

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5460

AN ORDINANCE amending the City of Bellevue Land Use Code regulations relating wireless communication facilities; amending Sections 20.10.440, 20.20.195, 20.20.525, 20.25B.020.B, 20.25B.040.A.1, 20.25B.040.E, 20.25L.020, 20.50.014, and 20.50.054; and establishing an effective date.

WHEREAS, the City of Bellevue finds that certain state and federal laws encouraging increased competition in the telecommunications industry, combined with ever-changing telecommunications technology is creating increased demand for deployment of wireless communication facilities in the public rights-of-way; and

WHEREAS, the City of Bellevue is obligated to manage its rights-of-way for the public health, safety and welfare; and

WHEREAS, deployment of wireless communication facilities in the rights-of-way may be managed to mitigate the impacts of such deployment; and

WHEREAS, certain wireless telecommunications facilities may be located outside of the public rights-of-way on private property with significant impacts on surrounding properties and land uses; and

WHEREAS, the development regulations adopted in this ordinance are deemed necessary by the City Council and are further deemed to be in the best interests of the public health, safety, and general welfare of the City and its residents; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act, RCW Chapter 43.21C, and the City Environmental Procedures Code, BCC Chapter 22.02 as to the development regulations herein; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 Transportation and Utilities Chart of the Land Use Code is hereby amended to read as follows:

Chart 20.10.440

Uses in land use districts

Transportation and Utilities

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
4	Transportation, Communications and Utilities											
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters											
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C11	C 11	C 11	C 11	C11	C11	C 11	C11	C11	C11	C11
	Accessory Parking 6	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages											
	Park and Ride 5	C	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios											
485	Solid Waste Disposal 19											
	Highway and Street Right-of-Way	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility 7											
	Off-Site Hazardous Waste Treatment and Storage Facility 8											
	Essential Public Facility 20	C	C	C	C	C	C	C	C	C	C	C
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
	Satellite Dishes 18	P	P	P	P	P	P	P	P	P	P	P

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office Limited Business – Open Space district (OLB-OS) are listed in LUC 20.25L.020.

* Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.

KEY	
P	PERMITTED USE
C	CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD	PERMITTED subject to planned unit development only. (See Part 20.30D)
A	ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S	Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

Uses in land use districts

Transportation and Utilities

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
4	Transportation, Communications and Utilities																
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters				P	P		P	P			A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services				P	C						S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11	C	C	C	C	C 11	C	C	C	C	C A 2,12	C A 2,12	C A 12			C A 2,12
	Accessory Parking 6	P	P	P	P	P	P	P	P	P	P	P 4	P 4	P 4	P 4	P 4	P 4
46	Auto Parking Commercial Lots and Garages			C	C	C		C	C	C	C	P13	P13	P13	A	P13	P13
	Park and Ride 5	C	C	C	C	C	C	C	C	C				A			A
475	Radio and Television Broadcasting Studios	P	P	P	P 10	P 10		P	P	P	P	P	P	P		P	P
485	Solid Waste Disposal 19				C												
	Highway and Street Right-of-Way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility 7			A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility 8				C												
	Essential Public Facility 20	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
	Satellite Dishes 18	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office Limited Business – Open Space district (OLB-OS) are listed in LUC 20.25L.020.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

Notes: Uses in land use district – Transportation and Utilities

- (1) (Deleted by Ord. 5086).
- (2) Aircraft transportation is limited to only heliports in Downtown-O-1, Downtown-O-2 and Downtown-OLB Districts.
- (3) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.
- (4) The location of an off-site parking facility must be approved by the Director of Planning and Community Development. See LUC 20.25A.050H.
- (5) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
- (6) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440.
- (7) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (8) Off-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (9) (Deleted by Ord. 5086).
- (10) These uses are permitted only if located in a multiple function building or complex.
- (11) Aircraft transportation is limited in these districts to government heliports used only for emergency purposes.
- (12) A roof top helicopter landing area which is utilized for life threatening emergencies only does not require conditional use approval.
- (13) Design Review approval, Part 20.30F LUC, or a Change of Use Permit is required to establish a commercial parking facility. Refer to LUC 20.25A.050E for additional development requirements.
- (14) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site in a residential land use district, or site that is developed with a residential use. This note does not prohibit locating WCF: a) on any residential structure or undeveloped site in R-20 or R-30 Land Use Districts; or b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district. Public facility structures are defined in LUC 20.20.195A.1.b.i.
- (15) Intentionally Deleted
- (16) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (17) Intentionally Deleted

- (18) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (19) Refer to LUC 20.20.820 for general requirements applicable to solid waste disposal facilities.
- (20) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
- (21) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of Section 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.

