

Ordinance No. 120927

Council Bill No. 114221

AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.394, 23.60.420, 23.60.484, 23.60.488, 23.60.544, 23.60.572, 23.60.600, 23.60.606, 23.60.632, 23.60.660, 23.60.662, 23.60.668, 23.60.692, 23.60.720, 23.60.728, 23.60.730, 23.60.752, 23.60.780, 23.60.786, 23.60.812, 23.60.840, 23.60.848, 23.60.872, and 23.60.906 to regulate telecommunication utilities in the shoreline environments.

The City of Seattle
Council Bill/Ordinance

9-17-02 As Am

9-23-02 Pa

CF No. _____

Date Introduced: <u>JUL 1 - 2002</u>	NICASTRO	
Date 1st Referred: <u>JUL 1 - 2002</u>	To: (committee) <u>Land Use Committee</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>9-23-02</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>9-24-02</u>	Date Approved: <u>10/2/02</u>	
Date Returned to City Clerk: <u>10/3/02</u>	Date Published:	T.O. _____ F.T. _____
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

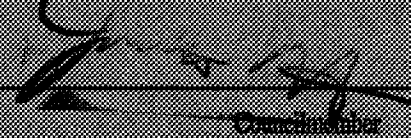
This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:


Councilmember

Committee Action:



9-17-02 As amended approve 3-0 (UN, RC, MP)

9-23-02 Passed 9-0

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


Committee:


(initial/date)

Law Department

Law Dept. Review

OMP
Review


City Clerk
Review


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ORDINANCE 120927

AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.394, 23.60.420, 23.60.484, 23.60.488, 23.60.544, 23.60.572, 23.60.600, 23.60.606, 23.60.632, 23.60.660, 23.60.662, 23.60.668, 23.60.692, 23.60.720, 23.60.728, 23.60.730, 23.60.752, 23.60.780, 23.60.786, 23.60.812, 23.60.840, 23.60.848, 23.60.872, and 23.60.906 to regulate telecommunication utilities in the shoreline environments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection D of Section 23.60.394 of the SMC, which Section was last amended by Ordinance 116325, is further amended as follows:

23.60.394 Height in the CR Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles and chimneys may extend ten feet (10') above the maximum height limit.
2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height limit.

* * *

Section 2. Subsection A of Section 23.60.420 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.420 Uses permitted outright on waterfront lots in the CM Environment.

Uses permitted outright on waterfront lots in the CM Environment. The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

A. Utilities:

1. Utility lines, and
2. Utility service uses whose operations require a shoreline location, excluding communication utilities;

* * *



D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, and religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent 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 (5) feet from the roof edge; and

d. Chimneys.

* * *

Section 7. Subsection E of Section 23.60.600 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.600 Uses permitted outright on waterfront lots in the US Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

* * *

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

* * *

Section 8. Subsection F of Section 23.60.606 of the SMC, which Section was last amended by Ordinance 118663, is further amended as follows:

23.60.606 Prohibited uses on waterfront lots in the US Environment.



The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

* * *

F. The following utilities:

1. Major ((€))communication utilities,
2. Solid waste transfer stations,
3. Power plants(~~(; and)~~),
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 9. Subsection D of Section 23.60.632 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.632 Height in the US Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, smokestacks, chimneys, flagpoles, and religious symbols 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 rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four feet (4') 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, so long as the combined total 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. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen feet (15') from the roof edge.

* * *

Section 10. Existing Subsections D, E, F and G and a new subsection H of Section 23.60.660 of the SMC, adopted by Ordinance 113466, are amended or added as follows:



23.60.660 Uses permitted outright on waterfront lots in the UH Environment.

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

* * *

D. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,
2. Maritime museums,
3. Colleges that have water-dependent or water-related facilities,
4. Community centers,
5. Vocational schools, water-dependent or water-related,
6. Community yacht, boat, and beach clubs, and
7. ~~((Day))~~ Child care centers when located above wharf level;

E. The following public facilities:

1. Public facilities, water-dependent or water-related, and
2. Public facilities that are part of an approved public improvement plan for the Harbor~~((--))~~front adopted by the Council;

F. Shoreline Recreation; ~~((and))~~

G. Aquaculture; and

H. Minor communication utilities, except freestanding transmission towers.

Section 11. Subsection A of Section 23.60.662 of the SMC, which Section was adopted by Ordinance 119929, is amended as follows:

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

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

* * *

A. The following utilities:

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

* * *

Section 12. Subsection D of Section 23.60.668 of the SMC, which Section was last amended by Ordinance 119929, is further amended as follows:



23.60.668 Prohibited uses on waterfront lots in the UH Environment.

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

* * *

D. The following utilities:

1. Solid waste transfer stations,
2. Power plants, ((and))
3. Sewage treatment plants,
4. Major communication utilities, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 13. Section 23.60.692 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.692 Height in the UH Environment.

* * *

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

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

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

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

- (1) Solar collectors;
- (2) Stair and elevator penthouses;
- (3) Mechanical equipment; and



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

d. Radio and television receiving ~~((aerials))~~ antennas, excluding dishes; religious symbols for religious institutions; ~~((transmission towers;))~~ smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten (10) feet from all lot lines.

e. Minor communication utilities shall be governed by Section 23.57.013 B2.

4. Bridges. Bridges may exceed the maximum height limits.

Section 14. Subsection C of Section 23.60.720 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

C. The following utilities:

1. Utility lines, ~~((and))~~

2. Utility public service uses whose operations require a shoreline location,

and

3. Minor communication utilities, except freestanding transmission towers;

Section 15. Subsection E of Section 23.60.728 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:

23.60.728 Prohibited uses on waterfront lots in the UM Environment.

The following principal uses are prohibited on waterfront lots:

* * *

E. The following utilities:

1. Major ~~((C))~~ communication utilities,

2. Solid waste transfer stations,

3. Power plants,

4. Sewage treatment plants, and

5. Freestanding transmission towers for minor communication utilities;

* * *

Section 16. Subsection A of Section 23.60.730 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:



23.60.730 Permitted uses on upland lots in the UM Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

- (1) Sale of boat parts or accessories,
- (2) Personal and household retail sales and service uses,
- (3) Medical services,
- (4) Animal services,
- (5) Automotive retail sales and service,
- (6) Eating and drinking establishments,
- (7) Nonhousehold sales and services,
- (8) Wholesale showroom, mini-warehouse, warehouse and outdoor storage,

(9) Cargo terminals, non-water-dependent,

(10) Personal transportation services,

(11) Passenger terminals, non-water-dependent,

(12) Transit vehicle base,

(13) Food processing,

(14) Custom and craft work,

(15) Offices except in the Lake Union area, and

(16) Research and development laboratories;

b. Recycling centers;

c. Light and general manufacturing uses, non-water-dependent;

((and))

d. Public facilities; and

e. Minor communication utilities, except freestanding transmission towers.

* * *

Section 17. Subsection D of Section 23.60.752 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.752 Height in the UM Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:



1 a. No closer to any adjoining lot line than fifty percent (50%) of their
2 height above existing grade; or

3 b. If attached only to the roof, no closer to any adjoining lot line than
4 fifty percent (50%) of their height above the roof portion where attached.

5 2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls
6 may extend four feet (4') above the maximum height.

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

11 a. Stair and elevator penthouses;

12 b. Mechanical equipment.

13
14 * * *

15
16 **Section 18.** Subsection F of Section 23.60.780 of the Seattle Municipal Code, which
17 Section was adopted by Ordinance 113466, is amended as follows:

18
19 **23.60.780 Uses permitted outright on waterfront lots in the UG Environment.**

20
21 The following uses shall be permitted outright on waterfront lots in the Urban General
22 Environment as either principal or accessory uses:

23
24 * * *

25
26 F. The following utilities:

27 1. Utility lines,

28 2. Utility service uses whose operations require a shoreline location((; and)),

29 3. Solid waste transfer stations that are water-related, and

30 4. Minor communication utilities, except freestanding transmission towers;

31
32 * * *

33
34 **Section 19.** Subsection D of Section 23.60.786 of the SMC, which Section was last
35 amended by Ordinance 113764, is further amended as follows:

36
37 **23.60.786 Prohibited principal uses on waterfront lots in the UG Environment.**

38
39 The following uses are prohibited as principal uses on waterfront lots in the UG
40 Environment:

41
42 * * *

43
44 D. The following utilities:

DA&CM

Telecommunications Shoreline Ord.

September 17, 2002

V #3 (As Passed out of Land Use Committee)

1. Major ((C))communication utility,
2. Solid waste transfer stations, non-water-dependent,
3. Power plants, ((and))
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 20. Subsection D of Section 23.60.812 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.812 Height in the UG Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet (4') above the maximum height.

