

**ORDINANCE NO. 771**

**AN ORDINANCE OF THE CITY OF GIG HARBOR RELATING TO LAND USE AND ZONING, ESTABLISHING SITING STANDARDS FOR AMATEUR RADIO ANTENNAE, SATELLITE DISH ANTENNAE, TELEVISION AND RADIO BROADCAST TOWERS, AND TELECOMMUNICATION FACILITIES REGULATED UNDER THE FEDERAL TELE-COMMUNICATIONS ACT OF 1996, ADOPTING DEVELOPMENT STANDARDS, AND PROVIDING FOR SPECIAL EXCEPTIONS AND CONDITIONAL USE PERMITS; ADDING A NEW CHAPTER 17.61; ADDING NEW SECTIONS 17.04.041, 17.04.125, 17.04.225, 17.04.756, 17.04.757, 17.04.758 AND 17.64.046; AMENDING SECTIONS 17.04.055, 17.04.710, 17.45.030 AND 17.64.040 OF THE GIG HARBOR MUNICIPAL CODE; DECLARING AN EMERGENCY NECESSITATING AN IMMEDIATE EFFECTIVE DATE.**

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WHEREAS, Wireless Personal Communications Services and Wireless Communication Facilities ("WCF") comprise a rapidly growing segment of the utilities and communications sector and have merit and value for the community and region as a whole; and,

WHEREAS use of wireless communication services has grown 20% to 30% annually on a national basis since 1991, and it is estimated that half of the number of households will have wireless services by the Year 2000; and,

WHEREAS, wireless communication services contribute to the public health, safety and welfare in that they provide emergency services communications in the event of accidents and natural disasters; and,

WHEREAS, the FCC requires license holders to provide services to areas within certain, limited time frames where wireless communications licenses have been acquired; and

WHEREAS, wireless communications facilities are required to provide quality communication services to meet the growing needs of the public and businesses for wireless communication services; and

WHEREAS, wireless communication services should be accommodated by the City just as the City has accommodated infrastructure for other utilities; and

WHEREAS, the Federal Tele-communications Act of 1996 preserves local authority regarding zoning issues related to wireless communication services as long as local jurisdictions do not unreasonably discriminate among all the service providers, i.e., allowing one or two carriers to provide service rather than all who are in the market; and

WHEREAS, the Tele-communications Act allows each jurisdiction to determine how much regulation, if any, is necessary; and,

WHEREAS, the current zoning code of the City of Gig Harbor was adopted before wireless communication facilities were anticipated, and therefore, appropriate siting and development standards do not exist; and,

WHEREAS, the Gig Harbor Code also does not address other types of communication facilities not regulated under the 1996 Tele-communications Act such as amateur (HAM) radio and satellite dish antennae; and,

WHEREAS, on October 28, 1996, the Gig Harbor City Council adopted Ordinance No. 739, ~~and~~ which declared a moratorium on the siting of wireless and tele-communications facilities for a period not to exceed one year, in order to allow City staff sufficient time and resources to develop the necessary standards to address telecommunication and wireless communications facilities; and,

WHEREAS, the City Planning Commission held various workshop meetings on the subject of tele-communications, and on June 5, 1997, a public hearing was held on a draft ordinance; and

WHEREAS, the Planning Commission acknowledges that the City Zoning Code (Title 17 GHMC) establishes 19 specific zoning districts, consisting of 7 Residential districts, 8 Commercial and Employment Districts, 3 Waterfront districts and a Public-Institutional district; and,

WHEREAS, the Planning Commission, following its final worksession on August 7, recommends adoption of this ordinance, which describes to be applied to wireless communication services and other types of communication facilities which distinguish between the purely commercial (non-residential) districts from the residential and waterfront (mixed use) districts.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR DO ORDAIN AS FOLLOWS:**

Section 1. A new section 17.04.041 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.041 Amateur radio tower** means an antenna and tower which transmits non-commercial communication signals and is licensed as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio towers are considered part of the structure for the purposes of meeting development standards.