Section 2. Section 20.10.440 Recreation Use Chart of the Land Use Code is hereby amended to read as follows:

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Chart 20.10.440

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Recreation – Residential Districts											
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30	
7	Cultural Entertainment and Recreation												
711	Library, Museum			C 1	C 1	C 1	C 1	C 1	C 1	C 1	C 1	C 1	
7113	Art Gallery			C	C	C	C	C	C	C	C	C	
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos												
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but excluding School Facilities												
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs												
7213	Drive-In Theaters												
	Adult Theaters (7)												
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks												
73	Commercial Amusements: Video Arcades, Electronic Games												
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (2)	C	C	C	C	C	C	C	C	C	P	P	P
744	Marinas, Yacht Clubs	C	C	C	C	C	C	C	C	C	C	C	C
7414 7415 7417 7425 7413	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction												
7491 7515	Camping Sites and Hunting Clubs	C	C	C	C	C	C	C	C	C	C	C	C
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	C	C	C	C	C	C	C	C	C	P	P	P
	Public/Private Park	C	C	C	C	C	C	C	C	C	P	P	P
	Stables and Riding Academies	C											
	Boarding or Commercial Kennels	C											
	City Park* (10)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

** Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

KEY

- P – PERMITTED USE
- C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
- PD – PERMITTED subject to planned unit development only.
(See Part 20.30D)
- A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
- S – Permitted only as a subordinate use to a permitted or special use

20.10.440
Chart 20.10.440

		Recreation – Nonresidential Districts									
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office / Limited Business	Light Industry	General Commercial	Neighbor hood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
7	Cultural Entertainment and Recreation										
711	Library, Museum	P	P	P				P	P	P	P
7113	Art Gallery	P	P	P				P	P	P	P
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	C	C	C	C	C		C	C	C	C
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but excluding School Facilities			P				P	P	P	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs			P				P	P	P	P
7213	Drive-In Theaters				C	C		C	C		
	Adult Theaters (7)			P				P	P	P	P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart					C		C	C		

	Tracks, BMX Tracks and Skateboard Tracks										
73	Commercial Amusements: Video Arcades, Electronic Games					A		A	A		
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (2)	C	C	C		C	C	C	C	C	C
744	Marinas, Yacht Clubs										
7414 7415 7417 7425 7413	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction		C 3	C	P 3	P 3	A 9	P	P	C	C
7491 7515	Camping Sites and Hunting Clubs	C	C	C	C	C	C	C	C	C	C
76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P	P	P	P	P	P	P	P
	Public/Private Park	P	P	P	P	P	P	P	P	P	P
	Stables and Riding Academies										
	Boarding or Commercial Kennels										

	City Park* (10)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
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Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

KEY

- P - PERMITTED USE
- C - CONDITIONAL USE (see Part 20.30B or Part 20.30C)
- PD - PERMITTED subject to planned unit development only.
(See Part 20.30D)
- A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
- S - Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

		Recreation – Downtown Districts					
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
7	Cultural Entertainment and Recreation						
711	Library, Museum	P	P	P	A	A	P
7113	Art Gallery	P	P	P	P 4, 5	P	P
712	Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	P 6	P 6	P 6			
7212 7214 7222 7231 7232	Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls but excluding School Facilities	P	P	P	A 5	A	P
7212 7214 7218	Motion Picture, Theaters, Night Clubs, Dance Halls and Teen Clubs	P	P	P	A 5	A	P
7213	Drive-In Theaters						
	Adult Theaters (7)	P	P	P		P	P
7223 73	Public Assembly (Outdoor): Fairgrounds and Amusement Parks, Miniature Golf, Golf Driving Ranges, Go-Cart Tracks, BMX Tracks and Skateboard Tracks						
73	Commercial Amusements: Video Arcades, Electronic Games	P	P	P			
7411 7413 7422 7423 7424 7441 7449	Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (2)				P	A	A
744	Marinas, Yacht Clubs						
7414 7415 7417 7425 7413	Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction	A 8	A 8	P	A 5	A 8	A 8
7491 7515	Camping Sites and Hunting Clubs						

76	Private Leisure and Open Space Areas Excluding Recreation Activities Above	P	P	P	P	P	P
	Public/Private Park	P	P	P	P	P	P
	Stables and Riding Academies						
	Boarding or Commercial Kennels						
	City Park* (10)	P/C	P/C	P/C	P/C	P/C	P/C

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

**Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

KEY

<p>P - PERMITTED USE C - CONDITIONAL USE (see Part 20.30B or Part 20.30C) PD - PERMITTED subject to planned unit development only. (See Part 20.30D) A - ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E) S - Permitted only as a subordinate use to a permitted or special use</p>
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Notes: Uses in land use districts – Recreation