3. The following rooftop features may extend ten feet (10') above the maximum height 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; and

b. Mechanical equipment.

* * *

Section 21. Subsection E of Section 23.60.840 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.840 Uses permitted outright on waterfront lots in the UI Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

* * *



E. The following utilities:

1. Utility lines,
2. Solid waste transfer stations, water-related, ((and))
3. Utility service uses whose operations require a shoreline location, and
4. Minor communication utilities, except freestanding transmission towers;

* * *

Section 22. Subsection D of Section 23.60.848 of the SMC, which Section was last amended by Ordinance 120610, is further amended as follows:

23.60.848 Principal uses prohibited on waterfront lots in the UI Environment.

The following principal uses are prohibited on waterfront lots in the UI Environment:

* * *

D. The following utilities:

1. Major ((C))communication utilities,
2. Solid waste transfer stations, non-water-dependent or non-water related,
3. Power plants, ((and))
4. Sewage treatment plants, located outside of the Duwamish area, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 23. Subsection C of Section 23.60.872 of the SMC, which Section was last amended by Ordinance 113466, is further amended as follows:

23.60.872 Height in the UI Environment.

* * *

C. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:
 - a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or
 - b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.
2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height set in subsections A and B of Section 23.60.632.



3. The following rooftop features may extend ten feet (10') above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 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; and
- b. Mechanical equipment.

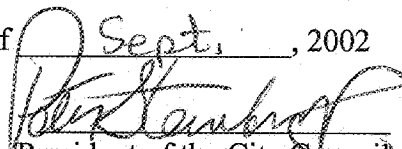
Section 24. Section 23.60.906 of the SMC, adopted by Ordinance 113466, is amended as follows:

23.60.906 "C."

"Communication Devices and Utilities (and related terms). See Section 23.84.006
"C."

Section 25. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after its presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 23rd day of Sept., 2002, and signed by me in open session in authentication of its passage this 23rd day of Sept., 2002


President of the City Council

Approved by me this 2 day of October, 2002


Mayor

Filed by me this 3rd day of October, 2002


City Clerk

(SEAL)



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

May 20, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

I am transmitting the attached ordinance for Council consideration.

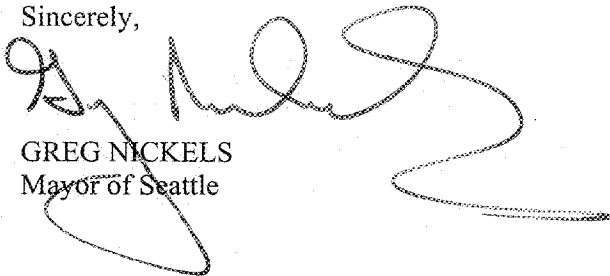
This legislation would amend the shoreline portion of the Land Use Code regulations governing telecommunication facilities and devices. I have reviewed this legislation, prepared by the Department of Design, Construction and Land Use, and concur with their recommendations. The overall approach of the proposed amendments to the Land Use Code, as well as the original legislation that adopted the existing telecommunication regulations, is to ensure that negative impacts associated with these facilities are avoided or minimized. The legislation consists of two ordinances, one to amend the Shoreline portion of the Land Use Code, and one to amend other portions of the Land Use Code as well as the SEPA Environmental Health policy in Title 25 of the Municipal Code. The enclosed ordinance deals with the shoreline portion of the Land Use Code. Details of the ordinance are discussed in the Director's Report.

DCLU completed environmental review on the two proposed ordinances and issued a Determination of Non-Significance (no environmental impact statement required) on August 20, 2001. The DNS was not appealed. Implementation costs associated with this legislation will be minor, and can be accommodated within existing resources and will be borne by the applicant as part of fees charged for project review.

A public hearing on this legislation will be required under SMC 23.76 and will be scheduled before the City Council's Land Use Committee.

Thank you for your consideration of this legislation. Should you have questions please contact Cliff Marks at 684-8372.

Sincerely,


GREG NICKELS
Mayor of Seattle

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City of Seattle
Department of Design,
Construction and Land Use

DIRECTOR'S REPORT AND RECOMMENDATION

Proposed Land Use Code Amendments To Regulations Dealing with Telecommunication Utilities

May 13, 2002

INTRODUCTION AND BACKGROUND

The Department of Design, Construction and Land Use is proposing legislation to amend the Land Use Code to modify regulations governing telecommunication facilities and devices. There are two types of communication utilities, Major and Minor. Major communication utilities are TV and radio towers such as those located on Queen Anne and Capitol Hills. Minor communication utilities provide several types of service but the most common are wireless facilities serving cellular telephone users. The majority of this proposed legislation addresses Minor Communication Utilities.

The proposed Land Use Code amendments address location and placement of devices, review processes based on type of devices and corresponding zones, height limits, mitigation of visual impacts, and regulations due to proximity to landmarks and/or historical structures. The legislation consists of two ordinances, one to amend the Shoreline portion of the Land Use Code, and one to amend other portions of the Land Use Code as well as the SEPA Environmental Health policy in Title 25 of the Municipal Code.

Earlier versions of these ordinances were submitted to the City Council and a public hearing was held in February 2000. After the February 2000 public hearing, and in response to issues raised at the hearing, the City Council directed DCLU to make changes to the proposal, mainly with respect to improving the way visual impacts are addressed and the criteria that deal with establishing the "need" to locate in specific zones. A new draft was prepared in November 2000 and submitted for public comment. Upon further consideration of public comment and industry input, a final recommendation has now been prepared for the Council's consideration.



Goals and Objectives of the Proposed Legislation

The original purpose of these proposed amendments was to bring the Municipal Code into compliance with federal and state laws (Federal Telecommunications Act, Federal Communications Commission Rules, Washington State legislation - RCW 43.21C.0384). These laws, adopted in 1996 and 1997, removed or diminished local jurisdictions' authority over various types of telecommunication facilities. The Federal Telecommunications Act of 1996 was approved to spur competition in all communication services. The Washington State legislature subsequently adopted a bill that exempts certain personal wireless services facilities from local regulatory review. Later, the Federal Communication Commission (FCC) adopted rules that preempt local zoning regulations of certain small satellite earth station antennas and certain direct-to-home video services. As a result of these laws, especially with regard to encouraging competition among providers of cellular telephones and other personal communication services, Seattle (along with much of the rest of the country) experienced a significant number of new antennas being installed on rooftops, on buildings, and a few on monopoles.

In addition to the changes mandated by federal and state law, most of the recommended changes are based on concerns that have been raised by applicants, community members, and staff, concerning ways that the code could be improved in terms of greater consistency and clarity, and in effectiveness in dealing with the impacts of telecommunication facilities, especially visual impacts. The proposed amendments would change development standards concerning major institutions, general screening requirements, landmarks and special review districts, rooftop coverage, among others, to meet local objectives and to respond to evolving technology involved with provision of wireless and other services.

The proposed amendments are also designed to meet the objectives of Seattle's existing telecommunication regulations and Seattle Comprehensive Plan goals on telecommunications. Seattle Comprehensive Plan goal L357 states: "recognize the public benefit provided but only allow these utilities in locations where impacts can be mitigated...." Also, Goal L362 states that "Minor communication utilities shall be developed in such a manner as to minimize impacts on nearby areas. Consideration shall be given to the following criteria: visual impacts, proximity to schools, neighborhood compatibility, land use and other impacts."

The overall approach of the proposed amendments to the Land Use Code, as well as the original legislation that adopted the existing telecommunication regulations, is to ensure that these impacts are avoided or minimized. And the standards and approval criteria are based on the underlying zone. The regulations are much more restrictive with respect to the type of approval required (Council Conditional Use, Administrative Conditional Use, or permitted outright), and development standards applied (such as screening requirements), in residential (especially Single Family) zones, less restrictive in commercial zones, and even less so in downtown and industrial zones.



EVALUATION OF ALTERNATIVES AND RECOMMENDATIONS

Following is a discussion of some of the major aspects of the proposal, the issues involved, the alternatives considered, and the recommendations contained in the proposed legislation. A more complete list of the proposed changes is contained in Attachment A.

Visual Impacts of Minor Communication Utilities

A main focus of these proposed changes is to improve the way the City addresses the visual impacts of telecommunication facilities. These proposed amendments promote the incorporation of new minor communication utilities into the architecture of existing buildings; the standards could be varied through a design review process. This is the approach of many jurisdictions; other jurisdictions' standards are often more stringent than Seattle's current ones. In addition, the current code requires measures, such as screening, to mitigate visual impacts only in cases where telecommunication facilities are to be located adjacent to or across a street from a public park or residentially zoned lot. The proposed regulations would require that visual impacts be addressed in and throughout all zones. The somewhat "discretionary" nature of the new visual impact standards may present challenges in implementation; however, this is an appropriate approach since it is preferable to overly specific standards (such as the current "Two-thirds of the height of the antenna shall be screened"); flexibility is often required to effectively address specific locational circumstances.