Section 2. Section 17.04.055 of the Gig Harbor Municipal Code is amended to read as follows:

**17.04.055** "Antenna" ~~means a metallic device used for the transmission or reception of electromagnetic waves. This definition does not include satellite dish antenna. is any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points; this includes, but is not limited to, radio antenna, television antenna, satellite dish antenna and cellular antenna. Types of antenna include:~~

~~1. Omnidirectional (or "whip") antenna transmits and receives radio frequency signals in a 360 degree radial pattern.~~

~~2. Directional (or "panel") antenna transmits and receives radio frequency signals in a specific pattern of less than 360 degrees.~~

~~3. Parabolic antenna (or "dish") is a bowl shaped device for the reception and/or transmission of communication signals in a specific directional pattern.~~

~~Antenna~~ means any exterior apparatus designed for telephonic radio, data, Internet or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, included unlicensed wireless tele-communications services, wireless tele-communications services utilizing frequencies authorized by the Federal Communications Commission "cellular," "enhanced specialized mobile radio", and personal communications services, "tele-communications services", and its attendant base station. An "antenna array" is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (panel) and parabolic (disc). The antenna array does not include the support structure.

Section 3. A new section 17.04.125 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.125 Broadcast and Relay Towers** means a freestanding support structure, attached antenna, and related equipment intended for transmitting, receiving or re-transmitting commercial television, radio, telephone, or other communication services.

Section 4. A new Section 17.04.203 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.203 Cel-site** - A tract or parcel of land that contains wireless service facilities, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to wireless services.

Section 5. A new section 17.04.225 is hereby added to the Gig Harbor

Municipal Code, to read as follows:

**17.04.225 Co-location** - The placement and arrangement of multiple antenna and equipment on a single support structure and equipment pad area.

Section 6. A new Section 17.04.554 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.554 Microcell** means a wireless communication facility consisting of an antenna that is either: (i) four feet (4') in height and with an area of not more than five hundred eighty (580) square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet (6') in length.

Section 7. Section 17.04.710 of the Gig Harbor Municipal Code is amended to read as follows:

**17.04.710 Satellite dish antenna** means a circular or parabolically shaped device of solid or mesh construction, designed and erected for receiving telecommunication signals. A small satellite dish antennae is defined as having a diameter of one meter or less and located within any zoning district or two meters or less within commercial and employment districts. A large satellite dish antennae is defined as having a diameter of greater than one meter in diameter in any residential zone or two meters in diameter in commercial and employment districts.

Section 8. A new section 17.04.755 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.755. **Wireless communication facility** means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.

Section 9. A new section 17.04.756 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.756 **Wireless communications facility (WCF), attached** means an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure, transmission cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

Section 10. A new Section 17.04.757 is hereby added to the Gig Harbor

Municipal Code, to read as follows:

**17.04.757 Wireless Services or Wireless Communication Services** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Section 11. A new section 17.04.758 is hereby added to the Gig Harbor Municipal Code to read as follows:

**17.04.758 Wireless communications support structure** means a structure designed and constructed specifically to support an Antenna Array (as defined in GHMC 17.04.055), and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device (Attachment Device) which is used to attach an WCF to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

Section 12. A new chapter 17.61 (Communications Facilities) is hereby added to the Gig Harbor Municipal Code, to read as follows:

## **COMMUNICATIONS FACILITIES**

### **Chapter 17.61**

<b>Sections:</b>	<b>17.61.010</b>	<b>Purpose.</b>
	<b>17.61.020</b>	<b>General Guidelines and Permit Regulations.</b>
	<b>17.61.030</b>	<b>Development Standards for all Public Institutional, Residential, Waterfront District and Downtown Business Districts (PI, R-1, R-2, R-3, RB-1, RB-2, PCD-RLD, PCD-RMD, WR, WM, WC, and DB).</b>
	<b>17.61.040</b>	<b>Development Standards for all Commercial Districts (C-1, B-1, B-2, PCD-C, and PCD-BP).</b>
	<b>17.61.050</b>	<b>Siting Standards for Employment Districts (ED).</b>
	<b>17.61.060</b>	<b>Special Exceptions.</b>
	<b>17.61.070</b>	<b>Review by Independent Consultant- Third Party Review.</b>

#### **17.61.010 Purpose**

In addition to implementing the general purposes of the Comprehensive Plan and development regulations, this section addresses the issues of permitting, siting, appearance and safety associated with broadcast and relay towers, amateur radio towers, tele-communications monopoles, satellite dish antenna, wireless communications facilities and related equipment. It provides siting opportunities at appropriate locations within the City to support existing communications

technologies and to adapt to new technologies as needed.

This chapter provides for a wide range of locations and siting options for wireless communications facilities which minimize associated safety hazards and visual impacts. The siting of wireless communication facilities on existing buildings and structures, co-location of telecommunication facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community.

