

# Attachment D

Blue—Planning and Zoning Commission Recommended Amendment  
Green—Assembly T21 Committee Position or Recommended Amendment  
Red—Planning Department Position or Recommended Amendment

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## Amendments to Chapter 21.05: *Use Regulations*

Page numbers refer to the Public Hearing Draft dated August 5, 2007

**1. Pages 5-8, Table 21.05-1: Table of Allowed Uses—Residential Districts**

See attached table.

**2. Pages 9-19, Table 21.05-2: Table of Allowed Uses—Commercial, Industrial, Mixed-Use, and Other Districts**

See attached table.

**3. Pages 31-32, Section 21.05.040A.3.c., lines 39-40 and 1-2**

“A minimum of 25 [15] percent of the lot shall remain as a planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the decision-making body [DIRECTOR] determines that retention of less than 25 [15] percent allows for sufficient buffering of adjacent uses.”

“A minimum of 15 percent (25 percent in the RO district) of the lot shall remain as a planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the decision-making body [DIRECTOR] determines that retention of less than 15 percent (25 percent in the RO district) allows for sufficient buffering of adjacent uses.”

Planning Department supports Assembly Committee amendment.

**4. Page 32, Section 21.05.040A.3., after line 2**

Add a new “d.” (and renumber the following sections) to state “In residential zoning districts, no parking or loading areas shall be placed in any setback.”

Add a new “d.” (and renumber the following sections) to state “In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.”

Planning Department supports PZC amendment.

**5. Page 34, Section 21.05.040B.1.b., after line 10**

Add a new “iv.” (and renumber the following sections) to state “In residential zoning districts, no parking or loading areas shall be placed in any setback.”

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Add a new “iv.” (and renumber the following sections) to state “In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.”

Planning Department supports PZC amendment.

**6. Page 37, Section 21.05.040C.2.b., after line 6**

Add a new “v.” to state, “In all zoning districts a minimum of 25 percent of the lot area shall remain as planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the decision-making body determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses.”

Assembly Committee does not support PZC amendment.

**7. Page 37, Section 21.05.040C.2.b., after line 6 and new subsection “v.” proposed above**

Add a new “vi.” to state:

“vi. Parking and Setbacks

In residential zoning districts, no parking or loading areas shall be placed in any setback.”

Add a new “vi.” to state:

“vi. Parking and Setbacks

In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.”

Planning Department supports PZC amendment.

**8. Page 38, Section 21.05.040C.7.a., lines 9-10**

“...Accessory uses may include[, WITHOUT LIMITATION,] parsonages, meeting rooms, and child care...”

“...Accessory uses may include, but are not limited to [WITHOUT LIMITATION], parsonages, meeting rooms, and child care...”

Planning Department supports Assembly Committee amendment.

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## 9. Pages 39-41, Section 21.05.040E.3. and E.4., lines 36-41, 1-38, and 1-15

### 1. Elementary or Middle School

#### a. *Definition*

A public, private, parochial, or charter school offering academic instruction during the majority of the days of the week for students typically between the kindergarten and eighth [SIXTH] grade levels, but not higher than the ninth [SEVENTH] grade. This classification includes the terms “junior high school” and “intermediate school.” Pre-schools that are associated and co-located with elementary, middle, or high schools are considered to be part of the elementary, middle, or high school. Pre-schools without such association and co-location are [IS NOT INCLUDED AND IS] categorized in this title as “child care facility.”

#### b. *Use-Specific Standards (also apply to “Boarding School” and “[MIDDLE AND] High School”)*

##### i. *Purpose*

The standards of this subsection are intended to ensure the compatibility of schools with surrounding neighborhoods and to minimize the impacts of school uses on adjacent properties.

##### *[APPLICABILITY]*

[THE STANDARDS OF THIS SUBSECTION SHALL ONLY APPLY TO SCHOOLS WITH CAPACITY FOR 100 STUDENTS OR MORE.]

##### ii. *Site Size [PUBLIC SCHOOLS]*

Except where established site size criteria are approved by local or state governmental authority, minimum lot size in residential districts for schools with capacity of 100 or more students shall be one acre per 100 students. [PUBLIC SCHOOLS ARE SUBJECT TO THE FACILITY STANDARDS OF THE ANCHORAGE SCHOOL DISTRICT, IN ADDITION TO THE REQUIREMENTS OF THIS TITLE FOR THE ZONING DISTRICT IN WHICH THEY ARE LOCATED. FOR ISSUES IN WHICH THE ANCHORAGE SCHOOL DISTRICT SITE DEVELOPMENT AND DESIGN CRITERIA ARE MORE STRINGENT THAN THE STANDARDS OF THIS SECTION, THE SCHOOL DISTRICT STANDARDS SHALL CONTROL.]

##### iii. *Setbacks [MINIMUM LOT DIMENSIONS AND SETBACKS]*

(A) In residential districts, setbacks for schools with capacity for 25 or more students shall be as follows:

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(1) The front setback of the underlying district shall apply.

(2) Any structure or portion of structure equal to or less than 15 feet high and 50 feet in length shall be setback at least 15 feet from any side or rear lot line. Any portion of such structure longer than 50 feet in length shall be setback at least 20 feet from any side or rear lot line.

(3) Any structure or portion of structure that is 15 feet or greater in height shall be setback at least 25 feet from any side or rear lot line.

(B) In nonresidential districts, the setbacks of the underlying district shall apply.

