCU	CCU
VIII. Park and Pool/Ride Lots			
A. Park and pool lots	P[7]	P[7]	P[7]
B. Park and ride lots	CU	CU	CU
IX. Residential			
A. Single-family dwelling units	X	X	X
B. Multi-family structures	X	X	X
C. Special residences	X	X	X
D. Floating homes	X	X	X
E. Mobile home park	X	X	X
F. Boarding homes	X	X	X

Chart A for Section 23.50.012 (Continued)

Uses	Zones		
	IB	IC	IG1 and IG2
G. Artist's studio/dwelling	EB	EB	EB
H. Caretaker's quarters	P	P	P
I. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU
X. Open Space			
A. Park	P	P	P
B. Playgrounds	P	P	P
XI. Agricultural Uses			
A. Animal Husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

P = Permitted
X = Prohibited
CU = Conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on the date of adoption of the ordinance codified in this section.

1 The Heavy Manufacturing uses listed in subsection B10 of Section 23.50.014 may be permitted as conditional uses. All other Heavy Manufacturing uses are prohibited.

2 Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

3 The High-impact uses listed at subsection B11 of Section 23.50.014 may be permitted as conditional uses.

4 High-impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

5 Medical service uses over 10,000 square feet, within 2,500 feet of medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

6 See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.

7 Park and pool lots are not permitted within three thousand feet (3,000') of downtown.

8 ((6)) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study as provided by subsection B15 of Section 23.50.014.

Section 22. Section 23.50.020 of the Seattle Municipal Code, as last amended by Ordinance 113658, is further amended to read as follows:

23.50.020 All Industrial zones -- Structure height exceptions and additional restrictions.

A. Rooftop Features. Where height limits are otherwise applicable to a structure, and except as provided in subsections C4, D4, E4 and F3 of Section 23.50.024, the following conditions shall apply to rooftop features:

1. Radio and television receiving ((~~aerials~~)) antennas, excluding dish antenna((~~e~~)) s; ((~~communication utilities, including transmission towers~~)) amateur radio towers; smokestacks, chimneys and flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet (10′) from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, ((~~dish antennae~~)) parapets and firewalls may extend up to four feet (4′) above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to seven feet (7′) above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen feet (15′) above the maximum height limit, as long as

the combined coverage of all features listed in this subsection does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment; and
d. Dish antenna((e))s, according to the provisions of Chapter 23.57.

* * *

Section 23. Section 23.84.006 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.84.006 "C."

* * *

Communication ((~~utility." See Utility."~~)) devices and utilities (and related terms)

1. "Communication device, accessory" means a device by which radiofrequency communication signals are transmitted and/or received, such as but not limited to whip, horn and dish antennas, and which is accessory to the principal use on the site. Receive-only television and radio antennas and amateur radio towers are not included in this definition. Communication equipment such as Citizen Band radios, telephones which depend upon wires and cables or hand-held telephones are exempt from the Land Use Code regulations.

2. "Communication utility, major" means a business use in which the means for radiofrequency transfer of information are provided by facilities with significant impacts beyond

their immediate area. These utilities are FM and AM radio, UHF and VHF television transmission towers, and earth stations. A major communication utility use does not include communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

3. "Communication utility, minor" means a business use in which the means for radiofrequency transfer of information are provided but which generally does not have significant impacts beyond the immediate area. These facilities are smaller in size than Major Communication Utilities and include two-way, land mobile, and cellular communications facilities; cable TV facilities; point-to-point microwave antennas; FM translators; and FM boosters with under 10 watts transmitting power. A minor communication utility does not include wire, cables, or communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

4. "Dish antenna" means a round parabolic device for the reception and/or transmission of radiofrequency communication signals. Dish antenna may serve either as a major or minor communication utility or may be an accessory communication device.

5. "Earth station" means a major communication utility which transmits and receives signals to and from an orbiting satellite and is 25 feet in diameter or larger.

6. "Physical expansion of communication utilities" means any increase in footprint and/or envelope of transmission

towers. Physical expansion does not include an increase in height of the tower resulting from repair, reconstruction, replacement or modification to the antenna, accessory telecommunication devices, transmission tower or accessory building that would result in lower radio frequency radiation exposure readings at ground level or greater public safety, as long as the height above mean sea level does not increase by more than 10% (ten percent) and in any event does not exceed 1100' (one thousand one hundred feet) above mean sea level. Replacement of existing antennas or addition of new antennas is not considered physical expansion, unless such replacement or addition increases the envelope of the transmission tower by utilizing a candelabra mounting.

7. "Receive-only communication devices" means a radio frequency device with the ability to receive signals, but not to transmit them.

8. "Reception window obstruction" means a physical barrier which would block the signal between an orbiting satellite and a land-based antenna.

9. "Shared use facility" means a telecommunication facility used by two or more television stations or five or more FM stations.

10. "Single occupant facility" means a telecommunication facility used by only one television station or by one television station and one to four FM stations.

11. "Transmission tower" means a tower on which communication devices are placed. Transmission towers may serve either as a major or minor communication facility.

12. "Candelabra mounting" means a single spreader which supports more than two antennas.

***

Section 24. That Section 23.84.040 of the Seattle Municipal Code, as last amended by Initiative 31, is further amended to read as follows:

23.84.040 "U."

***

"Utility" means a business establishment in which power, water, ((~~communication signals,~~)) and other similar items are provided or transmitted; or sewage is treated, or solid waste is stored or transferred or incinerated. Underground pipes and cables and high-impact uses shall not be considered utilities.

((~~1.--"Communication utility" means a utility use in which the means for transfer of information, such as radio or television transmission towers or phone cable vaults, are provided.--Communication utility uses do not include communication equipment accessory to residential uses, nor do they include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices, unless broadcasting occurs.~~))

1.((~~2.~~)) "Power plant" means a utility use in which power in the form of steam or electricity is produced by wind, solar or water forces or combustion of materials such as coal, oil, gas and/or steam is produced by combustion or electricity. A nuclear power plant, solid waste incineration facility and the concurrent incidental production of electricity or useful heating or mechanical energy, or cogeneration, as well as the recovery of waste heat, shall not be considered a power plant.

2((~~3.~~)) "Sewage treatment plant" means a utility use in which sanitary or combined sewage is received, treated, and discharged, but does not include: Conveyance lines and

associated or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.

3.((~~4.~~)) "Solid waste incineration facility" means a utility use in which solid waste is reduced by mass burning, prepared fuel combustion, pyrolysis or any other means, regardless of whether or not the heat of combustion of solid waste is used to produce power. Heat-recovery incinerators and the incidental production of electricity or useful heating or mechanical energy, or cogeneration, shall not be considered a solid waste incineration facility.

4.((~~5.~~)) "Solid waste landfill" means a utility use at which solid waste is permanently placed in or on land, including sanitary landfills and compliance cell landfills.

5.((~~6.~~)) "Solid waste transfer station" means a utility use in which discarded materials are collected for transfer to another location for disposal by compaction, shredding or separating, but does not include processing that changes the chemical content of the material.

"Utility service use" means a utility use which provides the system for transferring or delivering power, water, sewage, stormwater runoff, or other similar substances. ((~~Equipment for transmitting information, such as television transmission towers, shall be considered communication utilities rather than utility service uses.~~)) Examples include electrical substations, pumping stations and trolley transformers.

Section 25. That a new Chapter 23.57 is hereby added to the Seattle Municipal Code to read as follows:

Chapter 23.57

Communications Regulation

Part 1 General Provisions

23.57.001 Intent

The intent of this Chapter is to provide regulations and development standards for major and minor communication utilities and accessory communication devices. Development of communication facilities may also be subject to Title 25 of the Municipal Code (Chapter 25.05- SEPA Policies and Procedures; Chapter 25.10 Radiofrequency Radiation), in addition to the Land Use Code.

23.57.002 Scope of provisions

A. The provisions of this Chapter shall apply to communication utilities and accessory communication devices in all zones.

B. Lots located in the Shoreline District shall meet the requirements of the Seattle Shoreline Master Program in addition to the provisions of this Chapter. In the event there is a conflict between the regulations of the Shoreline Master Program and this Chapter, the provisions of the Shoreline Master Program shall apply.

23.57.003 Nonconforming uses and structures

A. Existing communication utilities and accessory communication devices which are nonconforming uses may remain in use subject to the provisions of this Chapter.

B. The following activities shall be permitted outright for existing communication utilities and accessory communication devices which are nonconforming structures: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total

of 15 (fifteen) horn and dish antennas which are over 4′ (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4′ (four feet) in any dimension, plus any proposed additional such horn or dish antenna, are accessory to the communication utility. Physical expansion shall be prohibited, except as may be permitted by Council Conditional Use.

Part 2 Major Communication Utilities

23.57.005 Permitted and prohibited locations

A. Single Family, Lowrise, Midrise, Highrise, and Neighborhood Commercial 1, 2 and 3 zones:

1. New major communication utilities shall be prohibited.

2. Physical expansion of existing major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to development standards in Section 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4′ (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in

Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4′ (four feet) in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

B. Commercial 1 and 2 zones:

1. New major communication utilities

a. Single occupant major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to the development standards in Section 23.57.008.

b. Shared use major communication utilities may be permitted by Administrative Conditional Use under the criteria listed in Section 23.57.007 and according to development standards in Section 23.57.008.

2. Physical expansion of existing major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to development standards in 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4′ (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4′ (four feet) in any

dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

C. Downtown zones:

1. In Pioneer Square Mixed, International District Mixed, International District Residential and Pike Market Mixed zones, new major communication utilities shall be prohibited.

2. In all other downtown zones, establishment or physical expansion of major communication utilities may be permitted, whether single occupant or shared, by Administrative Conditional Use under the evaluation criteria listed in Section 23.57.007 and according to development standards in Section 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4′ (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4′ (four feet) in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

D. Industrial zones:

Establishment or physical expansion of major communication utilities, whether single occupant or shared, may be permitted by Administrative Conditional Use under the

criteria listed in Section 23.57.007 and the development standards in Section 23.57.008. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4' (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4' (four feet) in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

23.57.006 Council Conditional Use Criteria

When evaluating an application for a new or expanded major communication utility, the Council shall weigh the potential benefits to the general public of improved broadcast communications against potential negative impacts. The following criteria shall be weighed and balanced to make this determination:

A. Whether the proposed major communication utility will be substantially detrimental to the pedestrian or retail character of the surrounding commercial area or the residential character of nearby residentially-zoned areas. Detriment may include diminished street level activity. The impacts considered shall include, but not be limited to, visual, noise, land use, safety and traffic impacts.

B. Whether the location provides topographic conditions which maximize the opportunity for the use and operation of the major communication utility.

C. If a single occupant major communication utility is proposed, whether reasonable efforts have been made and the applicant has demonstrated that it is not practical to locate the proposed antenna(s) on an existing communication utility, determined in part by the ability to achieve equivalent broadcast performance, and that locations other than in residential, neighborhood commercial or commercial zones have been considered in good faith.

D. Whether the proposed new, expanded or replaced communication utility provides the opportunity for sharing of facilities, so that the demand for major communication utilities elsewhere is minimized.

E. The Federal Aviation Administration advises the City that the proposed major communication utility does not create a hazard to aviation.

23.57.007 Administrative conditional use criteria

When evaluating an application for the establishment of a proposed major communication utility or its physical expansion, the Director shall consider the following criteria:

A. Whether the public benefit is outweighed by the adverse impacts, which cannot otherwise be mitigated;

B. Whether the project will have substantial adverse impacts on residential development in the vicinity, including demolition of housing.

23.57.008 Development standards

A. In Single Family, Lowrise, Midrise, Highrise and Neighborhood Commercial zones, physical expansion of a major communication utility may be permitted only when:

1. the expanded facility will be a shared use utility, and another broadcaster has contracted to relocate its transmitter to the expanded facility; and

2. a different existing tower of similar size in the immediate vicinity will be removed within six months of issuance of the Certificate of Occupancy.

B. Access to sites containing major communication utilities shall be restricted to authorized personnel by fencing or other means of security. This fencing or other barrier shall be incorporated into the landscaping and/or screening to reduce visual impact of the facility.

C. Setbacks and Landscaping

1. Major communication utility structures including accessory structures, shall be set back at least twenty feet (20′) from all lot lines.

2. Landscaping in the required setback:

a. A five foot (5′) deep setback measured perpendicular to the property lines shall be planted with ground cover.

b. The area between 5 and 10 feet in from all lot lines shall be planted with continuous vegetation consisting of bushes.

c. The area between 10 and 20 feet in from all lot lines shall be planted with view-obscuring vegetation consisting of evergreen hedges, and evergreen trees which are a minimum of 10 feet tall at time of planting and are expected to reach at least 30 feet at maturity.

d. All landscaping shall conform to the Director's Rule on Landscape Standards.

3. Exceptions to Landscaping and Setback Requirements.

a. The setback requirement of subsection C1 may be reduced for any particular frontage of the utility site which is adjacent to, or across a street or alley from, a commercially zoned lot and the Director finds that an alternate plan for screening and landscaping would result in the same screening and mitigation of visual impacts as would result from the provision of the requirements of subsections C1 and C2, and would result in an appearance compatible with the commercial area. Alternative screening devices could include decorative walls, fences or murals. The screening may be provided by a structure if the appearance is compatible with the commercial area and if it results in the screening of the base of the transmission tower from adjacent uses.

b. The setback and landscaping requirements of subsection C shall not apply when the lot is adjacent to, or across a street or alley from, an industrially-zoned lot.

c. Landscaping requirements of subsection C2 may be waived or reduced if the distance from the property line to the structure is far enough to substantially diminish the impact of the height of the structure or if the topography or existing vegetation provides a visual barrier comparable to the requirements of subsection C2.

D. The maximum height limit for all major communication utilities shall be 1100′ (one thousand one hundred feet) above mean sea level. These structures are also subject to Chapter 23.64, Airport Height District. Accessory structures are subject to the height limits of the zone.

E. The applicant shall use material, shape, color and lighting to minimize to the greatest extent practicable the visual impact, as long as these measures are not inconsistent with the requirements of the Federal Aviation Administration.

F. The applicant shall submit and follow a construction and maintenance plan to control or eliminate off-site impacts from construction or maintenance debris and icefall. This plan shall include a requirement to notify residents and business owners on properties immediately adjacent to or across a street or alley from the site when maintenance work such as sandblasting or painting is to occur.

G. When a horn or dish antenna over 4′ (four feet) in any dimension is proposed to be added to an existing tower which already contains 15 (fifteen) such antennas, per Section 23.57.003 or 23.57.005, the applicant must submit copies of Federal Communications Commission licenses for Auxiliary Broadcast Service, showing that all of the existing 15 (fifteen) horn and dish antennas which are over 4′ (four feet) in any dimension, plus any proposed additional such horn or dish antenna, are accessory to the communication utility.

Part 3 Minor Communication Utilities and Accessory Communication Devices

23.57.009 Development standards for freestanding transmission towers for minor communication utilities in all zones

Freestanding transmission towers for minor communication utilities shall be subject to the access, setback, screening and landscaping requirements for major communication utilities in Section 23.57.008 B, C, and E in addition to the standards of each zone.

23.57.010 Single family zones

A. Amateur Radio Devices

Amateur radio devices accessory to a residential use which meet the development standards of subsection E are permitted outright.

B. Accessory Communication Devices

1. Receive-only communication devices accessory to residential uses which meet the development standards of subsection E are permitted outright.