#### **17.61.020 General Guidelines and Permit Requirements**

- A. General Guidelines. The development standards in this chapter address setback and other site specific location factors. Siting criteria for all communication facilities are necessary to encourage siting in the most appropriate locations based upon land use compatibility, neighborhood characteristics and aesthetic considerations.
- B. Priority of locations. The order of priorities for locating new wireless service facilities shall be as follows:
  - 1. Place antennae and towers on public property, if practical.
  - 2. Place antennae on appropriate rights-of-way.
  - 3. Place antennae and towers in employment zoned districts.
  - 4. Place antennae and towers in districts (in descending order of preference commercial districts, public institutional districts, and downtown business districts, which do not adjoin or adversely impact residential or waterfront districts.
  - 5. Place antennae and towers on other non-residential property.
  - 6. Place antennae and towers in the City multi-family zoned areas.
  - 7. Place antennae and towers in multi-family residential structures exceeding thirty feet (30') in height.
  - 8. Place antennae and towers in residential and waterfront districts only if (a) locations are not available on existing structures or in non-residential districts; and (b) only on or in existing churches, parks, schools, utility facilities or other appropriate public facilities.
- C. General Requirements for Co-location. For new antenna and wireless communications facilities, co-location on existing towers and

wireless support structures is preferred. Where co-location has been demonstrated to be impracticable, new towers are most appropriately located as stated in the order of preference in (B), above.

Co-location on existing support structures is encouraged by fewer standards and a simplified permit procedure. Attachment of antennae to existing nonresidential structures and buildings primarily within business parks, employment districts and commercial districts is preferable to installation of new wireless support structures, broadcast and relay towers or monopoles. The City may request that the applicant perform feasibility studies associated with applications for communications facilities in order to demonstrate that locations on existing structures have been explored as the preferred siting alternative, or that a conditional use permit or a variance from the development standards in this chapter, as requested by the applicant, is necessary in order to provide wireless communications, television, radio or other broadcast services.

If the City requests such a feasibility study of an applicant, the study shall demonstrate:

- a. that the applicant has: (i) contacted the owners of structures in excess of thirty feet (30') within a one-quarter (1/4) mile radius of the proposed site and from which a location standpoint could provide part of a network for transmission of signals; (ii) asked for permission to install the antenna on those structures; and (iii) received a denial of permission to install the antenna on those structures, together with the reason for such denial
- b. The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than thirty feet (30'), within one-quarter (1/4) mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

**Comment:** Where did this come from?

In addition to the above, an applicant desiring to locate a new antenna support structure in a residential or waterfront district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.

D. Permit Processing Requirements

1. Permit Type

- a. Small satellite dish antenna. Small satellite dish antenna shall comply with all Uniform Building Code requirements, and chapter 15.06 GHMC, but are otherwise exempt from the permit application procedures of Title 19 GHMC.
- b. Large satellite dish antenna. Large satellite dish antennae and other antenna applications shall be processed as a Type II permit. A building permit shall also be required.
- c. Amateur radio towers. Amateur radio towers applications shall be processed as a Type II permit. A building permit shall also be required.
- d. Wireless communication facilities. A conditional use permit shall be required for wireless communication facilities in Residential, Waterfront District and Downtown Business Districts, which shall be processed as a Type III permit. For all other districts, wireless communication facilities shall be processed as a Type II permit. A building permit shall also be required.
- e. Broadcast and relay towers. Broadcast and relay tower applications shall be processed as a Type II permit. A building permit shall also be required.

2. Elements of a complete application. A complete application for the Type II permits described in this chapter shall consist an original of the following:

- a. A site plan, drawn at a scale not less than 1 inch per 50 feet, showing the boundaries and dimensions of the parcel or site, including any adjacent public streets or easements.
- b. An elevation of the proposed facility, including any buildings, existing or proposed, associated with the facility, and which shall include all dimensions of proposed structures.
- c. A topographic map, based upon the most recent site survey or information available, at no less than five-foot contour intervals.

- d. The required application fee as established pursuant to Chapter 3.40 GHMC.
  - e. Three copies of the original of the application.
  - f. A signed statement indicating that (1) the applicant and landowner agree that they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location and (2) the applicant and/or landlord agree to remove the facility within twelve (12) months after abandonment.
  - g. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
  - h. A current map and aerial photograph showing the location of the proposed tower, a map showing the locations and service areas of other wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the City.
  - i. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional facilities or antennas for future users.
3. A complete application for a conditional use permit shall, in addition to the elements described in 2(a), above, include those elements as described in GHMC § 17.96.050(B-D) and (L).

