ORDINANCE NO. 09-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, REPEALING AND REPLACING CHAPTER 18.70 OF THE COVINGTON MUNICIPAL CODE (CMC) AND AMENDING CMC CHAPTERS 18.20, 18.25, 18.30, 18.31, 18.125, 14.3 TO REGULATE THE SITING OF WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Covington ("City") has received or expects to receive requests to site wireless communication facilities within its boundaries; and

WHEREAS, the City recognizes that Congress, pursuant to the federal Telecommunications Act of 1996, has imposed requirements that local governments not unreasonably discriminate among providers of functionally equivalent personal wireless services, or act in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, while at the same time preserving traditional state and local authority over the placement, construction, and modification of wireless communication facilities; and

WHEREAS, the City finds that the provisioning of personal wireless services to the residents of the City of Covington is in the public interest, and that permitting the placement, construction, and modification of wireless communication families within its boundaries is necessary to support such service; and

WHEREAS, it is the City's intent to permit the placement, construction, and modification of wireless communication facilities within its boundaries; and

WHEREAS, the City also finds that the placement, construction, and modification of wireless communication facilities could adversely affect the character, aesthetics, property values, and environmental quality of the community; and

WHEREAS, the City also finds that construction/installation of new towers to support antenna installations is likely to have a more significant adverse impact upon the character, aesthetics, property values, and environmental quality of the community than use of existing towers, structures, transmission structures, and utility poles and the use of alternative technology for such installations; and

WHEREAS, the City has undertaken a review of its municipal zoning code and determined that the existing code provisions governing wireless communication facilities are technologically outdated, unclear, or non-existent regarding wireless communication facilities and do not adequately implement the goals and polices of the adopted Comprehensive Plan, or adequately protect the public's health, safety, and welfare; and

WHEREAS, it is the City's intent to protect and promote the public's health, safety, and welfare by adding new regulations to the City's municipal zoning code regarding the placement, construction and modification of wireless communication facilities within its boundaries; and

WHEREAS, the Covington Planning Commission held a duly noticed public hearing during their regular meeting on March 1, 2012, at which time it heard a presentation from staff and reviewed the proposed new wireless communication facilities regulations, and upon such review recommended modifications to language regarding location of antennas on existing transmission structures and utility poles and the height of amateur radio towers to be further studied by staff, along with other modifications, and subsequently continued further consideration of the proposed text amendments; and

WHEREAS, the Covington Planning Commission during their regular meeting on May 3, 2012, reviewed the modifications provide by staff based on the Commission's direction and voted to recommend approval of the new wireless communication facility regulations to the City Council; and

WHEREAS, the City Council has based its findings and conclusions upon consideration of, among other things, the existing topography and geography of the city, existing land uses, available wireless communication technology, existing wireless communication facilities and coverage, presentations by city staff, applicable laws, rules, and regulations, including without limitation the National Environmental Policy Act and the State Environmental Policy Act, and applicable federal regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Covington Municipal Code Chapter 18.70 Wireless Communication Facilities is hereby repealed and replaced in whole part as set forth in the attached Exhibit A, incorporated herein.

Section 2. Covington Municipal Code Chapters 18.20 Technical Terms and Land Use Definitions; 18.25 Permitted Uses; 18.30 Development Standards- Density and Dimensions; 18.31 Downtown Development and Design Standards; 18.125 Decision Criteria; and 14.30 Permit Decision Types are hereby amended as set forth in the attached Exhibit B, incorporated herein.

Section 3. This ordinance shall be in full force and effect five days after proper posting and publication. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 4. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

Passed by the City Council on the 12th day of June, 2012.

Margaret Harto

Mayor Margaret Harto

PUBLISHED: June 15, 2012
EFFECTIVE: June 20, 2012

ATTESTED:

Sharon Scott
City Clerk

APPROVED AS TO FORM:

Sara Springer
City Attorney

EXHIBIT A

Chapter 18.70
WIRELESS COMMUNICATION FACILITIES

Sections:

18.70.010 Purpose.
18.70.020 Exemptions.
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18.70.140 Tower-Specific Development Standards.
18.70.150 Height Modification.
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18.70.180 Removal of Abandoned Wireless Communication Facilities.

18.70.010 Purpose.

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities in order to protect the health, safety, and welfare of the public while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of Covington. The purpose of this chapter will be achieved through adherence to the following objectives:

(1) Encourage the location of wireless communication facilities in nonresidential areas;

(2) Allow wireless communications facilities in residential areas when necessary to meet the functional requirements of the telecommunications industry;

(3) Minimize the total number of wireless communication facilities throughout the community;

(4) Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historic resources, flight corridors, and health and safety of persons and property.

(5) Require cooperation between competitors and, as a primary option, encourage the joint use of new and existing wireless communication facility sites and structures to the greatest extent possible in order to reduce cumulative negative impact upon the City;

(6) Allow wireless communication companies to use City property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the City;

(7) Encourage providers of wireless communication facilities to locate these facilities in areas where the adverse impact on the community is minimal;

(8) Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the wireless communication facilities, as viewed from different vantage points, through careful design landscape screening, minimal impact siting options and camouflaging techniques, and through assessment of technology, current location options, siting, future available locations, innovative siting techniques, and siting possibilities beyond the jurisdictional boundaries of the City;

(9) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(10) Provide for the removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and Building Code compliance, and provide a mechanism for the City to cause these abandoned wireless communication facilities to be removed to protect citizens from imminent harm and danger;

(11) Avoid potential damage to adjacent properties from tower failure through engineering, careful siting, and maintenance of wireless communication facilities;

(12) Provide a means for public input on major wireless communication facility placement, construction, and modification; and

(13) Establish clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with federal and state laws and regulations pertaining to telecommunications providers.

