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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5086

AN ORDINANCE relating to telecommunications service; amending the Bellevue Land Use Code to be consistent with the Federal Telecommunications Act of 1996 and to implement Council Policies related to the provision of wireless services and the regulation of siting and design of wireless telecommunications facilities; amending Sections 20.10.440 (Part - Transportation and Utilities Chart), 20.20.520F.2, 20.20.525, 20.20.730, 20.25B.040A.1, 20.25B.040E, 20.25B.050B, 20.50.012 (Part), 20.50.014 (Part), 20.50.040 (Part), 20.50.046 (Part), and 20.50.054 (Part) of the Bellevue Land Use Code; and adding a new Section 20.20.195 to the Bellevue Land Use Code.

WHEREAS, Federal regulations governing wireless communication facilities were adopted subsequent to the City of Bellevue Land Use Code regulations governing the siting and development of these facilities; and

WHEREAS, the Federal Telecommunications Act of 1996 preserves local zoning authority, subject to certain exceptions, to reasonably regulate wireless communication facilities; and

WHEREAS, wireless communication facilities comprise a rapidly growing segment of the communications sector which will provide quality communication services to meet the growing needs of the residents and businesses of the City of Bellevue; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

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

Section 1. Section 20.10.440 (Part) of the Bellevue Land Use Code containing the Transportation & Utilities Charts and notes is hereby amended to read as follows:

[see next 2 pages]

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Transportation, Communications & Utilities

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5 (Residential)	R-7.5*	R-10	R-15	R-20	R-30
4	Transportation, Communications & 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											
421~~4~~ 422	Motor Vehicle Transportation: Maintenance Garages & Motor Freight Services											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage & 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 & Garages											
	Park & Ride 5	C	C	C	C	C	C	C	C	C	C	C
47	~~Point to Point Communications Services~~ ~~9~~											
475	Radio & Television Broadcasting Studios											
479	~~Communication Broadcast & Relay Towers~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
	Highway & 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 & Storage Facility 7											
	Off-Site Hazardous Waste Treatment & Storage Facility 8											
	Wireless Communication Facility (WCF), Attached (15)(16)	P/A (14)	P/A (14)	P/A (14)	P/A (14)	P/A (14)	P/A (14)	P/A (14)	P/A (14)	P/A (14)	P/A	P/A
	Communication, Broadcast & Relay Towers Including WCF with Support Structures (freestanding) (16)	C (14)	C (14)	C (14)	C (14)	C (14)	C (14)	C (14)	C (14)	C (14)	C	C
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P

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Transportation, Communications & Utilities

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office PO	Office O	Office/Limited Business OLB	Light Industry LI	General Commercial GC	Neighborhood Business NB	Community Business CB	Downtown Office District 1 DNTN O-1	Downtown Office District 2 DNTN O-2	Downtown Mixed Use District DNTN MU	Downtown Residential District DNTN R	Downtown Old Bellevue District DNTN OB	Downtown Office and Limited Business District DNTN OLB
4	Transportation, Communications & Utilities													
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters				P	P		P	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages & Motor Freight Services				P	C			S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage & Maintenance	C11	C	C	C	C	C11	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 4	P 4	P 4	P 4	P 4	P 4
46	Auto Parking Commercial Lots & Garages			C	C	C		C	P13	P13	P13	A	P13	P13
	Park & Ride 5	C	C	C	C	C	C	C			A			A
47	~~Point to Point Communications Services~~ 9	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
475	Radio & Television Broadcasting Studios	P	P	P	P10	P10		P	P	P	P		P	P
479	~~Communication Broadcast & Relay Towers~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
	Highway & Street Right-of-Way	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
	Local Utility System	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
	On-Site Hazardous Waste Treatment & Storage Facility 7			A	A	A	A	A	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment & Storage Facility 8				C									
	Wireless Communication Facility (WCF): Attached (15) (16)	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A
	Communication Broadcast & Relay Towers including WCF with support structures (~~freestanding~~) (16) (17)	A/L	A/L	A/L	A/L	A/L	A/L	A/L	A/L	A/L	A/L	A/L	A/L	A/L
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P	P	P