2. Communication devices on the same site as and accessory to institutions, public facilities, public utilities, and nonconforming residential uses, which meet the development standards of subsection E are permitted outright.

C. Uses Permitted by Administrative Conditional Use

When locating on the same lot as an existing utility or public facility, minor communication utilities may be permitted by Administrative Conditional Use, pursuant to the following criteria:

1. The proposal shall not result in a commercial intrusion which would be significantly detrimental to the residential character of the surrounding residentially-zoned area.

2. If the proposed minor communication utility is proposed to exceed the permitted height of the zone or is a transmission tower, the applicant shall demonstrate the following:

a. The need for the proposed communication utility to be in a single family zone and a justification for the proposed height.

b. That the materials, shape and color of the proposed utility or device will minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible.

c. That proposed communication utility will not be substantially detrimental to the residential character of an area, for example, through the demolition of residential dwelling units in a residential zone.

D. Uses Permitted by Council Conditional Use

The establishment or expansion of a minor communication utility other than as described in subsection C above, may be permitted as a Council Conditional Use, pursuant to the following criteria:

1. The minor communication utility shall not result in a commercial intrusion which would be substantially detrimental to the residential character of the surrounding residentially-zoned area.

2. If the proposed minor communication utility is proposed to exceed the permitted height of the zone or is a transmission tower, the applicant shall demonstrate the following:

a. The need for the proposed communication utility to be in a single family zone and a justification for the proposed height.

b. That the materials, shape and color of the proposed utility or device will minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible.

c. That proposed communication utility will not be substantially detrimental to the residential character of an area, for example through the demolition of residential dwelling units in a residential zone.

E. Development standards

1. Location

a. Dish antennas are prohibited in the required front yard.

b. Dish antennas shall be set back a minimum of ten feet (10′) from all lot lines, except as provided in subsection D5.

c. Dish antennas shall be counted in lot coverage and rear yard coverage calculations. Coverage shall be calculated with the dish in a horizontal position.

d. Dish antennas shall not be located on rooftops of principal or accessory structures containing residential uses, except as provided in subsection E5.

e. Accessory amateur radio towers may not be located in required front or side yards.

2. Size

a. The height limit of the underlying zone shall apply to transmission towers. Exceptions to the height limit may be authorized through the approval of an Administrative Conditional Use (see Subsection C above) if located on an existing utility or public facility, or a Council Conditional Use (subsection D above).

b. The maximum height for dish antennas shall be twelve feet (12′) above finished grade, except as provided in subsection E5.

c. The maximum diameter of dish antennas shall be twelve feet (12′).

d. The maximum height of an accessory amateur radio tower shall be no more than fifty feet (50′) above existing grade. Cages and antennas may extend to a maximum additional fifteen feet (15′). The base of the tower shall be located at a distance from any lot line at least one-half (1/2) the height of the total structure, including tower, cage and antennas.

3. Visual Impacts

Antennas four feet (4′) or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. A screen for freestanding antennas shall be six feet (6′) tall and may be a view-obscuring fence, wall or hedge and shall be maintained in good condition.

b. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height above the rooftop of the installed antenna.

c. Exceptions - No screening shall be required in the following circumstances:

i) as provided in subsection E5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially-zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

d. The visibility of a minor communication utility on a rooftop shall be minimized by painting it the same color as the building upon which it is located.

4. Access and Signage

Access to transmitting accessory communication devices and to minor communication utilities shall be restricted to authorized personnel by fencing or other means of security. If located on a residential structure or on a public utility, warning signs at every point of access to the transmitting

antenna shall be posted with information on the existence of radiofrequency radiation.

5. Special Exceptions for Dish Antenna

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception, according to provisions of Chapter 23.76, may be permitted from development standards of subsections E1b, E1d, E2b and E3 of this subsection. The first waiver to be considered will be from the requirement for a ten foot (10′) setback; the second, reduction, then waiver from screening; and the third from the maximum permitted elevation up to a maximum of eighteen feet (18′). Only if these waived regulations would still result in obstruction shall rooftop location be considered. Approval of a Special Exception shall be subject to the following criteria:

a. The applicant shall demonstrate that the obstruction is a result of factors beyond the property owner's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction.

b. The applicant shall be required to use material, shape and color to minimize visual impact.

c. If a Special Exception is sought to permit a rooftop location, the maximum permitted height of the device shall be four feet (4′) above the existing roofline or four feet (4′) above the zone height limit, whichever is higher.

23.57.011 Lowrise, Midrise and Highrise

A. Accessory Communication Devices

Communication devices accessory to residential or institutional use are permitted outright when they meet the development standards of subsection C.

B. Uses Permitted by Administrative Conditional Use

Minor communication utilities may be permitted as an Administrative Conditional Use when they meet the development standards of subsection C and the following criteria:

1. The minor communication utility shall not result in a commercial intrusion which would be substantially detrimental to the residential character of the surrounding residentially-zoned area.

2. If the minor communication utility is proposed to exceed the zone height limit or is a transmission tower, the applicant shall demonstrate the following:

i) The need for the proposed communication utility to be in a residential zone and a justification for the proposed height.

ii) That the proposed materials, shape and color of the proposed utility or device will minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible.

iii) That the proposed communication utility will not be substantially detrimental to the residential character of an area, for example, through the demolition of residential dwelling units in a residential zone.

C. Location

a. Minor accessory communication devices and amateur radio towers may not be located in a required front or side setback.

b. Minor communication utilities other than freestanding transmission towers, accessory communication devices and amateur radio towers may be located in a required rear setback.

c. In all Lowrise zones, dish antennas shall not be located on rooftops of principal or accessory structures, except as provided in subsection C5.

d. In Midrise and Highrise zones, minor communication utilities and accessory communication devices may be located on rooftops and may exceed the zone height limit by a maximum of four feet (4′).

e. In all Lowrise, Midrise and Highrise zones, minor utilities and accessory communication devices are prohibited on the outside, except rooftops, of buildings containing the residential units.

2. Size

a. The height limit of the underlying zone shall apply for transmission towers except as may be permitted in Section B.

b. The maximum height above finished grade for free standing dish antennas shall be twelve feet (12′), except as provided in subsection C5.

c. The maximum diameter of dish antennas shall be twelve feet (12′).

d. The maximum height of an amateur radio tower shall be no more than fifty feet (50′) above existing grade. Cages and antennas may extend to a maximum additional fifteen feet (15′). The base of the tower shall be located at a distance from any lot line at least one-half (1/2) the height of the total structure, including tower, cage and antennas.

3. Visual Impacts

Antennas four feet (4′) or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. A screen for freestanding antennas shall be six feet (6′) tall, may be a view-obscuring fence, wall or hedge, and shall be maintained in good condition.

b. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height above the roof of the installed antenna.

c. Exceptions - No screening shall be required under the following circumstances:

i) as provided in subsection C5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially-zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

4. Access and Signage

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

5. Special Exceptions for Dish Antenna

a. When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception, according to the provisions of Chapter 23.76, may be permitted from the development standards of subsections C1c, C2b, and C3. The

first waiver to be considered will be from the requirement of subsection C2b, and the second from C3. Only if these waived regulations still result in obstruction shall rooftop location requirements of subsection C1c be considered. Approval of a Special Exception shall be subject to the following criteria:

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

ii) The applicant shall use material, shape and color to minimize visual impact.

b. If a Special Exception is sought to permit a rooftop location, the maximum permitted height of the device shall be four feet (4′) above the roofline or four feet (4′) above the zone permitted height, whichever is higher.

c. If a Special Exception is sought from subsection C2b, the maximum permitted height shall be eighteen feet (18′).

23.57.012 Commercial zones

A. Uses Permitted Outright

1. In Neighborhood Commercial zones, minor communication utilities and accessory communication devices shall be permitted outright when meeting the development standards of subsection C and the height limit of the zone.

2. In Commercial zones, minor communication utilities and accessory communication devices shall be permitted outright when meeting the development standards of subsection C. The height limit of the underlying zone shall not apply unless the lot is adjacent to a single family zone.

B. Uses permitted by Administrative Conditional Use

1. In Neighborhood Commercial zones, an Administrative Conditional Use shall be required for minor communication utilities and accessory communication devices, other than whip antennas, to exceed the height limit of the underlying zone, which includes the rooftop provisions of subsection C1c. Approval shall be pursuant to the criteria of subsection B3.

2. In Commercial zones, an Administrative Conditional Use shall be required for minor communication utilities and accessory communication devices proposed to be located on lots adjacent to single family zones to exceed the height limit of the underlying zone. Approval shall be pursuant to the criteria of subsection B3.

3. Administrative Conditional Use criteria

a. The applicant shall use material, shape and color to minimize adverse visual impacts on the neighboring residential zone.

b. The proposal shall not result in a significant change in the pedestrian or retail character of the commercial area.

c. The applicant shall demonstrate that compliance with the height limit is not feasible and that the proposed height will deviate to the least practicable extent from this standard.

C. Development standards

1. Location

a. Minor communication utilities, other than transmission towers, and accessory communication devices may not be located within ten feet (10′) of any lot line.

b. Minor communication utilities and accessory communication devices may be located on rooftops and may exceed the zone height limit by a maximum of four feet (4′) except as permitted in subsection C1c; whip antennas are exempted from the zone height limit.

c. Minor communication utilities and accessory communication devices located on rooftops may extend up to fifteen feet (15′) above the zone height limit if the combined total of communication utilities and accessory communication devices in addition to the roof area occupied by rooftop features listed in Section 23.47.012G4 does not exceed twenty percent (20%) of the total rooftop area or twenty-five percent (25%) of the rooftop area including screened mechanical equipment.

d. Minor communication utilities and accessory communication devices shall be prohibited on the outside, except for rooftops, of a building containing residential units.

2. Access and Signage

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

3. Size of Amateur Radio Tower

The maximum height of an amateur radio tower shall be no more than fifty feet (50′) in zones where the maximum height limit does not exceed fifty feet (50′). Cages and antennas may extend to a maximum additional fifteen feet (15′). In zones with a maximum permitted height over fifty feet (50′), the height of the amateur radio tower shall not exceed the maximum height limit of the zone.

4. Visual Impact

Antennas four feet (4′) or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. The screen for a freestanding antenna shall be six feet (6′) high, and may be a view-obscuring fence, wall or hedge maintained in good condition.

b. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

c. Exceptions - No screening shall be required under the following circumstances:

i) as provided by subsection C5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

5. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception may be permitted from the development standards of subsection C4, subject to the following criteria:

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

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

23.57.013 Downtown zones

A. Permitted uses

Minor communication utilities and accessory communication devices shall be permitted outright when meeting development standards of the zone in which the site is located, except for heights limits, and subsection B.

B. Development standards

1. Access to transmitting accessory communication devices shall be restricted to authorized personnel when located on rooftops or other common areas. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

2. The height limit of the zone shall not apply.

3. Antennas four feet (4′) or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. The screen for a freestanding antenna shall be six feet (6′) tall, and may be a view-obscuring fence, wall or hedge maintained in good condition.

b. For antennas located on rooftops screening shall be provided to a height equal to two-thirds (2/3) of the height of the antenna.

c. Exception - No screening shall be required under the following circumstances:

i) as provided by subsection C;

ii) for amateur radio towers, whip antennas, antennas attached to sides of structures and any antennas attached to freestanding transmission towers.

d. Antennas shall be prohibited on the outside, except for rooftops, of a building containing residential units.

C. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception, according to the provisions of Chapter 23.76, may be permitted from subsection B3, subject to the following criteria:

1. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction.

2. The applicant shall use material, shape and color to minimize visual impact.

23.57.014 Special Review Districts

In the Pioneer Square Mixed, International District Mixed, International District Residential, and Pike Market Mixed zones, new minor communication utilities are prohibited.

23.57.015 Industrial zones

A. Permitted uses

Minor communication utilities and accessory communication devices shall be permitted outright when meeting the standards of subsection B.

B. Development standards

Antennas four feet (4′) or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

1. The screen for a freestanding antenna shall be six feet (6′) tall, may be a view obscuring fence, wall or hedge, and shall be maintained in good condition.

2. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

3. Exceptions - No screening shall be required under the following circumstances:

a. As provided by subsection C;

b. For amateur radio towers, whip antennas, antennas attached to sides of structures and any antennas attached to freestanding transmission towers.

c. If the antenna is set back a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially-zoned lot or public park.

C. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations,

a Special Exception, according to the provisions of Chapter 23.76, may be permitted from subsection B, subject to the following criteria:

1. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction.

2. The applicant shall use material, shape and color to minimize visual impact.

Section 25. Section 23.84.048 of the Seattle Municipal Code, as last amended by Ordinance 114888, is further amended to read as follows:

* * *

"Zone, industrial" means the following zones regulated by Title 23: General Industrial 1, General Industrial 2, Industrial Buffer and Industrial Commercial.

* * *

"Zone, residential" means the following zones regulated by Title 23: SF9600, SF7200, SF5000, LDT, L1, L2, L3, L4, MR, HR, RC, DMR and IDR; and the following zones regulated by Title 24: RD7200, RD5000, RM800, RMV150, and RMV200.

* * *

"Zone, Neighborhood Commercial" means the following zones regulated by Title 23: Neighborhood Commercial 1, Neighborhood Commercial 2, and Neighborhood Commercial 3.

Section 26. The following Sections of the Seattle Municipal Code are repealed, provided such repeal shall not affect any right accrued, any time limit for compliance, any penalty incurred, or any proceeding commenced under or by virtue of the repealed provisions:

23.44.054 23.45.104 23.45.156

Section 27. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 10th day of August, 1992, and signed by me in open session in authentication of its passage this 10th day of August, 1992.

Lee G. Benson
President of the City Council

Approved by me this 18th day of August, 1992

Norman B. Rice
Mayor

Filed by me this 18th day of August, 1992.