[ALL SCHOOLS ARE SUBJECT TO THE FOLLOWING STANDARDS:

1. SCHOOL BUILDINGS IN RESIDENTIAL DISTRICTS SHALL:

a. COVER NOT MORE THAN 35 PERCENT OF THEIR SITE AREA; AND

b. PROVIDE 50-FOOT SIDE AND REAR SETBACKS.

2. MINIMUM LOT REQUIREMENTS IN ALL DISTRICTS SHALL BE AS FOLLOWS:

a. ELEMENTARY: ONE ACRE PER 100 STUDENTS;

b. MIDDLE, HIGH, AND BOARDING: ONE AND ONE-HALF ACRES PER 100 STUDENTS.]

iv. *Play Space for Elementary and Middle Schools*

(A) Elementary and middle schools with capacity for 25 or more students, where students remain for more than four consecutive hours, shall provide two square feet of outdoor open space play area for every one square foot of total combined classroom space.

(B) The minimum dimension of any required outdoor open space play area is 20 feet.

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(C) If the school is in close proximity to a park with usable open space, the park may count as the required outdoor open space play area. The decision-making body shall determine whether the nearby park is appropriate in terms of play space and access, using the following conditions as a guide:

(1) The park is between an eighth and a quarter mile from the school.

(2) The school and park are not separated by a street of arterial classification or greater on the OSHP.

v. *Vehicle and Pedestrian Access*

(A) In all residential districts, a[A]ll middle and high schools, and schools without an Anchorage School District attendance boundary shall have at least 100 feet of frontage on a collector or greater classification street, if such schools have capacity of 100 or more students.

(B) In all districts, all schools with capacity for 100 or more students shall provide adequate on-site student pick-up and drop-off area to the satisfaction of the decision-making body.

(C) Paved pedestrian walkways and trails, exclusive of driveways, shall be provided between the principal buildings and each abutting public right-of-way or trail.

vi. *Temporary Structures for School Expansion Space (Relocatables)*  
Temporary structures serving as expansion space for schools are allowed in all districts in which schools are allowed, subject to the following standards:

(A) Temporary structures shall not be placed in traffic circulation routes, in required parking, or in required landscaping areas.

(B) The temporary structures are exempt from the general requirements for all temporary uses contained in section 21.05.080, *Temporary Uses and Structures*.

The decision-making body may grant relief from these standards on a case-by-case basis.

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vii. *Landscaping*

L2 visual enhancement landscaping is required along all property lines where the school site abuts a residential use in a residential zone.

**2. High School [OR MIDDLE SCHOOL]**

**a. Definition**

A public, private, parochial, or charter school offering academic instruction for students typically in the ninth [SEVENTH] through twelfth grades, but may include lower grades. [THIS CLASSIFICATION INCLUDES THE TERMS “MIDDLE SCHOOL” AND “JUNIOR HIGH SCHOOL.”]

**b. Use-Specific Standards**

High schools [AND MIDDLE SCHOOLS] shall comply with the applicable use-specific standards set forth for “elementary or middle school” above.

**10. Page 43, Section 21.05.040G.2.a., lines 1-5**

**“2. Park and Open Space, Public or Private**

**a. Definition**

An [NON-COMMERCIAL, NOT-FOR-PROFIT FACILITY OR] area designed to serve the recreation needs of the residents of the community and/or provide aesthetic and health benefits such as solar access, views, connection to the natural setting, and preservation of the natural setting’s functions. Such facilities or areas include, but are not limited to, playfields, playgrounds, and open space.”

**“2. Outdoor Recreation Area [PARK AND OPEN SPACE], Public or Private**

**a. Definition**

An [NON-COMMERCIAL, NOT-FOR-PROFIT FACILITY OR] area designed to serve the recreation needs of the residents of the community, such as playfields or playgrounds [. SUCH FACILITIES OR AREAS INCLUDE, BUT ARE NOT LIMITED TO, PLAYFIELDS, PLAYGROUNDS, AND OPEN SPACE.]

**3. Open Space, Public or Private**

**a. Definition**

An area designed to serve the passive recreation needs of the community, such as nature viewing, walking, and hiking. These areas are generally left in their natural state, and serve ecological and aesthetic functions.

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Private open space required by section 21.07.030 is not considered to be this use.

Note: If this amendment is approved, the use tables will be amendment to allow this use in all zoning districts.

**11. Pages 45-54, Section 21.05.040K.**

See pages 17-30

**12. Page 55, Section 21.05.050B.1.b.i., lines 15-18**

*“i. General Standards when Use is within 100 Feet of [ADJACENT TO] a Residential or Mixed-use District*

*All facilities, including all treatment rooms, cages, pens, kennels, training rooms and exercise runs, shall be maintained within a completely enclosed[, SOUNDPROOF] building so that the decibel level at the property line does not exceed 50. Areas for the care of large animals that are associated with veterinary clinics are exempt from this requirement, but shall meet the setback standards of subsection 21.05.050B.3.b.iv.”*

*“i. General Standards when Use is within 100 Feet of [ADJACENT TO] a Residential or Mixed-Use District*

*All facilities, including all treatment rooms, cages, pens, kennels, and training rooms [AND EXERCISE RUNS,] shall be maintained within a completely enclosed[, SOUNDPROOF] building. Areas for the care of large animals that are associated with veterinary clinics are exempt from this requirement, but shall meet the setback standards of subsection 21.05.050B.3.b.iv.”*

*“i. General Standards when Use is within 100 feet of [ADJACENT TO] a Residential or Mixed-Use District*

