

Chapter 17.32 Supplemental Standards

- 17.32.010 **Manufactured and Small-Format Home Projects**
- 17.32.020 **Wireless Communication Facilities**

17.32.010 – Manufactured and Small-Format Home Projects

- A. **Intent.** The intent of this section is to provide smaller format manufactured and mobile homes within a planned development that includes common amenities in a neighborhood or community setting that is compatible with the surrounding community.

- B. **Applicability.** Small format or Manufactured Home Communities or mobile homes are allowed as indicated in Table 12-2, and specifically as a Master Planned project in the R-3, R-4 or R-5 zoning districts, and subject to the procedures and criteria in Section 17.08.080, and the additional standards and criteria of this section. These standards shall not apply to: (1) mobile homes, trailers or similar temporary buildings used as an interim structure associated with an ongoing construction project under valid permits; (2) interim or temporary housing strategies to address emergencies; or (3) detached houses that are assembled off site and “manufactured”, provided they meet all other standards of the applicable zoning district.

- C. **Development Standards.**
 - 1. *Project Intensity:*
 - a. The minimum project area shall be at least 15 acres and the minimum frontage along a public street shall be 300 feet; except that a plan for as small as 5 acres and 150 feet of public street frontage may be approved if the plan demonstrates exceptional community design and layout for the common areas within the community, with special attention to the integration and relation of the project to surrounding areas.
 - b. The maximum project intensity shall be no more than 2,000 square feet per dwelling unit, including any common areas and internal circulation systems supporting the community.
 - 2. *Uses.* Projects may include the following uses:
 - a. Dwelling units consisting of modular homes, mobile homes, or other similar small detached dwellings.
 - b. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings or other community services.
 - 3. *Height.* The maximum structure height is 35 feet.
 - 4. *Home sites:*
 - a. The minimum area for an individual home site shall be 1,000 square feet, and all home sites shall front on a public street or private internal access street, or front on common space with street access at the rear of the home site.
 - b. Dwellings shall have the following minimum setbacks:

- (1) Front = 15 feet, except home sites fronting on courtyards or other civic space of the Common Area plan may have dwellings located at the front lot line.
 - (2) Side = five feet; 15 feet on corner lots.
 - (3) Rear = 20 feet, except home sites backing to buffers, common open space or alleys may have a 10-foot rear setback.
 - (4) All dwellings shall be at least 30 feet from any public street or other boundary of the community with adjacent property.
 - (5) All dwellings shall have at least 12 feet between other dwellings, or at least 30 feet between the dwelling and accessory building, except sheds or accessory structures serving the home site.
- c. Each home site shall have a private patio, courtyard or similar outdoor amenity of at least 150 square feet.
5. *Parking Standards:* One on-site or on-street parking space for each dwelling unit, which may be in common lots within 300 feet of dwelling units; the project as a whole must include 1.5 spaces per each unit within the overall project to accommodate any overflow or visitor parking.
- D. **Common Areas.** All common areas not dedicated as home sites according to the development standards in sub-section C., shall be designed as part of the Public Realm Plan for the Community (See Section 17.08.080.B. of the Master Planned Development procedures). This space shall be allocated to:
1. Internal vehicle circulation for the community, laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least two entrance points from public streets for each project.
 2. Open and Civic Space meeting one of the design types specified in Section 17.24.020., at a rate of at least 200 square feet per dwelling or 15% of the overall project, whichever is greater. All open and civic spaces shall be designed and located in a manner that ensures adequate accessibility for all units in the community.
 3. Other internal circulation or open space such as walkways, landscape buffers or other site design amenities that improves the quality of the community and its relationship to surrounding areas. Pedestrian connections shall be accounted for on all streets or at greater intervals through a trail or path system.
 4. A storm shelter shall be provided which may be included with recreation facilities, laundry facilities or other similar common community amenities.
- E. **Building Design.**
1. All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.
 2. Parking spaces on a home site shall be located to the side or rear of the dwelling.
 3. Any mobile home dwellings shall:
 - a. Be secured to the ground by tie downs and ground anchors in accordance with the applicable building code.
 - b. Be skirted within 30 days after placement in the community by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home and consistent with the quality of development in the community.
 - c. Be blocked at a maximum of 10-foot centers around the perimeter, and this blocking shall provide 16 inches bearing upon the stand.
 - d. Be located on a hard surface pad a minimum of 18-inch concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points, with a proper surface between to control weeds.