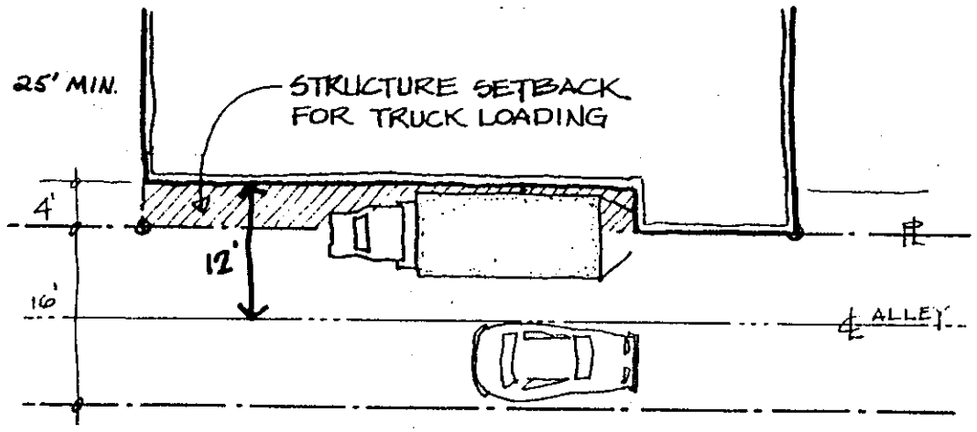
Attest: [signature]
City Comptroller and City Clerk

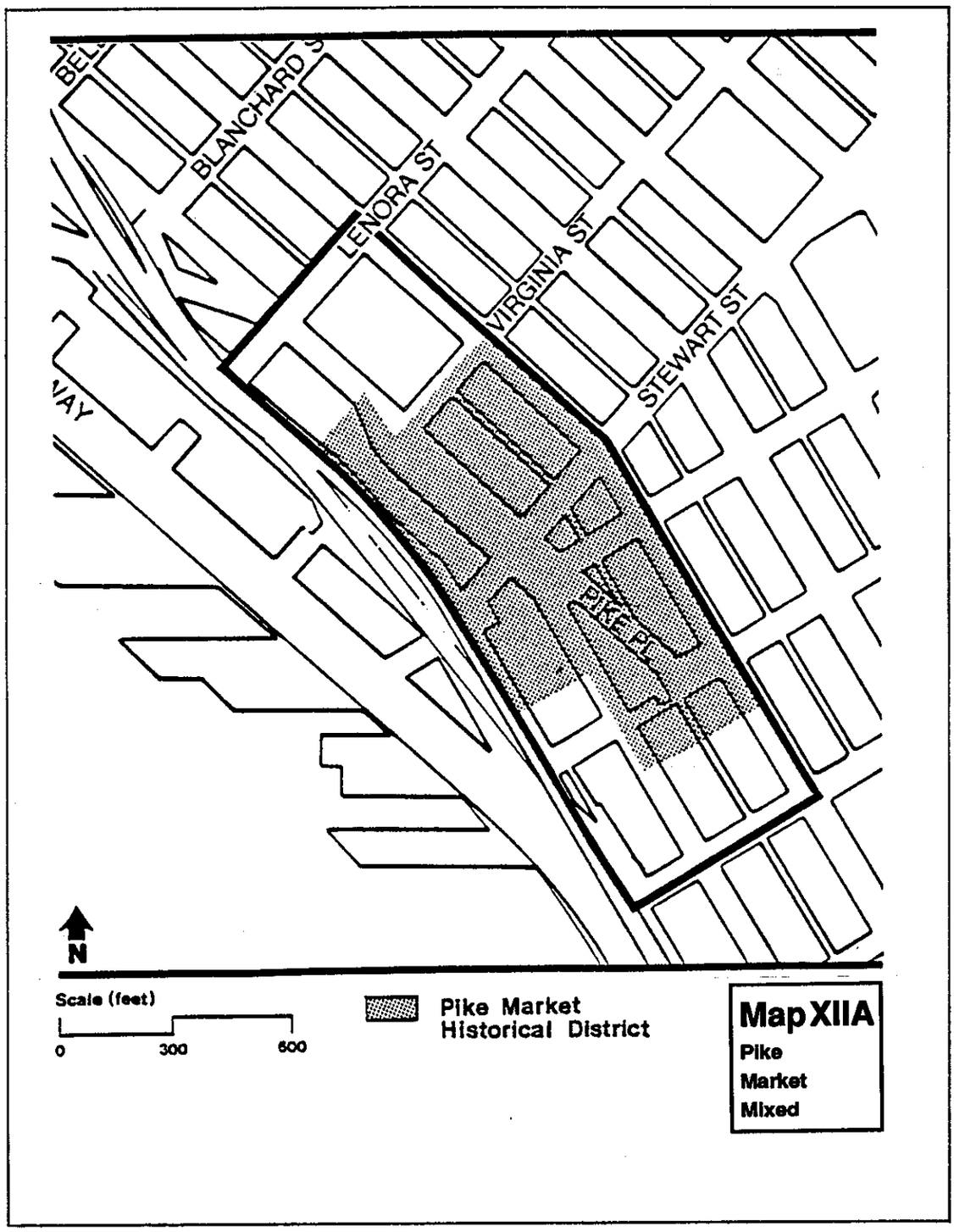
(SEAL)

Published _____ By Margaret Carter
Deputy Clerk

k:TELE_ORD

Exhibit 23.47.014F
Structure Setback for Truck Loading




BLANCHARD ST
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Market
Mixed

City of Seattle Ordinances

City of Seattle

ORDINANCE 116295

AN ORDINANCE relating to land use and zoning and regulating communication facilities; amending Sections 23.44.002, 23.44.012, 23.45.002, 23.45.009, 23.45.050, 23.45.066, 23.47.002, 23.47.004, 23.47.006, 23.47.012, 23.47.014, 23.49.002, 23.49.008, 23.49.046, 23.49.066, 23.49.096, 23.49.122, 23.49.148, 23.49.338, 23.50.002, 23.50.012, 23.50.020, 23.84.006, 23.84.040 and 23.84.048; deleting Sections 23.44.054, 23.45.104, 23.45.156; and adding a new Chapter 23.57.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.002 of the Seattle Municipal Code, as last amended by Ordinance 110669, is further amended to read as follows:

23.44.002 Applicability of provisions

This chapter details those authorized uses and their development standards which are or may be permitted in the three (3) single-family residential zones: SF 9600, SF 7200 and SF 5000. Communication utilities and accessory communication devices are subject to additional regulations in Chapter 23.57.

Section 2. Section 23.44.012 of the Seattle Municipal Code, as last amended by Ordinance 113883, is further amended to read as follows:

23.44.012 Height limits

* * *

C. Height Limit Exemptions.

1. Radio and Television ((aerials)) Antennas and Flagpoles. Except in the Airport Height District, Chapter 23.64, receive-only radio and television ((aerials)) antennas, except for dishes, and flagpoles are exempt from height limits, provided that they are no closer to any adjoining lot line than fifty percent (50%) of their height above existing grade, or, if attached only to a roof, no closer than fifty percent (50%) of their height above the roof portion where attached.

2. Other Features. Open rails, planters, skylights, and chimneys may exceed the height limits by four feet (4') or may extend four feet (4') above the ridge of a pitched roof.

3. Solar Collectors. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.046.

Section 3. Section 23.45.002 of the Seattle Municipal Code, as last amended by Ordinance 114196, is further amended to read as follows:

23.45.002 Scope of provisions

This chapter details those authorized uses and their development standards which are or may be permitted in the ((six (6))) seven (7) multifamily residential zones: Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR).

Communication utilities and accessory communication devices are regulated by Chapter 23.57.

Section 4. Section 23.45.009 of the Seattle Municipal Code, as last amended by Ordinance 115043, is further amended

g. Play equipment.

Section 5. Section 23.45.050 of the Seattle Municipal Code, as last amended by Ordinance 110793, is further amended to read as follows:

23.45.050 Midrise - Height

* * *

D. Rooftop Features.

1. Radio and television ((receiving aerials;)) receive-only antennas, except dish antennas, flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty percent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, ((dish antennas;)) parapets and firewalls may extend four feet (4') above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend ten feet (10') above the maximum height limit set in subsections A and B of this section, so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five feet (5') from the roof edge;

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents;

g. Greenhouses which meet minimum energy standards administered by the Director.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subdivision at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antenna((e;)) s, according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

c. Clerestories;

d. Greenhouses;

e. Dish antenna((e;)) provisions of Chapter 23.57;

f. Nonfirewall parape

g. Play equipment;

h. Sun and wind scree

i. Penthouse pavilion residents.

Section 7. Section 23.47.002 of as last amended by Ordinance 115 read as follows:

23.47.002 Scope of provisions

* *

D. Requirements for stree provided in Chapter 23.53. St access and design are provided be regulated by Chapter 23.55. provided in Chapter 23.86. utilities and Accessory communi Chapter 23.57.

* *

Section 8. Section 23.47.004 o as last amended by Ordinance 11 read as follows:

23.47.004 Permitted and prohib

*

USES:

I. COMMERCIAL USE

A. Retail Sales & Services

1. Personal & Household Ret & Services

-Multi-purpose convenience
-General retail sales and s
-Major durables sales, serv and rental
-Specialty food stores

2. Medical Services

3. Animal Services[2]
-Animal health services
-Kennels
-Animal shelters

4. Automotive Retail Sales
-Gas stations
-Sales and rental of motori vehicles
-Vehicle repair, minor
-Car wash
-Towing services
-Automotive parts or acces sales

5. Marine Retail Sales & S
-Sales and rental of large
-Vessel repair, minor
-Vessel repair, major
-Marine service station
-Dry storage of boats
-Recreational marinas
-Commercial moorage
-Sale of boat parts or accessories

6. Eating & Drinking Estab
-Restaurants without cockt lounges
-Restaurants with cocktail lounges
-Fast food restaurant (750 square feet and und
-Fast food restaurant (ov square feet)
-Tavern
-Brewpub

3. Solar Collectors. For height exceptions for solar collectors, not including solar greenhouses, see Section 23.44.046.

Section 3. Section 23.45.002 of the Seattle Municipal Code, as last amended by Ordinance 114196, is further amended to read as follows:

23.45.002 Scope of provisions

This chapter details those authorized uses and their development standards which are or may be permitted in the ((six (6))) seven (7) multifamily residential zones: Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), Lowrise 2 (L2), Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR). Communication utilities and accessory communication devices are regulated by Chapter 23.57.

Section 4. Section 23.45.009 of the Seattle Municipal Code, as last amended by Ordinance 115043, is further amended to read as follows:

23.45.009 Structure height - Lowrise Zones

C. Rooftop Features.

1. Radio and television ((receiving aerials)) receive-only antennas, except for dish antennas, flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty per cent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, ((dish antennae,)) parapets and firewalls may extend four feet (4') above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend ten feet (10') above the maximum height limit established in subsection A so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five feet (5') from the roof edge;

d. Chimneys.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subdivision at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antenna((e,)) s. permitted on rooftops by Special Exception according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

north, the applicant shall either locate the rooftop features listed in this subdivision at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

e. Dish antenna((e,)) s. according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

Section 6. Section 23.45.066 of the Seattle Municipal Code, as last amended by Ordinance 114450, is further amended to read as follows:

23.45.066 Highrise - Structure Height

* * *

C. Height Exceptions.

1. Radio and television ((receiving aerials,)) receive-only antennas, except dish antennas, flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are no closer than fifty percent (50%) of their height above existing grade or, if attached only to the roof, no closer than fifty per cent (50%) of their height above the roof portion where attached, to any adjoining lot line.

2. Railings, planters, skylights, clerestories, greenhouses, ((dish antennae,)) parapets and firewalls may extend four feet (4') above the maximum height limit set in subsections A and B of this section.

3. The following rooftop features may extend up to ten feet (10') above the maximum height limit so long as the combined total coverage of all features does not exceed fifteen percent (15%) of the roof area or twenty percent (20%) of the roof area if the total includes screened mechanical equipment:

a. Stair and elevator penthouses;

b. Mechanical equipment;

c. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least five feet (5') from the roof edge;

d. Chimneys;

e. Sun and wind screens;

f. Penthouse pavilions for the common use of residents.

4. For height exceptions for solar collectors, see Section 23.45.146, Solar collectors.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed below at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

-Kennels
-Animal shelters

4. Automotive Retail Sales &
-Gas stations
-Sales and rental of motoriz vehicles
-Vehicle repair, minor
-Car wash
-Towing services
-Automotive parts or accesso sales

5. Marine Retail Sales & Ser
-Sales and rental of large b
-Vessel repair, minor
-Vessel repair, major
-Marine service station
-Dry storage of boats
-Recreational marinas
-Commercial moorage
-Sale of boat parts or accessories

6. Eating & Drinking Establ
-Restaurants without cockta lounges
-Restaurants with cocktail lounges
-Fast food restaurant (750 square feet and unde
-Fast food restaurant (over square feet)
-Tavern
-Brewpub

7. Lodging
-Hotel
-Motel
-Bed and breakfast

8. Mortuary Services

9. Existing cemeteries

B. Principal Use Parking

C. Non-Household Sales & Servi

1. Business Support Servic
2. Business Incubator
3. Sales, Service & Rental Office Equipment
4. Sales, Service & Rental Commercial Equipment & Construction Materials
5. Sale of Heating Fuel
6. Heavy Commercial Servic
-Construction services
-Commercial laundries

D. Offices
1. Customer Service Office
2. Administrative Office

E. Entertainment

1. Places of Public Assemb
-Performing arts theater
-Spectator sports facility
-Lecture & meeting halls
-Motion picture theater
-Adult motion picture thea
-Adult panoramas

2. Participant Sports and
-Indoor
-Outdoor

F. Wholesale Showroom

G. Mini-Warehouse

H. Warehouse

I. Outdoor Storage

J. Transportation Facilities
1. Personal Transportation Services
2. Passenger Terminals
3. Cargo Terminal
4. Transit Vehicle Base
5. Helistops
6. Heliports
7. Airport, Landbased
8. Airport, Waterbased
9. Railroad Switchyard
10. Railroad Switchyard wi mechanized hump

K. Food Processing & Craft Wo

1. Food Processing for Hum Consumption
2. Custom & Craft Work

L. Research and Development Laboratories

II. SALVAGE AND RECYCLING

A. Recycling Collection Stati
B. Recycling Center
C. Salvage yard

III. UTILITIES

A. Utility Service Uses

B. Major Communication Utilit
C. Minor Communication Utilit
D. ((C,)) Solid Waste Transfe
E. ((D,)) Power Plants
F. ((E,)) Sewage Treatment Pl
G. ((F,)) Solid Waste Incinera Facility
H. ((G.)) Solid Waste Landfil

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c. Clerestories;

d. Greenhouses;

e. Dish antenna((e.)) a. according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment;

h. Sun and wind screens;

i. Penthouse pavilions for the common use of residents.

Section 7. Section 23.47.002 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.47.002 Scope of provisions

* * *

D. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking quantity, access and design are provided in Chapter 23.54. Signs shall be regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Requirements for communication utilities and accessory communication devices are contained in Chapter 23.57.