**17.61.030 Development Standards for all Public Institutional, Residential, Waterfront District and Downtown Business Districts (PI, R-1 R-2, R-3, RB-1, RB-2, PCD-RLD, PCD-RMD, WR, WM, WC, and DB).**

- A. Small Satellite Dish Antenna - Development Standards. Small satellite dish antenna shall not extend above the highest point of the roof.
- B. Large Satellite Dish Antenna - Development Standards. The following minimum standards apply to all Antennae:
  - 1. Siting on Lot. Large satellite dish antennae shall be sited in

the rear yard as a first order of preference. If the applicant demonstrates that reception is not available in this location, the second order of preference for siting shall be the side yard. If the applicant demonstrates that reception is not available in this location, the third order of preference shall be the front yard. Finally, if reception is not available in any other location, the satellite dish antenna may be located on or attached to a roof, pursuant to the Special Exception procedures in GHMC 17.61.060.

2. Height and Size. Antenna, antenna mountings and large satellite dishes shall be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window. Large satellite dish antenna shall not exceed twelve feet (12') in diameter and fifteen feet (15') in height, including their bases. Height shall be measured from existing grade.
3. Color. To the extent technically feasible, specific paint colors may be required to allow the antenna or large satellite dish and mounting structures to blend better with the surroundings.
4. Screening, Landscaping. Screening of all large satellite dish antenna may be required with one or a combination of the following methods: fencing, walls, landscaping, structures or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred feet (500'). Screening may be located anywhere between the antenna and the above mentioned viewpoints. A dense vegetative screen (pursuant to GHMC § 17.04.269) shall be provided for large satellite dish antenna that are visible from any portion of the right-of-way. Landscaping installed for the purposes of screening shall be maintained in healthy condition.
5. Signs Prohibited. Satellite dish antenna shall not be used for the purposes of signage or message display of any kind.
6. UBC Conformance. Construction plans and final construction of the mounting bases of all large satellite dish antenna shall be in accordance with the requirements established in the latest edition of the Uniform Building Code adopted by the City.

7. Type of Dish. Aluminum mesh dishes should be used, as practicable, instead of a solid fiberglass type large satellite dish antenna.
  8. Number of Dishes allowed. Only one large dish satellite antenna shall be allowed on each residentially-zoned property.
- C. Amateur Radio Towers - Development Standards. The following minimum standards apply to amateur radio towers:
1. Siting on Lot. Amateur radio towers may be ground or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.
  2. Height and Size. The height of a ground-mounted tower may not exceed sixty-five feet (65') unless an applicant demonstrates that physical obstructions reception. Telescoping towers may exceed the sixty-five foot (65') height limit only when extended and operating. The combined structure of a roof-mounted tower and antenna shall not exceed a height of twenty-five feet (25') above the existing roofline.
  3. Color. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
  4. Screening, Landscaping. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, and/or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred feet (500') of the tower. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet (6') in height.
  5. Signs Prohibited. No signs shall be placed or posted on amateur radio towers.

6. UBC Conformance. Construction plans and final construction of the mounting bases and towers of amateur radio towers covered by this Section shall meet the structural design requirements of this Section and shall be in accordance with the requirements established in Uniform Building Code as adopted by the City.
- D. Wireless Communication Facilities - Development Standards. The following standards shall be applied to all wireless communication facilities, such as antenna and equipment shelters, exclusive of the broadcast and relay tower. Wireless monopoles, lattice, and guy towers are regulated by the sub-sections that govern broadcast and relay towers, GHMC § 17.61.050(E)(2-7).
1. Siting on Lot. No wireless communications facilities shall be located within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.
  2. Height and Size. The combined antenna and supporting structure shall not extend more than fifteen feet (15') above the existing or proposed roof structure.
  3. Color, Screening, Landscaping.
    - a. Wireless communication antenna installed on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other visual mitigation techniques to reduce visibility of the antenna as viewed from any street or residential property. The antenna shall be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.
    - b. Screening of wireless communications facilities shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within

five hundred feet (500'). Screening may be located anywhere between the base and the above mentioned viewpoints.