18.70.020 Exemptions.

The following are exempt from the provisions of this chapter:

(1) Antennas and related equipment no more than three (3) feet in height that are being stored, shipped, or displayed for sale;

(2) Radar systems for military and civilian communication and navigation;

(3) Any wireless internet facility that is owned and operated by a federal, state, or local government;

(4) Antennas for the receiving and sending of licensed amateur (HAM) radio stations and citizen band stations, provided that the antennas do not exceed the base height requirements of the applicable zoning district and are owned and operated by a federally-licensed amateur radio station operator or are used exclusively for receive-only antennas. In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communication Commission of September 1985 and RCW 35A.21.260, a licensed amateur radio operator may locate a tower not to exceed the base height requirements of the applicable zoning district, provided the following requirements are met for such towers located in a single-family residentially-zoned district:

a. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means;

b. The color of the tower and any antennas located thereon shall all be the same and such that it blends into the sky to the extent allowed under the requirements set forth by the Federal Aviation Administration;

c. No signs shall be used in conjunction with the tower, except for one sign no larger than 8 ½ inches high and 11 inches wide, or as required by federal regulations;

d. No advertising logo, trademark, figurine, or other similar marking or lettering shall be placed on the tower or any wireless communication facilities mounted or otherwise attached thereto or any building used in conjunction therewith;

e. A telescoping tower and any antennas may exceed the base height of the underlying zoning district when fully extended, up to a maximum 75 feet in height, if the tower and any antennas attached do not exceed the base height of the zoning district when it is retracted; when the antenna is not in use it must be fully retracted (nested);

f. The tower shall be located a distance equal to or greater than its height, at full extension, from any existing residential structure located on adjacent parcels of property, including any attached accessory structures;

g. A tower shall be located a distance at least three-quarters of its height, at full extension, from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that, in the event of collapse, it falls within itself, and, in that event, it shall be located at least one-third of its height, at full extension, from any property line;

h. Towers shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes; and

i. All towers shall meet all applicable state and federal statues, rules, and regulations, including obtaining a building permit from the City, if necessary.

(5) An antenna that is designed to receive or send direct broadcast satellite service and/or broadband signals, or other means for providing internet service including direct-to-home satellite services, and that is 3.28 feet (1 meter) or less in diameter or diagonal measurement, and the antenna is attached to the residence or business that is utilizing the service.

(6) An antenna that is designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is 3.28 feet (1 meter) or less in diameter or diagonal measurement.

(7) An antenna that is designed to receive television broadcast signals.

(8) Routine maintenance or repair of wireless communication facilities, excluding structural work or changes in height or dimensions of antennas, towers, or buildings; provided that the wireless communication facility received approval from the City of Covington or King County for the original placement, construction, or subsequent modification. Changing of antennas on wireless communication facilities is permitted, provided the new antennas have the same area or less of those removed. The total number of antennas must remain the same. Additional ground equipment shall be placed within an approved equipment enclosure, provided the height of the equipment does not extend above the screen fence.

(9) Emergency communications equipment during a declared public emergency when the equipment is owned and operated by an appropriate public agency. In the event a building permit is required for any emergency maintenance, reconstruction, repair, or replacement, filing of the building permit application shall occur within thirty (30) days after the commencement of such emergency activities. The work performed must constitute a true emergency. Scheduled replacement or repair work does not constitute an emergency. In the event a building permit is required for nonemergency maintenance, reconstruction, repair, or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.

(10) Antennas and related equipment used by electric utility providers for the non-commercial communication, operation, and monitoring of their utility system maybe co-located on their transmission structures or utility poles, provided the color of the antennas and equipment shall be the same as the pole or structure it is located thereon or a color that blends into the sky.

18.70.030 Applicability, Review, and Permits Required.

The standards and process requirements of this chapter shall apply to the placement, construction, or modification of all wireless communication facilities, except as specifically exempted in CMC 18.70.020.

(1) No person may place, construct, or modify a wireless communication facility subject to this Chapter without first obtaining the required permit(s), issued in accordance with this Chapter. Except as otherwise provided herein, the requirements of this Chapter are in addition to the applicable requirements of CMC Title 18.

(2) Any land use or other permit application submitted pursuant to this Chapter shall be reviewed and evaluated by the Director for all wireless communication facility projects located on public or private property.

(3) The applicant shall be responsible for obtaining any necessary local, state, and federal permits and approvals for the project, and is responsible for complying with any conditions of approval placed on the application by local or other state or federal permits or approvals.

(4) No provisions of this Chapter shall be interpreted to allow the installation of a wireless communication facility to reduce the minimum parking or landscaping requirements on a site.

(5) Wireless communication facilities that are governed under this Chapter shall not be eligible for variances under CMC 18.125.030, Development Conditions, under note CMC 18.30.030(B)(4), or Height – Exceptions to limits under CMC 18.30.210. Any request to deviate from this Chapter shall be based on the modifications set forth in this Chapter.

(6) The City may, at its discretion, contract with an independent engineering and technical review consultant to review the land use or other permit application. The applicant shall be responsible for actual costs charged by the consultant, in addition to any base fees and application fees set forth in the City's fee resolution. Based on the results of the independent technical review, the City may require changes or request additional information to complete the application review. The technical review shall address the following:

    (a) The accuracy and completeness of the application;

    (b) The applicability of analysis techniques and methodologies;

    (c) The validity of conclusions reached;

    (d) The viability of other sites in the City for the use intended by the applicant; and

    (e) Any specific engineering or technical issues designated by the City.

(7) No alterations or changes shall be made to an approved wireless communications land use permit. Modifications which exceed the conditions of approval will require a new wireless communications land use permit and shall be reviewed based on the laws and rules in effect at the time of application. The Director has sole discretion to approve or deny any request for modifications to the land use approval.

18.70.040 Types of Permits – Priority – Preferences –Restrictions.

(1) Applications will be reviewed based on the type of wireless communication facility requested to be permitted. Each wireless communication facility requires a specific type of project review as provided for in the Table in CMC 18.70.040(2).

(2) Table

Type of Permit Required Based on Type of Wireless Communication (WC) Facility[3]			
	Zoning		
Type of WC Facility[3]	Residential R-4, R-6, R-8, R-18	Commercial CC, GC, NC, TC, MC, MHO	Resource/Industrial M, I
Transmission tower co-location	Type 1	Type 1	Type 1
Adding antennas to an existing tower	Type 1 [1]	Type 1 [1]	Type 1 [1]
Utility pole co-location	Type 2	Type 2	Type 2
Concealed building attached	Type 2 [2]	Type 2 [2]	Type 1
Non-concealed building attached	Type 2	Type 2	Type 1
New tower or Height modification request	Type 3	Type 3	Type 3

Notes:

(1) Provided that the height of the tower does not increase and the square footage of the enclosure area does not increase. If the enclosure area is increase it shall be a Type 2 review.

(2) An applicant may request to install a non-concealed building-attached facility under CMC 18.70.110.
(3) In the event of uncertainty on the type of wireless facility, the Director shall have the authority to determine how a proposed facility is incorporated into Table CMC 18.70.040(2) and the type of permit required.