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Notes: Uses in land use district – Transportation, Communications and Utilities

(1) (Deleted)
(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)
(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 (WCF) are not permitted to be located on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. This note does not prohibit locating WCF: a) 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) Attached WCF meeting the requirements of LUC 20.20.195A and B are permitted in all land use districts (subject to the limitations contained in Note 14 above); provided that, attached WCF which require greater height than that allowed by the underlying land use district require administrative conditional use approval. The 15 foot building height increase permitted for some non-habitable structural elements does not apply in single family land use districts;

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therefore, attached WCF located in single family residential land use districts require administrative conditional use approval to exceed the maximum building height limit contained in LUC 20.20.010.

(16) Refer to LUC 20.20.195 for general requirements applicable to Wireless Communication, Broadcast and Relay Facilities.

(17) Wireless communication facilities (WCF) with freestanding support structures require administrative conditional use approval in all nonresidential land use districts; provided that, when located in a transition area, WCF with freestanding support structures require conditional use approval.

(18) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.

Section 2. A new Section 20.20.195 is hereby added to the Bellevue Land Use Code to read as follows:

20.20.195 Communication, Broadcast and Relay Facilities

A. General Requirements

1. Siting and Design Criteria Applicable to all Facilities

a. Preferred Location

The following land use districts are listed in the preferred order for siting proposed facilities:

i. Light Industrial and General Commercial. Sites located within the Light Industrial (LI) and General Commercial (GC) land use districts.

ii. Office and Limited Business and Community Business. These land use districts in order of preference are Downtown Office (DNTN O-1 and O-2), Office and Limited Business (OLB), Downtown-OLB (DNTN-OLB) and Community Business (CB).

iii. Office and Professional Office. These land use districts may act as a buffer between residential areas and more intensive commercial land use districts. These land use districts in order of preference are Office (O), and Professional Office (PO).

iv. Neighborhood Business, Old Bellevue and Multiple Use. These land use districts are low intensity districts which allow residential uses and assure that social and historic qualities of the area are preserved. These land use districts in order of preference are Downtown-Multiple Use (DNTN-MU), Downtown Old Bellevue (DNTN-OB), and Neighborhood Business (NB).

v. Transition Areas, Multifamily (R-20 and R-30) and Park Sites. These land use districts and sites in order of preference are Transition Areas, sites used wholly for park purposes regardless of the land use district, and sites located in multifamily (R-20 and R-30) land use districts.

vi. Residential Land Use Districts (excluding R-20 and R-30). WCF are not permitted to be located on any undeveloped residential site or site that is developed with a residential use in any residential land use district except R-20 and R-30.

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b. Preferred system design standards

Smaller less obtrusive facilities are preferred over larger structures even if a greater number of small facilities are needed to support system operation. Applicants may be required to submit an area-wide deployment plan to demonstrate that the proposed facility is necessary for the effective functioning of the Wireless Communication Facility system. The following list of system designs shall be considered as the preferred order for facility type:

i. Attached to Public Facility Structures. Attached to existing public facilities such as water towers, utility structures, bridges, and other public buildings and structures. Public facility structures do not include structures such as utility poles, light standards and signal supports which are addressed in paragraphs A.1.b.iii and iv of this section.

ii. Building or Sign Mounted. Attached to existing buildings meeting mechanical equipment screening standards. WCF are not permitted to be located on any residential structure located in any residential land use district except R-20 and R-30. Nonresidential structures such as those that house religious activities, social services, or schools may be considered. WCF are not permitted to project from the external surface of any sign structure.

iii. Integrated on Utility Poles, Light Standards, Signal Supports. Attached to utility poles, light standards, and signal supports where the WCF is an integrated extension of the design of the pole and is a continuation of the diameter of the structure to which it is attached.

iv. Co-located on Utility Poles, Light Standards, Signal Supports. Attached to utility poles, light standards, and signal supports where the WCF is not an integrated extension of the design of the pole and/or exceeds the diameter of the structure to which it is attached.

v. Co-located on Existing Communication, Broadcast and Relay Towers. Co-located on any existing site or tower where an authorized communication, broadcast and relay tower is currently located.

vi. Free Standing towers.