- c. Landscaping for the purposes of screening the wireless communications facilities shall be maintained in a healthy condition.
  - d. Any fencing required for security shall meet the screening standards of the City's Design Guidelines.
4. Signs Prohibited. No wireless equipment shall be used for the purposes of signage or message display of any kind.
5. Conform to UBC. Wireless communication facilities shall comply with all applicable UBC requirements.
6. Abandonment, Disrepair. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.
7. Co-Location. Placement of a freestanding wireless communication facility may be denied if placement of the antenna on an existing structure can accommodate the applicant/operator's communications needs. The applicant shall also comply with the co-location requirements of GHMC § 17.61.020(C). The co-location of a proposed antenna on an existing broadcast and relay tower or placement on an existing structure shall be explored and documented by the applicant/operator in order to show that reasonable efforts were made to identify alternate locations.
8. Equipment Shelters.
  - a. Limit on area. Associated above ground equipment shelters shall be minimized, and shall not exceed two hundred forty (240) square feet (e.g. 12' x 20') unless operators can demonstrate that more space is needed.
  - b. Color. Shelters shall be painted a color that matches existing structures or the surrounding landscape.

- c. **Materials.** The use of concrete or concrete aggregate shelters is not allowed.
  - d. **Screening, Landscaping.** A dense vegetative screen shall be created around the perimeter of the shelter.
  - e. **Undergrounding.** Operators shall consider undergrounding equipment if technically feasible or placing equipment within existing structures.
  - f. **UBC Conformance.** Equipment shelters shall comply with all UBC requirements, but may be exempt from building envelope insulation requirements (*See, RCW 19.27A.027.*)
- E. **Broadcast and Relay Towers - Development Standards.** Broadcast and Relay Towers are not permitted in any Residential, Waterfront District and Downtown Business districts.

**17.61.040 Siting Development Standards for all Commercial Districts (C-1, B-2, 1, B-1, 2, PCD-C, PCD-BP)**

- A. **Small Satellite Dish Antenna.** No additional development standards.
- B. **Large Satellite Dish Antenna - Development Standards.** In addition to the standards in GHMC§ 17.61.030 (1-7), the following standards shall apply:
  - 1. **Ground mounted antenna** are subject to the following requirements:
    - a. **Size.** Such antenna shall not exceed twelve feet (12') in diameter and fifteen feet (15') in height. Height shall be measured from existing grade.
    - b. **Placement.** Ground-mounted antenna shall be located outside of any required landscape area and preferably located in service areas or other less visible locations.
    - c. **Screening.** From the time of installation, ground-mounted antenna shall be screened as high as the center of the dish when viewed from any public right-of-way. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.

2. Roof mounted antenna shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building, consistent with the City's Design Review Manual, and can include parapet walls or other similar screening.
- C. Amateur Radio Towers - Development Standards. In addition to the development standards in GHMC § 17.61.030(C), the following minimum standards apply:
1. Placement. Amateur radio towers reviewed under this Section shall not be located within any easement, the front yard, side or rear yard building setback areas. Amateur radio towers may be ground or roof mounted; however, ground mounted towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties
  2. Paint Colors. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.
  3. Screening. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately ~~500~~ five hundred feet (500'). screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet (6') in height.
  4. Signs. Amateur radio towers shall not be used for the purposes of signage and shall not display a sign of any kind.
  5. UBC Conformance. Construction plans and final construction of the mounting bases and towers of amateur radio towers covered by this Section shall meet the structural design requirements of this Section and shall be subject ~~to~~ approval by the City Building Official.

7. Commercial Use prohibited. Amateur radio towers located in residential districts shall not be constructed or used for commercial use purposes.
8. Height. The height of a ground-mounted tower may not exceed sixty-five feet (65') unless an applicant demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the sixty-five-foot (65') height limit only when extended and operating. The combined structure of a roof-mounted tower and antenna shall not exceed a height of twenty-five feet (25') above the existing roofline.

D. Wireless Communication Facilities - Development Standards. In addition to the requirements of GHMC § 17.61.030(C), the following standards shall be applied to all wireless communications facilities, such as antenna and equipment shelters, exclusive of any broadcast and relay tower. Wireless monopoles, lattice, and guy towers are regulated by the sub-sections that govern broadcast and relay towers, GHMC § 17.61.050(E)(2-7).

1. Co-location. Installation of a freestanding wireless communication facility may be denied if placement of the antenna on an existing structure can accommodate the operator's communications needs. The applicant shall be required to comply with the co-location requirements of GHMC § 17.61.020(e). The co-location of a proposed antenna on an existing broadcast and relay tower or placement on an existing structure shall be explored and documented by the operator in order to show that reasonable efforts were made to identify alternate locations.
2. Siting on Lot. No wireless communications facilities shall be located within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts
3. Height. The combined antenna and supporting structure shall not extend more than fifteen feet (15') above the existing or proposed roof structure.
4. Signs. No wireless equipment shall be used for the purposes of signage or message display of any kind.