- (1) Cultural activities include only branch libraries in R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30 Districts.
- (2) For carnivals, see LUC 20.20.160.
- (3) Recreation activities do not include athletic clubs in O, LI and GC Districts.
- (4) Limited to a maximum of 2,000 gross square feet per establishment.
- (5) Nonresidential uses are permitted in Downtown-R only when developed in a building which contains residential uses.
- (6) Excludes zoos.
- (7) Adult Theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
- (8) Athletic and health clubs are permitted without administrative conditional use approval if subordinate to a permitted use.
- (9) Recreation activities are restricted to health clubs, recreation instruction, and gymnasiums in NB Districts and the total floor area for all combined recreation activity uses may not exceed 5,000 square feet per NB site.
- *(10) City parks are generally permitted in all zones. However, the following types of uses or facilities in city parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Nonrecreation uses in city parks in all zones outside the Downtown require conditional use approval, except that the permit requirements for wireless communications facilities shall be as set forth in Section 20.20.195. For purposes of this requirement, “nonrecreation use” means a commercial, social service or residential use located on park property but not functionally related to city park programs and activities.

** Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

Section 3. Section 20.20.195 of the Land Use Code is hereby amended to read as follows:

20.20.195 Communication, broadcast and relay facilities.

A. Definitions. The following definitions apply to this Section 20.20.195:

1. "Flush mounted" shall mean attached to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.
2. "Gateway Intersection" shall mean those intersections identified on Figure UD-1 in the Comprehensive Plan, now or as hereafter amended.
3. "Nonresidential land use districts" shall mean PO, O, OLB, OLB-OS, LI, GC, NB, CB, F1, F2, F3, EH, and all Downtown land use districts.
4. "Residential land use districts" shall mean R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20 and R-30.
5. "Utility support structure" shall mean street or pedestrian light standards, guy poles, traffic signal standards, and poles or towers supporting electrical, telephone, cable or other similar facilities.

B. Certain Wireless Communication Facilities Exempt from Land Use Review.

1. Wireless Communications Facilities within the Public Right-of-Way or on utility towers within the Seattle City Light or Puget Sound Energy transmission corridors. WCF meeting the applicable criteria set forth below are permitted outright and do not require land use approval. A right-of-way use permit, building permit and/or SEPA compliance may be required:
 - a. General. WCF located in any land use district must meet the following criteria:
 - i. The WCF shall not be located within a Gateway Intersection;
 - ii. The WCF shall be attached to an existing utility support structure. Such structure may be removed and replaced with a new utility support structure so long as the replacement structure is of similar color and material as the existing structure, and is located within 10 feet of the existing structure (measured from the center point of the existing structure to the center point of the replacement structure);
 - iii. Transmission and power cables and any other conduit shall be contained within the utility support structure or located underground;
 - iv. The applicant shall demonstrate that the WCF will comply with the radio frequency emission standards adopted by the Federal Communications

Commission; and

- v. If the WCF includes an antenna array, the array shall be flush mounted within 6 inches of the support structure, or contained in a canister that is a continuation of the diameter of the support structure, and the array shall be painted to match the support structure.
- b. Nonresidential Land Use Districts, including Transition Areas. In addition to the criteria set forth in Section 20.20.195.A.1.a, WCF in these districts must meet the following criteria to be exempt from land use review:
 - i. The WCF adds no more than 21 feet to the height of the existing utility support structure; andii. WCF equipment shall be: 1) mounted on the support structure with no one dimension of the equipment exceeding 36 inches, or 2) located on the ground screened pursuant to Section 20.20.525.
 - c. Residential Land Use Districts. In addition to the criteria set forth in Section 20.20.195.A.1.a, WCF in these districts must meet the following criteria to be exempt from land use review:
 - i. The WCF adds no height to the height of the existing utility support structure;
 - ii. WCF equipment shall be: 1) mounted at the base of the support structure with no one dimension of the equipment exceeding 36 inches, 2) located on the ground in the right of way no more than 30 inches in height and screened pursuant to 20.20.525, or 3) located within the footprint of the utility support structure in a power corridor easement and screened with an accessory structure consistent with the requirements of Section 20.20.125;
 - iii. WCF proposed in the right of way may be located no closer than 520 feet to any other WCF located in the right of way or to any WCF on property owned by the City of Bellevue. For purposes of measuring distance between WCF, WCF serving public emergency communication functions and WCF operated by and supporting City of Bellevue functions shall not be considered; and
 - iv. WCF proposed on property owned by the City of Bellevue may be located no closer than 520 feet to any WCF located in the right of way. For purposes of measuring distance between WCF, WCF serving public emergency communication functions and WCF operated by and supporting City of Bellevue functions shall not be considered.
2. Wireless Communications Facilities outside of the Public Rights-of-Way and outside of the Seattle City Light or Puget Sound Energy transmission corridor, All Land Use Districts. WCF in any land use district meeting the applicable criteria set forth below are permitted outright and do not require land use approval. A building permit and/or SEPA compliance may be required:
- a. WCF located in a residential land use district shall be consistent with Footnote 14 to the Transportation and Utilities Use Chart in Section