* * *

Section 8. Section 23.47.004 of the Seattle Municipal Code, as last amended by Ordinance 115043, is further amended to read as follows:

23.47.004 Permitted and prohibited uses

* * *

USES: CHART A

	ZONES				
	NC1	NC2	NC3	C1	C2
I. COMMERCIAL USE					
A. Retail Sales & Services					
1. Personal & Household Retail Sales & Services					
-Multi-purpose convenience stores	P	P	P	P	P
-General retail sales and service	P	P	P	P	P
-Major durables sales, service and rental	P	P	P	P	P
-Specialty food stores	P	P	P	P	P
2. Medical Services	P	P/CU[1]	P/CU[1]	P/CU[1]	P/CU[1]
3. Animal Services[2]					
-Animal health services	P	P	P	P	P
-Kennels	X	X	X	X	P
-Animal shelters	X	X	X	X	X
4. Automotive Retail Sales & Services					
-Gas stations	P	P	P	P	P
-Sales and rental of motorized vehicles	X	P	P	P	P
-Vehicle repair, minor	P	P	P	P	P
-Car wash	X	P	P	P	P
-Towing services	X	X	X	P	P
-Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales & Services					
-Sales and rental of large boats	X	P	P	P	P
-Vessel repair, minor	P	P	P	P	P
-Vessel repair, major	X	X	X	S	S
-Marine service station	P	P	P	P	P
-Dry storage of boats	X	P	P	P	P
-Recreational marinas	S	S	S	S	S
-Commercial moorage	S	S	S	S	S
-Sale of boat parts or accessories	P	P	P	P	P
6. Eating & Drinking Establishments					
-Restaurants without cocktail lounges	P	P	P	P	P
-Restaurants with cocktail lounges	X	P	P	P	P
-Fast food restaurant (750 square feet and under)	P	P	P	P	P
-Fast food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
-Tavern	CU	CU	P	P	P
-Brewpub	CU	CU	P	P	P
7. Lodging	X	X	P	P	P
-Hotel					
-Motel	X	X	P	P	P
-Bed and breakfast	P[3]	P[3]	P	P	P
8. Mortuary Services	X	P	P	P	P
IV. MANUFACTURING					
A. Light Manufacturing	X	P	P	P	P
B. General Manufacturing	X	X	X	P	P
C. Heavy Manufacturing	X	X	X	X	X
V. HIGH IMPACT USES	X	X	X	X	X
VI. INSTITUTIONS					
A. Institute for Advanced Study	P	P	P	P	P
B. Private Club	P	P	P	P	P
C. Child Care Center	P	P	P	P	P
D. Museum	P	P	P	P	P
E. School, Elementary or Secondary	P	P	P	P	P
F. College	P	P	P	P	P
G. Community Center	P	P	P	P	P
H. Community Club	P	P	P	P	P
I. Vocational or Fine Arts School	P	P	P	P	P
J. Hospital	P	P	P	P	P
K. Religious Facility	P	P	P	P	P
L. University	P	P	P	P	P
M. Major Institutions subject to provisions of Chapter 23.69	P	P	P	P	P
VII. PUBLIC FACILITIES					
A. Jails	X	X	X	X	X
B. Work-Release Center((6))7	CCU	CCU	CCU	CCU	CU
VIII. PARK & POOL/RIDE LOT					
A. Park & Pool Lots	P((7))8	P	P	P	P
B. Park & Ride Lots	X	X	CU	CU	CU
IX. RESIDENTIAL((8))9					
A. Single Family Dwelling Units	P/CU	P/CU	P/CU	P/CU	CU
B. Multi-Family Structures	P/CU	P/CU	P/CU	P/CU	CU
C. Special Residences	P/CU	P/CU	P/CU	P/CU	CU
D. Floating Homes	S	S	S	S	S
E. Mobile Home Park	X	X	X	P	CU
F. Boarding Homes	P/CU	P/CU	P/CU	P/CU	CU
G. Artist Studio/Dwelling	P/CU	P/CU	P/CU	P/CU	CU
H. Caretaker's Quarters	P/CU	P/CU	P/CU	P/CU	P
I. Home Occupations	P((9))10	P((9))10	P((9))10	P((9))10	
X. OPEN SPACE					
A. Parks	P	P	P	P	P
B. Playgrounds	P	P	P	P	P
XI. AGRICULTURAL USES					
A. Animal Husbandry	X((9))10	X((P))10	X((9))10	X((9))10	P
B. Horticultural Uses		P	P	P	P
C. Aquaculture		P	P	P	P

P - Permitted
X - Prohibited
CU - Administrative Conditional Use
CCU - Council Conditional Use
S - Permitted only in the Shoreline District when permitted by the Seattle Shoreline Master Program

1 Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.47.006.
2 The keeping of animals for other than business purposes shall be regulated by Section 23.47.026.
3 In existing structures only
4 New transit vehicle bases accommodating 150 or fewer buses or existing transit vehicle bases seeking to expand
5 Permitted only as an accessory use according to Section 23.47.006
6 See Chapter 23.57 for regulation of communication utilities.
7((6)) Subject to dispersion criteria in Section 23.47.006
8((7)) Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot
9((8)) Residential uses in mixed use structures are permitted outright in NC1, NC2, NC3 and C1 zones. Single purpose residential structures are permitted in NC1, NC2, NC3, and C1 zones as an administrative conditional use according to the provisions of Section 23.47.024, except where the height limit is 85 feet or higher. All residential uses in C2 zones are subject to administrative conditional use approval.
10((9)) Permitted only as an accessory use

* * *

Section 9. Section 23.47.006 of the Seattle Municipal Code, as last amended by Ordinance 115002, is further amended to read as follows:

23.47.006 Conditional uses

* * *

B. The following uses identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

-Animal health services	P	P	P	P	P
-Kennels	X	X	X	X	P
-Animal shelters	X	X	X	X	X
4. Automotive Retail Sales & Services					
-Gas stations	P	P	P	P	P
-Sales and rental of motorized vehicles	X	P	P	P	P
-Vehicle repair, minor	P	P	P	P	P
-Car wash	X	P	P	P	P
-Towing services	X	X	X	P	P
-Automotive parts or accessory sales	P	P	P	P	P
5. Marine Retail Sales & Services					
-Sales and rental of large boats	X	P	P	P	P
-Vessel repair, minor	P	P	P	P	P
-Vessel repair, major	X	X	X	S	S
-Marine service station	P	P	P	P	P
-Dry storage of boats	X	P	P	P	P
-Recreational marinas	S	S	S	S	S
-Commercial moorage	S	S	S	S	S
-Sale of boat parts or accessories	P	P	P	P	P
6. Eating & Drinking Establishments					
-Restaurants without cocktail lounges	P	P	P	P	P
-Restaurants with cocktail lounges	X	P	P	P	P
-Fast food restaurant (750 square feet and under)	P	P	P	P	P
-Fast food restaurant (over 750 square feet)	CU	CU	CU	CU	CU
-Tavern	CU	CU	P	P	P
-Brewpub	CU	CU	P	P	P
7. Lodging					
-Hotel	X	X	P	P	P
-Motel	X	X	P	P	P
-Bed and breakfast	P[3]	P[3]	P	P	P
8. Mortuary Services	X	P	P	P	P
9. Existing cemeteries	P	P	P	P	P
B. Principal Use Parking	X	P	P	P	P
C. Non-Household Sales & Service					
1. Business Support Services	P	P	P	P	P
2. Business Incubator	P	P	P	P	P
3. Sales, Service & Rental of Office Equipment	X	P	P	P	P
4. Sales, Service & Rental of Commercial Equipment & Construction Materials	X	X	P	P	P
5. Sale of Heating Fuel	X	X	P	P	P
6. Heavy Commercial Services	X	X	X	P	P
-Construction services	X	X	X	P	P
-Commercial laundries	X	X	X	P	P
D. Offices					
1. Customer Service Office	P	P	P	P	P
2. Administrative Office	P	P	P	P	P
E. Entertainment					
1. Places of Public Assembly					
-Performing arts theater	X	P	P	P	P
-Spectator sports facility	X	P	P	P	P
-Lecture & meeting halls	X	P	P	P	P
-Motion picture theater	X	P	P	P	P
-Adult motion picture theater	X	X	X	X	X
-Adult panoramas	X	X	X	X	X
2. Participant Sports and Recreation					
-Indoor	P	P	P	P	P
-Outdoor	X	X	X	P	P
F. Wholesale Showroom	X	X	P	P	P
G. Mini-Warehouse	X	X	P	P	P
H. Warehouse	X	X	P	P	P
I. Outdoor Storage	X	X	X	P	P
J. Transportation Facilities					
1. Personal Transportation Services	X	X	P	P	P
2. Passenger Terminals	X	X	P	P	P
3. Cargo Terminals	X	X	X	S	P
4. Transit Vehicle Base	X	X	X	CCU[4]	CCU[4]
5. Helistops	X	X	CCU[5]	CCU[5]	CCU[5]
6. Heliports	X	X	X	X	X
7. Airport, Landbased	X	X	X	X	X
8. Airport, Waterbased	X	X	X	X	S
9. Railroad Switchyard	X	X	X	X	X
10. Railroad Switchyard with mechanized hump	X	X	X	X	X
K. Food Processing & Craft Work					
1. Food Processing for Human Consumption	P	P	P	P	P
2. Custom & Craft Work	P	P	P	P	P
L. Research and Development Laboratories	P	P	P	P	P
II. SALVAGE AND RECYCLING					
A. Recycling Collection Station	P	P	P	P	P
B. Recycling Center	X	X	X	P	P
C. Salvage yard	X	X	X	X	X
III. UTILITIES					
A. Utility Service Uses	P ((GU))	P ((GU))	P ((GU))	P ((P))	P ((P))
B. Major Communication Utility 6	X	X	X	CCU	CCU
C. Minor Communication Utility 6	P	P	P	P	P
D.((G.)) Solid Waste Transfer Station	X	X	X	X	X
E.((B.)) Power Plants	X	X	X	X	X
F.((E.)) Sewage Treatment Plants	X	X	X	X	X
G.((F.)) Solid Waste Incineration Facility	X	X	X	X	X
H.((G.)) Solid Waste Landfill	X	X	X	X	X

5 Permitted only as an accessory use according to Section 23.47.006

6 See Chapter 23.57 for regulation of communication utilities.

7((6)) Subject to dispersion criteria in Section 23.47.006

8((7)) Permitted only on parking lots existing at least five years prior to the proposed establishment of the park and pool lot

9((8)) Residential uses in mixed use structures are permitted outright in NC1, NC2, NC3 and C1 zones. Single purpose residential structures are permitted in NC1, NC2, NC3, and C1 zones as an administrative conditional use according to the provisions of Section 23.47.024, except where the height limit is 85 feet or higher. All residential uses in C2 zones are subject to administrative conditional use approval.

10((9)) Permitted only as an accessory use

* * *

Section 9. Section 23.47.006 of the Seattle Municipal Code, as last amended by Ordinance 115002, is further amended to read as follows:

23.47.006 Conditional uses

* * *

B. The following uses identified as administrative conditional uses on Chart A of Section 23.47.004, may be permitted by the Director when the provisions of this subsection and subsection A are met:

1. Fast-food restaurants which have a gross floor area greater than seven hundred fifty (750) square feet are identified as heavy traffic generators and may be permitted as a conditional use according to the following criteria:

a. The design of the structure, including architectural treatment, signage, landscaping and lighting, is compatible with other structures in the vicinity; and

b. Appropriate litter-control measures are provided; and

c. The applicant, if required by the Director, prepares an analysis of traffic, circulation and parking impacts, and demonstrates that the use does not:

(1) Cause significant additional traffic to circulate through adjacent residential neighborhoods; or

(2) Disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts; or

(3) Create traffic or access problems which will require the expenditure of City funds to mitigate; or

(4) Interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot; or

(5) Cause cars waiting to use the facility to queue across the sidewalk or onto the street; or

(6) Interrupt established retail or service frontage designed to serve pedestrians.

d. In addition to the criteria in subsections B1a, B1b and B1c, in pedestrian-designated zones, the use shall not:

(1) Include a drive-in facility; or

(2) Provide any accessory parking; or

(3) Attract a significant number of customers who drive to the pedestrian district for the primary purpose of patronizing the business.

This shall be determined by a transportation analysis of travel modes and patterns of customers of similar businesses in the same or similar commercial areas, which shall be prepared by a traffic consultant retained by the applicant. The Director shall review the application and the transportation analysis in conjunction with the Director of Engineering.

e. Fast-food restaurants which are drive-in businesses shall also comply with the provisions of Section

23.47.028, Standards for drive-in businesses.

2. Taverns and brewpubs in NC1 and NC2 zones may be permitted as conditional uses. A tavern or brewpub in an NC1 or NC2 zone shall be evaluated according to the following criteria:

a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking shall be compatible with adjacent residential zones.

c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.

d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.

((3. Communication Utilities.

a. Communication utilities in NC1, NC2 and NC3 zones may be permitted as conditional uses according to the following criteria:

(1) The proposed communication utility will satisfy a public necessity or will be an integral element in the communication network; or

(2) The proposed communication utility will expand an existing facility and avoid the need to construct a new communication utility.

(3) The requirements of Chapter 23.64, Airport Height District, are met.

(4) Rooftop communications utilities shall be set back a minimum of ten feet (10') from all lot lines.

b. The Director may permit departures from the development standards of Subchapter II of this chapter of communications utilities permitted by this subsection B3, if the departure is required by technological necessity or the regulatory provisions of governmental agencies.))

3.((4.)) Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

a. Conditional Use Criteria.

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and other measures may be required to provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area.

4.((5.)) In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. Single-purpose residential structures as provided for in Section 23.47.008 may be permitted in NC1, NC2 and NC3 zones in those parts of the International Special Review District east of the Interstate 5 Freeway as provided in Section 23.66.330.

5.((6.)) Low-income Housing Projects. Single-purpose residential structure for low-income housing projects shall be permitted outright in all commercial zones if:

a. Applications for a reservation of tax credits for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance Commission have been filed on or before March 15, 1988; or

b. A nonprofit corporation has purchased sites, signed options or entered into real estate purchase agreements prior to March 15, 1988.

6.((9.)) Development of a medical service use over 10,000 square feet, outside but within 2,500 feet of a Medical Major Institution Overlay District boundary, shall be subject to administrative conditional use approval, unless included in an adopted master plan. In making a determination whether to approve or deny a medical service use, the Director shall determine whether an adequate supply of commercially-zoned land for businesses serving neighborhood residents will continue to exist. The following factors shall be used in making this determination:

a. Whether the amount of medical service use development existing and proposed in the vicinity would reduce the current viability or significantly impact the longer-term potential of the neighborhood-serving character of the commercial area; and

b. Whether medical service use development would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from an area's overall neighborhood-serving commercial character.

7.((10.)) Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of [illegible] traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

* * *

Section 10. Section 23.47.012 of the Seattle Municipal Code, as last amended by Ordinance 114382, is further amended to read as follows:

23.47.012 Structure height and floor area ratio

* * *

G. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas excluding dish antenna((s)) s: ((communication utilities, including transmission towers,)) ham radio towers;

e. Dish antenna((s)) [illegible] provisions of Chapter 23.57;

f. Nonfirewall parapet[illegible]

g. Play equipment.

* * *

I. ((Freestanding Antennas, C Television Receiving Antennas.

((1. Amateur Radio Devic amateur radio tower for sending a be no more than fifty feet (50') height limit does not exceed fift antennas may extend to a maximu (15'). In zones with a maximum h fifty feet (50'), the maximum hei exceed the maximum height allowe

((2.)) The maximum height ((aerials)) antennas, except for more than fifty feet (50') in zo limit does not exceed fifty feet maximum height limit which exceed maximum height of the ((aerial)) maximum height allowed for all s

3. Dish antennas shall not the zone in which they are locat

4. Communication utilities controls, except for the require Airport Height District.)) [illegible]

Section 11. Section 23.47 Code, as last amended by Ordin to read as follows:

23.47.014 Setback Requirements

* *

F. Setback Requirements [illegible]

1. Farm animals and [illegible] be located at least fifty feet [illegible] lot:

2. Beehives shall no feet (25') of any property line (8') or more above the grade in subject lot or when situated lo the adjacent existing grade and six feet (6') high, parallel to twenty-five feet (25') beyond

3. Parking occupying structure shall be set back at street lot lines and from all landscaped according to the re Screening and Landscaping stan

4. Where access to [illegible] alley, and truck loading is pr of twelve feet (12') shall be measured from the centerline E). This setback shall be ma sixteen feet (16').

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses, there shall be no substantial conflict in the principal operating hours of the park-and-ride lot and the other uses.

b. Mitigating Measures. Landscaping and screening in addition to that required for surface parking areas, noise mitigation, vehicular access controls, signage restrictions, and other measures may be required to provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area.

4.((5.)) In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. Single-purpose residential structures as provided for in Section 23.47.008 may be permitted in NC1, NC2, NC3 and C1 zones as an administrative conditional use only if the following circumstances exist:

a. The amount of residential development existing and proposed would not reduce the current viability or significantly impact the longer-term potential of the commercial area; and

b. Residential development would not displace existing commercial uses at street level or disrupt a continuous commercial street front, particularly of retail and personal services uses, or significantly detract from the area's overall commercial character, and

c. There is an ample amount of vacant commercial land in the zone and/or, due to location, terrain or parcel size, the proposed site is not particularly suited to commercial development; and

d. There is limited demand for commercial use in the commercial zone (as evidenced by lack of commercial activity for a prolonged period of time [three (3) to five (5) years], commercial structures in disrepair, and/or high vacancy rates) coupled with a variety of commercial services available in nearby commercially zones areas, and/or ample land which is particularly suited for additional commercial development.