F. Utilities and Services.

1. All communities shall be connected to a public water supply, and each home site shall have individual water service connections according to the city plumbing code and city specifications.
2. All communities shall be connected to the public sewer system. Individual sewer connections shall be provided for each home site and installed in accordance with the city plumbing code and city specifications.
3. Storage, collection and disposal of refuse shall be designed, located and provided in a manner that creates no health hazards, no odor or unsanitary conditions, minimal visibility to both the home sites and any surrounding property, and is properly managed and maintained in this condition.
4. Electric, telephone and cable television service lines shall be installed underground and shall be in accordance with city codes and utility company specifications.

G. Landscape and Parking Design. The standards of Chapters 17.24 and 17.28 are generally applicable to mobile, manufactured and small format home projects, except as modified through a development plan based on the approval procedures and criteria.

H. Subdivisions. Each home site may be individually platted if:

1. All lots shall have public utility access as provided in Chapter 16, including public easements for access to each home site, and all other standards and criteria of the subdivision standards are met;
2. All dwellings are on a permanent foundation; and
3. There are covenants and restrictions and associations assuring that these provisions for the Development Standards, Common Areas, Building Design and Utilities and Services, as demonstrated on an approved plan, will be maintained through a management entity or common association.

17.32.020 - Wireless Communication Facilities

A. Intent & Applicability.

1. *Intent.* It is the intent of this section to:
 - a. Facilitate the appropriate location of communication towers in non-residential areas.
 - b. Encourage users of towers and antennas to locate them in areas or circumstances where the adverse impact on the community is minimal, including co-location on other towers or structures that can readily accommodate additional communication equipment.
 - c. Promote design strategies to configure communication facilities in a way that minimizes the adverse visual impact of the towers and antennas.
 - d. Ensure that regulation of wireless facilities and related equipment does not have the effect of prohibiting the provision of personal wireless services, and does not unreasonably discriminate among functionally equivalent providers of such service and promotes the provision and availability of communication services within the city.
 - e. Allow providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
 - f. Manage the City's public rights of way for the multitude of public purposes that must be accommodated in this limited space, including the aesthetic and urban design values of these spaces that have a direct connection to the public interest and adjacent property values.

2. **Applicability.**
 - a. **Generally.** The procedures and criteria in this section apply to all wireless facilities existing or installed, built or modified after the effective date of this section to the fullest extent permitted by law.
 - b. **Rights-of-way.** For applications for wireless facilities with the city rights of way:
 - (1) the most restrictive adjacent and underlying zoning district classification shall apply unless otherwise specifically zoned and designated on the official map;
 - (2) no application shall be submitted for permit approval without attaching the city's consent to use the right-of-way for the specific construction application, to the extent permitted by applicable law;
 - (3) wireless facilities shall be installed and maintained as not to obstruct or hinder the usual travel or public safety of the rights-of-way; and
 - (4) such use shall be required to obtain applicable permits and comply with the city's ROW management rules and regulations as set forth in Chapter 12.08.
 - c. **Pre-emption.** No provision of this section shall apply to any circumstance in which such application shall be unlawful under superseding federal or state law and furthermore, if any section, subsection, sentence, clause, phrase, or portion of this section is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law. Such zoning review and approval required in this section shall be in addition to any other generally applicable permitting requirement, including applicable building, excavation, or other right-of-way permits.
 - d. **Non-Wireless Services Provider.** If the applicant is not a Wireless Services Provider, as defined by Section 67.5111 RSMO, then the applicant must submit evidence of agreements or plans, or otherwise provide attestations to the same, which conclusively demonstrate to the city that the proposed site(s) will become operational and used by a Wireless Services Provider within one year of the permits issuance date. For any application for a small wireless facility, the applicant shall provide an attestation that the proposed small wireless facility complies with the volumetric limitations as required to meet the definition of a small wireless facility in accordance with this section and pursuant to applicable law.