Type of Approval Required for Minor Communication Utilities

A summary chart of the types of approval required, by zone, both by the existing Land Use Code and under the proposed changes is contained in Attachment B.

Single Family Zones Since the number of cell sites is expanding rapidly, and the need for serving residential areas is growing, there have been a number of recent proposals for wireless facilities to locate on non-residential structures, such as churches, in single family zones. It is likely that these proposals will continue to increase. Council Conditional Use (CCU) approval in these cases is not practical or advisable especially given the number of likely new proposals, the advent of new visual impact standards, and the tougher criteria for approving freestanding transmission towers. Therefore, the proposed amendments would limit instances where a CCU is required -- only an Administrative Conditional Use (ACU) approval would be required when a utility is to be located on a nonresidential structure such as a church or non-conforming commercial building. The proposal is based on the belief that only very large and intrusive projects should require Council approval. (Note: a CCU would still be required to locate a minor communication utility on vacant land or on an existing single family structure; and a more restrictive criterion must be met: the applicant must prove that the utility is needed in that specific location to fill a "significant gap" in service.)

The proposed amendments would permit outright new minor communication utilities locating on existing towers. According to the current regulations an ACU approval for

such co-location is required in the following circumstances: always in residential zones and when the new facility would be located above the height limit in commercial zones. The proposed change would promote co-location, which has always been a goal of the telecommunication regulations; this change would reduce the need for new freestanding towers or location of new utilities on existing buildings. In addition, the proposal contains visual impact standards for locating facilities on existing towers. Therefore, the proposal would deal with the main concerns that are typically raised with ACU approvals: visual impacts and commercial intrusion into residential zones.

It is also proposed that mechanical equipment associated with off-site antennas (in the right-of-way or on another lot) be allowed outright as long as the equipment is enclosed within a structure, no radiofrequency radiation is emitted (e.g., is not an antenna), and all the development standards of the zone are met. Conditional use approval is not justified given that all development standards of the underlying zone would be met even if a new structure were built to accommodate the equipment. "Commercial intrusion" (an existing conditional use criterion) is not an issue because the equipment would not be visible and no dwelling units could be eliminated in residential zones.

Industrial Zones The proposal would continue to permit all facilities outright in these zones. An issue has been raised as to whether freestanding towers should require Administrative Conditional Use approval in some industrially zoned areas (such as surrounding Lake Union and the Ship Canal, along Elliott Bay west of Queen Anne Hill, and along Harbor Avenue in West Seattle) as is proposed for all new towers in commercial zones. It has been argued that by allowing freestanding transmission towers outright in industrial zones, there could be a whole series of towers located where there are narrow bands of industrial zoning near residential areas. However, the approach historically has been to encourage communication utilities to locate in industrial areas, and we continue to believe this is the appropriate.

Criteria for Approval of Minor Communication Utilities

Existing Land Use Code criteria have historically been insufficient in addressing concerns related to the siting of minor communication utilities, especially the criterion that required applicants to show a "need" to locate in residential zones. Also, similar concerns have been treated differently in different zones. The proposed amendments would simplify the review criteria and provide consistency between zones. For example, the criteria for a new transmission tower would be the same in all residential and commercial zones. A listing of the proposed new criteria, by zone, is presented in Appendix C.

For any facility in residential zones: In general, for the basic type of approval in residential zones, rather than demonstrating a "need" to be located in the residential zones, the focus would be on addressing the impacts of the new facilities, especially visual impacts, of locating in the zone. A criterion has also been added that states that the facility and location shall be the least intrusive facility at the least intrusive location. In

addition, if height limits are to be exceeded, and especially if a new freestanding tower is proposed, additional tougher criteria would need to be met.

A proposal to establish a quantifiable standard (relating to the quality of reception or relating to the percentage of calls that cannot be handled by the existing cell phone network) for approval was considered, rather than the more subjective existing criterion that requires the applicant to show the "need" to be located in a residential zone or to exceed the height limit. However, a quantifiable standard would be somewhat arbitrary and, with the proliferation of these facilities, such a standard could be difficult to implement. As noted, the criteria that is proposed for facility approval in residential zones is based on the impacts that may be anticipated from the new facility and are designed to ensure that these impacts are minimized. And, as also noted, when the height limit would be exceeded, or if the proposal is for a new freestanding tower, then additional criteria would need to be met (see below). We determined that these standards address the most important issues.

To exceed height limit in single family, multifamily, or commercial zones: The proposed amendments would require that the applicant show that the requested height is the minimum necessary for the effective functioning of the minor communication utility. An earlier version of the proposed amendments also contained a criterion that would require the applicant to show that an alternative of several smaller facilities on other sites is not "technically feasible" if they want to exceed the height limit. The "technically feasible" criterion may be difficult to meet. The industry believes that what is technically feasible may be prohibitively expensive. We are getting many applications for antennas to be located on the rooftops of existing structures, sometimes exceeding the height limit by only a few feet. Requiring this difficult criterion to be met for all these cases might be problematic. Also, requiring several alternative sites, with their accompanying impacts, may not be justified as an alternative to a rooftop antenna that would barely exceed the height limit. The overall impacts of these several alternative sites would outweigh the impacts of the one rooftop antenna that exceeded the height limit. Therefore, the final proposal does not contain this criterion. However, this criterion is appropriate with respect to the establishment of new freestanding towers (see below).

For freestanding towers: As noted, the proposal promotes a greater number of smaller sites as an alternative to new freestanding towers. An issue is whether this is, in fact, better than one large tower. Some might argue that more sites would create greater visual impacts, and one citizen has called for fewer, larger towers that look like pine trees. However, we believe, on balance, that several small sites would be less obtrusive than a large freestanding tower. Also, even though the "technically feasible" criterion may be difficult to meet, it is justified since the intent is to strongly discourage the construction of new freestanding towers.

Nonconforming Facilities

A citizen has raised the question as to whether existing minor communication utilities that become nonconforming as to the new visual impact provisions should be required to

be brought into conformity with the new code when new facilities are added, or over a certain specified period. We have chosen to propose such a requirement only when a third minor communication utility would locate on the same site in a Single Family zone in order to prevent the appearance of "antenna farms" in these sensitive residential areas. Otherwise, we believe that such retrofitting is not needed, given the fact that the new visual impact requirements will greatly increase the number of new utilities that have to meet new, tougher design standards. It is proposed that this issue be taken up at a later date after monitoring the results of the new regulations with respect to visual impacts.

CONCLUSION

A list of the major proposed changes to the existing code are contained in Attachment A that follows. In some instances it will be easier for minor communication utilities to locate in certain areas, such as on existing towers or on minor institutions in single family zones. But in other cases it will be more difficult to locate certain minor communication utilities, such as freestanding towers. Also, much more effective visual impact standards are proposed. The changes will also bring the City into conformity with federal and state regulations dealing with telecommunication facilities. In general, these amendments will improve how the City regulates these uses.



Attachment A

List of Major Proposed Changes to Existing Code

Following are the main proposed changes to the Land Use Code:

General Provisions

- Require removal of unused telecommunication equipment (poles, antennas, etc.).
- Allow co-location of minor communication utilities on existing major communication utilities to reduce the potential for more monopoles. In addition, new minor communication utilities would also be permitted outright on existing minor communication utility freestanding towers.
- Permit outright in all zones, except in single family structures in Single Family zones, minor communication utilities that are contained wholly within a structure as long as it does not result in loss of a dwelling unit in residential zones.
- Permit outright in all zones mechanical equipment associated with minor communication antennas located on another site or in the right-of-way, as long as the equipment is enclosed within a structure that conforms to the development standards of the zone.

Development Standards

- Eliminate the 10 foot from property line setback requirement in Single Family and Commercial zones. The current code has resulted in the need for taller facilities when they are required to locate back from the edge of the building. The proposed visual impact standards (see below) encourage incorporation into the architecture of the building. This is often more feasible if the facility can be incorporated into the parapet at the building's edge.
- Incorporate rooftop open space provisions (which are already in Lowrise zones) into Midrise, Highrise and Downtown zones; these provisions require specified separation between transmitting antennas and required open space located on rooftops.
- Limit minor communication utilities/accessory devices in Commercial zones to 15 feet above the height of the building or 15 feet above the height limit, whichever is less; the current code permits facilities to go 15 feet above the height limit; the proposed regulations are designed to prevent "monopoles" on top of short buildings.
- Also limit minor communication utilities/accessory devices Downtown to 15 feet above the height of the building or 15 feet above the height limit, whichever is less. However, such facilities and accompanying screening could be permitted through design review as long as the height of the utility does not exceed ten percent of the maximum height of the zone.