2. Additional Requirements Applicable to all Facilities

a. All facilities shall:

i. Minimize adverse impacts, especially visual and aesthetic impacts, on properties where the facility is located and in the vicinity of the facility through the location, design and construction techniques used and by providing site restoration sufficient to eliminate or minimize long term impacts to property and surrounding land uses; and

ii. Utilize the best available technology; and

iii. Be necessary for the effective functioning of the system.

iv. Be developed in such a manner that no technically feasible alternative to the proposal with less severe impacts exists.

b. The applicant shall demonstrate that the proposed location was selected pursuant to the siting criteria of LUC 20.20.195A.1.a. Placement of a WCF freestanding support structure shall be denied if an alternative placement of the antenna array on a building or other existing structure pursuant to

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LUC 20.20.195B can accommodate the WCF operational needs. For any WCF located In a residential land use district, the applicant shall demonstrate that there is no technically feasible alternative location in a nonresidential district. Applicants shall be required to submit documentation that reasonable efforts were made to identify alternative locations.

c. The applicant shall demonstrate that the proposed design was selected pursuant to the preferred system design standard criteria of LUC 20.20.195A.1.b. Applicants shall be required to submit documentation that reasonable efforts were made to select a design that minimizes potential impacts on adjacent land uses.

d. To the extent technically feasible, specific colors of paint, design, and configuration characteristics may be required to allow the system components of the facility to blend with the surrounding setting.

e. Antenna arrays shall be integrated into the design of any existing structure or building or freestanding support structure to which they are attached. External projections from the existing structure or building or freestanding support structure shall be limited to the greatest extent technically feasible.

f. Owners and operators of a WCF shall provide information regarding the opportunity for the co-location of other antenna arrays and related equipment. If technically feasible, provision for future co-location may be required.

g. WCF Equipment Housing Structures shall be:

i. The minimum size necessary to support facility operation; and

ii. Placed in accessory structures where located on lots in residential land use districts, or when located in public rights-of-way in residential land use districts, either constructed no higher than 30 inches above finished grade, or located underground.

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

i. 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 decision criteria contained in paragraphs A.2.a through A.2.h of this section.

j. Removal of Abandoned Antennas and Towers

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

ii. All WCF 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.

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B. Attached Wireless Communication Facilities (Attached WCF)

1. Height limits.

a. Attached WCF Which Meet Height Limit of Underlying Land Use District. Except in transition areas, attached WCF are permitted in any land use district so long as they are located on an existing nonresidential building or structure that provides sufficient elevation for the array's operation without the necessity of constructing an attachment apparatus which extends the antenna array more than fifteen feet above the height limit applicable to the existing building or structure. Refer to the definition of building height contained in Part 20.25B for height restrictions that apply to attached WCF located in transition areas.

b. Attached WCF Which Require Additional Height Than That Allowed in Underlying Land Use District. Attached WCF which exceed the height limit for the district within which they are located must comply with the Height Limits paragraph applicable to Communication Towers (LUC 20.20.195C.1).

2. Screening requirements.

a. Attached WCF must comply with the requirements applicable to mechanical equipment that are contained in LUC 20.20.525.

b. To the extent technically feasible, attached WCF should be consolidated with pre-existing installations, or pre-existing installations should be reconfigured to incorporate new installations, in a single consolidated installation that complies with the requirements applicable to mechanical equipment that are contained in LUC 20.20.525.

3. Setback requirement. Attached WCF must comply with the setback provisions applicable to the existing structure or building or freestanding support structure to which they are attached.

4. Removal requirement. An attached WCF must be removed at the owners expense if co-located on an electrical system facility or utility pole that is subsequently undergrounded.

C. Communication, Broadcast, and Relay Towers with Freestanding Support Structures

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 WCF.

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ii. Construction of a network of WCF that consists 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 WCF have been mitigated to the greatest extent technically feasible.