*All facilities, including all treatment rooms, cages, pens, kennels, training rooms, and exercise runs, shall be maintained within a completely enclosed[, SOUNDPROOF] building. Areas for the care of large animals that are associated with veterinary clinics are exempt from this requirement, but shall meet the setback standards of subsection 21.05.050B.3.b.iv.”*

**13. Page 56, Section 21.05.050B.3.b.iv., lines 13-24**

*“Notwithstanding the setbacks of the underlying zoning district, uncovered enclosures and covered structures associated with a large domestic animal facility[, SUCH AS A STABLE OR BARN,] shall be set back at least [TWENTY-FIVE (25)] feet from any abutting lot line, not including interior lot lines between lots in common ownership.*

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[UNCOVERED ENCLOSURES SHALL MEET ONE OF THE FOLLOWING SETBACK OPTIONS:

- (A) SEVENTY-FIVE (75) FEET FROM RESIDENCES EXISTING ON FEBRUARY 28, 2006, NOT INCLUDING ANY RESIDENCE IN COMMON OWNERSHIP WITH THE LARGE DOMESTIC ANIMAL FACILITY; OR
- (B) TEN (10) FEET FROM ANY ABUTTING LOT LINE, NOT INCLUDING INTERIOR LOT LINES BETWEEN LOTS IN COMMON OWNERSHIP, IF THE SEPARATION AREA IS VEGETATED WITH LEVEL 3 BUFFER LANDSCAPING.]”

Assembly Committee does not support PZC amendment.

Planning Department supports PZC amendment.

Note: The Animal Control Advisory Board supports the PZC amendment, except they recommend changing “25 feet” to “10 feet”.

**14. Page 60, Section 21.05.050D.8.b.i., lines 35-37**

“All facilities adjacent to a residential district shall be maintained within a completely enclosed[, SOUNDPROOF] building, and shall be sufficiently insulated so that the standards of AMC section 15.70.080A. are met [NO UNREASONABLE NOISE CAN BE DETECTED OFF-PREMISES].”

**15. Page 68, Section 21.05.050I.7., after line 23**

Add “**b. Use-Specific Standards**

- i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.
- ii. Noise generating equipment shall be inaudible at the property line of a residentially zoned property.”

Add “**b. Use-Specific Standards**

- i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.



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- ii. Noise generating equipment shall meet the noise control standards of AMC section 15.70.”

Add “***b. Use-Specific Standards***”

- i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.
- ii. Noise generating equipment located outdoors, such as vacuuming facilities, shall be located no closer than 50 feet to a lot line abutting a residential zoning district.”

16. Page 68, Section 21.05.050I.8.b.ii, lines 37-38

“Noise generating equipment such as mechanical car wash equipment, outdoor air compressors or o[O]utdoor vacuuming facilities shall be inaudible at the property line of a residentially zoned property [DISTRICT].”

“Noise generating equipment shall meet the noise control standards of AMC section 15.70.”

“Noise generating equipment located outdoors, such as vacuuming facilities, shall be located no closer than 50 feet to a lot line abutting a residential zoning district.”

17. Page 76, Section 21.05.060D.3.b.ii., lines 18-19

“No [PART OF ANY] terminal shall be located less than 200 feet from any [RESIDENTIAL USE OR] property zoned residential, except that employee parking, landscaping, and other spaces not occupied with freight vehicles may be located within 200 feet of a residential use or district.”

“No [PART OF ANY] terminal shall be located less than 200 feet from any [RESIDENTIAL USE OR] property zoned residential, unless the terminal is separated from property zoned residential by the Alaska Railroad mainline corridor, or a freeway or expressway, as classified in the *Official Streets and Highways Plan*.”

18. Pages 94-95, Table 21.05-5: Table of Accessory Uses—Commercial, Industrial, Mixed-Use, and Other Districts

Delete “P” from “Garage or carport, private residential”, “Home- and garden-related use”, and “Home occupation” rows for the PLI district.

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Assembly Committee does not support PZC amendment.

Planning Department does not support PZC amendment.

**19. Page 100, Section 21.05.070D.D.1.b.iii.(G).(1).(a), lines 19-21**

“A permit application for an ADU is submitted to the building safety division within six months of [effective date] [SEPTEMBER 30, 2003].”

Planning Department does not support this amendment.

**20. Page 103, Section 21.05.070D.7., lines 11-21**

“ii. *Impact on Adjacent Uses*

- (A) A drive-through that is adjacent to a residential or mixed-use zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.
- (B) No drive-through queuing [STACKING] spaces shall be located between the building and an abutting right-of-way.
- (C) When a drive-through service facility [USE] abuts a residential or mixed-use zoned lot [IN A RESIDENTIAL DISTRICT], a six-foot high screening fence or wall [L2 BUFFER LANDSCAPING] shall be provided along that lot line between the drive-through facility and required perimeter landscaping.
- (D) The noise generated on the site by talk boxes shall be inaudible at the property line of residential or mixed-use zoned properties.”

“ii. *Impact on Adjacent Uses*

- (A) A drive-through that abuts a residential or NMU zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.
- (B) No drive-through queuing [STACKING] spaces shall be located directly between the building and an abutting right-of-way unless otherwise allowed by the director.

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- (C) When a drive-through service facility [USE] abuts a residential or NMU zoned lot [IN A RESIDENTIAL DISTRICT], a six-foot high screening fence or wall [L2 BUFFER LANDSCAPING] shall be provided along that lot line between the drive-through facility and required perimeter landscaping.
- (D) [THE NOISE GENERATED ON THE SITE BY TALK BOXES SHALL BE INAUDIBLE AT THE PROPERTY LINE.] To the maximum extent feasible, talk boxes shall be located so that the principal structure on the site is between the talk box and any abutting residential zoning district.”