Visual Impacts

- A new code section is devoted entirely to addressing and mitigating visual impacts and establishing design standards for telecommunication devices and infrastructure as noted in the body of this report. See proposed Section 23.57.016.



- When a third minor communication utility would locate on the same site in a Single Family zone, all existing utilities must also be screened or otherwise brought into conformity with this new code section.

Type of Approval Required and Approval Criteria for Minor Communication Utilities, By Zone

A summary of the proposed changes for types of approval required, by zone, are contained in Attachment B. Attachment C lists the criteria that would apply for conditional use approval in single family, multifamily, and commercial zones.

Single Family Zones Facilities to be located on single family houses or vacant lots would continue to require a Council Conditional Use (CCU) approval. The proposed regulations require that such a use would only be permitted if it can be demonstrated that the location on the specific site is required to fill a “significant gap” in wireless services; see proposed Section 23.57.009A. Facilities to be located on all other locations (institutions, non-conforming commercial, etc.) would only need Administrative Conditional Use (ACU) approval. The current code requires CCU approval for all locations except on an existing utility or public facility, in which case an ACU is required.

Lowrise, Midrise and Highrise Zones Proposed revised criteria for ACU approval in these zones is included in Attachment C.

Commercial Zones It is proposed that an ACU be required anywhere in Neighborhood Commercial (NC), Commercial (C), and Seattle Cascade Mixed (SCM) zones for minor communication utilities that would exceed the height limit of the zone and for new free standing transmission towers. The existing code only requires an ACU if the facility would exceed the height limit in two instances: a) anywhere in NC zones, and b) on lots adjacent to single family zones in C zones.

Pike Market Mixed, Pioneer Square Mixed, and International District zones Continue to prohibit major communication utilities, while permitting minor communication utilities; up to 4 feet additional height above the roof is permitted outright, while greater height would require an ACU approval. Current requirements for a Department of Neighborhoods Certificate of Approval are unchanged.

Major Institutions Allow an ACU for major institutions with underlying residential zoning even if telecommunication facilities are larger than that permitted in the residential zone; the antenna must be at least 100 feet inside the Major Institution Overlay boundary and be substantially screened from the surrounding neighborhood’s view. An ACU would not be required if a Major Institution Master Plan has been adopted that addresses telecommunication facilities.



Definitions and Exemptions

- Expanded or modified definitions, development standards and review criteria are included for Personal Wireless Facilities, Fixed Wireless Service, Amateur Radio Towers, Dish Antennas, Minor Communication Utilities, Accessory Communication Devices, Freestanding Transmission Towers, Utility Service Use, and all other telecommunication devices and infrastructure regulated under the SMC. In general, federal definitions are used where appropriate.
- Exemptions from the regulations reflect federal preemptions on the type and size of antennas or services that local governments are permitted to regulate.

Other

- Amend the SEPA "Environmental Health" policy to incorporate the FCC preemption over radiofrequency emissions for personal wireless facilities.

Shorelines

- Regulations would distinguish between major and minor communication utilities and accessory communication devices throughout the shoreline ordinance.
- Major communication utilities would continue to be prohibited in the shoreline.
- Minor communication utilities and accessory communication devices (except free standing transmission towers) would be permitted only in shoreline environments where non-water dependent commercial uses are already permitted (Urban Stable, Urban Harborfront, Urban Maritime, Urban General, Urban Industrial).
- Urban Harborfront provisions are modified to reflect height limits downtown. (Minor communication utilities/accessory devices limited to 15 feet above the height of the building or 15 feet above the height limit, whichever is less.)

Attachment B:
**Summary of Changes From Existing Code Regarding Type of Approval
and Criteria for Approval of Minor Communication Utilities, By Zone**

Zone(s)	Existing Code	Proposed Changes
RSL, SF	<ul style="list-style-type: none"> • Council Conditional Use (CCU) except if on existing utility or public facility. • Administrative Conditional Use (ACU) required for locating on existing public facility or utility. 	<ul style="list-style-type: none"> • Permitted outright if locating on existing tower; must meet visual impact standards. • Only ACU required if on non-residential structure. • Approval criteria rewritten and additional criteria if proposal exceeds height limit or is a new free standing tower.
Multifamily	ACU in all cases	<ul style="list-style-type: none"> • Permitted outright if locating on existing tower; must meet visual impact standards. • Approval criteria rewritten and additional criteria if proposal exceeds height limit or is a new free standing tower.
Commercial	<ul style="list-style-type: none"> • In Neighborhood Commercial (NC) zones ACU required only if height would be exceeded • In Commercial (C) zones ACU is required only if height limit would be exceed on lots next to a single family zone 	<ul style="list-style-type: none"> • Permitted outright if locating on existing tower; must meet visual impact standards. • ACU required throughout zone if would exceed height limit, or existing building height, by more than 15', whichever is less. • Approval criteria rewritten and additional criteria if proposal exceeds height limit or is a new free standing tower.
Downtown	Allowed outright	Add restriction as to height: cannot exceed height limit, or existing building height, by more than 15', whichever is less. Additional height may be obtained through the design review process.
Industrial	Allowed outright	No change



Attachment C
Proposed Minor Communication Utilities Conditional Use Criteria

Single Family Zone -- on lot with single family house or vacant lot -- Requires Council Conditional Use (CCU)	
Basic criteria	<ul style="list-style-type: none">• Prohibited except if a personal wireless facility meets the criteria contained in section 23.57.009A (is needed to fill "significant gap" in wireless service)• In addition, if located on a lot developed with a single family dwelling, the proposed minor communication utility must be clearly incidental to the use of the property as a dwelling
Additional criteria if proposal would exceed height limit	<ul style="list-style-type: none">• The requested height is the minimum necessary for the effective functioning of the minor communication utility
Additional criteria if proposal is a transmission tower	<ul style="list-style-type: none">• That it is not technically feasible for the utility to be employed at an alternative location on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a utility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered



Single Family Zone - On same lot but not accessory to institutions, public facilities, major institutions, or existing non-conforming commercial use-- Requires Administrative Conditional Use (ACU)

Basic criteria	<ul style="list-style-type: none"> • The minor utility shall not be significantly detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units • The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable • Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when: a.) the antenna is at least one hundred feet (100') from a MIO boundary, and b.) the antenna is substantially screened from the surrounding neighborhood's view
Additional criteria if proposal would exceed height limit	<ul style="list-style-type: none"> • The requested height is the minimum necessary for the effective functioning of the minor communication utility
Additional criteria if proposal is a transmission tower	<ul style="list-style-type: none"> • That it is not technically feasible for the utility to be employed at an alternative location on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a utility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered



Lowrise, Midrise, Highrise Zone – all projects require ACU	
Basic criteria	<ul style="list-style-type: none"> • The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units • The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable • Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when: a.) the antenna is at least one hundred feet (100') from a MIO boundary, and b.) the antenna is substantially screened from the surrounding neighborhood's view
Additional criteria if proposal would exceed height limit	<ul style="list-style-type: none"> • The requested height is the minimum necessary for the effective functioning of the minor communication utility
Additional criteria if proposal is a transmission tower	<ul style="list-style-type: none"> • That it is not technically feasible for the utility to be employed at an alternative location on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a utility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered

Commercial (NC and C) Zones – project requires an ACU only if it is a transmission tower or would exceed the height limit; other facilities are permitted outright

Basic criteria	<ul style="list-style-type: none"> The proposal shall not result in a significant change in the pedestrian or retail character of the commercial area
Additional criteria if proposal would exceed height limit	<ul style="list-style-type: none"> The requested height is the minimum necessary for the effective functioning of the minor communication utility
Additional criteria if proposal is a transmission tower	<ul style="list-style-type: none"> That it is not technically feasible for the utility to be employed at an alternative location on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a utility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.

ORDINANCE

AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.394, 23.60.420, 23.60.484, 23.60.488, 23.60.544, 23.60.572, 23.60.600, 23.60.606, 23.60.632, 23.60.660, 23.60.662, 23.60.668, 23.60.692, 23.60.720, 23.60.728, 23.60.730, 23.60.752, 23.60.780, 23.60.786, 23.60.812, 23.60.840, 23.60.848, 23.60.872, and 23.60.906 to regulate telecommunication utilities in the shoreline environments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection D of Section 23.60.394 of the SMC, which Section was last amended by Ordinance 116325, is further amended as follows:

23.60.394 Height in the CR Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles and chimneys may extend ten feet (10') above the maximum height limit.
2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height limit.

* * *

Section 2. Subsection A of Section 23.60.420 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.420 Uses permitted outright on waterfront lots in the CM Environment.