5.((6.)) Residential Uses in C2 Zones.

a. Residential uses in single-purpose or mixed use structures may be permitted in C2 zones as administrative conditional uses according to the following criteria:

(1) Availability of Suitable Land for C2 Activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.

(2) Relationship to Transportation Systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(3) Compatibility With Surrounding Areas. Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

b. Residential uses required to obtain a shoreline conditional use shall not be required to obtain an administrative conditional use.

6.((9.)) Residential Use in International Special Review

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

* * *

Section 10. Section 23.47.012 of the Seattle Municipal Code, as last amended by Ordinance 114382, is further amended to read as follows:

23.47.012 Structure height and floor area ratio

* * *

G. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas excluding dish antenna((e)) s ((communication utilities, including transmission towers,)) ham radio towers; smokestacks, chimneys; flagpoles; and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet (10') from any side or rear lot line.

2. Open railings, planters, clerestories, skylights, ((dish antennae,)) parapets and firewalls may extend up to four feet (4') above the maximum height limit with unlimited rooftop coverage.

3. Solar Collectors.

a. In zones with height limits of thirty (30') or forty feet (40'), solar collectors may extend up to four feet (4') above the maximum height limit, with unlimited rooftop coverage.

b. In zones with height limits of sixty-five feet (65') or more, solar collectors may extend up to seven feet (7') above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen feet (15') above the maximum height limit, as long as the combined coverage of all features listed in this subsection does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment;

d. Play equipment and open-mesh fencing, as long as the fencing is at least fifteen feet (15') from the roof edge; and

e. Dish antenna((e)) s according to the provisions of Chapter 23.57.

5. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subdivision at least ten feet (10') from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses;

zoned lot.

2. Beehives shall not
feet (25') of any property line
(8') or more above the grade im
subject lot or when situated le
the adjacent existing grade and
six feet (6') high, parallel to
twenty-five feet (25') beyond t

3. Parking occupying
structure shall be set back at
street lot lines and from all
landscaped according to the req
Screening and Landscaping stand

4. Where access to a
alley, and truck loading is pa
of twelve feet (12') shall be
measured from the centerline o
E). This setback shall be mai
sixteen feet (16').

((5. Communication
least ten feet (10') from side

Section 12. Section 23.
Code, as last amended by Ordi
to read as follows:

23.49.002 Scope of provision

F. Communication utilities an
devices are regulated by Chapt

Section 13. Section 23.
Code, as last amended by Initi
read as follows:

23.49.008 Structure height.

The following provisions re
apply to all property in down
IDM, and IDR zones.

C. Rooftop Features.

1. Open railings, plant
((dish antennae,)) play equip
extend up to four feet (4')
with unlimited rooftop cover

2. Solar collectors ma
above the maximum height lim
coverage.

3. The following rooft
fifteen feet (15') above the
the combined coverage of all
subsection does not exceed t
area, or twenty-five percent
or elevator penthouses or sc

a. Solar collecto
b. Stair and ele
c. Mechanical eq
d. Play equipment

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4. Radio and tel
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uctures shall be
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March 15, 1988; or
s purchased sites,
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ination whether to
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residents will
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cal service use
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commercial uses at
mmercial street front,
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erall neighborhood-

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uld be mitigated.
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area ratio

ng ((aerials)) antennas
unication-utilities,
radio towers;

e. Dish antenna((s)) s. according to the provisions of Chapter 23.57;

f. Nonfirewall parapets;

g. Play equipment.

* * *

I. ((Freestanding-Antennae-and-Transmission-Towers.)) Television Receiving Antennas.

((1.---Amateur-Radio-Devices.--The-maximum-height-of-an amateur-radio-tower-for-sending-and/or-receiving-signals-shall be-no-more-than-fifty-feet-(50')-in-zones-where-the-maximum height-limit-does-not-exceed-fifty-feet(50').--Cages-and antennae-may-extend--to-a-maximum-additional-fifteen-feet (15').--In-zones-with-a-maximum-height-limit-which-exceeds fifty-feet-(50'),-the-maximum-height-of-the-tower-shall-not exceed-the-maximum-height-allowed-for-all-structures.))

((2.)) The maximum height of television receiving ((aerials)) antennas, except for dish antennas, shall be no more than fifty feet (50') in zones where the maximum height limit does not exceed fifty feet (50'). In zones with a maximum height limit which exceeds fifty feet (50') the maximum height of the ((aerial)) antenna shall not exceed the maximum height allowed for all structures.

3.--Dish-antennae-shall-not-exceed-the-height-limit-of the-zone-in-which-they-are-located.

4.--Communication-utilities-shall-be-exempt-from-height controls,-except-for-the-requirements-of-Chapter-23.64, Airport-Height-District.))

* * *

Section 11. Section 23.47.014 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.47.014 Setback requirements.

* * *

F. Setback Requirements for Specific Uses or Structures.

1. Farm animals and structures housing them shall be located at least fifty feet (50') from any residentially zoned lot.

2. Beehives shall not be located within twenty-five feet (25') of any property line except when located eight feet (8') or more above the grade immediately adjacent to the subject lot or when situated less than eight feet (8') above the adjacent existing grade and behind a solid fence or hedge six feet (6') high, parallel to any property line within twenty-five feet (25') beyond the hive in both directions.

3. Parking occupying the street-level frontage of a structure shall be set back at least five feet (5') from all street lot lines and from all residentially zoned lots, and landscaped according to the requirements of Section 23.47.016, Screening and Landscaping standards.

4. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve feet (12') shall be required for the loading berth, measured from the centerline of the alley (Exhibit 23.47.014 E). This setback shall be maintained up to a height of sixteen feet (16').

((5.--Communication-utilities-shall-be-set-back-at supports them; ((transmission-towers,)) smokestacks; and flagpoles may extend up to fifty feet (50') above the roof of the structure on which they are located or fifty feet (50') above the maximum height limit, whichever is less, except as regulated in Chapter 23.64, Airport Height District. They shall be located a minimum of ten feet (10') from all lot lines.

5. Council Conditional Use for Rooftop Features. The rooftop features listed in subsection C4 may exceed a height of fifty feet (50') above the roof of the structure on which they are located if authorized by a Council Conditional Use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

a. The feature shall be compatible with and not adversely affect the downtown skyline.

b. The feature shall not have a significant adverse effect upon the light, air, solar, and visual access of properties within a three-hundred-foot (300') radius.

c. The feature, supporting structure, and structure below shall be compatible in design elements such as bulk, profile, color, and materials.

d. The feature shall not adversely affect the function of existing transmission or receiving equipment within a five (5) mile radius.

e. The increased size is necessary for the successful physical function of the feature.

Section 14. Section 23.49.046 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.046 Downtown Office Core 1, conditional uses.

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50') above the roof of the structure on which they are located may be authorized by the Council as a conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 15. Section 23.49.066 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.066 Downtown Office Core 2, conditional uses.

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50') above the roof of the structure on which they are located may be authorized by the Council as a conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 16. Section 23.49.096 of the Seattle Municipal

be located at least fifty feet (50') from any residentially zoned lot.

2. Beehives shall not be located within twenty-five feet (25') of any property line except when located eight feet (8') or more above the grade immediately adjacent to the subject lot or when situated less than eight feet (8') above the adjacent existing grade and behind a solid fence or hedge six feet (6') high, parallel to any property line within twenty-five feet (25') beyond the hive in both directions.

3. Parking occupying the street-level frontage of a structure shall be set back at least five feet (5') from all street lot lines and from all residentially zoned lots, and landscaped according to the requirements of Section 23.47.016, Screening and Landscaping standards.

4. Where access to a loading berth is from the alley, and truck loading is parallel to the alley, a setback of twelve feet (12') shall be required for the loading berth, measured from the centerline of the alley (Exhibit 23.47.014 E). This setback shall be maintained up to a height of sixteen feet (16').

~~((5. Communication utilities shall be set back at least ten feet (10') from side and rear lot lines.))~~

* * *

Section 12. Section 23.49.002 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.49.002 Scope of provisions

E. Communication utilities and accessory communication devices are regulated by Chapter 23.57.

Section 13. Section 23.49.008 of the Seattle Municipal Code, as last amended by Initiative 31, is further amended to read as follows:

23.49.008 Structure height.

The following provisions regulating structure height shall apply to all property in downtown zones except the DH1, PSM, IDM, and IDR zones.

* * *

C. Rooftop Features.

1. Open railings, planters, clerestories, skylights, ((dish antennae)) play equipment, parapets and firewalls may extend up to four feet (4') above the maximum height limit with unlimited rooftop coverage.

2. Solar collectors may extend up to seven feet (7') above the maximum height limit with unlimited rooftop coverage.

3. The following rooftop features may extend up to fifteen feet (15') above the maximum height limit, as long as the combined coverage of all features listed in this subsection does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) if the total includes stair or elevator penthouses or screened mechanical equipment:

a. Solar collectors;

b. Stair and elevator penthouses;

c. Mechanical equipment; and

d. Play equipment and open-mesh fencing, as long as the fencing is at least fifteen feet (15') from the roof edge.

4. Radio and television receiving ((aerials)) antennas excluding dish((es)) antennas; religious symbols such as belfries or spires, and that portion of the roof which

* * *

Section 15. Section 23.49.066 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.066 Downtown Office Core 2, conditional uses.

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50') above the roof of the structure on which they are located may be authorized by the Council as a conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 16. Section 23.49.096 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.096 Downtown Retail Core, conditional uses.

* * *

F. Rooftop features listed in 23.49.008 C4 more than fifty feet (50') above the roof of the structure on which they are located may be authorized by the Council as a Council Conditional Use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 17. Section 23.49.122 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.122 Downtown Mixed Commercial, conditional uses

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50') above the roof of the structure on which they are located may be authorized by the Council as a conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 18. Section 23.49.148 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.148 Downtown Mixed Residential, conditional uses.

* * *

E. Rooftop features listed in 23.49.008 C4 more than fifty feet (50') above the roof of the structure on which they are located may be authorized by the Council as a conditional use pursuant to Chapter 23.76, Procedures for Master Use Permits

and Council Land Use Decisions, according to the criteria of Section 23.49.008, Structure height.

* * *

Section 19. Section 23.49.338 of the Seattle Municipal Code, as last amended by Ordinance 114623, is further amended to read as follows:

23.49.338 Pike Market Mixed, prohibited uses.

A. The following uses are prohibited as both principal and accessory uses in areas outside of the Pike Place Market Historic District, Map XIIA:

1. Drive-in businesses, except gas stations located in parking garages;
2. Outdoor storage;
3. Adult motion picture theaters and adult panoramas;
4. Transportation facilities;
5. Communication ((~~facilities,~~)) utilities;
6. All general manufacturing uses;
7. All salvage and recycling uses, except recycling collection stations;
8. All industrial uses;
9. Jails; and
10. Work-release centers.

* * *

Section 20. Section 23.50.002 of the Seattle Municipal Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.50.002 Scope of provisions

* * *

D. Communication utilities and accessory communication devices are regulated by Chapter 23.57. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking access and design are provided in Chapter 23.54. Signs are regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Definitions are in Chapter 23.84.

* * *

Section 21. Section 23.50.012 of the Seattle Municipal Code, as last amended by Ordinance 115043, is further amended to read as follows:

23.50.012 Permitted and prohibited uses.

* * *

USES

Chart A
for Section 23.50.012

Uses	Zones IB	IC	IG1 and IG2
I. Manufacturing			
A. Light manufacturing	P	P	P
B. General Manufacturing	P	P	P
II. Transportation Facilities			
A. Cargo terminal	P	P	P
B. Parking and moorage	P	P	P
C. Passenger terminal	P	P	P
D. Transportation facility, air	X	X	X
E. Transportation facility, water	P	P	P
F. Vehicle storage and maintenance	P	P	P
III. Utilities			
A. Utility services use	P	P	P
B. Major Communication utility 6	CU((P))	CU((P))	CU((P))
C. Minor Communication utility 6	P	P	P
D.((E.)) Solid waste transfer station	X	CU	CU
E.((B.)) Power plant	X	CCU	P
F.((E.)) Sewage treatment plant	X	CCU	CCU
G.((F.)) Solid waste incineration facility	X	CCU	CCU
H.((G.)) Solid waste landfills	X	X	X
VI. Institutions			
A. Institute for advanced study	P	P	P
B. Private clubs	EB	EB	EB
C. Child care center	P	P	P
D. Museum	EB	EB	EB
E. School, elementary or secondary	EB	EB	EB
F. College	EB	EB	EB
G. Community center	EB	EB	EB
H. Community club	EB	EB	EB
I. Vocational or fine arts school	P	P	P
J. Hospital	EB	CU((6))8	EB
K. Religious facility	EB	EB	EB
L. University	EB	EB	EB
M. Major Institutions subject to provisions of Chapter 23.69	EB	EB	EB
VII. Public Facilities			
A. Jails	X	X	X
B. Work-release centers	X	X	X
C. Other public facilities	CCU	CCU	CCU
VIII. Park and Pool/Ride Lots			
A. Park and pool lots	P[7]	P[7]	P[7]
B. Park and ride lots	CU	CU	CU
IX. Residential			
A. Single-family dwelling units	X	X	X
B. Multi-family structures	X	X	X
C. Special residences	X	X	X
D. Floating homes	X	X	X
E. Mobile home park	X	X	X
F. Boarding homes	X	X	X
G. Artist's studio/dwelling	EB	EB	EB
H. Caretaker's quarters	P	P	P
I. Residential use except artist's studio/dwelling and caretaker's quarters in a landmark structure or landmark district	CU	CU	CU
X. Open Space			
A. Park	P	P	P
B. Playgrounds	P	P	P
XI. Agricultural Uses			
A. Animal Husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

Chart A for Section 23.50.012 (Continued)

P = Permitted
X = Prohibited
CU = Conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on the date of adoption of the ordinance codified in this section.

1 The Heavy Manufacturing uses listed in subsection B10 of Section 23.50.014 may be permitted as conditional uses. All other Heavy Manufacturing uses are prohibited.

2 Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

3 The High-impact uses listed at subsection B11 of Section 23.50.014 may be permitted as conditional uses.

4 High-impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

5 Medical service uses over 10,000 square feet, within 2,500 feet of medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

6 See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication

Code, as last amended by Ordi
to read as follows:

23.84.006 "C."

Communication ((utility
utilities (and related terms

1. "Communication devic
which radiofrequency communic
and/or received, such as but
dish antennas, and which is a
the site. Receive-only televi
amateur radio towers are not
communication equipment such
telephones which depend upon
telephones are exempt from th

2. "Communication utili
in which the means for radiof
are provided by facilities wi
their immediate area. These
UHF and VHF television transm
stations. A major communicat
communication equipment acces
does it include the studios o
radio or television stations,
administrative offices even i
transmission to a broadcast t

3. "Communication utilit
which the means for radiofreq
provided but which generally
beyond the immediate area. T
size than Major Communication
land mobile, and cellular com
facilities; point-to-point mi
and FM boosters with under 10
minor communication utility d
communication equipment acces
does it include the studios o
radio or television stations,
administrative offices even i
transmission to a broadcast t

4. "Dish antenna" means
reception and/or transmission
signals. Dish antenna may as
communication utility or may
device.