*“ii. Impact on Adjacent Uses*

- (A) A drive-through that abuts a residential or NMU zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.
- (B) No drive-through queuing [STACKING] spaces shall be located directly between the building and an abutting right-of-way unless otherwise allowed by the director.
- (C) When a drive-through service facility [USE] abuts a residential or NMU zoned lot [IN A RESIDENTIAL DISTRICT], a six-foot high screening fence or wall [L2 BUFFER LANDSCAPING] shall be provided along that lot line between the drive-through facility and required perimeter landscaping.
- (D) Noise generating equipment located outdoors, such as talk boxes, shall be located no closer than 50 feet to a lot line abutting a residential zoning district.”

**21. Page 107, Section 21.05.070D.13.b.iii., lines 15-26**

“Notwithstanding the setbacks of the underlying zoning district, uncovered enclosures and covered structures associated with a large domestic animal facility[, SUCH AS A STABLE OR BARN,] shall be set back at least [TWENTY-FIVE (25)] feet from any abutting lot line, not including interior lot lines between lots in common ownership. [UNCOVERED ENCLOSURES SHALL MEET ONE OF THE FOLLOWING SETBACK OPTIONS:

- (A) SEVENTY-FIVE (75) FEET FROM RESIDENCES EXISTING ON FEBRUARY 28, 2006, NOT INCLUDING ANY RESIDENCE IN COMMON OWNERSHIP WITH THE LARGE DOMESTIC ANIMAL FACILITY; OR

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- (B) TEN (10) FEET FROM ANY ABUTTING LOT LINE, NOT INCLUDING INTERIOR LOT LINES OF LOTS IN COMMON OWNERSHIP, IF THE SEPARATION AREA IS VEGETATED WITH LEVEL 3 BUFFER LANDSCAPING.]”

Assembly Committee does not support PZC amendment.

Planning Department supports PZC amendment.

Note: The Animal Control Advisory Board supports the PZC amendment, except they recommend changing “25 feet” to “10 feet”.

## 22. Pages 109-110, Section 21.05.070D.16., lines 27-45 and 1-12

### “a. *Definition*

Outdoor storage, but not display for sale, of goods, equipment, and/or materials accessory to a commercial principal use. Merchandise in outdoor storage shall not be directly available to the consumer without the assistance of an employee.

### b. *Use-Specific Standards*

Except in industrial districts and except for outdoor storage associated with a large commercial establishment which is governed by subsection 21.07.120E.10., outdoor storage of goods, equipment, and/or materials accessory to a commercial principal use shall be allowed subject to the following standards:

- i. Each outdoor storage area shall not be located closer to the front property line than the front façade [PLANE] of the principal building.
- ii. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.
- iii. Equipment stored in an approved outdoor storage area shall be limited to equipment used for property maintenance, such as snow removal equipment. The number of pieces of equipment shall not exceed three. Such equipment storage is only allowed on lots of three acres or greater.
- iv.[iii.] Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials used in the principal structure. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area. Materials may not be stored higher than the height of the principal structure. The outer perimeter of the fence or wall shall be landscaped with L2 visual enhancement landscaping. A

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landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.

v.[iv.] If the outdoor storage area is covered, then the covering shall include at least one of the predominant roofing materials and exposed roofing colors on the principal structure.

vi.[v.] Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

vii.[vi.] No goods, equipment, and/or materials may be stored in areas intended for vehicular or pedestrian circulation or parking.”

Planning Department does not support this amendment.

### 23. Page 111, Section 21.05.070E.1., lines 5-8

“a. The use of a connex trailer or similar structure is prohibited in any residential, commercial, or mixed-use district [ONLY ALLOWED IN INDUSTRIAL AND PLI DISTRICTS], except that loading or unloading, and use during construction is allowed in any district.

b. Self-storage establishments in compliance with the development standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from this restriction.

c. Connex trailers in the PLI and PR districts shall be screened on all sides by structures, vegetation, and/or fences at least as high as the connex trailer.”

Assembly Committee did not reach consensus on this amendment.

Planning Department supports PZC amendment.

### 24. Page 111, Section 21.05.070E.3., lines 12-14

“3. Fabric Structures [CLOTH GARAGES] Frame-supported, [OR] arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site...”

Assembly Committee did not reach consensus on this amendment.

Planning Department supports PZC amendment.

### 25. Page 114, Section 21.05.080C.1., lines 5-6

“1. Fabric Structures [CLOTH GARAGES]

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Frame-supported [OR], arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items, shall be prohibited in all residential districts.”

- “1. **Fabric Structures** [CLOTH GARAGES]  
Frame-supported [OR], arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items, shall be allowed for 30 days within a 12 month period [PROHIBITED] in all residential districts.”

Planning Department supports Assembly Committee amendment.

**26. Page 114, Section 21.05.080D.3., lines 17-19**

“Permanent alterations to the site, including site grading and installation of underground utilities, are prohibited, unless specifically authorized by the director and the municipal engineer [UNDER AN APPROVED TEMPORARY USE PERMIT].”

“[PERMANENT ALTERATIONS TO THE SITE, INCLUDING SITE GRADING AND INSTALLATION OF UNDERGROUND UTILITIES, ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED UNDER AN APPROVED TEMPORARY USE PERMIT].”

Planning Department supports PZC amendment.