20.10.440;

- b. The WCF shall be attached to an existing structure, including on-site utility support structures. Where the WCF is attached to an on-site utility support structure, the existing structure may be removed and replaced with a new structure so long as the replacement structure is of similar color and material as the existing structure and is located within 10 feet of the existing structure (measured from the center point of the existing structure to the center point of the replacement structure);
 - c. Where the WCF is attached to an on-site utility support structure, transmission and power cables and any other conduit shall be contained within the support structure and placed underground;
 - d. The height of the WCF shall not exceed the greater of: 1) the maximum building height allowed for the underlying land use district, or 2) the height of the structure to which it is attached or which it replaces. In no event may the WCF add more than 15 feet of height to the existing structure;
 - e. Any antenna array is either: 1) a whip antenna attached to a building, 2) flush mounted within 6 inches of an on site utility support structure, 3) contained within a canister that is a continuation of an on site utility support structure , or 4) flush mounted within 12 inches of the face of the building or mechanical equipment screening;
 - f. Any antenna array is painted to match the material to which it is attached, however whip antenna arrays shall be painted a light color;
 - g. WCF equipment in nonresidential land use districts shall be screened pursuant to Section 20.20.525; WCF equipment in residential districts shall be screened pursuant to Section 20.20.525 when located on the roof. When located on the ground the equipment shall be contained within a detached accessory structure consistent with the requirements of Section 20.20.125, screened with vegetation at least as tall as the equipment, or constructed less than 30 inches above grade;
 - h. The applicant shall demonstrate that the WCF will comply with the radio frequency emission standards adopted by the Federal Communications Commission; and
 - i. Where the proposal is located on a site subject to design review, the applicant shall demonstrate compliance with the criteria of Section 20.30F.175.C.1.
3. Minor modifications. The following activities are exempt from further review:
- a. Minor modifications, maintenance, repair, or replacement of elements of an existing facility or system which is otherwise subject to the requirements of this section; and
 - b. Facility swaps between different communications providers; provided, that the

facilities are both permitted and the swap does not require modifications that are more than minor in character.

C. Review of Non-exempt Wireless Communication Facilities.

WCF that do not satisfy the criteria of Section 20.20.195.B above shall require either a Conditional Use permit or an Administrative Conditional Use permit, as described below. Such WCF shall meet the criteria described in Section 20.20.195.D.

1. Facilities Requiring Conditional Use approval. A conditional use permit is required for:
 - a. Any WCF proposed in the public right-of-way within a residential land use district, where the WCF is proposed within 520 feet of any other WCF located either in the public right-of-way or on property owned by the City of Bellevue. For purposes of measuring distance between WCF, WCF serving public emergency communication functions and WCF operated by and supporting City of Bellevue functions shall not be considered; or
 - b. Any WCF proposed on City-owned property within a residential land use district, where the WCF is proposed within 520 feet of any WCF located in the public right-of-way. For purposes of measuring distance between WCF, WCF serving public emergency communication functions and WCF operated by and supporting City of Bellevue functions shall not be considered; or
 - c. Any WCF involving a new WCF support structure proposed in a residential land use district or in a Transition Area.
2. Any proposed WCF that does not meet the requirements of Section 20.20.195.B and is not described in Section 20.20.195.C.1 requires Administrative Conditional Use approval.

D. Additional Requirements Applicable to All Non-Exempt Wireless Communication Facilities. All non-exempt WCF shall be subject to the requirements of this Section 20.20.195.D.

1. **Height.** Any request to exceed the height allowed for exempt WCF pursuant to LUC 20.20.195.B shall be the minimum necessary for effective functioning of the provider's network, as certified by the provider's licensed engineer.
2. **WCF Location and Design.** The applicant shall submit maps certified by the provider's licensed engineer indicating the geographic area within which a facility must be located to meet an identified coverage or capacity need. For purposes of this Section 20.20.195, this map is called the "search ring".
 - a. Within the search ring, the applicant shall demonstrate consideration of the following preferred locational hierarchy: 1) Nonresidential land use districts not providing transition, 2) Transition Areas, 3) Multifamily (R-20 and R-30) land use districts, and 4) Park sites and all other residential land use districts.