B. Residential Districts. Television and radio receiving antenna are permitted in residential districts accessory to any permitted principle use provided:

1. They are used for non-commercial or recreational purposes, or are otherwise incidental to a permitted use;
2. No structure associated with the facilities shall exceed 60 feet high, and in all cases shall be setback from property lines a distance at least one-third the actual height.

All other wireless telecommunication facilities are prohibited in residential districts, unless otherwise required by laws that officially pre-empt the City zoning ordinance.

C. Nonresidential Districts. Wireless telecommunication facilities are allowed in non-residential districts subject to the following procedures for specific types of facilities, and according the other development, design and general standards of this section.

1. *Accessory Use and Site Plan.* The following wireless telecommunications facilities are accessory uses and permitted by site plan approval, subject to required building permits, structural reports, or other national safety codes:
 - a. Facilities that are “disguised” according to the design standards in Section E.5 below.
 - b. Accessory television and radio receiving antenna that support the principle use of property and are fully concealed from view for public spaces by a combination of the location of the equipment, the design of architectural elements or landscape screens, or other camouflaged strategies.
 - c. Addition or replacement of antennas or accessory equipment to any existing and fully conforming wireless facility where local zoning standards are fully pre-empted. Modifications not pre-empted by state or federal rules shall require an amendment to the Conditional Use Permit of the existing facility.

2. *Conditional Use Permit.* Wireless Telecommunication Facilities that are not eligible as an accessory use through site plan review shall only be permitted by a Conditional Use Permit according to the procedures and criteria in Section 17.08.030. In addition to the procedures and criteria in Section 17.08.030, the following additional items apply to Conditional Use Permits for wireless telecommunications facilities:
 - a. The Director shall provide the applicant with notices of any deficiency for meeting the particular type of application for the facility within 30 days of submittal, or other time period allowed by other applicable laws. This deficiency may include requirements under this code, requirements of any forms or application fees established according to these regulations, or any state or federal requirements needed to determine the type of application classification under these regulations.
 - b. Other time frames for processing applications established in Chapter 17.08 may be altered by applicable state or federal laws.
 - c. Any application impacting a certified historic structure as defined in Section 253.545 RSMO, or with a potential visual impact on a historic district shall require at least a 30-day time period between notices and a decision, within which one or more public hearings may occur. The City Council may deny the permit for any negative visual, quality, or character impacts on an historic district or structure.
 - d. The applicant shall clearly demonstrate by substantial evidence that placement of wireless facilities permitted, as a permitted use (Accessory Use and Site Plan) per sub-section C.1 is not technologically or economically feasible. The city may consider current or emerging industry standard and practices, among other information, in determining feasibility.

D. All Districts – Small Wireless Facilities

1. *Replacement and Modified Utility Poles.* New, replacement or modified utility poles, at heights below height limitations outlined in this subdivision, and colocation of small wireless facilities on the same shall be a permittee use in all districts except single-family residential and historic districts provided the proposed installation does not:
 - a. Materially interfere with the safe operation of traffic and control equipment or city-owned communications equipment;
 - b. Materially interfere with compliance with the American Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 - c. Materially obstruct or hinder the usual travel or public safety on the rights-of-way’
 - d. Materially obstruct the legal use of rights-of-way by the city, utility or other third party;
 - e. Fail to comply with the spacing requirements within section 12.08.130.E.

- f. Fail to comply with applicable national safety codes, including recognized engineering standards for utility poles or support structures;
- g. Fail to comply with decorative pole replacement requirements herein;
- h. Fail to comply with undergrounding requirements within 12.08.130.B; or
- i. Interfere or impair the operation of existing utility facilities, or city or third-party attachments.