Uses permitted outright on waterfront lots in the CM Environment. The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

A. Utilities:

1. Utility lines, and
2. Utility service uses whose operations require a shoreline location, excluding communication utilities;

* * *

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, and religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent 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 (5) feet from the roof edge; and

d. Chimneys.

* * *

Section 7. Subsection E of Section 23.60.600 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.600 Uses permitted outright on waterfront lots in the US Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

* * *

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

* * *

Section 8. Subsection F of Section 23.60.606 of the SMC, which Section was last amended by Ordinance 118663, is further amended as follows:

23.60.606 Prohibited uses on waterfront lots in the US Environment.

The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

* * *

F. The following utilities:

1. Major ((C))communication utilities,
2. Solid waste transfer stations,
3. Power plants(~~(;and))~~,
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 9. Subsection D of Section 23.60.632 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.632 Height in the US Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, smokestacks, chimneys, flagpoles, and religious symbols 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 rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four feet (4') 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, so long as the combined total 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. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen feet (15') from the roof edge.

* * *

Section 10. Existing Subsections D, E, F and G and a new subsection H of Section 23.60.660 of the SMC, adopted by Ordinance 113466, are amended or added as follows:

23.60.660 Uses permitted outright on waterfront lots in the UH Environment.

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

* * *

D. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,
2. Maritime museums,
3. Colleges that have water-dependent or water-related facilities,
4. Community centers,
5. Vocational schools, water-dependent or water-related,
6. Community yacht, boat, and beach clubs, and
7. ~~((Day))~~ Child care centers when located above wharf level;

E. The following public facilities:

1. Public facilities, water-dependent or water-related, and
2. Public facilities that are part of an approved public improvement plan for the Harbor~~((--))~~front adopted by the Council;

F. Shoreline Recreation; ~~((and))~~

G. Aquaculture; and

H. Minor communication utilities, except freestanding transmission towers.

Section 11. Subsection A of Section 23.60.662 of the SMC, which Section was adopted by Ordinance 119929, is amended as follows:

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

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

* * *

A. The following utilities:

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

* * *

Section 12. Subsection D of Section 23.60.668 of the SMC, which Section was last amended by Ordinance 119929, is further amended as follows:

23.60.668 Prohibited uses on waterfront lots in the UH Environment.

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

* * *

D. The following utilities:

1. Solid waste transfer stations,
2. Power plants, ((and))
3. Sewage treatment plants,
4. Major communication utilities, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 13. Section 23.60.692 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.692 Height in the UH Environment.

* * *

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

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

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

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

- (1) Solar collectors;
- (2) Stair and elevator penthouses;
- (3) Mechanical equipment; and

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

d. Radio and television receiving ~~((aerials))~~ antennas, excluding dishes; religious symbols for religious institutions; ~~((transmission towers;))~~ smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten (10) feet from all lot lines.

e. Minor communication utilities shall be governed by Section 23.57.013 B2.

4. Bridges. Bridges may exceed the maximum height limits.

Section 14. Subsection C of Section 23.60.720 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

C. The following utilities:

1. Utility lines, ~~((and))~~

2. Utility public service uses whose operations require a shoreline location,

and

3. Minor communication utilities, except freestanding transmission towers;

Section 15. Subsection E of Section 23.60.728 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:

23.60.728 Prohibited uses on waterfront lots in the UM Environment.

The following principal uses are prohibited on waterfront lots:

* * *

E. The following utilities:

1. Major ~~((C))~~ communication utilities,

2. Solid waste transfer stations,

3. Power plants,

4. Sewage treatment plants, and

5. Freestanding transmission towers for minor communication utilities;

* * *

Section 16. Subsection A of Section 23.60.730 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:

23.60.730 Permitted uses on upland lots in the UM Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

- (1) Sale of boat parts or accessories,
- (2) Personal and household retail sales and service uses,
- (3) Medical services,
- (4) Animal services,
- (5) Automotive retail sales and service,
- (6) Eating and drinking establishments,
- (7) Nonhousehold sales and services,
- (8) Wholesale showroom, mini-warehouse, warehouse and

outdoor storage,

- (9) Cargo terminals, non-water-dependent,
- (10) Personal transportation services,
- (11) Passenger terminals, non-water-dependent,
- (12) Transit vehicle base,
- (13) Food processing,
- (14) Custom and craft work,
- (15) Offices except in the Lake Union area, and
- (16) Research and development laboratories;

b. Recycling centers;

c. Light and general manufacturing uses, non-water-dependent;

((and))

d. Public facilities; and

e. Minor communication utilities, except freestanding transmission towers.

* * *

Section 17. Subsection D of Section 23.60.752 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.752 Height in the UM Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

1 a. No closer to any adjoining lot line than fifty percent (50%) of their
2 height above existing grade; or

3 b. If attached only to the roof, no closer to any adjoining lot line than
4 fifty percent (50%) of their height above the roof portion where attached.

5 2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls
6 may extend four feet (4') above the maximum height.

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

11 a. Stair and elevator penthouses;

12 b. Mechanical equipment.

13 * * *

14
15
16 **Section 18.** Subsection F of Section 23.60.780 of the Seattle Municipal Code, which
17 Section was adopted by Ordinance 113466, is amended as follows:

18
19 **23.60.780 Uses permitted outright on waterfront lots in the UG Environment.**

20
21 The following uses shall be permitted outright on waterfront lots in the Urban General
22 Environment as either principal or accessory uses:

23 * * *

24
25
26 **F. The following utilities:**

27 1. Utility lines,

28 2. Utility service uses whose operations require a shoreline location((; and)),

29 3. Solid waste transfer stations that are water-related, and

30 4. Minor communication utilities, except freestanding transmission towers;

31 * * *

32
33
34 **Section 19.** Subsection D of Section 23.60.786 of the SMC, which Section was last
35 amended by Ordinance 113764, is further amended as follows:

36
37 **23.60.786 Prohibited principal uses on waterfront lots in the UG Environment.**

38
39 The following uses are prohibited as principal uses on waterfront lots in the UG
40 Environment:

41 * * *

42
43
44 **D. The following utilities:**

1. Major ((€))communication utility,
2. Solid waste transfer stations, non-water-dependent,
3. Power plants, ((and))
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 20. Subsection D of Section 23.60.812 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.812 Height in the UG Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet (4') above the maximum height.

3. The following rooftop features may extend ten feet (10') above the maximum height 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; and

b. Mechanical equipment.

* * *

Section 21. Subsection E of Section 23.60.840 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.840 Uses permitted outright on waterfront lots in the UI Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

* * *

E. The following utilities:

1. Utility lines,
2. Solid waste transfer stations, water-related, ((and))
3. Utility service uses whose operations require a shoreline location, and
4. Minor communication utilities, except freestanding transmission towers;

* * *

Section 22. Subsection D of Section 23.60.848 of the SMC, which Section was last amended by Ordinance 120610, is further amended as follows:

23.60.848 Principal uses prohibited on waterfront lots in the UI Environment.

The following principal uses are prohibited on waterfront lots in the UI Environment:

* * *

D. The following utilities:

1. Major ((C))communication utilities,
2. Solid waste transfer stations, non-water-dependent or non-water related,
3. Power plants, ((and))
4. Sewage treatment plants, located outside of the Duwamish area, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 23. Subsection C of Section 23.60.872 of the SMC, which Section was last amended by Ordinance 113466, is further amended as follows:

23.60.872 Height in the UI Environment.

* * *

C. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:
 - a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or
 - b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.
2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height set in subsections A and B of Section 23.60.632.

3. The following rooftop features may extend ten feet (10') above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 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; and
- b. Mechanical equipment.

* * *

Section 24. Section 23.60.906 of the SMC, adopted by Ordinance 113466, is amended as follows:

23.60.906 "C."

* * *

"Communication Devices and Utilities (and related terms). See Section 23.84.006
"C."

* * *

Section 25. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after its presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of ____, 2002, and signed by me in
open session in authentication of its passage this ____ day of ____, 2002

President of the City Council

Approved by me this ____ day of ____, 2002

Mayor

Filed by me this ____ day of ____, 2002

City Clerk

(SEAL)

ORDINANCE

AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.394, 23.60.420, 23.60.484, 23.60.488, 23.60.544, 23.60.572, 23.60.600, 23.60.606, 23.60.632, 23.60.660, 23.60.662, 23.60.668, 23.60.692, 23.60.720, 23.60.728, 23.60.730, 23.60.752, 23.60.780, 23.60.786, 23.60.812, 23.60.840, 23.60.848, 23.60.872, and 23.60.906 to regulate telecommunication utilities in the shoreline environments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection D of Section 23.60.394 of the SMC, which Section was last amended by Ordinance 116325, is further amended as follows:

23.60.394 Height in the CR Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ~~((aerials))~~ antennas, flagpoles and chimneys may extend ten feet (10') above the maximum height limit.
2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height limit.