2. Ground Screening and Fencing Requirements

a. Unless located in a building which meets the criteria set forth in paragraph B.3 of this section, 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. Wireless Communication Facility Equipment Housing Structures - Architectural Form and Character of Buildings. A building which houses all or a majority of a WCF equipment must be compatible with the architectural form of surrounding buildings. This requirement is not applicable to a facility where significant elements of the facility are not housed in a building or to isolated minor elements such as pad mounted transformers, telephone pedestals and metering stations.

4. Setback requirements.

a. 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 as specified in paragraph C.4.b of this section.

b. The minimum side setback for a structure, facility or fence in a residential land use district is 20 feet.

5. Communication towers 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 communication tower design and equipment housing structures to ensure that the design has not become obsolete and inappropriate for the land use district within which it is located.

D. Exempt Activity.

The following activities are exempt from the requirements of subsections A, B and C of this section:

1. Minor modifications, maintenance, repair, or replacement of elements of an existing facility or system which is otherwise subject to the requirements of subsection A or B of this section; and

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2. Facility swaps between different telecommunication carriers, provided that the facilities are both permitted and the swap does not require modifications that are more than minor in character.

Section 3. Section 20.20.520F.2 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.520 Tree preservation and landscape development.

. . . .

F. Site Landscaping.

. . . .

2. Planting Requirements for Specific Uses. Notwithstanding the provisions of paragraph F.1 of this section, the uses listed in this paragraph require specific landscaping as follows:

a. Subject to paragraph F.6 of this section, the following uses require 15 feet of Type I landscaping on all sides when located above ground and not housed within a building or accessory to another use; and if located outside of a public right-of-way:

i. Utility sub-station;
ii. Sewage pumping station;
iii. Water distribution facility

Alternative landscaping may be approved by the Director of Planning and Community Development if the requirements of subsection J of this section are met, and if visibility is essential to safety, security, or maintenance access.

. . . .

Section 4. Section 20.20.525 of the Bellevue 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 or attached wireless communication facilities 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 and Wireless Communication Facility

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ancillary equipment housing structures 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 feasible rather than scattered.

3. Exposed mechanical equipment and Wireless Communication Facility ancillary equipment housing structures 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 antennas 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 and for Attached Wireless Communication Facilities, 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:

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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 20.20.730 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.730 Large Satellite dish antennas.

Small satellite dish antennas are exempt from the provisions of this section and LUC 20.20.525.

A. Large satellite dish antennas in nonresidential land use districts. Large satellite dish antennas in all nonresidential districts shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.

B. Large satellite dish antennas in residential land use districts. The requirements for screening of large satellite dish antennas in residential districts shall depend upon the nature of use and building type of the development.

1. Large satellite dish antennas in any residential development other than detached or single family attached housing shall be screened in accordance with the requirements of LUC 20.20.525.C for mechanical equipment screening.

2. Large satellite dish antennas in any residential development consisting of detached or single family attached housing shall be screened in accordance with subsection C of this section.

C. Large satellite dish antennas in any residential development consisting of detached or single family attached housing as specified in paragraph B.2 of this section are permitted subject to the following criteria, provided the Director of Planning and Community Development may modify setback and screening requirements upon proof that strict application of the requirements is infeasible or renders use of an antenna impossible:

1. The antenna shall meet front and side setback requirements for the main building and shall be a minimum of five feet from any rear property line;

2. The antenna shall be a minimum of 10 feet distant from any street right-of-way, vehicular access easement, or private road;

3. No antenna shall be located in a setback required by the City's sensitive areas regulations (see Chapter 20.25H LUC), except as otherwise provided by LUC 20.20.025.B; and

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4. The antenna shall be substantially screened from view from adjacent property and the adjacent public rights-of-way by sight obstructing landscaping, fencing, on-site structures, or natural topography.

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

20.25B.040 Development standards.

Pursuant to LUC 20.25B.030, all development activity within a transition area must comply with the following:

A. Building Height.

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, Wireless Communication Facility Antenna Arrays, and satellite dish antennas are included in building height calculations, except that mechanical equipment and Wireless Communication Facility Antenna Arrays 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 not exceeding four (4) inches in diameter, 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 Bellevue Land Use Code is hereby amended to read as follows:

20.25B.040 Development standards.