(3) Priorities. The priorities for the type of wireless communication facility shall be based upon their placement in section (2); most desirable facilities are located toward the top of the table and the least desirable facilities toward the bottom. An application for a wireless communication facility shall follow the hierarchy provided in section (2). For example, an applicant shall demonstrate, by engineering evidence, that co-location on an electrical transmission structure is not feasible before moving to a utility pole co-location, and so forth, with the last possible siting option being a new wireless communication facility tower or height modification request.

(4) Preferences. The City's preferences for locating new wireless communications facilities are as follows:

(a) Place antennas on existing structures, such as buildings, wireless communication facility towers, water towers, utility poles, or electrical transmission structures.

(b) Place wireless communication facilities in non-residentially-zoned districts and on non-residential property.

(c) Place wireless communication facilities on public property and on appropriate rights-of-way, provided that no obligation is created herein for the City to allow the use of City property or public right-of-way for this purpose. The placement of personal wireless communication facilities on City owned property and public right-of-way will be subject to other applicable sections of the Covington Municipal Code and review by other city departments. A wireless communication facility mounted to any City-owned property, utility pole, or other structure shall be removed if the City deems removal is necessary for the undergrounding of utilities, the sale, development, or redevelopment of City-owned property, or the demolition or alteration of a City-owned building or other structure. The wireless communication facility shall be removed at no expense to the City.

(5) Restrictions on Light Poles and Standards. Light poles and light standards located within the public rights-of-way are prohibited from use as a wireless communication facility or for the attachment of an antenna.

(6) Application Procedure. The applicant shall submit a completed application in a form established by the Director along with the initial application fee as set forth in the City's current fee resolution. The application shall contain such information as the Director may deem necessary or useful, and shall include:

(a) Type 1 Permit requirements:

1. A written description outlining the proposed project and an evaluation of how the proposal meets the City's code requirements;

2. Applicants who are not the property owner of record of the land and/or structure on which a wireless communication facility is to be located are required to have the application co-signed by the property owner(s) and provide a signed statement by the property owner(s) and/or building or structure owner(s) (if different) authorizing the submittal of the application by the applicant;

3. Plan sets prepared by a design professional that include a vicinity map, site map, architectural elevations, method of attachment, proposed screening, location of proposed antennas, and all other information which accurately depicts the proposed project and existing conditions or as otherwise determined necessary by the Director;

4. Written statement from a radio frequency engineer that demonstrates that the facility meets Federal Communications Commission requirements for allowed radio frequency emissions;

5. A vicinity map depicting the proposed extent of the service area;

6. Critical areas study and proposed mitigation (if required);

7. If an outdoor generator is proposed, a report prepared by an acoustical engineer demonstrating compliance with CMC Chapter 8.20 – Noise Control; and

8. SEPA application (if required).

(b) Type 2 – The applicant shall submit all of the information required for a Type 1 application, plus the following:

1. Photo simulations that depict the existing and proposed view of the proposed facility;

2. Data sheet depicting the materials, textures, and colors proposed for use;

3. Landscaping plan prepared by a Washington State-licensed landscape architect (if required);

4. Service coverage area map (Radio Frequency (RF) Modeling);

5. If the facility is located within a residential zone, a report from a radio frequency engineer explaining the need for the proposed wireless communication facility. Additionally, the applicant shall provide detailed discussions on why the wireless communication facility cannot be located within a commercial or industrial/resource zone; and

6. Mailing labels for all property owners and tenants/residents within 500 feet of the subject property.

(c) Type 3--The applicant shall submit all of the information required for Type 1 and Type 2 applications, plus the following:

1. All information required for new towers under CMC 18.70.130 and 18.70.140;

2. All information required for a height modification or setback modification request under CMC 18.70.150 and 18.70.160 respectively (if applicable).

3. The radio frequency engineer report shall include a discussion of the information required under CMC 18.70.050. The report shall also explain why a tower must be used instead of any of the other location options outlined in the table in CMC section 18.70.040(2);

4. Engineering Plans for the proposed tower, including a Letter of Certification by a licensed engineer that the proposed height and equipment comply with the requirements of this chapter;

5. Evidence that the tower has been designed to meet the minimum structural standards for wireless communication facilities for a minimum of three providers of voice, video, or data transmission services, including the applicant, and including a description of the number and types of antennas the tower can accommodate;

6. A graphic simulation showing the appearance of the proposed tower and ancillary structures and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the Director and applicant. All plans and photo simulations shall include the maximum build-out of the proposed facility; and

7. Evidence of compliance with Federal Aviation Administration standards for height and lighting and certificates of compliance from all affected agencies.

18.70.050 General Requirements.

The following shall apply to all wireless communication facilities regardless of the type of facility:

(1) *Noise* – Any facility that requires a generator or other device that will create noise must demonstrate compliance with CMC Chapter 8.20 "Noise Control." A noise report, prepared by an acoustical engineer shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The City may require that the report be reviewed by an independent technical expert at the sole expense of the applicant.

(2) *Business license requirement* – Any person, corporation, or entity that operates a wireless communication facility within the City shall obtain and maintain a valid Covington business license, issued annually by the City. Any person, corporation, or other business entity that owns a tower is also required to obtain and maintain a valid Covington business license.

(3) *Signage* – Only safety signs or those mandated by other public agencies may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.

(4) *Parking* - Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

(5) *Finish* – A tower shall either maintain a galvanized steel finish or, subject to the applicable standards of the FAA or FCC, be painted a neutral color so as to reduce its visual obtrusiveness.

(6) *Design* – Wireless communication facilities shall be screened or camouflaged by employing the best available technology. The design of all antennas, towers, support structures, buildings, and ancillary structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment.

(7) *Color* – All antennas and ancillary wireless communication facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

(8) *Lighting* - Wireless communication facilities shall not be artificially lighted unless required by the FAA, FCC, or other applicable government authority. If lighting is required, the reviewing authority shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding areas. No strobe lighting of any type is permitted on any tower.

(9) *Advertising* – No advertising is permitted at wireless communication facility sites or on any ancillary structures or facilities equipment compound.

(10) *Ancillary Wireless Communication Facilities* –All ancillary wireless communication facilities shall meet the underlying zoning district's setback requirements unless a zoning setback modification is granted pursuant to CMC 18.70.160.

(11) *Equipment Enclosures* – If feasible, equipment enclosures shall be located within existing buildings or located underground. If some other placement is proposed the applicant shall demonstrate to the satisfaction of the City that it is not feasible to locate the equipment below ground. All equipment and cabinets that will be visible to the traveling public, workers, or residents shall be as small and unobtrusive as is practicable and designed to blend in with existing surrounds. The applicant shall size any equipment enclosure and other facilities to minimize visual clutter. Each applicant shall be limited to an equipment enclosure

of 360 square feet at each site. However, this size restriction shall not apply to enclosures located within an existing commercial, industrial, residential, or institutional building.