5. Visibility. Location of wireless communication antenna on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other visual mitigation techniques to reduce visibility of the antenna as viewed from any street or residential property.
6. Screening. Screening of wireless equipment shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within five hundred feet (500'). Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition.
7. Fencing. Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas.
8. UBC Conformance. Construction plans and final construction of the mountings of wireless antenna and equipment shelters shall be approved by the City Building Official. Applications shall document that the proposed broadcast and relay tower and any mounting bases are designed to reasonably withstand wind and seismic loads.
9. Abandonment, Disrepair. A wireless communication facility shall be removed by the facility owner within twelve (12) months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.
10. Equipment Shelters. Associated above-ground equipment shelters shall not exceed two hundred forty (240) square feet (e.g. 12' x 20') unless operators can demonstrate that more space is needed. A dense vegetative screen shall be created around the perimeter of the shelter. Operators shall consider under-grounding equipment is technically feasible or placing the equipment within an existing structure. Above ground equipment shelters for antenna located on buildings shall be

located within, on the sides or behind the buildings and screened to the fullest extent possible.

- E. Broadcast and Relay Towers - Development Standards. Broadcast and Relay Towers are prohibited in all Commercial Districts.

**17.61.050 Siting Standards for Employment District (ED).**

- A. Small Satellite Dish Antenna. No additional development standards.
- B. Large Satellite Dish Antenna and other Antenna. The development standards in GHMC § 17.61.030(B) shall apply.
- C. Amateur Radio Towers. The development standards in GHMC § 17.61.030(C) shall apply.
- D. Wireless Communication Facilities. The development standards of GHMC § 17.61.030(D) shall apply.
- E. Broadcast and Relay Towers. The following minimum standards apply to broadcast and relay towers:
  - 1. Location. Broadcast and relay towers are restricted to Employment Districts west of SR-16, north of a line extending east-west from 97th Street NW and south of the Swede Hill interchange
  - 2. Siting on Lot. Broadcast and relay towers reviewed under this Section shall not be within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts in any required building setback areas.
  - 3. Height and Size. The combined height of a broadcast and relay tower and antenna shall not exceed eighty-five feet (85') except when co-location is specifically provided for, then the broadcast and relay tower shall not exceed one hundred feet (100').
  - 4. Color. To the extent technically feasible and in compliance with safety regulations, specific colors of paint may be required to allow the broadcast and relay tower to blend better with its setting.

5. Landscaping, Screening. Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas.
6. Signs Prohibited. Broadcast and relay towers shall not be used for the purposes of signage to display a message of any kind.
7. Co-Location. Placement of a broadcast and relay tower may be denied if an alternative placement of the antenna on a building or other existing structure can accommodate the communications needs. Applicants shall be required to provide documentation that reasonable efforts to identify alternative locations were made.
8. Future Co-Location Accommodation. Owners and operators of a proposed broadcast and relay tower shall provide information regarding the opportunity for the co-location of other antenna and related equipment. If feasible, provision for future co-location may be required.
9. Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three (3) months of their effective date or the timelines provided by the revised standards and regulations, whichever is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the City to remove a provider's facilities at the provider's expense.
10. Building Codes, Safety Standards. To ensure the structural integrity of towers, antennas and facilities, the applicant/owner shall ensure that they are maintained in compliance with standards contained in the applicable City building codes and the applicable standards for towers published by the Electronic Industry Association (EIA), as amended from time to time. If, upon application for a building permit or inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30') days to bring the tower into

compliance with such standards. If the owner fails to bring the tower into compliance within thirty (30') days, the City may remove the tower at the owner's expense.

11. **Structural design.** Towers shall be constructed to Electronic Industry Association Standards, which may be amended from time to time, and to all applicable codes adopted by the City. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with EIA Standards and all other applicable industry practices. The plans shall be submitted and reviewed at the time applications for building permits are submitted.
12. **Abandonment, Disrepair.** All broadcast and relay towers shall be removed by the facility owner within 12 months of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

#### **17.61.060 Special Exceptions.**

- A. **Purpose.** An applicant may apply for a special where the strict application of the standards for the specific type of facility would result in the obstruction or inability to receive a communication signal.
- B. **Complete Application.** An application for a Special Exception is processed under the same permit type as the underlying permit. A complete application for a Special Exception shall consist of:
  1. A completed application form as required by the City Planning and Building Services Department
  2. The applicant for a Special Exception shall demonstrate that the proposed material, shape and color of the antenna will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts. The required application fee.
  3. A written statement which satisfactorily demonstrates that all of the Special Exception criteria have been met
- C. **General Criteria.** Each determination granting a Special Exception shall be supported by written findings of fact and conclusions demonstrating that all

of the following general criteria and all specific criteria in subsection (D) below have been met:

1. The applicant has demonstrated that strict application of this Code would result in an inability to receive a signal or to effectively provide tele-communications services, and that this is the result of factors beyond the control of the applicant; and,
2. The proposed material, shape and color of the antenna will minimize visual impacts on neighboring properties to the greatest extent possible; and,
3. Where appropriate, the applicant has demonstrated that the antenna will allow co-location for additional antennas and/or/telecommunication facilities.