5. "Earth station" mean
which transmits and receives
satellite and is 25 feet in d

6. "Physical expansion
any increase in footprint and
towers. Physical expansion d
height of the tower resulting
replacement or modification
telecommunication devices, tr
building that would result in
exposure readings at ground l
long as the height above mean
more than 10% (ten percent) a
1100' (one thousand one hundr

Chapter 23.54. Signs are regulated by Chapter 23.55. Methods for measurements are provided in Chapter 23.86. Definitions are in Chapter 23.84.

* * *

Section 21. Section 23.50.012 of the Seattle Municipal Code, as last amended by Ordinance 115043, is further amended to read as follows:

23.50.012 Permitted and prohibited uses.

* * *

USES

Chart A
for Section 23.50.012

Uses	Zones		
	IB	IC	IG1 and IG2
I. Manufacturing			
A. Light manufacturing	P	P	P
B. General Manufacturing	P	P	P
C. Heavy manufacturing	CU	X or CU[1]	P or CU[2]
II. High-impact Uses	X	X or CU[3]	X or CU[4]
III. Commercial			
A. Retail Sales and Service			
1. Personal and household sales and service	P	P	P
2. Medical services	P/CU[5]	P/CU[5]	P/CU[5]
3. Animal Services			
a. Animal health services	P	P	P
b. Kennel	X	P	P
c. Animal control shelter	P	P	P
4. Automotive retail sales and service	P	P	P
5. Marine retail sales and service	P	P	P
6. Eating & Drinking Establishment			
a. Fast-food restaurants over 750 square feet	CU	CU	CU
b. Fast-food restaurants under 750 square feet	P	P	P
c. Restaurants with or without cocktail lounges	P	P	P
d. Tavern	P	P	P
e. Brewpub	P	P	P
7. Lodging	CU	CU	CU
8. Mortuary service	P	P	P
9. Existing cemeteries	P	P	P
10. New cemeteries	X	X	X
	IB	IC	IG1 and IG2
B. Principal use parking, surface area or garage	P	P	P
C. Nonhousehold sales and services	P	P	P
D. Office	P	P	P
E. Entertainment			
1. Places of public assembly			
a. Performing arts theater	P	P	P
b. Spectator sports facility	P	P	P
c. Lecture and meeting halls	P	P	P
d. Motion picture theater	P	P	P
e. Motion picture theater adult	X	X	X
f. Adult panoramas	X	X	X
2. Participant sports and recreation.			
a. Indoor	P	P	P
b. Outdoor	P	P	P
F. Wholesale showroom	P	P	P
G. Mini-warehouse	P	P	P
H. Warehouse	P	P	P
I. Outdoor storage	P	P	P
J. Transportation Facilities.			
1. Personal transportation services	P	P	P
2. Passenger terminal	P	P	P
3. Cargo terminal	P	P	P
4. Transit vehicle base	CU	CU	CU
5. Helistop	CCU	CU	CU
6. Heliport	X	CCU	CCU
7. Airport, land-based	X	CCU	CCU
8. Airport, water-based	X	CCU	CCU
9. Railroad switchyard	P	P	P
10. Railroad switchyard with mechanized hump	X	X	CU
XI. Agricultural Uses			
A. Animal Husbandry	X	X	X
B. Horticultural use	X	X	X
C. Aquaculture	P	P	P

P = Permitted
X = Prohibited
CU = Conditional use
CCU = Council conditional use
EB = Permitted only in a building existing on the date of adoption of the ordinance codified in this section.

1 The Heavy Manufacturing uses listed in subsection B10 of Section 23.50.014 may be permitted as conditional uses. All other Heavy Manufacturing uses are prohibited.

2 Heavy Manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided at subsection C of Section 23.50.014.

3 The High-impact uses listed at subsection B11 of Section 23.50.014 may be permitted as conditional uses.

4 High-impact 1 uses may be permitted as a conditional use as provided at subsection B5 of Section 23.50.014.

5 Medical service uses over 10,000 square feet, within 2,500 feet of medical Major Institution Overlay District boundary, shall require administrative conditional use approval, unless included in an adopted major institution master plan or located in a downtown zone. See Section 23.50.014.

6 See Chapter 23.57 for regulation of major and minor communication utilities and accessory communication devices.

7 Park and pool lots are not permitted within three thousand feet (3,000') of downtown.

8 ((6)) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study as provided by subsection B15 of Section 23.50.014.

Section 22. Section 23.50.020 of the Seattle Municipal Code, as last amended by Ordinance 113658, is further amended to read as follows:

23.50.020 All Industrial zones -- Structure height exceptions and additional restrictions.

A. Rooftop Features. Where height limits are otherwise applicable to a structure, and except as provided in subsections C4, D4, E4 and F3 of Section 23.50.024, the following conditions shall apply to rooftop features:

1. Radio and television receiving ((aerials)) antennas, excluding dish antenna((s)) s; ((communication utilities, ~~including transmission towers~~;)) amateur radio towers; smokestacks, chimneys and flagpoles and spires for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten feet (10') from any side or rear lot line.

2. Open railings, planters, skylights, clerestories, greenhouses, ((~~dish antennas~~;)) parapets and firewalls may extend up to four feet (4') above the maximum height limit with unlimited rooftop coverage.

3. Solar collectors may extend up to seven feet (7') above the maximum height limit, with unlimited rooftop coverage.

4. The following rooftop features may extend up to fifteen feet (15') above the maximum height limit, as long as the combined coverage of all features listed in this subsection does not exceed twenty percent (20%) of the roof area, or twenty-five percent (25%) of the roof area if the total includes screened mechanical equipment:

a. Solar collectors;
b. Stair and elevator penthouses;
c. Mechanical equipment; and
d. Dish antenna((s)) s according to the provisions of Chapter 23.57.

* * *

Section 23. Section 23.84.006 of the Seattle Municipal

transmission to a broadcast to

4. "Dish antenna" means reception and/or transmission signals. Dish antenna may ser communication utility or may h device.

5. "Earth station" means which transmits and receives s satellite and is 25 feet in di

6. "Physical expansion o any increase in footprint and/ towers. Physical expansion do height of the tower resulting replacement or modification to telecommunication devices. tra building that would result in exposure readings at ground le long as the height above mean more than 10% (ten percent) an 1100' (one thousand one hundre Replacement of existing antenn is not considered physical exp or addition increases the envs by utilizing a candelabra moun

7. "Receive-only communi frequency device with the abil to transmit them.

8. "Reception window obs barrier which would block the satellite and a land-based ant

9. "Shared use facility" facility used by two or more f more FM stations.

10. "Single occupant faci facility used by only one tel television station and one to

11. "Transmission tower" communication devices are pla serve either as a major or mi

12. "Candelabra mountin supports more than two antenn

Section 24. That Section 23. Code, as last amended by Init read as follows:

23.84.040 "U."

"Utility" means a business wate., ((communication signal provided or transmitted; or s is stored or transferred or i and cables and high-impact us utilities.

((1. "Communication uti which the means for transfer- television transmission tower provided. "Communication util communication equipment. exce they include the studios of b radio or television stations, administrative offices, unles

1.((2.)) "Power plant" m

continued)

Zones

IG1 and IG2

P P

P P

P P

P P
X P

P P
U((P)) CU((P))
E P
U CU
U P
U CCU

U CCU
X X

P P
B EB
P P
B EB

B EB
B EB
B EB
B EB
U((6))B EB
B EB
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X X
X X
CCU CCU

P[7] P[7]
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X X
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50.014.

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itional use
or institution
See Section

nd minor
nication

Code, as last amended by Ordinance 115326, is further amended to read as follows:

23.84.006 "C."

* * *

Communication ((utility." See-Utility.")) device and utilities (and related terms)

1. "Communication device, accessory" means a device by which radiofrequency communication signals are transmitted and/or received, such as but not limited to whip, horn and dish antennas, and which is accessory to the principal use on the site. Receive-only television and radio antennas and amateur radio towers are not included in this definition. Communication equipment such as Citizen Band radios, telephones which depend upon wires and cables or hand-held telephones are exempt from the Land Use Code regulations.

2. "Communication utility, major" means a business use in which the means for radiofrequency transfer of information are provided by facilities with significant impacts beyond their immediate area. These utilities are FM and AM radio, UHF and VHF television transmission towers, and earth stations. A major communication utility use does not include communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

3. "Communication utility, minor" means a business use in which the means for radiofrequency transfer of information are provided but which generally does not have significant impacts beyond the immediate area. These facilities are smaller in size than Major Communication Utilities and include two-way, land mobile, and cellular communications facilities; cable TV facilities; point-to-point microwave antennas; FM translators; and FM boosters with under 10 watts transmitting power. A minor communication utility does not include wire, cables, or communication equipment accessory to residential uses; nor does it include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices even if there is point-to-point transmission to a broadcast tower.

4. "Dish antenna" means a round parabolic device for the reception and/or transmission of radiofrequency communication signals. Dish antenna may serve either as a major or minor communication utility or may be an accessory communication device.

5. "Earth station" means a major communication utility which transmits and receives signals to and from an orbiting satellite and is 25 feet in diameter or larger.

6. "Physical expansion of communication utilities" means any increase in footprint and/or envelope of transmission towers. Physical expansion does not include an increase in height of the tower resulting from repair, reconstruction, replacement or modification to the antenna, accessory telecommunication devices, transmission tower or accessory building that would result in lower radio frequency radiation exposure readings at ground level or greater public safety, as long as the height above mean sea level does not increase by more than 10% (ten percent) and in any event does not exceed 1100' (one thousand one hundred feet) above mean sea level. Replacement of existing antennas or addition of new antennas is not considered physical expansion, unless such replacement

in the form of steam or electricity is produced by wind, solar or water forces or combustion of materials such as coal, oil, gas and/or steam is produced by combustion or electricity. A nuclear power plant, solid waste incineration facility and the concurrent incidental production of electricity or useful heating or mechanical energy, or cogeneration, as well as the recovery of waste heat, shall not be considered a power plant.

2((3.)) "Sewage treatment plant" means a utility use in which sanitary or combined sewage is received, treated, and discharged, but does not include: Conveyance lines and associated or industrial facilities for "pretreatment" of sewage prior to discharge into the sewer system.

3.((4.)) "Solid waste incineration facility" means a utility use in which solid waste is reduced by mass burning, prepared fuel combustion, pyrolysis or any other means, regardless of whether or not the heat of combustion of solid waste is used to produce power. Heat-recovery incinerators and the incidental production of electricity or useful heating or mechanical energy, or cogeneration, shall not be considered a solid waste incineration facility.

4.((5.)) "Solid waste landfill" means a utility use at which solid waste is permanently placed in or on land, including sanitary landfills and compliance cell landfills.

5.((6.)) "Solid waste transfer station" means a utility use in which discarded materials are collected for transfer to another location for disposal by compaction, shredding or separating, but does not include processing that changes the chemical content of the material.

"Utility service use" means a utility use which provides the system for transferring or delivering power, water, sewage, stormwater runoff, or other similar substances. ((Equipment for transmitting information, such as television transmission towers, shall be considered communication utilities rather than utility service uses.)) Examples include electrical substations, pumping stations and trolley transformers.

Section 25. That a new Chapter 23.57 is hereby added to the Seattle Municipal Code to read as follows:

Chapter 23.57
Communications Regulation

Part 1 General Provisions

23.57.001 Intent

The intent of this Chapter is to provide regulations and development standards for major and minor communication utilities and accessory communication devices. Development of communication facilities may also be subject to Title 25 of the Municipal Code (Chapter 25.05- SEPA Policies and Procedures; Chapter 25.10 Radiofrequency Radiation), in addition to the Land Use Code.

23.57.002 Scope of provisions

A. The provisions of this Chapter shall apply to communication utilities and accessory communication devices in all zones.

B. Lots located in the Shoreline District shall meet the requirements of the Seattle Shoreline Master Program in addition to the provisions of this Chapter. In the event there is a conflict between the regulations of the Shoreline Master Program and this Chapter, the provisions of the Shoreline Master Program shall apply.

4. "Dish antenna" means a round parabolic device for the reception and/or transmission of radiofrequency communication signals. Dish antenna may serve either as a major or minor communication utility or may be an accessory communication device.

5. "Earth station" means a major communication utility which transmits and receives signals to and from an orbiting satellite and is 25 feet in diameter or larger.

6. "Physical expansion of communication utilities" means any increase in footprint and/or envelope of transmission towers. Physical expansion does not include an increase in height of the tower resulting from repair, reconstruction, replacement or modification to the antenna, accessory telecommunication devices, transmission tower or accessory building that would result in lower radio frequency radiation exposure readings at ground level or greater public safety, as long as the height above mean sea level does not increase by more than 10% (ten percent) and in any event does not exceed 1100' (one thousand one hundred feet) above mean sea level. Replacement of existing antennas or addition of new antennas is not considered physical expansion, unless such replacement or addition increases the envelope of the transmission tower by utilizing a candelabra mounting.

7. "Receive-only communication devices" means a radio frequency device with the ability to receive signals, but not to transmit them.

8. "Reception window obstruction" means a physical barrier which would block the signal between an orbiting satellite and a land-based antenna.

9. "Shared use facility" means a telecommunication facility used by two or more television stations or five or more FM stations.

10. "Single occupant facility" means a telecommunication facility used by only one television station or by one television station and one to four FM stations.

11. "Transmission tower" means a tower on which communication devices are placed. Transmission towers may serve either as a major or minor communication facility.

12. "Candelabra mounting" means a single spreader which supports more than two antennas.

***

Section 24. That Section 23.84.040 of the Seattle Municipal Code, as last amended by Initiative 31, is further amended to read as follows:

23.84.040 "U."

***

"Utility" means a business establishment in which power, water, ((communication signals,)) and other similar items are provided or transmitted; or sewage is treated, or solid waste is stored or transferred or incinerated. Underground pipes and cables and high-impact uses shall not be considered utilities.

((1. "Communication utility" means a utility use in which the means for transfer of information, such as radio or television transmission towers or phone cable vaults, are provided. Communication utility uses do not include communication equipment accessory to residential uses, nor do they include the studios of broadcasting companies, such as radio or television stations, which shall be considered administrative offices, unless broadcasting occurs.))

1.((2.)) "Power plant" means a utility use in which power

23.57.001 Intent

The intent of this Chapter is to provide regulations and development standards for major and minor communication utilities and accessory communication devices. Development of communication facilities may also be subject to Title 25 of the Municipal Code (Chapter 25.05- SEPA Policies and Procedures; Chapter 25.10 Radiofrequency Radiation), in addition to the Land Use Code.

23.57.002 Scope of provisions

A. The provisions of this Chapter shall apply to communication utilities and accessory communication devices in all zones.

B. Lots located in the Shoreline District shall meet the requirements of the Seattle Shoreline Master Program in addition to the provisions of this Chapter. In the event there is a conflict between the regulations of the Shoreline Master Program and this Chapter, the provisions of the Shoreline Master Program shall apply.

23.57.003 Nonconforming uses and structures

A. Existing communication utilities and accessory communication devices which are nonconforming uses may remain in use subject to the provisions of this Chapter.

B. The following activities shall be permitted outright for existing communication utilities and accessory communication devices which are nonconforming structures: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4' (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4' (four feet) in any dimension, plus any proposed additional such horn or dish antenna, are accessory to the communication utility. Physical expansion shall be prohibited, except as may be permitted by Council Conditional Use.