- b. Within the search ring, the applicant shall demonstrate consideration of the following preferred facility design hierarchy: 1) attached to public facility structures, building mounted, or integrated with utility support structures, 2) co-located on utility poles, light standards, signal supports, existing WCF support structures or existing Communication, Broadcast and Relay Towers, and 3) freestanding WCF support structures.
 - c. The applicant shall demonstrate that application of the above hierarchies results in a proposal that minimizes the adverse impacts of the WCF, considering the search ring as a whole. If a location or design lower on the hierarchy leads to fewer impacts than a location or design more preferred in the hierarchy, then the less impactful location or design is preferred.
- 3. Dispersal Limits.** Any request to: (a) locate a WCF in a residential district in the public right of way within 520 feet of another WCF in the public right of way or within 520 feet of a WCF on property owned by the City of Bellevue, and (b) locate a WCF in a residential district on property owned by the City of Bellevue within 520 feet of a WCF in the public right of way, shall be approved only if the applicant demonstrates that no other site within the search ring is available for siting the WCF. For purposes of determining the number of WCF on a given site or for measuring the distance between WCF, WCF serving public emergency communication functions and WCF operated by and supporting City of Bellevue functions shall not be considered.
- 4. Development Standards.** The following development standards may be applied to ensure that any WCF minimizes the adverse impacts, especially visual and aesthetic impacts, on properties where the facility is located and in the vicinity of the facility.
- a. Specific colors of paint and screening techniques may be required to achieve a facility that blends with the surrounding setting, or a facility that is screened from surrounding land uses.
 - b. Specific design and configurations may be required to achieve a facility that minimizes visual intrusion of the facility or elements of the facility. Such techniques include, for example: requiring transmission and power cables and other conduit to be contained within any support structure, located underground, or otherwise screened; requiring the lateral projection of antenna arrays to be minimized to the greatest extent technically feasible; and requiring antenna arrays to be integrated into the design of any structure to which they are attached.
 - c. Construction and site restoration techniques may be required and conditions imposed to eliminate or minimize long-term impacts to property and surrounding land uses.

d. WCF equipment.

- i. General. WCF equipment shall be the minimum size necessary to support operation of the WCF as certified by the provider's licensed engineer. Where multiple WCFs are proposed to be located in close proximity, WCF equipment may be required to be consolidated in one WCF equipment housing structure.
- ii. WCF equipment in residential land use districts shall be:
 - (1) mounted at the base of the utility support structure with no one dimension of the equipment exceeding 36 inches;
 - (2) located on the roof of a non-residential structure and screened pursuant to Section 20.20.525;
 - (3) located on the ground on property developed with a non-residential use screened with vegetation at least as tall as the equipment. Such equipment may alternatively be required to be placed within a detached accessory structure consistent with the requirements of Section 20.20.125 if necessary to minimize the visual impact of the equipment on adjacent land uses; or
 - (4) located in the right of way constructed no more than 30 inches high and screened with appropriate color and materials, including landscaping.

The screening of WCF equipment required in this Section 20.20.195.D.3.d.ii may be satisfied by screening the equipment in a manner that causes the equipment to appear to be another kind of feature found in the residential landscape. For example, the WCF equipment may be screened to look like a boulder or a bench that is consistent with other right of way elements in the surrounding area.

- e. Co-location. Owners and operators of a WCF shall provide information regarding the opportunity for the co-location of other antenna arrays and related equipment. Provision for future co-location may be required if technically feasible and where opportunities for smaller facilities with less impacts are limited due to topography, lack of existing above ground structures or other circumstances.

5. Radio Frequency Emissions. The applicant shall demonstrate that the WCF will comply with the radio frequency emission standards adopted by the Federal Communications Commission.

- 6. Setback Requirements for Freestanding Wireless Communications Facilities.** Any freestanding support structure associated with a WCF must conform to the setback requirement for structures in the land use district in which the structure is located, except that the minimum side setback for a WCF freestanding support structure is 20 feet.

7. Independent Technical Review The City may require the applicant to pay for independent technical review, by a consultant retained by the City, of materials submitted to demonstrate compliance with the criteria contained in Section 20.20.195.D.1, and 20.20.195.D.2.

8. Removal of Abandoned Antennas and Towers.

a. Owners and operators of WCFs shall provide the Director with copies of any notice of intent to cease operations that is provided to the Federal Communications Commission.

b. All WCFs shall be removed by the facility owner within 90 days of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

9. Removal upon Undergrounding. A WCF must be removed at no expense to the City if co-located on an electrical system facility or utility support structure that is subsequently undergrounded.