New, replacement or modification of utility poles under the following circumstances shall not be considered a permitted use under this section:

- a. Proposals to construct or modify a utility pole which exceeds the greater of:
 - (1) Fifty feet AGL; or
 - (2) More than ten feet above the tallest existing pole as of January 1, 2019 within five-hundred feet of the proposed utility pole in the city; and
- b. Proposals to collocate on an existing utility pole in place on August 28, 2018 which exceeds the height of the existing utility pole by more than ten feet.

2. *Fast-Track Administrative Approval.* A small wireless facility, conforming with the requirements of this section, are permitted in all zoning districts by administrative permit approved by the director by submission of an application, including showing specifications, dimensions, photos, or drawings of completed installation, and property owner consent. Provided the applications are complete and address the requirements of this section, the director shall endeavor to expedite these approvals and may combine multiple applications/locations at one time in a single approval. The following requirements shall generally apply to all "fast track" small wireless facilities located within the city:

- a. The "fast-track" shall substantially match any current aesthetic or ornamental elements of the existing structure or utility pole, or otherwise be designed to maximally blend into the built environment, with attention to the current uses with the district at the proposed site;
- b. Any portion above the existing structure or utility pole shall be concealed and of the same dimensions and appearance so as to appear to be a natural extension of the existing structure or utility pole in lieu of an enclosure or concealment; and
- c. The "fast-track" equipment shall not emit noise audible from the building line of any residentially zoned or used property.

3. *Additional Requirements for Location on Public Ways.* In addition to all other applicable requirements, when a small wireless facility is located on a utility pole, streetlight, or similar structure over or adjacent to public or private streets, sidewalks, or other pedestrian or vehicle ways:

- a. the height of all portions of the small wireless facility shall be located at least eight feet above ground level;
- b. no ground equipment shall be permitted; and
- c. no portions of the small wireless facility shall extend horizontally from the surface of the pole or structure more than 16 inches.

Location, placement, and orientation of the small wireless facility shall, to the extent feasible, minimize the obstruction or visibility from the closest adjacent properties unless otherwise required by the city for safety reasons.

4. *Modifications; Waivers.* The Director may for good cause alter the maximum specifications qualifying as a "small wireless facility" stated in the definition thereof by up to 50 percent if the carrier demonstrates that it:

- a. does not in any location nationally use equipment capable of meeting the specifications and the purpose of the equipment and

- b. cannot feasibly meet the requirements.

The City Council may further waive one or more of the requirements to qualify for a small wireless facility approval upon good cause shown by the applicant including as required by applicable law and provided a showing that the waiver is the minimum necessary to accomplish the purposes of this section. The burden of proof for any waiver shall be wholly on the applicant and must be shown by clear and convincing evidence.

5. *Application Procedures.* Applications for administrative permit shall be made on the appropriate forms to the Director consistent with the requirements of this section. Applications requesting any information that is prohibited by federal or state law under the applicable circumstance shall be deemed inapplicable to the subject application.
 - a. Applicant shall submit along with its completed application form:
 - (1) A deposit of \$1,000.00; any amount not used by the city shall be refunded to the applicant upon written request after a final decision;
 - (2). A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating the exact location of the facility, all dimensions and orientations of the facility and associated equipment, in addition to all existing and proposed improvements including buildings, drives, walkway, parking areas, and other structures, public rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height AGL of the existing structure, if applicable;
 - (3) Proof of owner consent;
 - (4) Certified structural analysis as required herein;
 - (5) Specifications, dimensions, photos, or drawings of the completed installation;
 - (6) Attestation that the proposed “fast-track” meets the volumetric and other requirements to meet the definition of “fast-track” provided in this section;
 - (7) Information demonstrating that the applicant’s proposed plans are in compliance with Section 67.5113.3(9) RSMO. To the satisfaction of the city;
 - (8) Attestations required in subsection A.2.d. of this section if the applicant is not a Wireless Services Provider; and
 - (9) All other information necessary to show compliance with the applicable requirements of this section.
 - b. The application shall be reviewed by the Director to determine compliance with the above standards, including specifically design, location, safety, and appearance requirements and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.
 - c. In reviewing an application, the Director may require the applicant to provide additional information, including technical studies. An application shall not be deemed complete until satisfaction of all application requirements and submission of all requested information as provided herein.
 - d. The Director shall issue a decision on the application within the time-frame permitted by applicable law. The Director may deny the application or approve the application as submitted or with such modifications or conditions as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens and property values consistent with and to affect the purposes of this section. The Director may consider the purposes of this section and the factors established herein for granting a conditional use permit as well as any

other considerations consistent with the section. A decision to deny an application shall be made in writing and state the specific reasons for the denial.