* * *

Section 2. Subsection A of Section 23.60.420 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.420 Uses permitted outright on waterfront lots in the CM Environment.

Uses permitted outright on waterfront lots in the CM Environment. The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

A. Utilities:

1. Utility lines, and
2. Utility service uses whose operations require a shoreline location, excluding communication utilities;

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, and religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent 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 (5) feet from the roof edge; and

d. Chimneys.

* * *

Section 7. Subsection E of Section 23.60.600 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.600 Uses permitted outright on waterfront lots in the US Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

* * *

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

* * *

Section 8. Subsection F of Section 23.60.606 of the SMC, which Section was last amended by Ordinance 118663, is further amended as follows:

23.60.606 Prohibited uses on waterfront lots in the US Environment.

The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

* * *

F. The following utilities:

1. Major ((C))communication utilities,
2. Solid waste transfer stations,
3. Power plants((;and)),
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 9. Subsection D of Section 23.60.632 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.632 Height in the US Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, smokestacks, chimneys, flagpoles, and religious symbols 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 rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four feet (4') 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, so long as the combined total 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. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen feet (15') from the roof edge.

* * *

Section 10. Existing Subsections D, E, F and G and a new subsection H of Section 23.60.660 of the SMC, adopted by Ordinance 113466, are amended or added as follows:

23.60.660 Uses permitted outright on waterfront lots in the UH Environment.

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

* * *

D. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,
2. Maritime museums,
3. Colleges that have water-dependent or water-related facilities,
4. Community centers,
5. Vocational schools, water-dependent or water-related,
6. Community yacht, boat, and beach clubs, and
7. ~~((Day))~~ Child care centers when located above wharf level;

E. The following public facilities:

1. Public facilities, water-dependent or water-related, and
2. Public facilities that are part of an approved public improvement plan for the Harbor((-))front adopted by the Council;

F. Shoreline Recreation; ~~((and))~~

G. Aquaculture; and

H. Minor communication utilities, except freestanding transmission towers.

Section 11. Subsection B of Section 23.60.662 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

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

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

* * *

B. The following utilities:

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

* * *

Section 12. Subsection D of Section 23.60.668 of the SMC, which Section was last amended by Ordinance 113764, is further amended as follows:

23.60.668 Prohibited uses on waterfront lots in the UH Environment.

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

* * *

D. The following utilities:

1. Solid waste transfer stations,
2. Power plants, ((and))
3. Sewage treatment plants,
4. Major communication utilities, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 13. Section 23.60.692 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.692 Height in the UH Environment.

* * *

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

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

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

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

(1) Solar collectors;

(2) Stair and elevator penthouses;

(3) Mechanical equipment; and

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

d. Radio and television receiving ((aerials)) antennas, excluding dishes; religious symbols for religious institutions; ((transmission towers;)) smokestacks and

flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten (10) feet from all lot lines.

e. Minor communication utilities shall be governed by Section 23.57.013.B2.

4. Bridges. Bridges may exceed the maximum height limits.

Section 14. Subsection C of Section 23.60.720 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

C. The following utilities:

1. Utility lines, ((and))

2. Utility public service uses whose operations require a shoreline location,

and

3. Minor communication utilities, except freestanding transmission towers;

Section 15. Subsection E of Section 23.60.728 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:

23.60.728 Prohibited uses on waterfront lots in the UM Environment.

The following principal uses are prohibited on waterfront lots:

* * *

E. The following utilities:

1. Major ((C))communication utilities,

2. Solid waste transfer stations,

3. Power plants,

4. Sewage treatment plants, and

5. Freestanding transmission towers for minor communication utilities;

* * *

Section 16. Subsection A of Section 23.60.730 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:

23.60.730 Permitted uses on upland lots in the UM Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

2. Additional uses permitted outright on upland lots:



a. Commercial Uses.

- (1) Sale of boat parts or accessories,
- (2) Personal and household retail sales and service uses,
- (3) Medical services,
- (4) Animal services,
- (5) Automotive retail sales and service,
- (6) Eating and drinking establishments,
- (7) Nonhousehold sales and services,
- (8) Wholesale showroom, mini-warehouse, warehouse and outdoor storage,
- (9) Cargo terminals, non-water-dependent,
- (10) Personal transportation services,
- (11) Passenger terminals, non-water-dependent,
- (12) Transit vehicle base,
- (13) Food processing,
- (14) Custom and craft work,
- (15) Offices except in the Lake Union area, and
- (16) Research and development laboratories;

b. Recycling centers;

c. Light and general manufacturing uses, non-water-dependent;

((and))

d. Public facilities; and

e. Minor communication utilities, except freestanding transmission towers.

* * *

Section 17. Subsection D of Section 23.60.752 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.752 Height in the UM Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet (4") above the maximum height.

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

- a. Stair and elevator penthouses;
- b. Mechanical equipment.

* * *

Section 18. Subsection F of Section 23.60.780 of the Seattle Municipal Code, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.780 Uses permitted outright on waterfront lots in the UG Environment.

The following uses shall be permitted outright on waterfront lots in the Urban General Environment as either principal or accessory uses:

* * *

F. The following utilities:

1. Utility lines,
2. Utility service uses whose operations require a shoreline location ~~((; and))~~,
3. Solid waste transfer stations that are water-related, and
4. Minor communication utilities, except freestanding transmission towers;

* * *

Section 19. Subsection D of Section 23.60.786 of the SMC, which Section was last amended by Ordinance 113764, is further amended as follows:

23.60.786 Prohibited principal uses on waterfront lots in the UG Environment.

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

* * *

D. The following utilities:

1. Major ~~((C))~~ communication utility,
2. Solid waste transfer stations, non-water-dependent,
3. Power plants, ~~((and))~~
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 20. Subsection D of Section 23.60.812 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.812 Height in the UG Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ~~((aerials))~~ antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet (4') above the maximum height.

3. The following rooftop features may extend ten feet (10') above the maximum height 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; and

b. Mechanical equipment.

* * *

Section 21. Subsection E of Section 23.60.840 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.840 Uses permitted outright on waterfront lots in the UI Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

* * *

E. The following utilities:

1. Utility lines,

2. Solid waste transfer stations, water-related, ~~((and))~~

3. Utility service uses whose operations require a shoreline location, and

4. Minor communication utilities, except freestanding transmission towers;

* * *



Section 22. Subsection D of Section 23.60.848 of the SMC, which Section was last amended by Ordinance 181663, is further amended as follows:

23.60.848 Principal uses prohibited on waterfront lots in the UI Environment.

The following principal uses are prohibited on waterfront lots in the UI Environment:

* * *

D. The following utilities:

1. Major ((C))communication utilities,
2. Solid waste transfer stations, non-water-dependent,
3. Power plants, ((and))
4. Sewage treatment plants, located outside of the Duwamish area, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 23. Subsection C of Section 23.60.872 of the SMC, which Section was last amended by Ordinance 113466, is further amended as follows:

23.60.872 Height in the UI Environment.

* * *

C. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:
 - a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or
 - b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.
2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height set in subsections A and B of Section 23.60.632.
3. The following rooftop features may extend ten feet (10') above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 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; and
 - b. Mechanical equipment.

* * *

Section 24. Section 23.60.906 of the SMC, adopted by Ordinance 113466, is further amended as follows:

23.60.906 "C."

* * *

"C." "Communication Devices and Utilities (and related terms). See Section 23.84.006

* * *

Section 25. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after its presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2002, and signed by me in open session in authentication of its passage this ____ day of _____, 2002

President of the City Council

Approved by me this ____ day of _____, 2002

Mayor

Filed by me this ____ day of _____, 2002

City Clerk

(SEAL)



ORDINANCE

AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.394, 23.60.420, 23.60.484, 23.60.488, 23.60.544, 23.60.572, 23.60.600, 23.60.606, 23.60.632, 23.60.660, 23.60.662, 23.60.668, 23.60.692, 23.60.720, 23.60.728, 23.60.730, 23.60.752, 23.60.780, 23.60.786, 23.60.812, 23.60.840, 23.60.848, 23.60.872, and 23.60.906 to regulate telecommunication utilities in the shoreline environments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection D of Section 23.60.394 of the SMC, which Section was last amended by Ordinance 116325, is further amended as follows:

23.60.394 Height in the CR Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles and chimneys may extend ten feet (10') above the maximum height limit.
2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height limit.

* * *

Section 2. Subsection A of Section 23.60.420 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.420 Uses permitted outright on waterfront lots in the CM Environment.