E. Requirements Applicable to Communication, Broadcast and Relay Towers other than Wireless Communication Facilities.

1. Height Limits.

a. Except where a conditional use permit is required, requests to exceed the height limit for the underlying land use district require an administrative conditional use permit in conjunction with the application for location and design subject to the criteria set out below. No variance from the provisions of the LUC is required.

b. Requirements for Exceeding Height Limit. The Director may approve a request to exceed the height limit for the underlying land use district if the applicant demonstrates that:

i. The requested increase is the minimum necessary for the effective functioning of the system.

ii. Construction of a network consisting of a greater number of smaller less obtrusive facilities is not technically feasible. Applicants may be required to submit an area-wide deployment plan to demonstrate compliance with this requirement.

iii. Visual and aesthetic impacts associated with the facility have been mitigated to the greatest extent technically feasible.

2. Ground Screening and Fencing Requirements.

a. All ancillary equipment must comply with the sight screening requirements contained in LUC 20.20.525.

- b. If the Director of Planning and Community Development determines that the facility is potentially dangerous to human life, an eight-foot fence which complies with the sight screening requirements contained in LUC 20.20.525 may be required.
3. **Setback Requirements.** Any structure, facility or fence associated with a communication, broadcast or relay tower with freestanding support structure must conform to the setback requirement for structures in the land use district in which the structure, facility or fence is located, except that the minimum side setback for any structure, facility or fence in a residential land use district is 20 feet.
4. The facility may be conditioned to allow review for continued use at five-year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the design to ensure that it has not become obsolete and inappropriate for the land use district within which it is located.

Section 4. Section 20.20.525 of the Land Use Code is hereby amended to read as follows:

20.20.525 Mechanical equipment.

A. Applicability.

The requirements of this section shall be imposed for all new development, and construction or placement of new mechanical equipment on existing buildings, and each time a project requires a discretionary land use permit approval. Mechanical equipment should be installed so as not to detract from the appearance of the building or development.

B. Design Objectives.

The following objectives apply to the type and placement of mechanical equipment proposed:

1. To the maximum extent reasonable and consistent with site design objectives, mechanical equipment should be located at or below grade rather than mounted on the roof of a structure.
2. Where the equipment must be located on the roof, it should be consolidated to the maximum extent reasonable rather than scattered.
3. Exposed mechanical equipment should be visually screened by a solid, nonreflective visual barrier that equals or exceeds the height of the mechanical equipment.

C. Implementation.

1. Mechanical equipment located at or below grade may be placed within a required rear or side setback area unless that setback directly abuts a residential land use

district or unless that setback is within a protected area designated by LUC 20.25H.070 or is a protected area setback required by LUC 20.25H.090.

2. Mechanical equipment located at or below grade will not be included for purposes of calculating lot coverage.
3. Mechanical equipment shall be visually screened by a solid, nonreflective visual barrier that equals or exceeds the height of the mechanical equipment; provided, that the function of a large satellite dish antenna or an antenna array may not be compromised by the screening requirement. The barrier may be provided by any of the following:
 - a. Architectural features, such as parapets or mechanical penthouses;
 - b. Walls or solid fencing, of a height at least as high as the equipment it screens;
 - c. Vegetation and/or a combination of vegetation and view obscuring fencing, of a type and size which will provide a dense visual barrier at least as high as the equipment it screens within two years from the time of planting; or
 - d. The natural topography of the site or the adjoining property or right-of-way.
4. Where screening from above is required, mechanical equipment shall be screened by incorporating one of the following measures:
 - a. A solid nonreflective roof. The roof may incorporate nonreflective louvers, vents or similar penetrations to provide necessary ventilation or exhaust of the equipment being screened; or
 - b. Painting of the equipment to match or approximate the color of the background against which the equipment is viewed.
5. For development which requires approval of a discretionary land use permit, the City may modify the screening requirements of paragraph C.3 and C.4 of this section subject to the criteria set forth in paragraph C.6. of this section.
6. The Director may approve alternative screening measures not meeting the specific requirements of paragraph C.3 or C.4 of this section if the applicant demonstrates that:
 - a. The proposed alternative screening measures will achieve the design objectives of subsection B of this section and produce an equal or better result than the requirements of paragraph C.3 or C.4 of this section; or
 - b. When screening of mechanical equipment on an existing roof is required:
 - i. The existing roof structure cannot safely support the required screening, or
 - ii. The integrity of the existing roof will be so compromised by the required screening as to adversely affect any existing warranty of the performance of the roof.

Section 5. Section 20.25B.020B of the Land Use Code is hereby amended to read as follows:

B. Limitations.

1. Where a transition area abuts a portion of I-90, I-405, SR 520, Burlington Northern Railroad right-of-way, or power transmission line, which is located in a single-family or multifamily district, the City shall include that portion as part of the required width of the transition area.
2. If the applicant establishes that a minimum 150 feet width greenbelt or native growth protection easement is permanently dedicated for nonbuildable purposes and is located in a single-family or multifamily district, the City shall include that portion as part of required width of the transition area.
3. Development within any Downtown Land Use District is not subject to Transition Area Design District requirements (refer to LUC 20.25A.090, Perimeter Design District).
4. Development within the OLB-OS Land Use District is not subject to Transition Area Design District requirements where that property receiving transition is developed in a non-residential use.
5. Development of a wireless communications facility is not subject to Transition Area Design District requirements.