(12) *Owner approval*-- At the time of application the applicant must submit proof that they have contacted and received approval for the placement of the antenna at the specified location from the support structure owner (e.g. building, water tower, utility pole, electrical transmission structure, utility pole, monopole) and, if different, the land owner upon which the structure is located.

(13) *Building Standards* - Wireless communication support structures shall be constructed so as to meet or exceed the most recent Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled: "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), and as it may be updated or amended. Utility poles and transmission structures that are owned and/or maintained by the serving electric utility shall be designed to meet the National Electric Safety Code. Prior to issuance of a building permit the Building Official shall be provided with an engineer's certification that the support structure's design meets or exceeds the preceding applicable standards.

(14) *Maintenance.* Wireless communication carriers shall maintain their wireless communication facility in a good and safe condition. They shall preserve its original appearance and concealment, disguise, or camouflage elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping.

(15) *Critical Areas* - Wireless communication facilities shall not be allowed in designated critical areas (except aquifer recharge areas) unless they are co-located on existing facilities.

(16) *Radio Frequency Emissions* - The applicant shall demonstrate that the wireless communication facility will comply with the radio frequency emission standards adopted by the Federal Communications Commission (FCC).

(17) *State or federal requirements*- All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

18.70.060 Landscaping/Screening.

(1) The visual impacts of wireless communication facilities shall be mitigated and softened through landscaping or other screening materials at the base of the tower, equipment compounds, equipment enclosures, and ancillary structures, with the exception of wireless communication facilities located on electrical transmission structures, or if the antenna is mounted flush on an existing building or camouflaged as part of the building and ancillary

equipment is housed inside an existing structure. The use of appropriate native plant species is encouraged. The Director or Hearing Examiner, as appropriate, may reduce or waive the standards for those sides of the wireless communication facility that are not in public view and when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; or in locations where large wooded lots and natural growth around the property perimeter may be sufficient buffer.

(2) Landscaping shall be installed on the outside of fences associated with wireless communication facility equipment compounds and around equipment enclosures located at ground level. Existing vegetation shall be preserved to the maximum extent practicable and maybe used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:
   a. Screening landscaping shall be placed around the perimeter of the equipment compound, except that a maximum ten (10) foot portion of the fence may remain without landscaping in order to provide access to the enclosure.
   b. The landscaping area shall be Type 1 landscaping as described in CMC 18.40.040(1) and a minimum of eight (8) feet in depth around the perimeter of the enclosure in all zoning districts; except that Type II landscaping as defined in CMC 18.40.040 (2) maybe used in residential zoning districts and shall be a minimum of ten (10) feet in depth.
   c. The applicant shall utilize evergreens that shall be a minimum of six (6) feet tall at the time of planting; unless located in a transmission or utility corridor where clearance requirements apply, then landscaping that will be appropriate in size at maturity so as not to grow into the clear zone shall be planted.

(3) The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscaping development proposal plan and shall maintain all landscaping materials in a healthy growing condition for the life of the facility. Landscape areas shall be kept free of trash.

18.70.070 Electrical Transmission Structure Co-Location- Specific Development Standards.

The following requirements shall apply to co-location of antennas on an existing electrical transmission structure (as defined in CMC 18.20.1256):

(1) *Height-* The height requirements for antennas that are co-located on electrical transmission structures is limited to twelve (12) feet above the existing tower or pole height. If a replacement electrical transmission structure is proposed, the maximum height shall be no greater than twelve (12) feet above the original electrical transmission structure's height.

(2) *Antenna aesthetics* – There are no restrictions on the type of antenna(s) that may be co-located on the electrical transmission structure. The antenna(s) must be painted to match the color of the electrical transmission tower/pole.

(3) *Antenna intensity* – There is no limit on the number of antennas that may be co-located on an electrical transmission structure.

(4) *Feed lines and coaxial cables* –Feed lines and coaxial cables shall be attached to the existing pole or to one of the legs of the electrical transmission tower. The feed lines and cables must be painted to match the color of the electrical transmission structure. If a replacement structure is proposed the feed lines and coaxial cables shall be located within the structure or in a covered raceway of similar color and material to the tower or pole.
(5) *Equipment Enclosures* – Cabinet equipment shall be located directly under the electrical transmission tower where the antennas are located, or in a concealed location.
(6) *Setbacks* – Setback requirements shall not apply to wireless communication facilities co-located on an existing electrical transmission structure.

18.70.080 Adding Antennas to an Existing Wireless Communication Facility Tower - Specific Development Standards.

The following requirements shall apply to adding antennas to existing wireless communication facility tower(s) (as defined in CMC 18.20.1284):

(1) *Height* – The height of the antenna(s) must not exceed what was approved under the original application to construct the tower. If the proposed antenna(s) height shall exceed what was originally approved, a variance approval as a Type 3 decision is required.
(2) *Antenna aesthetics* – Antenna(s) shall be painted to match the color scheme of the tower. Antenna mounts shall be flush-mounted onto the existing tower; unless it is demonstrated through Radio Frequency (RF) propagation analysis that flush-mounted antennas will not meet the network coverage objective.
(3) *Antenna intensity* – There is no limit on the number of antennas that may be located on an existing tower.
(4) *Feed lines and coaxial cables* – Feed lines and coaxial cables shall be located within the tower. Any exposed feed lines or coaxial cables (such as when extended out of the tower to connect to the antennas) must be painted to match the tower.
(5) *Equipment Enclosures* – Any new cabinet or equipment shall be located within the equipment enclosure that was approved as part of the original application. If the applicant wishes to expand the equipment enclosure or compound from what was approved by the City or County under a previous application, the application shall seek a wireless communication facility (Type 2) application for only the equipment enclosure increase.
(6) *Setbacks* – Setback requirements shall not apply when an applicant installs new antennas on an existing tower and uses an existing equipment enclosure. If the equipment enclosure is increased it must meet the setback requirements for the underlying zoning district and may not exceed the total area restrictions for equipment enclosures as set forth in CMC 18.70.050.