## **Technical Edits and Clarifications**

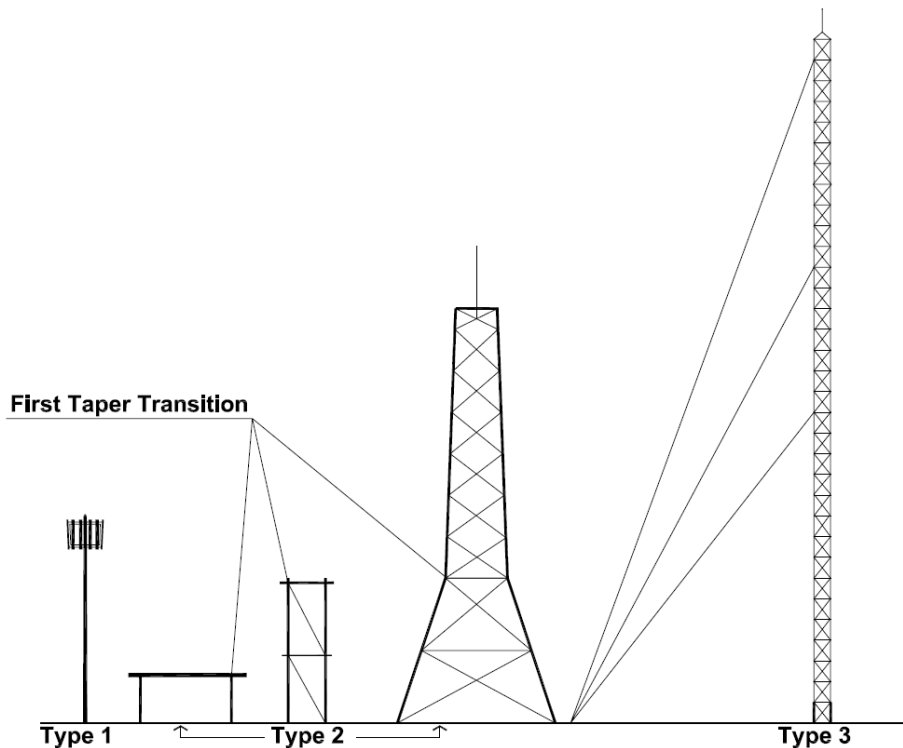
1. Throughout the chapter, change “date of passage” to “effective date”.
2. Page 9, Table 21.05-2 heading, 3<sup>rd</sup> line  
“For uses allowed in the A[D] and TA districts, see section 21.04.050[060].”
3. Page 27, Section 21.05.030A.8.b.xviii.(A), line 43  
“...8.b.vii., *Streets and Drainage Facilities* [8.b.viii., *WATER AND SEWAGE SYSTEMS,*]  
...”
4. Page 32, Section 21.05.040A.4.a., lines 28-29  
“These uses shall meet the [ANY] use-specific standards above in addition to any requirements imposed by a conditional use approval.”

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5. Page 33, Section 21.05.040B.1.a., line 31  
“Operation of a child care center is not a home occupation pursuant to subsection 21.05.070D.12.”
6. Page 46, Section 21.05.040K.1., after line 8  
Insert the following illustration of tower types:



7. Page 55, Section 21.05.050B.1.b.ii., line 19  
“Standards When Use is Not within 100 Feet of [ADJACENT TO] a Residential or Mixed-Use District”
8. Page 68, Section 21.05.050I.8.a., line 28  
“...car washing; [SEASONAL] tire shops; and detailing and polishing.”
9. Page 72, Section 21.05.080B.3.a., lines 46-48  
“Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants and hot-mix plants and RAP storage and processing; sawmills; ...”

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10. Page 80, Section 21.05.060D.5.a., lines 35-37  
“Any lot or portion of a lot that is used for the sole purpose of the outdoor storage of fully operable motor vehicles;[,] construction equipment;[,] construction materials;[,] sand, gravel, topsoil, or the like; or other tangible materials and equipment.”
  
11. Page 91, Section 21.05.070B.2.a., lines 23-24  
“In [IF] the case of any conflict...”



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## Issue #11

### K. Telecommunication Facilities

Telecommunication facilities transmit signals between or among points using electromagnetic waves. The facilities may include towers, antennas, buildings, transformers, transmitters, receivers, equipment cabinets, and parking areas.

#### 1. Definitions

##### a. *Type 1 Tower*

A freestanding vertical support structure of cylindrical, conical, or rectangular cross section constructed of composite, wood, concrete, or metal employed primarily for the purpose of supporting an antenna array and commonly called a monopole.

##### b. *Type 2 Tower*

A freestanding vertical support structure of open frame skeletal design employed primarily for the purpose of supporting an antenna array and commonly called a lattice tower. This tower type includes lateral arrays.

##### c. *Type 3 Tower*

A guyed vertical support structure of open frame, skeletal design, or solid pole design employed primarily for the purpose of supporting an antenna array and commonly called a guyed tower.

##### d. *Type 4 Tower*

A support structure, such as an existing building, steeple, spire, or utility pole that is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or hidden antenna array so that its principal or secondary function as an antenna and antenna support structure is imperceptible to an uneducated eye. The antennas are mounted on the support structure so that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment. This definition shall include any antenna or antenna array complying with the objective of definition whether it is mounted on tower structure or not.

#### 2. Use-Specific Standards

##### a. *Setbacks*

i. The minimum distance from any lot line to the vertical axis of the tower structure shall be as follows:

(A) Types 1 [AND 4]: equal to or greater than the setbacks of the underlying zoning district.