Section 6. Section 20.25B.040A.1 of the Land Use Code is hereby amended to read as follows:

1. Definition. For purposes of this chapter, building height shall be measured from average existing grade around the building to the highest point of a flat roof or parapet or to the mean height between the eaves and ridge of a pitched roof. Mechanical equipment, , and satellite dish antennas are included in building height calculations, except that mechanical equipment may extend into the upper one-half of a pitched roof form not to exceed 10 feet above maximum building height. This additional 10 feet is for equipment or screening purposes only and not to obtain additional habitable space. Specifically excluded from this definition are slender structural elements not intended for human habitation and not exceeding 10 feet above the maximum building height including chimneys, smoke ventilation stacks, omni-directional antennas, and flagpoles. This definition supersedes the building height definition in LUC 20.50.012 for purposes of this chapter only.

Section 7. Section 20.25B.040E of the Land Use Code is hereby amended to read as follows:

E. Mechanical Equipment.

Mechanical equipment which is located on the roof shall be incorporated into the pitched or stepped roof form, and not appear as a separate penthouse or box.

Section 8. Section 20.25L.020 of the Bellevue Land Use Code is hereby amended as follows:

20.25L.020 Permitted land uses.

The following chart indicates the permitted land uses within the OLB-OS Land Use District.

Land Use	Process
Hotels and Motels	P
Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks Manufacturing; Computer Software	P
Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C
Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C
Accessory Parking (1)	P
Auto Parking Commercial Lots and Garages	C
Park and Ride (2)	C
Radio and Television Broadcasting Studios	P
Highway and Street Right-of-Way	P
Utility Facility	C
Local Utility System	P
Regional Utility System	C
On-site Hazardous Waste Treatment and Storage Facility (3)	A
Essential Public Facility (17)	C
Wireless Communication Facility (WCF): without WCF Support Structures)	5, 18
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	5
Satellite Dishes (7)	P
Gasoline Service Stations (8)	A
Apparel and Accessories (Retail)	S
Eating and Drinking Establishments (9), (10)	P
Miscellaneous Retail Trade: Drugs, Liquor, Antiques, Books, Sporting Goods, Jewelry, Florist, Photo Supplies, Video Rentals and Computer Supplies	S
Adult Retail Establishments (11)	S

Finance, Insurance, Real Estate Services	P
Personal Services: Laundry, Dry Cleaning, Barber and Beauty, Photography Studio and Shoe Repair	S
Funeral and Crematory Services	C
Cemeteries	C
Child Day Care Center	P
Business Services, Duplicating and Blue Printing, Steno, Advertising (Except Outdoor), Travel Agencies and Employment	P
Rental and Leasing Services: Cars, Trucks, Trailers, Furniture and Tools	S
Professional Services: Medical Clinics and Other Health Care Related Services	P
Professional Service: Other	P
Hospitals	C
Governmental Services: Executive, Legislative, Administrative and Judicial Functions	C
Governmental Services: Protective Functions and Related Activities Excluding Maintenance Shops	C
Limited Governmental Services: Executive and Administrative, Legislative and Protective Functions	P
Military and Correctional Institutions	C
Education: Primary and Secondary (16)	A
Universities and Colleges	P
Special Schools: Vocational, Trade, Art, Music, Driving, Barber and Beauty Schools	P
Religious Activities	P
Professional and Labor Organizations Fraternal Lodge	P
Social Service Providers	P
Administrative Office – General	P
Computer Program, Data Processing and Other Computer Related Services	P
Research, Development and Testing Services	P
Library, Museum	P
Art Gallery	P
Nature Exhibitions: Aquariums, Botanical Gardens and Zoos	C
Public Assembly (Indoor): Sports, Arenas, Auditoriums and Exhibition Halls But Excluding School Facilities	P
Motion Picture, Theaters, Night Clubs, Dance Halls, and Teen Clubs	P
Adult Theaters (12)	P
Recreation Activities: Golf Courses, Tennis Courts, Community Clubs, Athletic Fields, Play Fields, Recreation Centers, Swimming Beaches and Pools (13)	C