E. Development Standards

1. *Height Limitations.* No support structure shall exceed 100 feet above adjacent ground level unless good cause is shown and found by the city and in no case may a support structure be approved to exceed 150 feet. All installations shall comply with any air space requirements of the FAA.
2. *Setback Limitations.* All support structures and extensions or attachments thereto and associated buildings/structures shall be separated from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of the support structure), and from any property line, by a distance equal to the height of the support structure as measured from the fence around the support structure, if any, or if no fence then from the furthest extension on the support structure. Support structures shall be reasonably designed to reduce the potential damage to persons or property from falling ice or equipment from the support structure or from wind damage or structural failure.
3. *Separation.* Unless otherwise required by law, the minimum separation of towers shall be as follows:

Table 32-1: Tower Separation

Tower Height	Existing Towers			
<i>Proposed Tower</i>	<50 feet	50—100 feet	101—150 feet	>150 feet
<50 feet	300 feet	500 feet	750 feet	1,000 feet
50—100 feet	500 feet	750 feet	1,000 feet	1,500 feet
101—150 feet	750 feet	1,000 feet	1,500 feet	2,000 feet
>150 feet	1,000 feet	1,500 feet	2,000 feet	2,500 feet

F. Design Standards

1. *Equipment Storage.* Mobile or immobile equipment not used in direct support of a wireless facility shall not be stored or parked on the site of the wireless facility unless repairs to the wireless facility are being accomplished.
2. *Towers.* Towers shall either maintain a galvanized steel finish or be painted a neutral color as determined by the planning commission and city council so as to minimize visual obtrusiveness. Tower finish shall be subject to any FAA requirements and any conditions as approved by conditional use permit. All new towers shall be of a monopole design without use of lattice or guy wire support and be engineered and designed with sufficient depth, counter-weight and other mechanisms to address wind-loading and other failure risks under all reasonably anticipated conditions and circumstances. Towers shall use materials, colors, and textures to conform to the existing natural setting and built environment.
3. *Antenna Design.* Antennas attached to a support structure shall be contained within the disguised support structure or within or mounted flush on the surface of the tower to

which they are mounted so as not to defeat the disguised design. Antennas attached to an existing building, utility pole or structure shall be of a color identical to the surface to which they are mounted. All antennas shall be designed to be disguised and maximally concealed on or within the support structure. Exposed antennas on "crows nest" or other visible platforms or extensions are prohibited. Any support structure approved as a disguised support structure shall have as a condition of approval, unless expressly exempted in the approval, an obligation and corresponding covenant recorded on the property that runs with the land to the benefit of the city on behalf of the public, prohibiting modifications of the disguised support structure that eliminate or are materially detrimental to the disguise, unless such is approved by a duly authorized zoning or conditional use approval approved in the same manner as required for an original construction of such disguised support structure with the proposed modification. If the applicant does not wish to have such a covenant, the application shall not qualify as a disguised support structure, unless another mechanism is proposed and approved to ensure that the disguise is not subsequently eliminated or materially detrimentally altered.