D. Special Exception Criteria for specific facilities. In addition to the applicant's submission of materials described in subsection B above, a special exception may only be granted in accordance with the following criteria:

1. Large Satellite Dish Antenna and other Antenna - Special Exceptions
  - a. Residential Zones
    - (1) Modifications to requirements for setbacks, size, screening and maximum height may be considered by Special Exception-
    - (2) If a Special Exception is requested from the height limit for a ground-mounted dish, the height of the dish shall be limited to a maximum of eighteen feet (18') above the existing grade.
    - (3) A rooftop location shall only be considered if the requirements of this chapter would result in reception blockage. If a Special Exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to six feet (6') and a maximum permitted height of fifteen feet (15') above the roofline. The approval authority may require the applicant to place the antenna in an area of the roof which takes into consideration view blockage and aesthetics, provided reception is available.
  - b. Commercial and Employment Districts

- (1) Ground-mounted antenna. Exceptions to be first considered shall be from setback, landscape and service area requirements, size and screening requirements. Only if these waived regulations would still result in reception blockage shall a Special Exception from height requirements be considered. If a Special Exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of twenty feet (20') above the existing grade.
  - (2) Roof-mounted antenna. The first exception to be considered shall be the center of the roof requirement; the second exception shall be from the size and screening requirements, respectively. Only if these waived regulations would still result in the blockage of an electromagnetic signal, shall a Special Exception from height requirements be considered. A Special Exception from the height limit shall be allowed up to a maximum of twenty feet (20') above the existing or proposed structure. The approval authority may require the applicant to place the antenna in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a useable signal and structural considerations allow the alternative placement.
2. Amateur Radio Towers - Special Exceptions. Residential Zones - Where a property owner desires to vary from the height, location or setback limitations, the Special Exception Criteria must be met.
3. Wireless Communications Facilities - Special Exceptions
  - a. Residential Zones - An applicant for a proposed wireless facility that exceeds the height limit shall meet the Special Exception Criteria.
  - b. Commercial and Industrial Zones - An applicant for a proposed wireless facility that exceeds the height limit

shall meet the Special Exception Criteria.

4. Broadcast and Relay Towers - Special Exceptions
  - a. Commercial and Employment Districts - An applicant for a proposed broadcast and relay tower that exceeds height limits shall be required to obtain a conditional use permit under GHMC § 17.64.046.

**17.61.070 Review by Independent Consultant – Third Party Review**

- A. Wireless service providers use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a provider. The City may require a technical review as part of the permitting process. The costs of the technical review shall be by the provider.

The selection of the third party expert may be by mutual agreement between the provider and the City, or, at the discretion of the City, with a provision for the provider and interested parties to comment on the proposed expert and review his/her qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the provider's methodology and equipment used. The expert review is not intended to be a subjective review of the site which was selected by the provider. Based on the results of the expert review, the City may require changes to the provider's application. The expert review shall address the following:

1. the accuracy and completeness of submissions;
2. the applicability of analysis techniques and methodologies;
3. the validity of the conclusions reached; and
4. any specific technical issues designated by the City.

Section 13. Section 17.45.030 of the Gig Harbor Municipal Code is amended to read as follows:

**17.45.030 Conditional uses**

Subject to the requirements, standards and procedures for conditional uses set

forth in Chapter 17.64 GHMC, the following uses may be permitted in an Employment District:

- A. Hospitals, clinics and establishments for people convalescing from illness or operation;
- B. Senior citizen housing;
- C. Commercial child care facilities;
- D. Public utilities and public services such as libraries, electrical substations, telephone exchanges, ~~telecommunication facilities~~, police and fire stations;
- E. Recreational buildings and outdoor recreation;
- F. Houses of religious worship;
- G. Planned unit developments with a minimum of 65 percent of the site consisting of an employment based use; and
- H. Mini-storage facilities.

