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ORDINANCE NO. 3490

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECDC 16.20.050 SITE DEVELOPMENT STANDARDS - ACCESSORY BUILDINGS IN ORDER TO AMEND ITS REGULATIONS RELATING TO AMATEUR RADIO ANTENNAS AND TO ADOPT AN INTERACTIVE PROCESS IN CONFORMANCE WITH FCC REGULATION, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, amateur radio antenna operators are licensed by the Federal Communications which, PRB-1 has established standards for local regulation, and

WHEREAS, amateur radio facilities play an important part in the emergency network of our country, and

WHEREAS, amateur radio facilities have the potential to impact views and the visual environment of the City unless limited in a reasonable way such as a requirement for the use of crank-up antennas in order to minimize the impact on the neighborhood while allowing operators the full use of their license, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds Community Development Code Section 16.20.050 Site Development Standards - accessory buildings is hereby amended to read as follows:

16.20.050 Site development standards - Accessory buildings.

A. General. Accessory buildings and structures shall meet all of the standards of ECDC 16.20.030 except as specifically provided in this section.

B. Height. Height shall be limited to 15 feet, except for amateur radio transmitting antennas and their supporting structures

C. Rear Setbacks. The normally required rear setback may be reduced to a minimum of five feet for accessory buildings covering less than 600 square feet of the site.

D. Satellite Television Antenna. A satellite television antenna which measures greater than one meter or 1.1 yards in diameter shall comply with the following regulations:

1. General. Satellite television antennas must be installed and maintained in compliance with the Uniform Building and Electrical Codes as the same exist or are hereafter amended. A building permit shall be required in order to install any such device.

2. Setbacks. In all zones subject to the provisions contained herein, a satellite television antenna shall be located only in the rear yard of any lot. In the event that no usable satellite signal can be obtained in the rear lot location or in the event that no rear lot exists as in the case of a corner lot, satellite television antennas shall then be located in the side yard. In the event that a usable satellite signal cannot be obtained in either the rear or side yard, then a roof-mounted location may be approved by the staff; provided, however, that any roof-mounted satellite antenna shall be in a color calculated to blend in with existing roof materials and, in the case of a parabolic, spherical or dish antenna shall not exceed nine feet in diameter unless otherwise provided for by this section. In no event shall any roof-mounted satellite television antenna exceed the maximum height limitations established by this section.

3. Aesthetic. Satellite television antennas shall be finished in a non-garish, non-reflective color and surface which shall blend into its surroundings. In the case of a parabolic, spherical or dish antenna, said antenna shall be of a mesh construction. No commercial advertising of any kind shall be displayed on the satellite television antenna.

4. Size and Height. Maximum size for a ground-mounted parabolic, spherical or dish antenna shall be 12 feet in diameter. No ground-mounted antenna shall be greater than 15 feet in height

unless otherwise approved for waiver as herein provided. The height of roof-mounted satellite television antennas shall not exceed the lesser of the height of the antenna when mounted on a standard base provided by the manufacturer or installer for ordinary operation of the antenna or the height limitation provided by the zoning code.

5. Number. Only one satellite television antenna shall be permitted on any residential lot or parcel of land. In no case shall a satellite television antenna be permitted to be placed on wheels or attached to a portable device for the purpose of relocating the entire antenna on the property in order to circumvent the intentions of this section.

E. Amateur Radio Antennas . Approval of an amateur radio antenna dish which measures greater than one meter or 1.1 yards in diameter, or an antenna which: is mounted on a mast greater than 12 feet in height if mounted on the principal building or other structures on the property, exclusive of chimneys and other roof top structures on the property which conforms to the height limit of the applicable zone, or exceeds the height limit of the applicable zone if mounted on the ground or on an accessory structure on the property; shall be processed according to ECDC 20.95.050, Staff Decision – Notice Required, and shall comply with the following regulations:

1. Definition. “Amateur radio antenna” means an antenna, or any combination of a mast or tower plus an attached or mounted antenna, which transmits noncommercial communication signals and is utilized by an operator licensed by the Federal Communications Commission. Guy wires for amateur radio antennas are considered part of the structure for the purpose of meeting development standards.

2. General. Amateur radio antennas must be installed and maintained in compliance with the Uniform Building and Electrical Codes, as the same exist or are hereafter amended. A building permit shall be required to install an amateur radio antenna.