Uses permitted outright on waterfront lots in the CM Environment. The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

A. Utilities:

1. Utility lines, and
2. Utility service uses whose operations require a shoreline location,
excluding communication utilities;

* * *



Section 3. Subsection G of Section 23.60.484 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.484 Special uses in the CW Environment.

The following uses may be authorized in the CW Environment by the Director if the special use criteria of Section 23.60.032 are satisfied:

* * *

G. Utility lines, excluding communication utilities;

* * *

Section 4. The title of Section 23.60.488 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.488 Prohibited uses in the CW Environment.

* * *

Section 5. Subsection B of Section 23.60.544 of the SMC, which Section was last amended by Ordinance 118663, is further amended as follows:

23.60.544 Prohibited uses on waterfront lots in the UR Environment.

The following uses shall be prohibited as principal uses on waterfront lots in the UR Environment:

* * *

B. The following utilities:

1. Major and minor ~~((C))~~communication utilit~~((y))~~ies,
2. Solid waste transfer stations,
3. Power plants, and
4. Sewage treatment plants;

* * *

Section 6. Subsection D of Section 23.60.572 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.572 Height in the UR Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, and religious symbols for religious institutions are exempt from the height limit, except as regulated in Chapter 23.64, Airport Height District, provided such features are:

a. No closer to any adjoining lot line than fifty (50) percent of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty (50) percent of their height above the roof portion where attached.

2. Open railings, planters, skylights, clerestories, monitors, solar greenhouses, parapets, and firewalls may extend four (4) feet above the maximum height.

3. The following rooftop features may extend ten (10) feet above the maximum height, so long as the combined total coverage of all features does not exceed fifteen (15) percent of the roof area or twenty (20) percent 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 (5) feet from the roof edge; and

d. Chimneys.

* * *

Section 7. Subsection E of Section 23.60.600 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.600 Uses permitted outright on waterfront lots in the US Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Stable environment as either principal or accessory uses:

* * *

E. The following utilities:

1. Utility lines,

2. Utility service uses whose operations require a shoreline location, and

3. Minor communication utilities, except freestanding transmission towers;

* * *

Section 8. Subsection F of Section 23.60.606 of the SMC, which Section was last amended by Ordinance 118663, is further amended as follows:

23.60.606 Prohibited uses on waterfront lots in the US Environment.



The following uses shall be prohibited as principal uses on waterfront lots in the US environment:

* * *

F. The following utilities:

1. Major ((C))communication utilities,
2. Solid waste transfer stations,
3. Power plants(~~(;and))~~),
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 9. Subsection D of Section 23.60.632 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.632 Height in the US Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving (~~((aerials))~~) antennas, smokestacks, chimneys, flagpoles, and religious symbols 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 rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four feet (4') 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, so long as the combined total 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. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen feet (15') from the roof edge.

* * *

Section 10. Existing Subsections D, E, F and G and a new subsection H of Section 23.60.660 of the SMC, adopted by Ordinance 113466, are amended or added as follows:



23.60.660 Uses permitted outright on waterfront lots in the UH Environment.

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

* * *

D. The following institutions:

1. Institutes for advanced study, water-dependent or water-related,
2. Maritime museums,
3. Colleges that have water-dependent or water-related facilities,
4. Community centers,
5. Vocational schools, water-dependent or water-related,
6. Community yacht, boat, and beach clubs, and
7. ~~((Day))~~ Child care centers when located above wharf level;

E. The following public facilities:

1. Public facilities, water-dependent or water-related, and
2. Public facilities that are part of an approved public improvement plan for the Harbor((-))front adopted by the Council;

F. Shoreline Recreation; ~~((and))~~

G. Aquaculture; and

H. Minor communication utilities, except freestanding transmission towers.

Section 11. Subsection A of Section 23.60.662 of the SMC, which Section was adopted by Ordinance 119929, is amended as follows:

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

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

* * *

A. The following utilities:

~~((1. Communication utilities that require a shoreline location;))~~

~~((2))~~ 1. Utility service uses that require a shoreline location, and

~~((3))~~ 2. Utility lines;

* * *

Section 12. Subsection D of Section 23.60.668 of the SMC, which Section was last amended by Ordinance 119929, is further amended as follows:



23.60.668 Prohibited uses on waterfront lots in the UH Environment.

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

* * *

D. The following utilities:

1. Solid waste transfer stations,
2. Power plants, ((and))
3. Sewage treatment plants,
4. Major communication utilities, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 13. Section 23.60.692 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.692 Height in the UH Environment.

* * *

C. Height Exceptions.

1. Cranes, gantries, mobile conveyors and similar equipment necessary for the functions of marinas, marine manufacturing, permitted commercial, industrial or port activities and servicing of vessels are exempt, provided such structures shall be designed to minimize view obstruction.

2. Flagpoles, masts, and light poles are exempt.

3. Rooftop Features.

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

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

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

- (1) Solar collectors;
- (2) Stair and elevator penthouses;
- (3) Mechanical equipment; and



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

d. Radio and television receiving ~~((aerials))~~ antennas, excluding dishes; religious symbols for religious institutions; ~~((transmission towers;))~~ smokestacks and flagpoles may extend up to fifty (50) feet above the roof of the structure on which they are located except as regulated in Chapter 23.64, Airport Height District, provided they are a minimum of ten (10) feet from all lot lines.

e. Minor communication utilities shall be governed by Section 23.57.013 B2.

4. Bridges. Bridges may exceed the maximum height limits.

Section 14. Subsection C of Section 23.60.720 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

C. The following utilities:

1. Utility lines, ~~((and))~~

2. Utility public service uses whose operations require a shoreline location,

and

3. Minor communication utilities, except freestanding transmission towers;

Section 15. Subsection E of Section 23.60.728 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:

23.60.728 Prohibited uses on waterfront lots in the UM Environment.

The following principal uses are prohibited on waterfront lots:

* * *

E. The following utilities:

1. Major ~~((C))~~ communication utilities,

2. Solid waste transfer stations,

3. Power plants,

4. Sewage treatment plants, and

5. Freestanding transmission towers for minor communication utilities;

* * *

Section 16. Subsection A of Section 23.60.730 of the SMC, which Section was last amended by Ordinance 118793, is further amended as follows:



23.60.730 Permitted uses on upland lots in the UM Environment.

A. Uses Permitted Outright.

1. Uses permitted outright on waterfront lots in the UM Environment are permitted outright on upland lots.

2. Additional uses permitted outright on upland lots:

a. Commercial Uses.

- (1) Sale of boat parts or accessories,
- (2) Personal and household retail sales and service uses,
- (3) Medical services,
- (4) Animal services,
- (5) Automotive retail sales and service,
- (6) Eating and drinking establishments,
- (7) Nonhousehold sales and services,
- (8) Wholesale showroom, mini-warehouse, warehouse and outdoor storage,
- (9) Cargo terminals, non-water-dependent,
- (10) Personal transportation services,
- (11) Passenger terminals, non-water-dependent,
- (12) Transit vehicle base,
- (13) Food processing,
- (14) Custom and craft work,
- (15) Offices except in the Lake Union area, and
- (16) Research and development laboratories;

b. Recycling centers;

c. Light and general manufacturing uses, non-water-dependent;

((and))

d. Public facilities; and

e. Minor communication utilities, except freestanding transmission towers.

* * *

Section 17. Subsection D of Section 23.60.752 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.752 Height in the UM Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, and flagpoles, are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:



1 a. No closer to any adjoining lot line than fifty percent (50%) of their
2 height above existing grade; or

3 b. If attached only to the roof, no closer to any adjoining lot line than
4 fifty percent (50%) of their height above the roof portion where attached.

5 2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls
6 may extend four feet (4') above the maximum height.

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

11 a. Stair and elevator penthouses;

12 b. Mechanical equipment.

13 * * *

14
15
16 **Section 18.** Subsection F of Section 23.60.780 of the Seattle Municipal Code, which
17 Section was adopted by Ordinance 113466, is amended as follows:

18
19 **23.60.780 Uses permitted outright on waterfront lots in the UG Environment.**

20
21 The following uses shall be permitted outright on waterfront lots in the Urban General
22 Environment as either principal or accessory uses:

23 * * *

24
25
26 F. The following utilities:

27 1. Utility lines,

28 2. Utility service uses whose operations require a shoreline location((; and)),

29 3. Solid waste transfer stations that are water-related, and

30 4. Minor communication utilities, except freestanding transmission towers;

31 * * *

32
33
34 **Section 19.** Subsection D of Section 23.60.786 of the SMC, which Section was last
35 amended by Ordinance 113764, is further amended as follows:

36
37 **23.60.786 Prohibited principal uses on waterfront lots in the UG Environment.**

38
39 The following uses are prohibited as principal uses on waterfront lots in the UG
40 Environment:

41 * * *

42
43
44 D. The following utilities:

1. Major ((C))communication utility,
2. Solid waste transfer stations, non-water-dependent,
3. Power plants, ((and))
4. Sewage treatment plants, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 20. Subsection D of Section 23.60.812 of the SMC, which Section was last amended by Ordinance 120117, is further amended as follows:

23.60.812 Height in the UG Environment.

* * *

D. Rooftop Features.

1. Radio and television receiving ((aerials)) antennas, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:

a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or

b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.