Recreation Activities: Skating, Bowling, Gymnasiums, Athletic Clubs, Health Clubs, Recreation Instruction	C
Camping Sites and Hunting Clubs	C
Private Leisure and Open Space Areas Excluding Recreations Activities Above	P
Public/Private Park	P
City Park (14)	P/C
Agriculture, Production of Food and Fiber Crops, Dairies, Livestock and Fowl, Excluding Hogs (15)	P
Forestry, Tree Farms and Timber Production	C
Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	C
<p>P: The use is permitted subject to general requirements for the use and the use district. A: The use is permitted subject to the Administrative Conditional Use provisions as specified in Part 20.30E LUC and to general requirements for the use and the use district. C: The use is permitted subject to the Conditional Use provisions as specified in Part 20.30B or 20.30C LUC, and to general requirements for the use and the use district. S: Permitted only as a subordinate use to a permitted or special use.</p>	

- (1) Accessory parking requires approval through the review process required for the primary land use which it serves.
- (2) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
- (3) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (4) Intentionally Deleted
- (5) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (6) Intentionally Deleted
- (7) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (8) Gasoline service stations may include subordinate convenience stores.
- (9) Eating and Drinking Establishments are permitted in the OLB-OS District subject to the following criteria:

- a. Such uses are physically integrated within a structure primarily used as a hotel or motel, office building, charitable, social, professional and labor organization, fraternal lodge, recreational facility or institution such as a hospital or public assembly (indoor).
 - b. Such uses do not exceed 20 percent of the gross floor area of the structure or structures.
 - c. The entire site complex has a unity of design in terms of wall and roof materials, roof slopes and window patterns.
- (10) Microbrewery manufacturing is permitted subordinate to an eating and drinking establishment; provided, that the manufacturing use occupies not more than 50 percent of the total square footage of the combined establishment.
 - (11) Adult retail establishments are subject to the regulations for adult entertainment uses in LUC 20.20.127.
 - (12) Adult Theaters are subject to the regulations for adult entertainment uses in LUC 20.20.127.
 - (13) For carnivals, see LUC 20.20.160.
 - (14) City parks are generally permitted in all zones. However, the following types of uses or facilities in City parks in single-family or R-10 zones require conditional use approval: lighted sports and play fields, sports and play fields with amplified sound, community recreation centers, motorized boat ramps, and beach parks on Lake Washington, Lake Sammamish, Phantom Lake and Larson Lake. Nonrecreation uses in City parks in all zones outside the Downtown require conditional use approval. For purposes of this requirement, "nonrecreation use" means a commercial, social service or residential use located on park property but not functionally related to City park programs and activities.
 - (15) Agriculture is limited to the production of food and fiber crops.
 - (16) Primary and secondary education facilities are subject to the regulations for schools in LUC 20.20.740.
 - (17) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
 - (18) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of Section 20.25L.030, 20.20.195, and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.

Section 9. The definition of "Building Height" in Section 20.50.014 of the Land Use Code is hereby amended as follows:

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within a Transition Area Design District (refer to LUC 20.25B.040) or the Shoreline Overlay District (refer to LUC 20.25E.017).

Section 10. The definition of "Wireless Communication Facility" in Section 20.50.054 of the Land Use Code is hereby amended as follows:

Wireless Communication Facility (WCF). A WCF is any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of, but not limited to, an antenna array, transmission cables, equipment, an equipment housing structure, and a support structure used to achieve the necessary elevation.

Section 11. Section 20.50.054 of the Land Use Code is hereby amended to delete definition of "Wireless Communication Facility, Attached (Attached WCF)" as follows:

Section 12. Additional definitions are added to Section 20.50.054 of the Land Use Code as follows:

Wireless Communication Facility Equipment. WCF equipment consists of the power, radio and other mechanical and technical equipment ancillary to a WCF and the cabinet or vault in which the equipment is contained.

Wireless Signal, Fixed. A fixed wireless signal means any commercial non-broadcast communications signal transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, Citizen's Band (CB) radio, and Digital Audio Radio Service (DARS) signals.

Section 13. The definition of "Wireless Communication Facility Equipment Housing Structure" in Section 20.50.054 of the Land Use Code is hereby amended as follows:

Wireless Communication Facility Equipment Housing Structure. A WCF equipment housing structure is any structure or building used to contain WCF equipment.

Section 14. The definition of "Wireless Communication Facility Support Structure" in Section 20.50.054 of the Land Use Code is hereby amended as follows:

Wireless Communication Facility Support Structure. A WCF support structure is a freestanding structure, other than a building, specifically designed and constructed to

support a WCF antenna array. A WCF support structure is also the replacement of an existing utility support structure with a replacement support structure that is more than 21 feet taller than the original support structure, or located more than 10 feet away from the location of the original support structure. The structures may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device that is used to attach the antenna array to the support structure is included in the definition of the antenna array and is excluded from the definition of and regulations applicable to communications towers with freestanding support structures.

Section 15. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

PASSED by the City Council this 4th day of August, 2003, and signed in authentication of its passage this 4th day of August, 2003.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan
Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

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