4. *Accessory Equipment.* Design of all accessory equipment shall use materials, colors, and textures to conform to the existing natural setting and built environment. All materials, colors and textures shall be subject to review and approval by the planning commission and city council.
5. *Disguised Support Structure.* Antenna installed on disguised support structures shall have antenna and supporting electrical and mechanical equipment that is inside the disguised support structure or of a color and appearance that is identical to or compatible with the color of the supporting structure so as to ensure that the antenna and accessory equipment is visually unobtrusive. Where the standards of this section require a facility to be disguised, the City Council may grant exceptions where:
 - a. The requirements to disguise to not allow economically or technically feasible solutions, and no other location or alternative is possible that would meet the need for the tower; or
 - b. The structure is located in an industrial area, is visually consistent with the character of the surrounding area, and meets all other approval criteria.
6. *Ground Equipment.* Equipment shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with any reasonable appearance guidelines as may be applicable to the particular zoning district in which the facility is located. All equipment shall be either placed underground, contained in a single shelter or cabinet, or wholly concealed within a building or approved walled compounds.
7. *Compound Walls/Landscaping.* All towers shall be surrounded by a minimum of six-foot high decorative wall constructed of brick, stone or comparable masonry materials and a landscape strip of not less than ten (10) feet in width and planted with materials, which will provide a visual barrier to a minimum height of six feet. The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the zoning administrator, or by the city council in the case of a conditional use permit, upon demonstration by the applicant that an equivalent degree of visual screening will be achieved. Disguised support structures may be required to provide landscaping to provide a visual barrier which is appropriate with the disguised support structure as may approved by the zoning administrator or the city council in the case of a conditional use permit.
8. *Advertising.* Except for a disguised support structure in the form of an otherwise lawfully permitted sign, the placement of advertising on wireless facilities is prohibited other than

identification signage, or required safety signage of not greater than one square foot on ground equipment.

9. *Decorate Poles.* In districts where there are utility poles which were specifically designed for their aesthetic nature and compatibility with the built environment of that district, as determined by the city, such utility poles shall be deemed to be decorative utility poles. Such decorative utility poles, when authorized to be replaced by an applicant for wireless facilities pursuant to applicable law and in compliance with this section, shall only be replaced with a substantially similar decorative elements of the original decorative utility pole being replaced. Such replacement expenses shall be born wholly by the applicant seeking to place wireless facilities on such decorative utility pole.
10. *Historic Preservation.* The city may require reasonable, technically feasible and technological neutral design and concealment measures as a condition of approval of a wireless facility within an historic district.

G. Security

1. *Fencing.* The tower and any appurtenances shall be safely maintained and fenced or otherwise secured to prevent unauthorized access or climbing of the tower. Barbed, electrified or razor wire is prohibited in commercial districts. Fencing may be required as part of a disguised support structure as determined by the planning commission and city council to prevent unauthorized access or climbing while still preserving the disguised nature.
2. *Lighting.* Support structures, small wireless facilities, fast track, and antenna shall only be illuminated as required by the FCC and/or the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build, alter, or modify the support structure, small wireless facilities, fast track or antenna.. Security lighting around the base of a support structure may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way. Lighting may also be approved as part of a disguised support structure.
3. *Additional Security Measures.* All wireless facilities shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, or modify wireless facilities. Additional measures may be required as a condition of the issuance of a building permit as deemed necessary by the zoning administrator or by the city council in the case of a conditional use permit.

H. General

1. *Regulatory Compliance.* All wireless facilities shall meet or exceed current standards and regulations of the FAA, FCC, and any other local, state or federal agency with the authority to regulate wireless facilities, and including all required licenses, permits, and taxes applicable to such structure and/or modification. Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within the time period mandated by the controlling agency. To the extent permitted by law, no approval for any placement, construction or modification of any wireless facilities permitted by this section shall be granted for any applicant having an uncured violation of this section, any zoning regulation regarding the lot on which the structure is proposed, or any other

governmental regulatory, licensing, or tax requirement applicable to such antenna or structures within the city unless preempted by applicable law.