(B) Type 2: equal to or greater than the distance measured from grade to the first taper transition [FROM THE STREET FRONTAGE, THE SETBACK SHALL BE EQUAL TO THE DISTANCE MEASURED FROM GRADE TO THE FIRST TAPER TRANSITION, OR 100 FEET, WHICHEVER IS GREATER. SETBACKS FROM ANY SIDE AND REAR LOT LINES ADJACENT TO A RESIDENTIAL DISTRICT SHALL BE 100

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FEET. IF THE TOWER IS IN A RESIDENTIAL DISTRICT, THE SETBACK SHALL BE 100 FEET FROM ALL LOT LINES].

- (C) Type 3: equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer's criteria for the proposed application.
  - (D) Type 4: none.
- ii. [FOR TYPE 3 TOWERS, T]That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:
    - (A) Guy wire with a nominal diameter of 0.25 inches or less—25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.
    - (B) Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches—25 feet, provided the setback may be reduced to 5 feet if the anchor structure is enclosed within a sight obscuring fence.
    - (C) Guy wire with a nominal diameter equal to or greater than 0.625 inches—25 feet.
- b. **Minimum Separation Distance From Protected Land Uses**
    - i. The minimum separation distance between the base of the tower and any principal structure on PLI or residentially-zoned land, or any school or licensed child care center, shall be two times the allowable tower height.
    - ii. After giving due consideration to the comments of the applicant, the property owner, and the local community council, the director may reduce or eliminate the minimum separation distance set forth in the paragraph iv.(A) above.
- c. **Tower Structure Height**
    - i. Height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and supporting structures.
    - ii. Height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the base height, which ever is greater. Tower structures shall

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not exceed the height limits set forth in subsection 21.04.060C. of this title nor interfere with Federal Aviation Administration Regulations on airport approaches.

iii. Base height shall be as set forth below:

- (A) Residential districts--65 feet
- (B) Commercial and Mixed-Use districts--130 feet
- (C) Industrial districts--150 feet
- (D) AF district--200 feet
- (E) All other districts--100 feet

[AT NO TIME SHALL THE HEIGHT OF A TOWER INSTALLED ON A BUILDING BE MORE THAN EITHER TWO TIMES THE HEIGHT OF THE EXISTING BUILDING, OR MORE THAN THE ALLOWABLE TOWER HEIGHT AS SET BY THE ZONING DISTRICT, EXCLUDING THE BUILDING, WHICHEVER IS GREATER. THE HEIGHT CALCULATIONS INCLUDE ANY INSTALLED ANTENNAS AND LIGHTING AND SUPPORTING STRUCTURES. TOWER STRUCTURES SHALL NOT EXCEED THE HEIGHT LIMITS SET FORTH IN SUBSECTION 21.04.060C. OF THIS TITLE NOR INTERFERE WITH FEDERAL AVIATION ADMINISTRATION REGULATIONS ON AIRPORT APPROACHES.]

iv. Co-location [COLLOCATION] shall grant an additional 15 feet above the base height for each qualifying antenna to a maximum of 30 feet of additional height. Increases in tower structure height by operation of this paragraph shall not reclassify a tower structure from a local interest tower to a community interest tower.

[IF ANY COMMUNITY INTEREST TOWER ON A SITE EXCEEDS 200 FEET IN HEIGHT, THE TOWER SITE SHALL BE SEPARATED FROM ANY OTHER PRINCIPAL OR CONDITIONAL USE COMMUNITY INTEREST TOWER SITE WITH TOWER(S) EXCEEDING 200 FEET IN HEIGHT BY AT LEAST 5,280 FEET (ONE MILE).]

[ANY TOWER OR ANTENNA SEEKING TO EXCEED THE HEIGHT LIMITATIONS OF THIS SECTION MAY APPLY FOR A CONDITIONAL USE PERMIT.]

d. ***Residential Zoning Districts, RO District, and AF District***

i. In all residential districts and in the RO district, type 1[, 2,] and 3 towers, antennas without tower structures, and type 4 tower structures and antennas are permitted as a secondary and subordinate use with a permitted non-residential use. [IN RESIDENTIAL DISTRICTS SHALL ONLY BE LOCATED ON A LOT WITH AN EXISTING NON-RESIDENTIAL USE OR A LOT WITH A MULTIFAMILY RESIDENTIAL

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USE. TYPE 4 TOWERS IN RESIDENTIAL DISTRICTS ARE PERMITTED ON ANY RESIDENTIALLY ZONED LOT, SUBJECT TO SECTION 21.05.040K.2.K.]

- ii. In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers, antennas without tower structures, and type 4 tower structures are also permitted as a secondary and subordinate use with a residential use of six dwelling units or more.
  - iii. In the AF district, three towers per lot are permitted. More than three towers per lot require conditional use approval.
- e. **Notice of Site Selection and Site Plan Review**
- i. *B-1A and Watershed Zoning Districts*
    - (A) Prior to issuance of a building or land use permit for a type 1, 2, and 3 tower structures within B-1A and W zoning districts, property owners of residential-zoned land within 500 feet of the selected tower site and the local community council shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing of the notification.
    - (B) A decision to issue a building or land use permit is final unless appealed within the 30 day notice period to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the tower site. In the event of appeal, the planning and zoning commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.03.050A.
  - ii. *PLI and Residential Districts*

All type 1, 2, and 3 tower structures within a residential district as allowed by table 21.05-1 or PLI district shall be subject to a site plan review as set forth in this section except when a conditional use permit is required.
  - iii. *Other Zoning Districts*