18.70.090 Utility Pole Co-location – Specific Development Standards.

The following requirements shall apply to all wireless communication facilities co-located on a utility pole (as defined in CMC 18.20.1351):

(1) *Height* – The antenna height of a utility pole co-location is limited to twelve (12) feet above the existing utility pole and may not be greater than fifty (50) feet in total height in residential zones.
(2) *Antenna aesthetics* – The first preference for any co-location is to utilize flush-mounted antennas. If the utility pole co-location includes an antenna array, the array shall be painted to match the support structure and shall be flush mounted within six (6) inches of the support structure. If it is demonstrated through RF propagation analysis that six (6) inch flush-mounted antennas will not meet the network coverage objective, then the distance maybe increase up to twelve (12) inches or may be contained in a canister that is a continuation of the diameter of the support structure.
(3) *Replacement pole* – An existing utility pole may be removed and replaced with a new utility pole so long as the replacement pole is of similar color and material as the existing, and adjacent, pole(s) and is located within ten (10) feet of the existing pole (measured from the center point of the existing pole to the center point of the replacement pole). The replaced utility pole must be used by the owner of the utility pole to support its utility lines. A replacement utility pole shall be designed such that coaxial cables and feed lines can be located within the pole or in a covered raceway of similar color and material as the pole.
(4) *Coaxial cables and feed lines* - Coaxial cables limited to ½ inch diameter may be attached directly to an existing utility pole. Coaxial cables greater than ½ inch must be placed within the utility pole or within a covered raceway of similar color and material as the existing pole. The size of the cables is the total size of all coaxial cables being utilized on the utility pole.
(5) *Pedestrian impact* –The proposed wireless communications facility co-location shall not result in a significant change in the pedestrian environment or preclude the City from making pedestrian improvements. If a utility pole is being replaced, consideration must be made to improve the pedestrian environment, if necessary.
(6) *Equipment Enclosures* – Unless approved by the Director of Public Works, all equipment enclosures must be placed outside of the City right-of-way. Equipment enclosures shall be located underground consistent with CMC 18.70.050(11).
(7) *Setbacks* – Any portion of the wireless communication facilities located within City right-of-way is not required to meet setback requirements if it is located underground. The City will evaluate setback modifications on private property under the setback requirements set forth in CMC 18.70.160.

18.70.100 Building Mounted Concealed Facility – Specific Development Standards.
The following requirements shall apply to wireless communication facilities that are attached to an existing building and concealed from view (as defined in CMC 18.20.1428):

(1) *Height* – The proposed concealed wireless communication facility must meet the height requirement of the underlying zoning district. Antennas may be located in existing church spires, clock towers, chimneys, water towers, elevator towers, mechanical equipment room, or other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area. Stand-alone antennas or towers shall not qualify as rooftop appurtenances.

(2) *Antennas aesthetics* – Antennas must be concealed from view by blending with the architectural style of the building. This could include, but not be limited to, steeple-like structures and parapet walls. The screening must be made out of the same material and be the same color as the building. Antennas shall be pained to match the color scheme of the building(s).
(3) *Feed lines and coaxial cables* – Feed lines and coaxial cables shall be located below the parapet of the rooftop.
(4) *Cabinet Enclosure* – If cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with CMC 18.70.050.
(5) *Setbacks* – The proposed wireless communication facilities must meet the setback requirements of the applicable zoning category where the facility is to be located.

18.70.110 Request to Use Non- Concealed Facilities Attached to a Building in Lieu of a Concealed Building Attachment.

The use of concealed building facilities shall have first priority in all residential and commercial zones. However, an applicant may request to construct a non-concealed building attached wireless communication facility in lieu of a concealed wireless communication facility. The Director will use the following criteria to determine whether to allow this request:

(1) Due to the size of the building and the proposed location of the antennas, the visual impact of the exposed antennas will be minimal in relation to the building.
(2) Cables are concealed from view and any visible cables are reduced in visibility by sheathing or painting to match the building where they are located.
(3) Equipment enclosure is adequately screened from view.
(4) Due to the style or design of the building the use of a concealed facility would reduce the visual appearance of the building.
(5) The proposal meets the development standards of the following section CMC 18.70.120.

18.70.120 Non-concealed Building Mounted Specific Development Standards.

The following requirements shall apply to wireless communication facilities that are attached to an existing building and not concealed from view (as defined in CMC 18.20.1427):

(1) *Height* – The proposed facility must meet the height requirement of the underlying zoning category. If the building where the facility is located is at or above the maximum height requirements, the non-concealed antennas are permitted to extend a maximum of three (3) feet above the existing roof line.

(2) *Antenna aesthetics* – The first preference for any proposed facility is to utilize flush-mounted antennas. Non-flush mounted antennas may be used when their visual impact will be negated by the scale of the antennas to the building. Shrouds, canisters or other visually opaque, radio-frequency transparent material which hide the wireless antennas from public view are not required unless they provide a better visual appearance than exposed antennas. Antennas shall be painted to match the color scheme of the buildings(s).

(3) *Feed lines and coaxial cables* – Feed lines and coaxial cables should be located below the parapet of the rooftop. If the feed lines and cables must be visible they must be painted to match the color scheme of the building(s).

(4) *Equipment Enclosures* – If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the equipment enclosure cannot be located within the building or on the roof and is located on the ground, the enclosure shall be fenced with a six (6)-foot-tall fence. The fence shall include slats, wood panels, or other materials to screen the equipment from view.

18.70.130 Requests for New Towers.

(1) New towers are not permitted within the City unless the Hearing Examiner finds that the applicant has demonstrated by a preponderance of the evidence that:
   (a) *Coverage objective* – There exists an actual (not theoretical) significant gap in service and the proposed wireless communication facility will eliminate such significant gap in service; and
   (b) *Alternates* – No existing tower, structure, other feasible site, or other alternative technologies not requiring a new tower in the City can accommodate the applicant's proposed wireless communication facility; and
   (c) *Least intrusive* - The proposed new wireless communication facility is designed and located to remove the significant gap in service in a manner that is, in consideration of the goals, polices, objectives, standards and regulations set forth in this chapter, CMC Title 18, and the Comprehensive Plan, the least intrusive upon the surrounding area.

(2) The Hearing Examiner is the reviewing body on the application to construct a new tower and shall determine whether or not each of the above requirements are met. Examples of evidence the applicant shall provide demonstrating the foregoing requirements include, but are not limited to, the following:
   (a) That the tower height is the minimum necessary in order to achieve the coverage objective;
   (b) That no existing towers or structures or alternative sites are located within the geographic area required to meet the applicant's engineering requirements to meet its coverage objective (regardless of the geographical boundaries of the City);
   (c) That the existing towers or structures are not of a sufficient height or could not feasibly be extended to a sufficient height to meet the applicant's engineering requirements to meet its coverage objective;

(d) That the existing structures or towers do not have sufficient structural strength to support the applicant's proposed antenna and ancillary facilities;
(e) That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing structure would cause interference with the applicant's proposed antenna;
(f) That an alternative technology that does not require the use of a new tower, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireless system, is unsuitable. Costs of alternative technology that exceed the new tower or antenna development shall not be presumed to render the technology unsuitable; and
(g) The applicant demonstrates other limiting factors that render existing towers and structures or other sites or alternative technologies unsuitable.