2. *Public Property.* Unless otherwise provided, use or installation of any wireless facility to be located on any public property of the city shall be permitted only if a lease agreement or other separate written approval has been negotiated and approved by the city with such reasonable terms as the city may require.
3. *Parking.* One on-site parking spot per carrier for periodic maintenance and service shall be provided at all antenna or support structure locations consistent with the underlying zoning district.
4. *Commercial Operation of Unlawful Wireless Facilities.* Notwithstanding any right that may exist for a governmental entity to operate or construct wireless facilities, it shall be unlawful for any person to erect or operate for any private commercial purpose any wireless facilities in violation of any provision of this section, regardless of whether such wireless facilities are located on land owned by a governmental entity.
5. *Electromagnetic Interference.* The communications provider and/or cell site owner shall be responsible for and shall promptly resolve any electromagnetic interference problems in conformance with FCC requirements.
6. *Amateur Radio—Receive Only Antennas.* Television and radio receiving towers and antenna permitted in residential districts as accessory uses by the occupant of the premises purely for personal enjoyment, amusement, or recreation are exempt from the provisions of this section except where they are specifically referred.
7. *Existing Wireless Facilities.* Lawfully existing wireless facilities prior to the effective date of this section shall be considered legal non-conforming uses.
8. *Building Codes and Safety Requirements.*
 - A. *Installation.* All new wireless facilities shall comply with all structural requirements of applicable building codes and shall comply with standards of the Electronic Industries Association. Any conflict between applicable codes and standards shall be resolved with the stricter code or standard being in force. Applications for new wireless facilities shall include a verification by a qualified structural engineer that the wireless facilities (excluding the accessory equipment unless otherwise directed by the zoning administrator or required by the building code) meets or exceeds all applicable structural requirements. Applications for modifications to existing wireless facilities shall include a verification by a qualified structural engineer that the wireless facilities (excluding the accessory equipment unless otherwise directed by the zoning administrator or required by the building code) and any additional antennas meets or exceeds all applicable structural requirements.
 - B. *Maintenance.* All wireless facilities and appurtenances shall be adequately maintained and in compliance with all applicable building codes and standards. If upon inspection it is determined that any wireless facility fails to comply with applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the wireless facility, the owner shall have 30 days to remedy any defects and bring the wireless facility into compliance with applicable codes and standards. Failure by the owner to bring a deficient wireless facility into compliance with applicable codes and standards

shall be cause for removal of the deficient wireless facility by the city with all costs of removal being the owner's responsibility (and the city shall be authorized to use the abandonment bond, if any, that may have been required pursuant to Section 15.08.020 or other authority).

9. *As-Built Plans.* Within 60 days of completion of the initial construction and any additional construction, the city shall be furnished one complete set of plans drawn to scale and certified as accurately depicting the location of all wireless facilities constructed.
10. *Abandonment.* Cell sites or wireless facilities not in use for a period of 180 days for the purpose as stated in the conditional use permit or other approval shall be removed within 90 days of the end of that period of non-use. Upon removal, the cell site shall be revegetated in conformance with the existing surrounding vegetation. Should the wireless facility not be removed within the specified period, the city may remove the facility at the owner's expense (and the city shall be authorized to use the abandonment bond, if any, that may have been required pursuant to Section 15.08.020 or other authority).

I. **Definitions.** The following terms used in this Section shall have the meaning given below:

"Accessory equipment" means any equipment serving or being used in conjunction with a support structure or roof and/or building mount facility, including a cabinet or shelter.

"Antenna" means any structure or device used in the provision of wireless communication services, including to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omnidirectional antennas, such as whips but not including satellite earth station antennas less than two meters in diameter (mounted within 12 feet of the ground or building-mounted) and any receive-only home television antennas.

"Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Authority Pole" means a utility pole that is owned and/or operated by the city.

"Cabinet" means a structure for the protection and security of communications equipment associated with one or more antennas where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed four feet by six feet, and vertical height that does not exceed six feet.

"Cell site" means a tract or parcel of land that contains wireless facilities.

"Co-location" means locating wireless facilities on an existing support structure already containing wireless facilities.

"Directional antenna" means an antenna or array of antennas designed to concentrate a radio signal in a particular area.