All zoning districts not referenced in d.i. or d.ii. above are exempt from the notification requirements, the minimum separation distances from protected land uses, and the site plan review requirements set forth in this chapter.
- f. **Co-location [COLLOCATION]**
- i. The co-location [COLLOCATION] tower structure, pole, monopole or any other similar facility, must be designed to accommodate no less than the following communications equipment: 12 antennas with a flat plate wind loading of not less than four [4] square feet per antenna; a standard mounting structure, stand off arms, platform or other similar structure that is sufficient to hold the antennas; cable ports at the base and antenna

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levels of the tower structure; and, sufficient room within or on the tower structure for 12 runs of 7/8" coaxial cable from the base of the tower structure to the antennas. [IF THE PROPOSED COLLOCATION DESIGN DOES NOT MEET THE STANDARDS FOR THE 12 ANTENNAS, BUT STILL PROVIDES FOR COLLOCATION, THE DIRECTOR MAY APPLY A LESSER COLLOCATION STANDARD IF IT MEETS THE INTENT OF PROMOTING COLLOCATION. THE APPLICANT MUST PROVIDE EVIDENCE THAT THE DESIGN WILL BE BUILT TO THE STRENGTH NECESSARY TO ACCOMMODATE POTENTIAL COLLOCATING ANTENNAS, AND MUST SHOW THAT THE SITE IS LARGE ENOUGH FOR ALL POTENTIAL EQUIPMENT, SUCH AS EQUIPMENT SHEDS, TO SUPPORT THE COLLOCATING ANTENNAS.]

- ii. Applicants for co-location [COLLOCATION] shall provide proof in a form found acceptable to the municipal attorney that more than one service provider is using [CAN LOCATE IN] the co-location [COLLOCATION] facility.
- iii. All community and local interest towers shall, for a reasonable compensation, be made available for use by as many other licensed carriers as can be technically co-located [COLLOCATED] thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in co-locating [COLLOCATING] additional facilities upon such towers. All licensed carriers shall exercise good faith in co-locating [COLLOCATING] with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location [COLLOCATION]. [REASONABLE COMPENSATION SHALL BE AS INDICATED IN THE MUNICIPALITY AT THE TIME OF THE REQUEST FOR COLLOCATION, SUBJECT TO PROOF BY THE PETITIONER.]

[ANY REQUEST BY A LICENSED CARRIER TO A TOWER OWNER FOR COLLOCATION SHALL BE EITHER APPROVED OR DENIED WITHIN SIX MONTHS OF THE DATE OF THE REQUEST.]

**g. General Standards**  
**[PARKING]**

OFF-STREET PARKING SPACE IS NOT REQUIRED, HOWEVER IF IT IS PROVIDED, PARKING SPACES MAY BE SHARED WITH OTHER PRINCIPAL USES ON THE SITE. THE PARKING SPACES SHALL BE PAVED WITH CONCRETE OR ASPHALT COMPOUND OR SHALL BE COVERED WITH A LAYER OF CRUSHED ROCK OF NO MORE THAN ONE INCH IN DIAMETER TO A MINIMUM DEPTH OF THREE INCHES. PARKING SPACE ILLUMINATION SHALL BE PROVIDED ONLY TO EXTENT THAT THE AREA IS ILLUMINATED WHEN THE PARKING SPACE IS IN USE. THE ILLUMINATION SHALL BE THE LOWEST POSSIBLE INTENSITY LEVEL TO PROVIDE PARKING SPACE LIGHTING FOR SAFE WORKING CONDITIONS.

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## SECURITY

THE TOWER STRUCTURE AND SUPPORT STRUCTURES SHALL BE SECURED TO PREVENT UNAUTHORIZED ACCESS.]

**i.** *Installation*

All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).

**ii.** *Tower Lighting*

Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

**iii.** *Tower Color*

The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

**iv.** *Notice and interference*

An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.

**v.** *Identification Placard*

An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

**(A)** The name and address of the tower structure owner;

**(B)** The name and address of the tower structure manager, if different from the owner;

**(C)** The date of erection of the tower structure; and

**(D)** The owner's name and address of each antenna on the tower structure.

**h.** *Administrative Permit Required*

An administrative permit shall be obtained from the director. The application shall identify the antenna(s) on the tower, [AND INCLUDE THE DIMENSIONAL DESIGN OF THE TOWER/ANTENNA(S),] the legal description of the site, its zoning and its street address, if any[, AND A SITE PLAN WITH THE EXACT LOCATION OF THE TOWER AND/OR ANTENNAS MARKED]. This permit shall

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certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this title.

**i. *Administrative Permit Revocation***

i. Unless cured, an administrative tower permit shall be revoked after notice and the opportunity to cure, for any of the following:

- (A) Construction, maintenance, and/or operation of a tower at an unauthorized location;
- (B) Construction or operation of a tower in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;
- (C) Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the administrative official substantially relies in making the decision to grant, review, or amend any permit pursuant to this section and which materially changes the application of the standards of approval of the permit;
- (D) Abandonment of a tower as set forth in this section; or
- (E) Failure to relocate or remove facilities as required in this section.

***[TOWER PERMIT REVOCATION]***

ii. After having a tower permit revoked, no tower shall be re-permitted for that property or by that tower owner on any property within the municipality for a period of one year except through a conditional use permit. This subsection shall apply only with respect to community and local interest tower revocations pursuant to this title after the effective date of this ordinance.