Part 2 Major Communication Utilities

23.57.005 Permitted and prohibited locations

A. Single Family, Lowrise, Midrise, Highrise, and Neighborhood Commercial 1, 2 and 3 zones:

1. New major communication utilities shall be prohibited.

2. Physical expansion of existing major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to development standards in Section 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4' (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in

Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4' (four feet) in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

B. Commercial 1 and 2 zones:

1. New major communication utilities

a. Single occupant major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to the development standards in Section 23.57.008.

b. Shared use major communication utilities may be permitted by Administrative Conditional Use under the criteria listed in Section 23.57.007 and according to development standards in Section 23.57.008.

2. Physical expansion of existing major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to development standards in 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4' (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4' (four feet) in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

C. Downtown zones:

1. In Pioneer Square Mixed, International District Mixed, International District Residential and Pike Market Mixed zones, new major communication utilities shall be prohibited.

2. In all other downtown zones, establishment or physical expansion of major communication utilities may be permitted, whether single occupant or shared, by Administrative Conditional Use under the evaluation criteria listed in Section 23.57.007 and according to development standards in Section 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4' (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4' (four feet) in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

D. Industrial zones:

Establishment or physical expansion of major communication utilities, whether single occupant or shared, communication utility provides the opportunity for sharing of facilities, so that the demand for major communication utilities elsewhere is minimized.

E. The Federal Aviation Administration advises the City that the proposed major communication utility does not create a hazard to aviation.

23.57.007 Administrative conditional use criteria

When evaluating an application for the establishment of a proposed major communication utility or its physical expansion, the Director shall consider the following criteria:

A. Whether the public benefit is outweighed by the adverse impacts, which cannot otherwise be mitigated;

B. Whether the project will have substantial adverse impacts on residential development in the vicinity, including demolition of housing.

23.57.008 Development standards

A. In Single Family, Lowrise, Midrise, Highrise and Neighborhood Commercial zones, physical expansion of a major communication utility may be permitted only when:

1. the expanded facility will be a shared use utility, and another broadcaster has contracted to relocate its transmitter to the expanded facility; and

2. a different existing tower of similar size in the immediate vicinity will be removed within six months of issuance of the Certificate of Occupancy.

B. Access to sites containing major communication utilities shall be restricted to authorized personnel by fencing or other means of security. This fencing or other barrier shall be incorporated into the landscaping and/or screening to reduce visual impact of the facility.

C. Setbacks and Landscaping

1. Major communication utility structures including accessory structures, shall be set back at least twenty feet (20') from all lot lines.

2. Landscaping in the required setback:

a. A five foot (5') deep setback measured perpendicular to the property lines shall be planted with ground cover.

b. The area between 5 and 10 feet in from all lot lines shall be planted with continuous vegetation consisting of bushes.

c. The area between 10 and 20 feet in from all lot lines shall be planted with view-obscuring vegetation consisting of evergreen hedges, and evergreen trees which are a minimum of 10 feet tall at time of planting and are expected to reach at least 30 feet at maturity.

d. All landscaping shall conform to the Director's Rule on Landscape Standards.

3. Exceptions to Landscaping and Setback Requirements.

a. The setback requirement of subsection C1 may be reduced for any particular frontage of the utility site which is adjacent to, or across a street or alley from, a commercially zoned lot and the Director finds that an alternate plan for screening and landscaping would result in the same screening and mitigation of visual impacts as would result from the provision of the requirements of subsections C1 and C2, and would result in an appearance compatible with the commercial area. Alternative screening devices could include decorative walls, fences or murals. The screening may be provided by a structure if the appearance is compatible

in Section 23.57.008 B, C, a
of each zone.

23.57.010 Single family zone

A. Amateur Radio Devices

Amateur radio devices access
meet the development standar
outright.

B. Accessory Communicatio

1. Receive-only commu
residential uses which meet
subsection E are permitted

2. Communication devi
accessory to institutions,
utilities, and nonconforain
development standards of su

C. Uses Permitted by Admin

When locating on the same l
facility, minor communicati
Administrative Conditional
criteria:

1. The proposal shall
intrusion which would be si
residential character of t
area.

2. If the proposed mi
proposed to exceed the perm
transmission tower, the app
following:

a. The need for
to be in a single family zo
proposed height.

b. That the mat
proposed utility or device
impacts on adjacent or nea
greatest extent possible.

c. That proposed
substantially detrimental t
area, for example, through
dwelling units in a residen

D. Uses Permitted by Counc

The establishment or expa
utility other than as descr
permitted as a Council Cond
following criteria:

1. The minor commun
a commercial intrusion whi
detrimental to the resident
residentially-zoned area.

2. If the proposed
proposed to exceed the per
transmission tower, the ap
following:

a. The need for
to be in a single family z
proposed height.

b. That the mat
proposed utility or device
impacts on adjacent or nea
greatest extent possible.

c. That propose
substantially detrimental

Administrative Conditional Use under the evaluation criteria listed in Section 23.57.007 and according to development standards in Section 23.57.008.

3. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4' (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4' (four feet) in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

D. Industrial zones:

Establishment or physical expansion of major communication utilities, whether single occupant or shared, may be permitted by Administrative Conditional Use under the criteria listed in Section 23.57.007 and the development standards in Section 23.57.008. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair. The addition of new telecommunication devices to an existing tower shall be permitted outright, except as follows: No more than a total of 15 (fifteen) horn and dish antennas which are over 4' (four feet) in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing 15 (fifteen) horn and dish antennas over 4' (four feet) in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

23.57.006 Council Conditional Use Criteria

When evaluating an application for a new or expanded major communication utility, the Council shall weigh the potential benefits to the general public of improved broadcast communications against potential negative impacts. The following criteria shall be weighed and balanced to make this determination:

A. Whether the proposed major communication utility will be substantially detrimental to the pedestrian or retail character of the surrounding commercial area or the residential character of nearby residentially-zoned areas. Detriment may include diminished street level activity. The impacts considered shall include, but not be limited to, visual, noise, land use, safety and traffic impacts.

B. Whether the location provides topographic conditions which maximize the opportunity for the use and operation of the major communication utility.

C. If a single occupant major communication utility is proposed, whether reasonable efforts have been made and the applicant has demonstrated that it is not practical to locate the proposed antenna(s) on an existing communication utility, determined in part by the ability to achieve equivalent broadcast performance, and that locations other than in residential, neighborhood commercial or commercial zones have been considered in good faith.

D. Whether the proposed new, expanded or replaced

of bushes.

c. The area between 10 and 20 feet in from all lot lines shall be planted with view-obscuring vegetation consisting of evergreen hedges, and evergreen trees which are a minimum of 10 feet tall at time of planting and are expected to reach at least 30 feet at maturity.

d. All landscaping shall conform to the Director's Rule on Landscape Standards.

3. Exceptions to Landscaping and Setback Requirements.

a. The setback requirement of subsection C1 may be reduced for any particular frontage of the utility site which is adjacent to, or across a street or alley from, a commercially zoned lot and the Director finds that an alternate plan for screening and landscaping would result in the same screening and mitigation of visual impacts as would result from the provision of the requirements of subsections C1 and C2, and would result in an appearance compatible with the commercial area. Alternative screening devices could include decorative walls, fences or murals. The screening may be provided by a structure if the appearance is compatible with the commercial area and if it results in the screening of the base of the transmission tower from adjacent uses.

b. The setback and landscaping requirements of subsection C shall not apply when the lot is adjacent to, or across a street or alley from, an industrially-zoned lot.

c. Landscaping requirements of subsection C2 may be waived or reduced if the distance from the property line to the structure is far enough to substantially diminish the impact of the height of the structure or if the topography or existing vegetation provides a visual barrier comparable to the requirements of subsection C2.

D. The maximum height limit for all major communication utilities shall be 1100' (one thousand one hundred feet) above mean sea level. These structures are also subject to Chapter 23.64, Airport Height District. Accessory structures are subject to the height limits of the zone.

E. The applicant shall use material, shape, color and lighting to minimize to the greatest extent practicable the visual impact, as long as these measures are not inconsistent with the requirements of the Federal Aviation Administration.

F. The applicant shall submit and follow a construction and maintenance plan to control or eliminate off-site impacts from construction or maintenance debris and icefall. This plan shall include a requirement to notify residents and business owners on properties immediately adjacent to or across a street or alley from the site when maintenance work such as sandblasting or painting is to occur.

G. When a horn or dish antenna over 4' (four feet) in any dimension is proposed to be added to an existing tower which already contains 15 (fifteen) such antennas, per Section 23.57.003 or 23.57.005, the applicant must submit copies of Federal Communications Commission licenses for Auxiliary Broadcast Service, showing that all of the existing 15 (fifteen) horn and dish antennas which are over 4' (four feet) in any dimension, plus any proposed additional such horn or dish antenna, are accessory to the communication utility.

Part 3 Minor Communication Utilities and Accessory Communication Devices

23.57.009 Development standards for freestanding transmission towers for minor communication utilities in all zones

Freestanding transmission towers for minor communication utilities shall be subject to the access, setback, screening and landscaping requirements for major communication utilities

utility other than as descri
permitted as a Council Condi
following criteria:

1. The minor communic
a commercial intrusion which
detrimental to the residenti
residentially-zoned area.

2. If the proposed m
proposed to exceed the permi
transmission tower, the appl
following:

a. The need for
to be in a single family zo
proposed height.

b. That the mate
proposed utility or device
impacts on adjacent or near
greatest extent possible.

c. That proposed
substantially detrimental t
area, for example through t
dwelling units in a residen

E. Development standards

1. Location

a. Dish antennas
front yard.

b. Dish antennas
feet (10') from all lot lin
subsection D5.

c. Dish antennas
and rear yard coverage calc
calculated with the dish in

d. Dish antennas
principal or accessory stru
except as provided in subse

e. Accessory amat
in required front or side y

2. Size

a. The height lim
apply to transmission tower
may be authorized through t
Conditional Use (see Subsec
existing utility or public
Use (subsection D above).

b. The maximum he
twelve feet (12') above fin
subsection E5.

c. The maximum di
twelve feet (12').

d. The maximum he
tower shall be no more than
grade. Cages and antennas
fifteen feet (15'). The ba
a distance from any lot lin
height of the total structu
antennas.

3. Visual Impacts

Antennas four feet (4'
screened from any public pl
located adjacent to or acro
as follows:

a. A screen for
feet (6') tall and may be
hedge and shall be maintai

in Section 23.57.008 B, C, and E in addition to the standards of each zone.

23.57.010 Single family zones

A. Amateur Radio Devices

Amateur radio devices accessory to a residential use which meet the development standards of subsection F are permitted outright.

B. Accessory Communication Devices

1. Receive-only communication devices accessory to residential uses which meet the development standards of subsection E are permitted outright.

2. Communication devices on the same site as and accessory to institutions, public facilities, public utilities, and nonconforming residential uses, which meet the development standards of subsection E are permitted outright.

C. Uses Permitted by Administrative Conditional Use

When locating on the same lot as an existing utility or public facility, minor communication utilities may be permitted by Administrative Conditional Use, pursuant to the following criteria:

1. The proposal shall not result in a commercial intrusion which would be significantly detrimental to the residential character of the surrounding residentially-zoned area.

2. If the proposed minor communication utility is proposed to exceed the permitted height of the zone or is a transmission tower, the applicant shall demonstrate the following:

a. The need for the proposed communication utility to be in a single family zone and a justification for the proposed height.

b. That the materials, shape and color of the proposed utility or device will minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible.

c. That proposed communication utility will not be substantially detrimental to the residential character of an area, for example, through the demolition of residential dwelling units in a residential zone.

D. Uses Permitted by Council Conditional Use

The establishment or expansion of a minor communication utility other than as described in subsection C above, may be permitted as a Council Conditional Use, pursuant to the following criteria:

1. The minor communication utility shall not result in a commercial intrusion which would be substantially detrimental to the residential character of the surrounding residentially-zoned area.

2. If the proposed minor communication utility is proposed to exceed the permitted height of the zone or is a transmission tower, the applicant shall demonstrate the following:

a. The need for the proposed communication utility to be in a single family zone and a justification for the proposed height.

b. That the materials, shape and color of the proposed utility or device will minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible.

c. That proposed communication utility will not be substantially detrimental to the residential character of an area, for example through the demolition of residential

b. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height above the rooftop of the installed antenna.

c. Exceptions - No screening shall be required in the following circumstances:

i) as provided in subsection E5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially-zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

d. The visibility of a minor communication utility on a rooftop shall be minimized by painting it the same color as the building upon which it is located.

4. Access and Signage

Access to transmitting accessory communication devices and to minor communication utilities shall be restricted to authorized personnel by fencing or other means of security. If located on a residential structure or on a public utility, warning signs at every point of access to the transmitting antenna shall be posted with information on the existence of radiofrequency radiation.

5. Special Exceptions for Dish Antenna

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception, according to provisions of Chapter 23.76, may be permitted from development standards of subsections E1b, E1d, E2b and E3 of this subsection. The first waiver to be considered will be from the requirement for a ten foot (10') setback; the second, reduction, then waiver from screening; and the third from the maximum permitted elevation up to a maximum of eighteen feet (18'). Only if these waived regulations would still result in obstruction shall rooftop location be considered. Approval of a Special Exception shall be subject to the following criteria:

a. The applicant shall demonstrate that the obstruction is a result of factors beyond the property owner's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction.

b. The applicant shall be required to use material, shape and color to minimize visual impact.

c. If a Special Exception is sought to permit a rooftop location, the maximum permitted height of the device shall be four feet (4') above the existing roofline or four feet (4') above the zone height limit, whichever is higher.

23.57.011 Lowrise, Midrise and Highrise

A. Accessory Communication Devices

Communication devices accessory to residential or institutional use are permitted outright when they meet the development standards of subsection C.

B. Uses Permitted by Administrative Conditional Use

Minor communication utilities may be permitted as an Administrative Conditional Use when they meet the development standards of subsection C and the following criteria:

1. The minor communication utility shall not result in a commercial intrusion which would be substantially detrimental

utility other than as described in subsection C above, may be permitted as a Council Conditional Use, pursuant to the following criteria:

1. The minor communication utility shall not result in a commercial intrusion which would be substantially detrimental to the residential character of the surrounding residentially-zoned area.

2. If the proposed minor communication utility is proposed to exceed the permitted height of the zone or is a transmission tower, the applicant shall demonstrate the following:

a. The need for the proposed communication utility to be in a single family zone and a justification for the proposed height.

b. That the materials, shape and color of the proposed utility or device will minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible.

c. That proposed communication utility will not be substantially detrimental to the residential character of an area, for example through the demolition of residential dwelling units in a residential zone.

E. Development standards

1. Location

a. Dish antennas are prohibited in the required front yard.

b. Dish antennas shall be set back a minimum of ten feet (10') from all lot lines, except as provided in subsection D5.

c. Dish antennas shall be counted in lot coverage and rear yard coverage calculations. Coverage shall be calculated with the dish in a horizontal position.

d. Dish antennas shall not be located on rooftops of principal or accessory structures containing residential uses, except as provided in subsection E5.

e. Accessory amateur radio towers may not be located in required front or side yards.

2. Size

a. The height limit of the underlying zone shall apply to transmission towers. Exceptions to the height limit may be authorized through the approval of an Administrative Conditional Use (see Subsection C above) if located on an existing utility or public facility, or a Council Conditional Use (subsection D above).

b. The maximum height for dish antennas shall be twelve feet (12') above finished grade, except as provided in subsection E5.

c. The maximum diameter of dish antennas shall be twelve feet (12').

d. The maximum height of an accessory amateur radio tower shall be no more than fifty feet (50') above existing grade. Cages and antennas may extend to a maximum additional fifteen feet (15'). The base of the tower shall be located at a distance from any lot line at least one-half (1/2) the height of the total structure, including tower, cage and antennas.