3. Location. Amateur radio antennas may be ground- or roof-mounted, however, these devices shall:

a. Be located and constructed in such a manner as to reasonably ensure that in its fully extended position, it will not fall in or onto adjoining properties;

- b. Not be located within any required setback area, and
 - c. Be retracted in inclement weather posing a hazard to the antenna.
4. Height. The height of a ground-mounted tower or roof-top antenna may not exceed the greater of the height limit applicable to the zone or 65 feet when extended by a telescoping or crank-up mechanism unless an applicant obtains a waiver (see paragraph G. below).
- A. Only telescoping towers may exceed the height limits established by paragraph E. above. Such towers shall comply with the height limit within the applicable zone and may only exceed the height limit of the applicable zone and/or 65-foot height limit when extended and operating and if a waiver has been granted.
 - B. Antennas located on a nonconforming structure which exceeds the height limit of the zone in which it is located shall be limited to height limit of the zone plus twelve feet.
5. Aesthetic. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
6. Screening, Landscaping. Amateur radio towers shall be screened by a fence, wall or hedge six feet in height, which reasonably screens the tower and which shall be maintained in good condition.
7. Signs Prohibited. No signs shall be placed or posted on amateur radio towers.
- F. Technological Impracticality - Request for Waiver. In the event that the strict application of the provisions of this zoning code would make it impossible for the owner of a satellite television antenna to receive a usable satellite signal, make it impossible for the holder of any amateur radio license to enjoy the full benefits of an FCC license or right, or in the event that the property owner or licensed holder believes that alternatives exist which are less burdensome to adjacent property owners, the owner or licensee may make application to the hearing examiner for a waiver from these provisions. The hearing examiner may grant such a waiver upon findings that either:
- 1. Technological Impracticality:

a. Actual compliance with the existing provisions of the City's zoning ordinance would prevent the satellite television antenna from receiving a usable satellite signal or prevent an individual from exercising the rights granted to him or her by the Federal Communication Commission (FCC) by license, law or FCC regulation;

b. The alternatives proposed by the property owner or licensee constitute the minimum necessary to permit acquisition of a usable satellite signal by a satellite television antenna or to exercise the rights granted pursuant to a valid FCC license, law or FCC regulation.

2. Less Burdensome Alternatives. The hearing examiner is also authorized to consider the application of adjacent property owners for waivers consistent with the provisions of paragraph (F)(1) of this section without the requirement of a finding that a usable satellite signal cannot be acquired when the applicant's adjacent property owner(s) establish that the alternatives proposed by the applicant are less burdensome to the adjacent property owners than the requirements which would otherwise be imposed under this ordinance. For example, adjacent property owners may request alternative additional screening or the relocation of the antenna on the licensee's property. In the interactive process described in subparagraph B below, the hearing examiner shall attempt to balance the impact of the tower on the views of adjacent properties, as well as the impacts of alternative screening and relocation in order to equitably distribute any negative impacts among the neighbors while imposing reasonable conditions on the antenna, its location and screening that do not impair the rights granted by the FCC to the licensee.

3. The process shall be an inter-active one in which the hearing examiner works with the licensee to craft conditions which place the minimum burden on adjacent property owners while permitting the owner of the satellite antenna or holder of an amateur radio license to exercise the rights which he or she has been granted by federal law. For example, the number of antennas and size of the array shall be no greater than that necessary to enjoy full use of the FCC license. Conditions may include but are not limited to requirements for screening and landscaping, review of the color, reflectivity and mass of the proposed satellite television antenna or amateur radio facilities, and other reasonable restrictions consistent with the intent of the City Council that a waiver be granted only when necessary to permit the satellite television antenna to acquire usable satellite signal or to allow the licensee to exercise the rights granted by Federal Communication

Commission license while preserving the aesthetic harmony of the community. The process employed should involve the interaction of the licensee or owner and the neighborhood. Certain issues have been pre-empted by federal law and shall not be considered by the hearing examiner. Such issues include, but are not limited to the impacts of electromagnetic radiation, the potential interference of the amateur radio facility with electronic devices in the neighborhood and any other matter pre-empted by federal law or regulation. Impact on view and on the values of neighboring properties may be considered in imposing reasonable conditions but shall not be a basis for denial of a permit to construct the antenna.

4. The application fee and notification for consideration of the waiver by an owner of a satellite television antenna shall be same as that provided for processing a variance. No fee shall be charged to the holder of a valid FCC amateur radio license.

5. In the event that an applicant for waiver is also obligated to undergo architectural design review, the Architectural Design Board shall defer any issues relating to the antenna and/or other amateur radio equipment to the hearing examiner. The hearing examiner may, at his or her discretion, request the Architectural Design Board review and comment regarding required screening and landscaping and its integration into sight and landscaping plans. No additional fee shall be required of the applicant upon such referral.

G. The provisions of subsections D, E and F of this section shall be interpreted in accordance with the regulations of the Federal Communications Commission including but not limited to PRB-1. In the event of ambiguity or conflict with any of the apparent provisions of this section, the provisions of federal regulations shall control.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	02/27/2004
PASSED BY THE CITY COUNCIL:	03/02/2004
PUBLISHED:	03/07/2004
EFFECTIVE DATE:	03/12/2004
ORDINANCE NO. <u>3490</u>	

SUMMARY OF ORDINANCE NO. 3490

of the City of Edmonds, Washington

On the 2nd day of March, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3490. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECDC 16.20.050 SITE DEVELOPMENT STANDARDS - ACCESSORY BUILDINGS IN ORDER TO AMEND ITS REGULATIONS RELATING TO AMATEUR RADIO ANTENNAS AND TO ADOPT AN INTERACTIVE PROCESS IN CONFORMANCE WITH FCC REGULATION, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 3rd day of March, 2004.

CITY CLERK, SANDRA S. CHASE