. . . .

E. Mechanical Equipment.

Mechanical equipment and Wireless Communication Facility Antenna Arrays which are 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 20.25B.050B of the Bellevue Land Use Code is hereby amended to read as follows:

20.25B.050 Design guidelines.

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Pursuant to LUC 20.25B.030, all development activity within a transition area must comply with the following guidelines:

. . . .

B. Building Design Guidelines.

1. Building surfaces facing abutting residential districts should be clad with materials which are similar to or compatible with surrounding uses, and which minimize reflected lighting.

2. Building facades should incorporate elements such as stepbacks, offsets, angled facets, deep roof overhangs, recesses and other architectural features which serve to break down the scale. The larger the building, the greater the number and variety of such elements that may be necessary to achieve the effect of diminishing scale.

3. Within transition areas, pitched roof forms are preferred in order to enhance the compatibility with nearby residential areas. However, under certain circumstances, a stepped roof form could achieve a similar effect.

4. Communication dishes greater than one meter (3.28 feet) in diameter should not be visible from adjacent residential districts.

5. Within transition areas, materials and colors used on the building facades should be compatible with nearby residential buildings and the surrounding natural environment; however, colors and materials used for the purpose of accent may be approved.

Section 9. Section 20.50.012 (Part) of the Bellevue Land Use Code is hereby amended to read as follows:

20.50.012 B definitions.

. . . .

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 not located in a single family residential land use districts, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment.

. . . .

Section 10. Section 20.50.014 (Part) of the Bellevue Land Use Code is hereby amended to read as follows:

20.50.014 C definitions.

. . . .

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Communication, Broadcast and Relay Towers. These uses include broadcast towers, two-way radio towers, fixed-point microwave towers, Wireless Communication Facility with Support Structures, and other high-level transmission facilities.

. . . .

Section 11. Section 20.50.040 (Part) of the Bellevue Land Use Code is hereby repealed:

20.50.040 P definitions.

. . . .

. . . .

Section 12. Section 20.50.046 (Part) of the Bellevue Land Use Code is hereby amended to read as follows:

20.50.046 S definitions.

. . . .

Satellite Dish Antenna. A type of antenna together with any accompanying attachment device, consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an antenna is typically in the shape of a shallow dish or cone.

Section 13. Section 20.50.046 (Part) of the Bellevue Land Use Code is hereby amended to add two new definitions as follows:

20.50.046 S definitions.

. . . .

Satellite Dish Antenna, Small. Any satellite dish antenna that has a diameter of less than or equal to one meter (3.28 feet) located in any residential land use district or two meters (6.58 feet) located in any nonresidential land use district.

Satellite Dish Antenna, Large. Any satellite dish that has a diameter greater than one meter (3.28 feet) located in any residential land use district or greater than two meters (6.58 feet) located in any nonresidential land use district.

Section 14. Section 20.50.054 (Part) of the Bellevue Land Use Code is hereby amended to add six new definitions as follows:

20.50.054 W Definitions

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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, an equipment housing structure, and a support structure used to achieve the necessary elevation.

Wireless Communication Facility Antenna Array. A WCF Antenna Array is one or more rods, panels, discs, or similar devices, together with any accompanying device which attaches the antenna array to an existing building or structure or WCF Support Structure, used for the transmission or reception of radio frequency signals, which may include but is not limited to omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the WCF Support Structure.

Wireless Communication Facility, Attached (Attached WCF). An Attached WCF is a wireless communication antenna array that is affixed to an existing building or structure or WCF Support Structure.

Wireless Communication Facility, Co-located. A Co-located WCF exists when more than one wireless communications provider mounts equipment on a single building or support structure.

Wireless Communication Facility Equipment Housing Structure. A WCF equipment housing structure is any structure, cabinet, or building used to contain ancillary equipment for a WCF.

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. 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.

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

PASSED by the City Council this 3rd day of August, 1998, and signed in authentication of its passage this 3rd day of August, 1998.

(SEAL)

Mike Creighton, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

[redacted] City Attorney

Attest:

Myrna L. Basich, City Clerk

Published August 7, 1998