

August 10, 2016

PLANNING COMMISSION RECOMMENDED REVISIONS

TEXT AMENDMENT TXT2016-00244

Applicant: Cellco Partnership d/b/a Verizon Wireless

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; double underlines indicated text proposed to be added by the staff or the Planning Commission; ~~strikethroughs~~ indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input and Mayor and Council review.

Amend Article 3, “Definitions; Terms of Measurement and Calculations”, as follows:

25.03.02 – Words and Terms Defined

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Antenna, small cell – A wireless communication service antenna, whether omni-directional or panel antenna, with standard dimensions equal or less than four and a half (4 1/2) feet in height, two (2) feet in width and two feet in depth, or a canister housing panel antennas with a volume of four and a half cubic feet, used to collect, receive, transmit, or radiate electromagnetic waves.

* * *

Wireless Communication Facility - A remotely operated facility for the transmission and/or reception of wireless communication services, consisting of one (1) or more antennas, but excluding satellite earth station antennae two (2) meters or less in diameter. Such a facility also may include transmission cables, related equipment enclosures, and, in some cases, a freestanding ground-mounted antenna support structure to achieve the necessary elevation.

Amend Article 9, “Accessory Uses; Accessory Buildings and Structures; Encroachments; Temporary Uses; Home-Based Business Enterprises; Wireless Communication Facilities” as follows:

Section 25.09.08 – Wireless Communication Facility

* * *

- b. *Wireless Communication Facilities Attached to Existing Structures* – Except for a facility utilizing a small cell antenna, ~~W~~ireless communication facilities attached to the roof or side of a building, or attached to an existing structure must comply with the following:

* * *

4. Antennas must comply with the following size standards:

- (a) Whip antennas must be no more than seven inches (7”) in diameter; and
(b) Panel antennas must be no more than two feet (2’) wide and ~~six~~ eight and a half feet (8 1/2’) long.

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- c. *Wireless Communication Facilities Located on Ground-Mounted Antenna Support Structures*

1. *Scope* – This subsection applies to wireless communication facilities mounted on free-standing antenna structures except for a facility utilizing a small cell antenna.

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- d. *Equipment Enclosures Located at Ground Level Standards* – Except for a facility utilizing a small cell antenna, ~~E~~quipment enclosures located at ground level must comply with the following standards:

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- e. A wireless communications facility utilizing a small cell antenna is subject to the following provisions:

1. Antennas meeting the definition of antenna, small cell in section 29.03.02 are permitted in all zones;

2. Location:

- (a) A small cell antenna may be located on any new or existing building or structure at least a minimum height of 15 feet to the base of the antenna in height, measured from the existing grade;

- (b) If a replacement structure is needed to support the proposed antenna, the height of the replacement structure cannot exceed the greater of 120 percent or ten (10) feet

of the height of the existing structure it is intended to replace. The replacement structure must maintain the same primary function as the existing structure;

- (c) The equipment enclosure to support the small cell antennas, whether located on the support structure, roof, or on the ground, cannot exceed 36 square feet of area at each antenna site and a maximum of five (5) feet in height, and equipment must be removed at the cost of the owner when the facility is no longer being used;
- (d) Small cell antennas and support equipment are not permitted to be located on any lot or parcel in a single dwelling unit residential zone, residential medium density zone or mixed use zone occupied by a ~~attached to any~~ single unit detached, or semi-detached, single family attached, or townhouse dwelling or on any accessory building or structure associated with the dwelling.
- (e) In order of preference, antennas must be installed as follows, with i. being the preferred option:
 - i. Mounted on existing accessory structures, such as utility poles, flag poles, or antenna support structures located on a nonresidential parcel;
 - ii. Flush mounted on an existing nonresidential building;
 - iii. Mounted on the roof of a nonresidential building;
 - iv. Mounted on the roof or flush mounted on a multi-family building;
 - v. Mounted on a structure, such as a utility pole or light pole, in the public right-of-way adjacent to residential properties.

A. Upon issuance of a permit for an antenna installation as described in subsection v, above, the location shall be posted with a sign giving notice of such installation.
- (f) In addition, the following regulations apply in the single dwelling unit residential zones:
 - i. The height to the base of the antennas must be at least 25 feet measured from the existing grade;
 - ii. The equipment enclosure ground area cannot exceed 12 square feet;
 - iii. The equipment cabinet enclosure, exclusive of connections and cables, cannot exceed the dimensions of two feet by three feet by five feet in height;
 - iv. The small cell antenna cannot exceed the dimensions of two feet by two feet by three feet in height;

v. A small cell antenna site cannot be located any closer than 500 feet from another small cell antenna site.

(g) In the case of Planned Development Zones, the designated equivalent zone as set forth in Article 14 applies.

(h) The small cell antenna and support equipment must closely match the color and architectural treatment of the building or structure to which it is mounted.

f. *Waivers Permitted*

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2. *Wireless Communication Facilities for Amateur Service Communications*

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i. The waiver, if granted, would not result in any noncompliance with applicable laws, regulations and codes (including, but not limited to, ~~FCC~~ Federal Communications Commission regulations concerning amateur radio transmission and reception); and

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3. *All Other Wireless Communication Facilities*

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(c) The Board of Appeals is authorized, upon a request of the applicant, to grant a waiver from dimensional restrictions of this Section 25.09.08 with regard to allowing minor size increases for antennas permitted under Section 25.09.08.e.1, which will continue to be considered antenna, small cell as defined in Section 25.03.02, provided the Board makes the additional finding that the increased size is integrated into the structure and limits the visual impact to the maximum extent possible. In the single dwelling unit residential zones the Board of Appeals may grant a waiver to reduce the installation height of the antenna to no less than 15 feet or locate antenna installations closer than 500 feet from other small cell antennas if it is shown that compliance with subsection 25.09.08.e.2(f) would impose an undue hardship or prohibit or have the effect of prohibiting the provision of wireless communication services or would result in unreasonable discrimination among providers of functionally equivalent wireless communication services.

(d) This section 25.09.08 does not apply to antennas and wireless communication facilities specified in Sections 25.09.08.e.1 and 2.