2. Railings, skylights, clerestories, solar collectors, parapets, and firewalls may extend four feet (4') above the maximum height.

3. The following rooftop features may extend ten feet (10') above the maximum height 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; and

b. Mechanical equipment.

* * *

Section 21. Subsection E of Section 23.60.840 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.840 Uses permitted outright on waterfront lots in the UI Environment.

The following uses shall be permitted outright on waterfront lots in the Urban Industrial Environment as either principal or accessory uses:

* * *



E. The following utilities:

1. Utility lines,
2. Solid waste transfer stations, water-related, ((and))
3. Utility service uses whose operations require a shoreline location, and
4. Minor communication utilities, except freestanding transmission towers;

* * *

Section 22. Subsection D of Section 23.60.848 of the SMC, which Section was last amended by Ordinance 120610, is further amended as follows:

23.60.848 Principal uses prohibited on waterfront lots in the UI Environment.

The following principal uses are prohibited on waterfront lots in the UI Environment:

* * *

D. The following utilities:

1. Major ((C))communication utilities,
2. Solid waste transfer stations, non-water-dependent or non-water related,
3. Power plants, ((and))
4. Sewage treatment plants, located outside of the Duwamish area, and
5. Freestanding transmission towers for minor communication utilities;

* * *

Section 23. Subsection C of Section 23.60.872 of the SMC, which Section was last amended by Ordinance 113466, is further amended as follows:

23.60.872 Height in the UI Environment.

* * *

C. Rooftop Features

1. Radio and television receiving ((aerials)) antennas, flagpoles, chimneys and smokestacks are exempt from height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided such features are:
 - a. No closer to any adjoining lot line than fifty percent (50%) of their height above existing grade; or
 - b. If attached only to the roof, no closer to any adjoining lot line than fifty percent (50%) of their height above the roof portion where attached.
2. Railings, skylights, clerestories, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height set in subsections A and B of Section 23.60.632.



3. The following rooftop features may extend ten feet (10') above the maximum height set in subsections A and B of Section 23.60.632, so long as the combined total coverage of all features listed in this subparagraph C3 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; and
- b. Mechanical equipment.

Section 24. Section 23.60.906 of the SMC, adopted by Ordinance 113466, is amended as follows:

23.60.906 "C."

"Communication Devices and Utilities (and related terms). See Section 23.84.006
"C."

Section 25. This ordinance shall take effect and be in force on whichever is the later of: the effective date of approval and adoption by the Department of Ecology; or thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after its presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2002, and signed by me in
open session in authentication of its passage this _____ day of _____, 2002

President of the City Council

Approved by me this _____ day of _____, 2002

Mayor

Filed by me this _____ day of _____, 2002

City Clerk

(SEAL)



2

STATE OF WASHINGTON – KING COUNTY

--SS.

150590
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

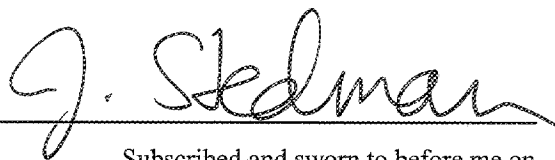
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published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

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

CT:ORDINANCE 120927

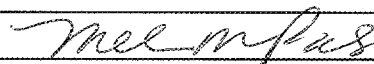
was published on

10/18/2002



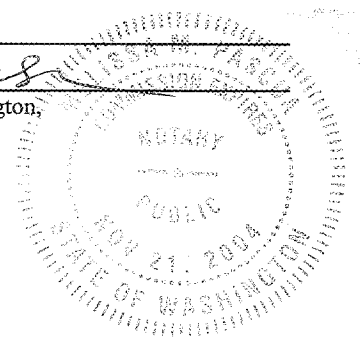
Subscribed and sworn to before me on

10/18/2002



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington

City of Seattle

ORDINANCE 130927

AN ORDINANCE relating to land use and shorelines, amending Sections 23.60.394, 23.60.420, 23.60.484, 23.60.488, 23.60.544, 23.60.572, 23.60.600, 23.60.606, 23.60.652, 23.60.660, 23.60.662, 23.60.668, 23.60.692, 23.60.730, 23.60.726, 23.60.730, 23.60.752, 23.60.780, 23.60.786, 23.60.812, 23.60.840, 23.60.846, 23.60.872, and 23.60.908 to regulate telecommunications utilities in the shoreline environments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection D of Section 23.60.394 of the SMC, which Section was last amended by Ordinance 116325, is further amended as follows:

23.60.394 Height in the CR Environment

D. Rooftop Features.

1. Radio and television receiving ~~((antennae))~~ antennas, flagpoles and chimneys may extend ten feet (10') above the maximum height limit.

2. Open railings, planters, skylights, clerestories, monitors, greenhouses, solar collectors, parapets and firewalls may extend four feet (4') above the maximum height limit.

Section 2. Subsection A of Section 23.60.420 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.420 Uses permitted outright on waterfront lots in the CM Environment.

Uses permitted outright on waterfront lots in the CM Environment. The following uses shall be permitted outright on waterfront lots in the Conservancy Management Environment as either principal or accessory uses:

A. Utilities:

1. Utility lines; and
2. Utility services uses whose operations require a shoreline location, excluding communication utilities.

Section 3. Subsection G of Section 23.60.484 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.484 Special uses in the CW Environment.

The following uses may be authorized in the CW Environment by the Director if the special use criteria of Section 23.60.632 are satisfied:

G. Utility lines, excluding communication utilities.

Section 4. The title of Section 23.60.488 of the SMC, which Section was adopted by Ordinance 113466, is amended as follows:

23.60.488 Prohibited uses in the CW Environment.

Section 5. Subsection B of Section 23.60.544 of the SMC, which Section was last amended by Ordinance 118663, is further amended as follows:

23.60.544 Prohibited uses on waterfront lots in the UH Environment.

The following uses shall be prohibited as

D. Rooftop Features.

1. Radio and television receiving ~~((antennae))~~ antennas, smokestacks, chimneys, flagpoles, and religious symbols for religious institutions are exempt from height controls, except as regulated in Chapter 25.84, Airport Height District, provided they are a minimum of ten feet (10') from any side or rear lot line.

2. Open rails, planters, skylights, clerestories, monitors, greenhouses, parapets, and firewalls may extend four feet (4') 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, so long as the combined total 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. Play equipment and open-mesh fencing which encloses it, so long as the fencing is at least fifteen feet (15') from the roof edge.

Section 10. Existing Subsections D, E, F and G and a new subsection H of Section 23.60.660 of the SMC, adopted by Ordinance 113466, are amended or added as follows:

23.60.660 Uses permitted outright on waterfront lots in the UH Environment.

The following uses shall be permitted over water or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

D. The following institutions:

1. Institutes for advanced study, water-dependent or water-related;
2. Maritime museums;
3. Colleges that have water-dependent or water-related facilities;
4. Community centers;
5. Vocational schools, water-dependent or water-related;
6. Community yacht, boat, and beach clubs; and
7. ~~((Day))~~ Child care centers when located above wharf level;

E. The following public facilities:

1. Public facilities, water-dependent or water-related, and
2. Public facilities that are part of an approved public improvement plan for the Harborfront adopted by the Council;

F. Shoreline Recreation; ~~((and))~~

G. Aquaculture; and

H. Minor communication utilities, except freestanding transmission towers.

Section 11. Subsection A of Section 23.60.662 of the SMC, which Section was adopted by Ordinance 119929, is amended as follows:

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

The following uses may be authorized over water or on dry-land portions of waterfront lots in the UH Environment by the Director as either principal or accessory uses if the special use criteria of Section 23.60.632 are satisfied:

A. The following utilities:

~~((2. Communication utilities that require a shoreline location.))~~

- ~~((4))~~ 1. Utility service uses that require a shoreline location; and
- ~~((4))~~ 2. Utility lines;

Section 12. Subsection D of Section 23.60.668 of the SMC, which Section was last amended by Ordinance 119929, is further amended as follows:

23.60.668 Prohibited uses on waterfront lots in the UH Environment.

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

D. The following utilities:

1. Solid waste transfer stations;
2. Power plants, ~~((and))~~
3. Sewage treatment plants;
4. Major communication utilities; and
5. Freestanding transmission towers for minor communication utilities.