"Disguised support structure" means any free-standing, manmade structure designed for the support of antennas, the presence of which is camouflaged or concealed as an appropriately placed and designed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include, but are not limited to, clock towers, campaniles, observation towers, light standards, flag poles and artificial trees. For purposes of this definition, a structure "camouflaged or concealed as an appropriately placed and designed architectural or natural feature" shall meet the following additional criteria: (1) it is

consistent with and contributes to and does not detract from the character and property values and use of the area and neighborhood in which it is located, (2) it does not contain distorted proportions, size, or other features not typically found on the type of structure or feature to which it is designed to replicate, (3) it cannot be identified as an antenna or support structure by persons with reasonable sensibilities and knowledge, (4) its equipment, accessory buildings, or other aspects or attachments relating to the disguised support structure are wholly concealed using a manner consistent with and typically associated with the architectural or natural structure or feature being replicated, and (5) it is of a height, design and type that would ordinarily occur at the location and neighborhood selected.

"Existing structure" means any structure capable of supporting wireless communication facilities (other than a support structure) in full conformance with the design and other requirements of this section and is: (1) existing prior to the date of all applicable permit applications seeking city authorization for installation of such facilities thereon and (2) not built or installed in anticipation of such specific installation or erected as a means to evade approvals applicable to a non-existing structure.

"FAA" means the Federal Aviation Administration.

"Fast track" small wireless facility or fast track" means a small wireless facility that meets the following requirements for an antenna and associated equipment:

- (1) no more than seven cubic feet in volume (comprised of no more than twenty-seven square feet of exterior surface area, excluding the surface width equal to the width of the support structure or authority pole to which it is mounted, on an imaginary enclosure around the perimeter thereof, excluding cable or cable conduit of four inches or less). Volume shall be the measure of exterior displacement of the antenna and associate equipment.
- (2) located with the consent of the owner on an existing structure or utility pole, or concealed within or on a replacement authority pole if the height is no more than five feet higher than the existing pole and appearance are not materially altered; and
- (3) not exceeding six feet above the top of the existing structure or utility pole for a total height nt exceeding forty-five feet (nor taller than more than six feet above the average of similar poles within three-hundred feet).

"FCC" means the Federal Communications Commission.

"Incidental use" means any use authorized herein that exists in addition to the principal use of the property.

"Interference" means disturbances in reception caused by intruding signals or electrical current.

"Lattice tower" means a guyed or self-supporting three or four sided, open, steel frame structure used to support communications equipment.

"Microwave" means electromagnetic radiation with frequencies higher than 1,000 MHZ.

"Microwave antenna" means a microwave antenna manufactured in many sizes and shapes used to link cell sites together by wireless transmission of voice or data.

"Modification" means any addition, deletion or change, including the addition or replacement of antennas, or any change to a structure requiring a building permit or other governmental approval.

"Monopole tower" means a tower consisting of a single pole, constructed without guy wires and ground anchors.

"Public property" means any real property, easement, right-of-way, air space or other interest in real estate, including a street, owned or controlled by the city or any other governmental unit.

"Roof and/or building mount facility" means communications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.

"Shelter" means a building for the protection and security of communications equipment associated with one or more antennas and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited.

"Small wireless facility" means an antenna and associated equipment that meets the following:

- (1) An antenna of no more than six cubic feet in volume; and
- (2) all other associated equipment to the extent permitted by applicable law to be calculated, of cumulatively no more than twenty-eight cubic feet in volume; provided that no single piece of equipment on the utility pole shall exceed nine cubic feet in volume, and no single piece of ground mounted equipment shall exceed fifteen cubic feet in volume.

"Support structure" means a tower or disguised support structure.

"Tower" means a structure designed for the support of one or more antennas including, but not limited to, guyed towers, radio and television transmission towers, microwave towers self-supporting (lattice) towers, or monopoles, but not disguised support structures, utility poles or buildings. The term shall also not include any support structure that includes attachments of 60 feet or less in height owned and operated solely for use by an amateur radio operator licensed by the FCC.

"Whip antenna" means an antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than six inches in diameter and measure up to 18 feet in height. Also called "omnidirectional, stick, or pipe antennas."

"Wireless facilities" means any antenna, small wireless facility, fast track, support structure, and roof and/or building mount facility used for communication purposes, and its accessory equipment including a cabinet or shelter.