(3) The Hearing Examiner, after holding a public hearing, shall approve, approve with conditions, or deny the application, or remand the application back to staff for further investigation in a manner consistent with the Hearing Examiner's order.

18.70.140 Tower-Specific Development Standards.
The following requirements shall apply to all wireless communication towers(as defined in CMC 18.20.1484:

(1) Height – Any proposed tower with antennas shall meet the height standards of the zoning district where the tower will be located. A height modification may be applied for under CMC Section 18.70.150.
(2) Antenna and tower aesthetics – The applicant shall utilize a concealed facility as defined in CMC 18.20.1428. The choice of concealing the wireless communication facility must be consistent with the overall use of the site. For example, having a tower appear like a flagpole would not be consistent if there are no buildings on the site. If a flag or other wind device is attached to the pole, it must be appropriate in scale to the size and diameter of the tower.
(3) Setbacks – The proposed wireless communication facilities must meet the setback requirements of the underlying-zoning district. If a height modification is granted under CMC Section 18.70.150, the setback of the proposed wireless communication facility shall increase two (2) feet for every foot in excess of the maximum permitted height in the zoning district.
(4) Color - The color of the tower shall be based on the surrounding land uses and type of concealment proposed.
(5) Feed lines and coaxial cables – All feed lines and coaxial cables must be located within the tower. Feed lines and coaxial cables connecting the tower to the equipment enclosure, which are not located within the wireless communication facility equipment compound, must be located underground.
(6) Tower design - Any new tower constructed shall be designed to meet the minimum structural standards for future co-location of wireless communication facilities by a minimum of three providers (including the applicant) of voice, video, or data transmission services.

18.70.150 Height Modification.

(1) Where the Hearing Examiner finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the height limitations of the underlying zoning district, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve a height modification to the zoning code height limit; provided the applicant demonstrates that the modification will meet the goals, policies, objectives, standards, and requirements of this Chapter, CMC Title 18, and the Comprehensive Plan, and demonstrate the following:
    a. The granting of the height modification will not be detrimental to public safety, health, or welfare, or injurious to other property, and will promote the public's interest; and
    b. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a modification. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
        i. Topography and other site features;
        ii. Availability of alternative site locations;
        iii. Geographic location of property; and
        iv. Size/magnitude of the project being evaluated and availability of co-location.

(2) In approving the height modification request, the Hearing Examiner may impose such conditions as it deems appropriate to substantially secure the goals, policies, objectives, standards, and requirements of this Chapter, CMC Title 18, and the Comprehensive Plan.

(3) A request for any such modification shall be submitted in writing by the applicant with the application for Hearing Examiner review. The applicant shall state fully the grounds for the modification and all of the facts relied upon by the applicant.

18.70.160 Setback Modification.

(1) Wireless communication facilities must meet the setback requirements of the underlying zoning district.

(2) The Director or Hearing Examiner, depending on the type of application, may permit modifications to be made to setback requirements when:
    a. An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property within the required setback will provide better screening and aesthetic considerations than provided under the existing setback requirements; or
    b. The modification will aid in retaining open space and trees on the site; or
    c. The proposed location allows for the wireless communication facility to be located at a greater distance from residentially-zoned properties.

(3) Zoning setback modifications shall not be used to reduce any setback required under the State Building Code or Fire Code.

18.70.170 Expiration.

Any application to install or operate a wireless communication facility shall expire exactly one (1) year from the date of issuance of the Director or Hearing Examiner's decision, unless significant progress has been made to construct the facility. The City may extend the expiration period by

up to one (1) additional year due to circumstances outside of the control of the applicant. However, the City shall not issue an extension if any revisions have occurred to the City's Municipal Code that would affect the wireless communication facility approved.

18.70.180 Removal of Abandoned Wireless Communication Facilities.

Any antenna or tower that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application for a continuous period of 12 months shall be considered abandoned. The wireless telecommunication carrier of such abandoned antenna or tower and ancillary wireless communication facilities shall remove the same within ninety (90) days of receipt of a notice from the City notifying the owner or operator of such abandonment. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment, and the concrete pad upon which the structure is located. Failure to remove such an abandoned facility shall result in declaring the antenna and/or tower a public nuisance. If there are two (2) or more users of a single tower, then this section shall not become effective until all users cease using the tower.

EXHIBIT B

CHAPTER 18.20
TECHNICAL TERMS AND LAND USE DEFINITIONS

18.20.062 Ancillary Wireless Communication Facility.
"Ancillary Wireless Communication Facilities" means any facilities, component, part, equipment, mounting hardware, feed lines, or appurtenance associated with, attached to, or a part of a tower, pole, antenna, ancillary structures, or equipment enclosures, facilities equipment compound, and located within, above, or below the facilities equipment compound. Also includes any form of development associated with a wireless communications facility, including but not limited to foundations, concrete slabs on grade, guy anchors and transmission cable supports.

18.20. 067 Antenna(s).
~~"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception or radio frequency signals. (Ord. 42-02 § 2 (21A.06.067))~~

"Antenna(s)" means any exterior system of electromagnetically- tuned wires, poles, rods, reflecting disks, or similar devices used to transmit or receive electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals between terrestrial and/or orbital based points, including without limitation: directional antennas (also known as "panel" antennas) that transmit and receive radio frequency signals in a specific directional pattern of less than 360 degrees; omni-directional antennas (also known as "whip" antennas) that transmit and receive radio frequency signals in a 360- degree radial pattern, but do not include antennas utilized specifically for television reception; and parabolic antennas (also known as "dish" antennas) that are bowl-shaped devices for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

18.20.068 Antenna(s) Array.
"Antenna(s) Array" means one or more antennas and their associated ancillary facilities that share a common attachment device, such as a mounting frame or mounting support.

18.20.068.5 Antenna(s), Flush Mounted.
"Antennas, Flush Mounted" are antennas or antenna array attached directly to the face of the tower, pole, or building, such that no portion of the antenna extends above the height of the tower, pole, 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.