Section 14. Chapter 17.15.030 of the Gig Harbor Municipal Code is amended to read as follows:

- \* \* \*
- 2. Wireless communication facilities and support structures.
- \* \* \*

Section 15. Chapter 17.64.040 of the Gig Harbor Municipal Code is amended to read as follows:

**17.64.040 Review criteria**

Each determination granting or denying a conditional use permit shall be supported by written findings of fact showing specifically wherein all of the following conditions are met:

- A. That the use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located;

- B. That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;
- C. That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;
- D. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner.

For wireless communication facilities the criteria in Section 17.64.046 shall apply.

Section 16. A new section 17.64.046 of the Gig Harbor Municipal code is adopted as follows:

**17.64.046 Conditional Use Permits for Review Criteria for Wireless Communication Facilities.**

- A. Type of Permit. Applications for conditional use permits for wireless communications and broadcast and relay towers shall be processed as a Type III permit.
- B. Criteria for Approval. Applications for conditional use permits for wireless communication facilities may be approved if the applicant demonstrates all of the following:
  - 1. That there will be no injury to the neighborhood or other detriment to the public welfare;
  - 2. That there is a need for the proposed tower to be located in or adjacent to the residential area, and which shall include documentation on the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;
  - 3. The feasibility of future consolidated use of the proposed facility or co-location with other public utility facilities;
  - 4. The facility shall be designed to be as least intrusive as practicable,

including, but not limited to, the exterior treatment of the facility so as to be harmonious with the character of the surrounding neighborhood, the use of landscaping and privacy screening to buffer the facility and activities on the site from surrounding properties and that any equipment that is not enclosed shall be designed and located on the site to minimize impacts related to noise, light and glare onto surrounding properties.

**Section 17. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 18. Declaration of Emergency and Establishing an Effective Date.** On October 28, 1996, the City Council imposed a moratorium on the establishment, location, permitting or franchising of new telecommunications carriers/operators/facilities within the City, whether on, through, over or under private or public property or the public streets, through the use of overhead or underground telecommunication. This moratorium is scheduled to expire on October 28, 1997. Both the Planning Commission and the City Council held public hearings on this ordinance, and members of the public were invited to provide testimony and evidence for consideration by the Planning Commission and City Council. On the last working day prior to the public hearing before the council, the City received letters from members of the public on the subject of this ordinance. In order for the City staff to fully respond to these letters, the City Council postponed its action on this ordinance until October 27, 1997. At that time, these letters and the response from City staff will be considered by the Council. Because the moratorium is scheduled to expire on October 28, 1997, the City Council hereby declares an emergency necessary for the protection of the public health, safety and property, which requires that this ordinance become immediately effective on the day of its adoption, which is October 27, 1997. The City shall immediately publish a summary of this ordinance.

PASSED BY THE CITY COUNCIL FOR THE CITY OF GIG HARBOR AT IS REGULAR MEETING dated the 27th day of October, 1997.

APPROVED:

Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

Molly Towslee, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

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CITY ATTORNEY

FILED WITH THE CITY CLERK: 9/22/97  
PASSED BY THE CITY COUNCIL: 10/27/97  
PUBLISHED: 11/5/97  
EFFECTIVE DATE: 10/27/97  
ORDINANCE NO. 771

**SUMMARY OF ORDINANCE NO. 771**

of the City of Gig Harbor, Washington

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On the 27<sup>th</sup> day of October, 1997, the City Council of the City of Gig Harbor, passed Ordinance No. 771. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR RELATING TO LAND USE AND ZONING, ESTABLISHING SITING STANDARDS FOR AMATEUR RADIO ANTENNAE, SATELLITE DISH ANTENNAE, TELEVISION AND RADIO BROADCAST TOWERS, AND TELECOMMUNICATION FACILITIES REGULATED UNDER THE FEDERAL TELECOMMUNICATIONS ACT OF 1996, ADOPTING DEVELOPMENT STANDARDS, AND PROVIDING FOR SPECIAL EXCEPTIONS AND CONDITIONAL USE PERMITS; ADDING A NEW CHAPTER 17.61; ADDING NEW SECTIONS 17.04.041, 17.04.125, 17.04.225, 17.04.756, 17.04.757, 17.04.758 AND 17.64.046; AMENDING SECTIONS 17.04.055, 17.04.710-, 17.45.030 AND 17.64.040 OF THE GIG HARBOR MUNICIPAL CODE; DECLARING AN EMERGENCY NECESSITATING AN IMMEDIATE EFFCTIVE DATE.

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

DATED this 11th day of October, 1997.

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MOLLY TOWSLEE, CITY CLERK