3. Visual Impacts

Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. A screen for freestanding antennas shall be six feet (6') tall and may be a view-obscuring fence, wall or hedge and shall be maintained in good condition.

control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction.

b. The applicant shall be required to use material, shape and color to minimize visual impact.

c. If a Special Exception is sought to permit a rooftop location, the maximum permitted height of the device shall be four feet (4') above the existing roofline or four feet (4') above the zone height limit, whichever is higher.

23.57.011 Lowrise, Midrise and Highrise

A. Accessory Communication Devices

Communication devices accessory to residential or institutional use are permitted outright when they meet the development standards of subsection C.

B. Uses Permitted by Administrative Conditional Use

Minor communication utilities may be permitted as an Administrative Conditional Use when they meet the development standards of subsection C and the following criteria:

1. The minor communication utility shall not result in a commercial intrusion which would be substantially detrimental to the residential character of the surrounding residentially-zoned area.

2. If the minor communication utility is proposed to exceed the zone height limit or is a transmission tower, the applicant shall demonstrate the following:

i) The need for the proposed communication utility to be in a residential zone and a justification for the proposed height.

ii) That the proposed materials, shape and color of the proposed utility or device will minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible.

iii) That the proposed communication utility will not be substantially detrimental to the residential character of an area, for example, through the demolition of residential dwelling units in a residential zone.

C. Location

a. Minor accessory communication devices and amateur radio towers may not be located in a required front or side setback.

b. Minor communication utilities other than freestanding transmission towers, accessory communication devices and amateur radio towers may be located in a required rear setback.

c. In all Lowrise zones, dish antennas shall not be located on rooftops of principal or accessory structures, except as provided in subsection C5.

d. In Midrise and Highrise zones, minor communication utilities and accessory communication devices may be located on rooftops and may exceed the zone height limit by a maximum of four feet (4').

e. In all Lowrise, Midrise and Highrise zones, minor utilities and accessory communication devices are prohibited on the outside, except rooftops, of buildings containing the residential units.

2. Size

a. The height limit of the underlying zone shall apply for transmission towers except as may be permitted in Section B.

b. The maximum height above finished grade for free standing dish antennas shall be twelve feet (12'), except as provided in subsection C5.

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City of Seattle Ordinances

c. The maximum diameter of dish antennas shall be twelve feet (12').

d. The maximum height of an amateur radio tower shall be no more than fifty feet (50') above existing grade. Cages and antennas may extend to a maximum additional fifteen feet (15'). The base of the tower shall be located at a distance from any lot line at least one-half (1/2) the height of the total structure, including tower, cage and antennas.

3. Visual Impacts

Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. A screen for freestanding antennas shall be six feet (6') tall, may be a view-obscuring fence, wall or hedge, and shall be maintained in good condition.

b. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height above the roof of the installed antenna.

c. Exceptions - No screening shall be required under the following circumstances:

i) as provided in subsection C5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially-zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

4. Access and Signage

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

5. Special Exceptions for Dish Antenna

a. When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception, according to the provisions of Chapter 23.76, may be permitted from the development standards of subsections C1c, C2b, and C3. The first waiver to be considered will be from the requirement of subsection C2b, and the second from C3. Only if these waived regulations still result in obstruction shall rooftop location requirements of subsection C1c be considered. Approval of a Special Exception shall be subject to the following criteria:

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

ii) The applicant shall use material, shape and color to minimize visual impact.

b. If a Special Exception is sought to permit a rooftop location, the maximum permitted height of the device communication devices may be located on rooftops and may exceed the zone height limit by a maximum of four feet (4') except as permitted in subsection C1c; whip antennas are exempted from the zone height limit.

c. Minor communication utilities and accessory communication devices located on rooftops may extend up to fifteen feet (15') above the zone height limit if the combined total of communication utilities and accessory communication devices in addition to the roof area occupied by rooftop features listed in Section 23.47.012G4 does not exceed twenty percent (20%) of the total rooftop area or twenty-five percent (25%) of the rooftop area including screened mechanical equipment.

d. Minor communication utilities and accessory communication devices shall be prohibited on the outside, except for rooftops, of a building containing residential units.

2. Access and Signage

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

3. Size of Amateur Radio Tower

The maximum height of an amateur radio tower shall be no more than fifty feet (50') in zones where the maximum height limit does not exceed fifty feet (50'). Cages and antennas may extend to a maximum additional fifteen feet (15'). In zones with a maximum permitted height over fifty feet (50'), the height of the amateur radio tower shall not exceed the maximum height limit of the zone.

4. Visual Impact

Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. The screen for a freestanding antenna shall be six feet (6') high, and may be a view-obscuring fence, wall or hedge maintained in good condition.

b. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

c. Exceptions - No screening shall be required under the following circumstances:

i) as provided by subsection C5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

5. Special Exceptions

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permissible locations, a Special Exception, according to the provisions of Chapter 23.76, may be permitted from the development standards of subsections C1c, C2b, and C3. The first waiver to be considered will be from the requirement of subsection C2b, and the second from C3. Only if these waived regulations still result in obstruction shall rooftop location requirements of subsection C1c be considered. Approval of a Special Exception shall be subject to the following criteria:

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

ii) The applicant shall use material, shape and color to minimize visual impact.

b. If a Special Exception is sought to permit a rooftop location, the maximum permitted height of the device shall be four feet (4') above the roofline or four feet (4') above the zone permitted height, whichever is higher.

c. If a Special Exception is sought from subsection C2b, the maximum permitted height shall be eighteen feet (18').

23.57.012 Commercial zones

A. Uses Permitted Outright

1. In Neighborhood Commercial zones, minor communication utilities and accessory communication devices shall be permitted outright when meeting the development standards of subsection C and the height limit of the zone.

2. In Commercial zones, minor communication utilities and accessory communication devices shall be permitted outright when meeting the development standards of subsection C. The height limit of the underlying zone shall not apply unless the lot is adjacent to a single family zone.

B. Uses permitted by Administrative Conditional Use

1. In Neighborhood Commercial zones, an Administrative Conditional Use shall be required for minor communication utilities and accessory communication devices, other than whip antennas, to exceed the height limit of the underlying zone, which includes the rooftop provisions of subsection C1c. Approval shall be pursuant to the criteria of subsection B3.

2. In Commercial zones, an Administrative Conditional Use shall be required for minor communication utilities and accessory communication devices proposed to be located on lots adjacent to single family zones to exceed the height limit of the underlying zone. Approval shall be pursuant to the criteria of subsection B3.

3. Administrative Conditional Use criteria

a. The applicant shall use material, shape and color to minimize adverse visual impacts on the neighboring residential zone.

b. The proposal shall not result in a significant change in the pedestrian or retail character of the commercial area.

c. The applicant shall demonstrate that compliance with the height limit is not feasible and that the proposed height will deviate to the least practicable extent from this standard.

C. Development standards

1. Location

a. Minor communication utilities, other than transmission towers, and accessory communication devices may not be located within ten feet (10') of any lot line.

b. Minor communication utilities and accessory shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

c. Exceptions - No screening shall be required under the following circumstances:

i) as provided by subsection C5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

5. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception may be permitted from the development standards of subsection C4, subject to the following criteria:

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

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

23.57.013 Downtown zones

A. Permitted uses

Minor communication utilities and accessory communication devices shall be permitted outright when meeting development standards of the zone in which the site is located, except for heights limits, and subsection B.

B. Development standards

1. Access to transmitting accessory communication devices shall be restricted to authorized personnel when located on rooftops or other common areas. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

2. The height limit of the zone shall not apply.

3. Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. The screen for a freestanding antenna shall be six feet (6') tall, and may be a view-obscuring fence, wall or hedge maintained in good condition.

b. For antennas located on rooftops screening shall be provided to a height equal to two-thirds (2/3) of the height of the antenna.

c. Exception - No screening shall be required under the following circumstances:

i) as provided by subsection C;

ii) for amateur radio towers, whip antennas, antennas attached to sides of structures and any antennas attached to freestanding transmission towers.

d. Antennas shall be prohibited on the outside, except for rooftops, of a building containing residential units.

C. Special Exceptions

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communication devices may be located on rooftops and may exceed the zone height limit by a maximum of four feet (4') except as permitted in subsection C1c; whip antennas are exempted from the zone height limit.

c. Minor communication utilities and accessory communication devices located on rooftops may extend up to fifteen feet (15') above the zone height limit if the combined total of communication utilities and accessory communication devices in addition to the roof area occupied by rooftop features listed in Section 23.47.012G4 does not exceed twenty percent (20%) of the total rooftop area or twenty-five percent (25%) of the rooftop area including screened mechanical equipment.

d. Minor communication utilities and accessory communication devices shall be prohibited on the outside, except for rooftops, of a building containing residential units.

2. Access and Signage

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

3. Size of Amateur Radio Tower

The maximum height of an amateur radio tower shall be no more than fifty feet (50') in zones where the maximum height limit does not exceed fifty feet (50'). Cages and antennas may extend to a maximum additional fifteen feet (15'). In zones with a maximum permitted height over fifty feet (50'), the height of the amateur radio tower shall not exceed the maximum height limit of the zone.

4. Visual Impact

Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. The screen for a freestanding antenna shall be six feet (6') high, and may be a view-obscuring fence, wall or hedge maintained in good condition.

b. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

c. Exceptions - No screening shall be required under the following circumstances:

i) as provided by subsection C5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

5. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception, according to the provisions of Chapter 23.76, may be permitted from subsection B3, subject to the following criteria:

1. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction.

2. The applicant shall use material, shape and color to minimize visual impact.

23.57.014 Special Review Districts

In the Pioneer Square Mixed, International District Mixed, International District Residential, and Pike Market Mixed zones, new minor communication utilities are prohibited.

23.57.015 Industrial zones

A. Permitted uses

Minor communication utilities and accessory communication devices shall be permitted outright when meeting the standards of subsection B.

B. Development standards

Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

1. The screen for a freestanding antenna shall be six feet (6') tall, may be a view obscuring fence, wall or hedge, and shall be maintained in good condition.

2. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

3. Exceptions - No screening shall be required under the following circumstances:

a. As provided by subsection C;

b. For amateur radio towers, whip antennas, antennas attached to sides of structures and any antennas attached to freestanding transmission towers.

c. If the antenna is set back a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially-zoned lot or public park.

C. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception, according to the provisions of Chapter 23.76, may be permitted from subsection B, subject to the following criteria:

1. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction.

2. The applicant shall use material, shape and color to minimize visual impact.

Section 25. Section 23.84.048 of the Seattle Municipal Code, as last amended by Ordinance 114888, is further amended to read as follows:

* * *

more than fifty feet (50') in zones where the maximum height limit does not exceed fifty feet (50'). Cages and antennas may extend to a maximum additional fifteen feet (15'). In zones with a maximum permitted height over fifty feet (50'), the height of the amateur radio tower shall not exceed the maximum height limit of the zone.

4. Visual Impact

Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. The screen for a freestanding antenna shall be six feet (6') high, and may be a view-obscuring fence, wall or hedge maintained in good condition.

b. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

c. Exceptions - No screening shall be required under the following circumstances:

i) as provided by subsection C5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

5. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception may be permitted from the development standards of subsection C4, subject to the following criteria:

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

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

23.57.013 Downtown zones

A. Permitted uses

Minor communication utilities and accessory communication devices shall be permitted outright when meeting development standards of the zone in which the site is located, except for heights limits, and subsection B.

B. Development standards

1. Access to transmitting accessory communication devices shall be restricted to authorized personnel when located on rooftops or other common areas. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

2. The height limit of the zone shall not apply.

3. Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. The screen for a freestanding antenna shall be six feet (6') tall, and may be a view-obscuring fence, wall or hedge maintained in good condition.

b. For antennas located on rooftops screening shall be provided to a height equal to two-thirds (2/3) of the height of the antenna.

c. Exceptions - No screening shall be required under the following circumstances:

i) as provided by subsection C5;

ii) if the antenna is set back from the property line a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially zoned lot or public park;

iii) for amateur radio towers, whip antennas, antennas attached to sides of structures, and antennas attached to freestanding transmission towers;

iv) if the antenna is adjacent to or across a street or alley from a designated major institution, no screening is required on that frontage.

5. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception may be permitted from the development standards of subsection C4, subject to the following criteria:

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

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

23.57.013 Downtown zones

A. Permitted uses

Minor communication utilities and accessory communication devices shall be permitted outright when meeting development standards of the zone in which the site is located, except for heights limits, and subsection B.

B. Development standards

1. Access to transmitting accessory communication devices shall be restricted to authorized personnel when located on rooftops or other common areas. Warning signs at every point of access to the rooftop or common area shall be posted with information on the existence of radiofrequency radiation.

2. The height limit of the zone shall not apply.

3. Antennas four feet (4') or more in any dimension shall be screened from any public park or residentially-zoned lot located adjacent to or across a street or alley from the lot as follows:

a. The screen for a freestanding antenna shall be six feet (6') tall, may be a view obscuring fence, wall or hedge, and shall be maintained in good condition.

2. For an antenna located on a rooftop, screening shall be provided to a height equal to two-thirds (2/3) the height of the antenna.

3. Exceptions - No screening shall be required under the following circumstances:

a. As provided by subsection C;

b. For amateur radio towers, whip antennas, antennas attached to sides of structures and any antennas attached to freestanding transmission towers.

c. If the antenna is set back a distance of at least five (5) times its diameter or height, whichever is greater, from any residentially-zoned lot or public park.

C. Special Exceptions

When adherence to all development standards would result in reception window obstruction in all permissible locations, a Special Exception, according to the provisions of Chapter 23.76, may be permitted from subsection B, subject to the following criteria:

1. The applicant shall demonstrate that the obstruction is due to factors beyond the control of the property owner, taking into account potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction.

2. The applicant shall use material, shape and color to minimize visual impact.

Section 25. Section 23.84.048 of the Seattle Municipal Code, as last amended by Ordinance 114888, is further amended to read as follows:

* * *

"Zone, industrial" means the following zones regulated by Title 23: General Industrial 1, General Industrial 2, Industrial Buffer and Industrial Commercial.

* * *

"Zone, residential" means the following zones regulated by Title 23: SF9600, SF7200, SF5000, LDT, L1, L2, L3, L4, MR, HR, RC, DMR and IDR; and the following zones regulated by Title 24: RD7200, RD5000, RM800, RMV150, and RMV200.

* * *

"Zone, Neighborhood Commercial" means the following zones regulated by Title 23: Neighborhood Commercial 1, Neighborhood Commercial 2, and Neighborhood Commercial 3.

Section 26. The following Sections of the Seattle Municipal Code are repealed, provided such repeal shall not affect any right accrued, any time limit for compliance, any penalty incurred, or any proceeding commenced under or by virtue of the repealed provisions:

23.44.054 23.45.104 23.45.156

Section 27. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 10th day of August, 1992, and signed by me in open session in authentication of its passage this 10th day of August, 1992.
GEORGE E. BENSON,
President of the City Council.
Approved by me this 18th day of August, 1992.
NORMAN B. RICE,
Mayor.
Filed by me this 18th day of August, 1992.
Attest: RUFINO MORALEJA,
City Comptroller and City Clerk.
(Seal) By MARGARET CARTER,
Deputy Clerk.
Publication ordered by RUFINO MORALEJA, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, August 21, 1992.

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