~~**18.20.945 Radio frequency.**~~
~~"Radio frequency" means the number of times the current from a given source of non-ionizing electromagnetic radiation changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or Hertz (Hz). (Ord. 42-02 § 2 (21A.06.945))~~

18.20.1166 Significant Gap in Service, Wireless Communications.
"Significant Gap in Service, Wireless Communications" means a large geographic area within a service area(s) of the applicant in which a large number of applicant's remote user subscribers are unable to connect or maintain a connection to the national telephone network through applicant's wireless telecommunications network. A "dead spot" (defined as small areas within a service area

where the field strength is lower than the minimum level for reliable service) does not constitute a significant gap in service.

18.20.1256 Structure, Electrical Transmission.
"Structure, Electrical Transmission" means any facility (including a pole or a tower) owned by an electric utility that supports electrical lines that carry a voltage of at least 115kV.

18.20.1282 Tower, Guy.
"Tower, Guy" means a tower that is supported with cable and ground anchors to secure and steady the tower.

18.20.1283 Tower, Lattice.
"Tower, Lattice" means a tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas or similar antenna devices.

18.20.1283.5 Tower, Monopole.
"Tower, Monopole" means a freestanding tower that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground.

18.20.1284 Tower, Wireless Communication Facility.
"Tower, Wireless Communication Facility" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers or monopoles. The term includes, without limitation, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

18.20.1284.5 Tower-Mounted Facilities.
"Tower-Mounted Facilities" means a wireless communication facility that is mounted to a tower.

18.20.1351 Utility Pole.
"Utility Pole" is any facility owned by an electric utility that supports electrical lines thatcarry a voltage of less than 115kV, or other public utility, such as coaxial cables for cable and fiber optic cable for telephone lines.

18.20.1426 Wireless Communication Facility.
"Wireless Communication Facility" means any tower, antenna, ancillary structure or facility, or related equipment or component thereof, that is used for the transmission of radio frequency signals through electromagnetic energy for the purpose of providing phone, internet, video, information services, specialized mobile radio, enhanced specialized mobile radio, paging, wireless digital data transmission, broadband, unlicensed spectrum services utilizing part 15 devices, or other similar services that currently exist or that may in the future be developed.

18.20.1427 Wireless Communication Facility, Building Mounted.
"Wireless Communication Facility, Building Mounted" means a wireless communication facility that is attached to an existing commercial, industrial, residential, or institutional building.

18.20.1428 Wireless Communication Facility, Concealed Facility.
"Wireless Communication Facility, Concealed Facility" means a wireless communication facility that is not readily identifiable as such and is designed to be aesthetically and architecturally compatible with the existing building(s) on a site; or a wireless communications facility disguised, hidden, or integrated with an existing structure that is not a monopole or tower; or a wireless communication facility that is placed within an existing or proposed structure or tower or mounted within trees, so as to be significantly screened from view or camouflaged to appear as a non-antenna structure or tower (i.e., tree, light pole, clock tower, flagpole with flag, church steeple).

18.20.1429 Wireless Communication Facility Equipment Enclosure.
"Wireless Communication Facility Equipment Enclosure" means any structure above or below ground, including without limitation cabinets, shelters, pedestals and other devices or structures, that is used exclusively to contain radio or other equipment necessary for the transmission and/or reception of wireless communication signals including, without limitation, air conditioning units and generators.

18.20.1429.1 Wireless Communication Facility Equipment Compound.
"Wireless Communication Facility Equipment Compound" means an outdoor fenced area occupied by all the towers, antennas, ancillary structure(s), ancillary facilities, and equipment enclosures, but excluding parking and access ways.

18.20.1429.2 Wireless Communication Facility, Feed Lines or Coaxial Cables.
"Wireless Communication Facility, Feed Lines or Coaxial Cables" means cables used as the interconnection media between the transmission/ receiving base station and the antenna.

18.20.1429.3 Wireless Telecommunication Carrier.
"Wireless Telecommunication Carrier" means any person or entity that directly or indirectly owns, controls, operates, or manages any plant, equipment, structure, or property within the City for the purpose of offering wireless telecommunication service within the City.

CHAPTER 18.25
PERMITTED USES

18.25.100 Regional land uses.
A. Table.

KEY
P – Permitted Use **C – Conditional Use**

SIC #	SPECIFIC LAND USE	M	US	R4-8	R-18	CC	NC	I
*	Jail				C	C		C
*	Work release facility				C	C		
*	Public agency animal control facility							P

*	Public agency training facility							C1
*	Nonhydroelectric generation facility	C6				C6		C
*	Wireless Communication facility (4)	P C		~~C4~~P C	~~C4~~P C	~~C4~~P C	P C	P C
*	Earth station			C2	C2	P3		P
*	Energy resource recovery facility	C			C	C		C
*	Soil recycling facility	C						C
*	Transfer station	C			C	C		C
*	Wastewater treatment facility			C	C	C		C
*	Fairground							C
8422	Zoo/wildlife exhibit			C	C			C
7941	Stadium/arena							
8221 – 8222	College/university (1)			P5		P5		P
*	Secure community transition facility (SCTS)	*						7

B. Development Conditions.

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(4) ~~Limited to tower consolidations~~ Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. WCFs may be located a) on any residential structure or undeveloped site in R-18, MHO, TC or GC zone 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 zone district. Chapter 18.70 CMC, Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.

...

CHAPTER 18.30
DEVELOPMENT STANDARDS—DENSITY AND DIMENSIONS

18.30.030 Densities and dimensions – Residential zones.

A. Table.

STANDARDS	ZONES				
	RESIDENTIAL				
	R-1 (~~17~~14) Urban Separator	R-4	R-6	R-8	R-18
Base density: dwelling unit/acre (15)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	18 du/ac (18)
Maximum density: dwelling unit/acre (1)		6 du/ac ~~(24)~~	9 du/ac ~~(24)~~	12 du/ac	24 du/ac
Minimum density (2) (15)		85% (12) ~~(15)~~	85% (12) ~~(15)~~	85% (12) ~~(15)~~	85% (12) ~~(15)~~
Minimum lot area (~~1~~3)	2,500 sf	2,500 sf	2,500 sf	2,500 sf	2,500 sf (3)
Minimum lot width (3)	35 ft (7)	30 ft	30 ft	30 ft	30 ft
Minimum street setback (3)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft
Minimum interior setback (3) (13~~6~~)	7 ft 6 inches (7)	7 ft 6 inches	7 ft 6 inches	7 ft 6 inches	10 ft
Base height (4)	35 ft	35 ft	35 ft 45 ft (11 ~~4~~)	35 ft 45 ft (11 ~~4~~)	35 ft
Maximum impervious surface: percentage (5)	30%(16)	55%	70%	75%	75%

B. Development Conditions.

...

(4) Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet. Wireless Communication Facilities, including licensed amateur (HAM) radio stations and citizen band stations, shall not exceed the zone's base height limit unless allowed pursuant to the provisions of CMC 18.70 or a height modification is granted pursuant to CMC 18.70.150. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum

height shall not exceed 75 feet.

...

(9) ~~For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with CMC 18.30.100.~~ Intentionally left blank.

(10) ~~These lot size minimums are for purposes of lot averaging, and do not apply to lot clustering proposals.~~ Intentionally left blank.

...

(17) ~~Upon approval of a conditional use permit, senior housing can be increased to a maximum density of six units in the R-4 zone and 12 units in the R-6 zone.~~ Intentionally left blank.

...

18.30.210 Height – Exceptions to limits.

The following structures may be erected above the height limits of CMC 18.30.030 through 18.30.050:

(1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and

(2) Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, ~~communication transmission and receiving structures,~~ utility line towers and poles, and similar structures. (Ord. 42-02 § 2 (21A.12.180))

CHAPTER 18.31
DOWNTOWN DEVELOPMENT AND DESIGN STANDARDS

18.31.080 Permitted land uses.

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(3) Permitted Use Table.

Use Categories	Town Center (TC)[23]	Mixed Commercial (MC)	General Commercial (GC)	Mixed Housing Office (MHO)[1]
Residential				
Dwelling Unit, Accessory	NP	NP	NP	P[2]
Dwelling Unit, Multifamily	P	P	P	P

Dwelling Unit, Single-Family Attached, Detached or Cottage Housing[21]	NP	NP	NP	P[2]
Senior Citizen Assisted Housing	P	P	P	C
Commercial				
Adult Entertainment	NP	P[3]	P[3]	NP
Business Services[19]	P[5]	P	P	P[4,5]
Drive Through Use	NP	P	P	NP
Farmers' Markets and Public Markets[6]	P	P	P	NP
Gambling and Card Rooms	NP	NP	NP	NP
Home Occupation and Live/Work	P	P	P	P
Outdoor Commercial	NP	NP	P	NP
Personal and Beauty Services[20,21]	P	P	P	P
Private Electric Vehicle Parking Facility (Primary Use)			P[5,24]	
Private Parking Facility (Primary Use)	NP	NP	NP	NP
Professional Office	P	P	P	P
Retail Trade and Services – 100,000 sq. ft. or less for all structures	P[5]	P	P[10]	P[4,5]
Retail Trade and Services – greater than 100,000 sq. ft. for all structures	C[5,9,18]	P	P[10]	NP
Shooting Ranges[25]	NP	NP	P	NP
Storage/Self Storage	NP	P[5]	P	NP
Temporary Lodging/Hotel	P	P	P	C[22]
Cultural/Recreation				
Cinema, Performing Arts and Museums	P	P	P	NP
Meeting Hall/Other Group Assembly	P	P	P	C
Recreation, Indoor or Outdoor	C	P	P	P
Religious	C[7]	P	P	C
Health Services				
Emergency Care Facility	C[9,18]	P	NP	NP
Hospital	NP	P	NP	NP
Medical Office/Outpatient Clinic	P[8]	P	NP	P
Nursing/Personal Care Facility	NP	P	NP	C
Industrial/Manufacturing				
Asphalt Plants	NP	NP	NP	NP

Light Industrial/Manufacturing	NP	NP	P[10]	NP
Government/Institutional[11]				
Essential Public Facilities	NP	NP	C	NP
Government Services	P	P	P	P[12]
Major Utility Facility	C[14]	C	P	C
Minor Utility Facility	P[15]	P	P	P
Schools: Compulsory, Vocational and Higher Education	C[13]	P	NP	C
Wireless Communication Facilities[16]				
Antenna, Co-location on an existing structure[17]	P	P	P	P
~~Transmission Support Structure~~Wireless Communication Facility Tower	NP~~C~~[17]	NP~~C~~	NP	NP

(4) Permitted Use Conditions.

...

16. Chapter 18.70 CMC, ~~Development Standards~~ Wireless Communication Facilities, outlines the approval and review process. In the event of a conflict between the requirements of Chapter 18.70 CMC and the requirements of this chapter, Chapter 18.70 CMC shall govern.

17. ~~All transmission support structures shall be mounted on a building.~~All antennas and ancillary wireless communication facilities shall be concealed facilities and mounted on an existing building or structure or placed underground as provided for in CMC 18.70.

...

CHAPTER 18.125
DECISION CRITERIA

18.125.030 Variance

...

(2) Required Findings. The Hearing Examiner shall not grant a variance from the development standards of this title unless the Hearing Examiner finds that the variance request meets all of the following criteria and the Hearing Examiner makes written findings to that effect:

...

(m) The variance is not eligible for wireless communication facilities that are governed under Chapter 18.70 CMC, Wireless Communication facilities.

...

CHAPTER14.30
PERMIT DECISION TYPES

14.30.040 Decision types.

Type 1	Type 2	Type 3	Type 4
Building Permit (15.05) Grading Permit (18.60) Boundary Line Adjustment (17.40) Right-of-Way Use Permit (12.35) Design and Construction Standards Deviation (12.60) Shoreline Exemption (16.05) Code Interpretation (14.30) Miscellaneous Administrative Decisions Minor Tree Removal (18.45) WCF Co-location on a Transmission Structure or WCF Tower (18.70)	Short Plat (Including Revisions and Alterations) (17.20) Design and Construction Standards Variance (12.60) Design Departure from the City of Covington Design Guidelines and Standards (18.31) Downtown Permitted Use Determination (18.31) Temporary Use (18.85) Shoreline Substantial Development Permit[2] (16.05) SEPA Threshold Determination[3] Commercial Site Development Permit (18.31 and 18.110) Re-use of Facilities (18.85) Critical Areas Reasonable Use Exceptions (18.65) Binding Site Plan (17.30) Major Tree Removal (18.45) Stormwater Manuals Variance (13.25) Wireless Communication Facilities Co-locations (18.70)	Preliminary Plat (17.20) Plat Alterations (17.25) Preliminary Plat Revisions (17.20) Zoning Variance (18.125) Conditional Use Permits (18.125) New Wireless Communication Facility Towers & Height Modifications (18.70)	Final Subdivision[4] (17.25) Shoreline Environment Redesignations (16.05) Plat or Short Plat Vacations (17.25) Street Vacations (12.55)