**j. *Annual Inventory***

By January 31 of each year, each tower owner who is regulated by this section shall provide the municipality with an inventory of all additions and deletions of said provider's existing towers or approved sites for such facilities that are either within the municipality or within one mile of the border thereof as of December 31 of the previous year, OR AS A CONDITION OF ANY REQUESTED ADMINISTRATIVE SITE PLAN OR CONDITIONAL USE. THE INFORMATION TO BE PROVIDED FOR SUCH FACILITIES SHALL BE TO AN FAA 2C STANDARD]. The first inventory from each provider shall be a comprehensive current list of their existing towers and approved sites.

**k. *Time Period for Construction***

Construction of a tower shall commence within one year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

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## I. **Administrative Site Plan Review**

### i. *Applicability*

When an administrative site plan is required by tables 21.05-1 or 21.05-2, this subsection shall apply. A site plan review is required of all such towers since they have aesthetic and visual impacts on their neighbors, and the public interest is best served by allowing these neighbors and the public at large a chance to comment on and provide input concerning the location and design of these towers. All such towers shall conform to the requirements of this section and to the requirements of the zoning district in which the tower is located.

### ii. *General*

**(A)** In approving a site plan, the director may impose conditions to the extent that he or she concludes are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

**(B)** Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

### iii. *Submittal Information*

Applicants for an administrative site plan review for a tower structure shall submit the information required in the user's guide.

### *[MINIMUM SEPARATION DISTANCE FROM PROTECTED LAND USES*

**(A)** THE MINIMUM SEPARATION DISTANCE BETWEEN THE BASE OF THE TOWER AND ANY PRINCIPAL STRUCTURE ON PLI OR RESIDENTIALLY-ZONED LAND, OR ANY SCHOOL OR LICENSED CHILD CARE CENTER, SHALL BE TWO TIMES THE TOWER HEIGHT.

**(B)** AFTER GIVING DUE CONSIDERATION TO THE COMMENTS OF THE APPLICANT, THE PROPERTY OWNER, AND THE LOCAL COMMUNITY COUNCIL, THE DIRECTOR MAY REDUCE THE MINIMUM SEPARATION DISTANCE SET FORTH IN THE PARAGRAPH IV.(A) ABOVE BY NO MORE THAN ONE-HALF. ]

### iv. *Public Participation Process*

Notwithstanding table 21.03-1, at least 35 [21] days before acting on a tower site plan application under this section, the director shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the



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property with a notice pursuant to subsection 21.03.020H.5. Following notice of the site plan, the community council has 35 [21] days from the date of the letter to respond.

v. *Approval Period*

The director shall take action on the site plan within 50 [45] days of the site plan application submittal. Upon action, the applicant will mail to all addressees on the original notice list, the written action of the director. The applicant shall document their public process including a list of who was notified, with what, and when as part of their permit application process.

vi. *Factors Considered In Granting Site Plan Approval For Tower Structures*

In addition to the general standards for site plan approval at subsection 21.03.190E., the director shall also consider the factors for conditional uses for tower structures in subsection p.iii. below.

*[HEIGHT*

UNLESS CLEARLY SPECIFIED BY CONDITIONS OF APPROVAL, THE APPROVED TOWER HEIGHT IS THAT OF THE ALLOWED TOWER HEIGHT IN THE DISTRICT, PLUS ADDITIONAL HEIGHT ALLOWED WITH COLLOCATION, IF COLLOCATION IS PROVIDED FOR. THE PETITIONER MUST SHOW THAT THERE IS CAPACITY FOR THE HEIGHT AND ENOUGH SPACE FOR EQUIPMENT CABINETS ON THEIR GROUND LEASE TO ACCOMMODATE THE HEIGHT AND ANY COLLOCATED ANTENNAS.]

vii. *Appeals*

Notwithstanding section 21.03.050, A decision of the director under the authority set forth in this subsection is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the planning and zoning commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in Superior Court.

m. *Qualification of Type 4 Tower Structure and Antenna*

Each type 4 tower structure and antenna shall be qualified as meeting the design standard by the planning and zoning commission. [SUBJECT TO DESIGN REVIEW AND APPROVAL BY THE DIRECTOR.] A proponent of a type 4 tower structure and antenna design shall provide the commission with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the commission [DIRECTOR] to find the design standard is satisfied. [APPROPRIATELY MEETS THE DEFINITION OF A TYPE 4 TOWER AS IT RELATES TO THE SPECIFIC PROPOSED SITE.] At completion of the construction of the first tower structure and antenna under a newly qualified design, it shall be reviewed by the commission [DIRECTOR] to confirm the installation complies with the design standards. If the installation fails to comply, subsequent [THE] tower structure and antenna design and installation shall be amended or redesigned as directed by the commission [DIRECTOR].

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- n. **Community Interest and Local Interest Towers**  
Community interest and local interest towers as a permitted principal use shall be subject to the following:
- i. **Parking**  
Off-street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Parking space illumination shall be provided only to extent that the area is illuminated when the parking space is in use. The illumination shall be the lowest possible intensity level to provide parking space lighting for safe working conditions.
  - ii. **Security**  
The tower structure and support structures shall be secured to prevent unauthorized access.
  - iii. **Separation Distance**  
If any community interest tower on a site exceeds 200 feet in height, the tower site shall be separated from any other principal or conditional use community interest or local interest tower site with tower(s) exceeding 200 feet in height by at least 5,280 feet (one mile).
- o. **Abandonment**  
Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.
- p. **Conditional Use Standards**
- i. **General and Applicability of Conditional Use Requirement**  
[APPLICATIONS FOR CONDITIONAL USE PERMITS UNDER THIS SECTION SHALL BE SUBJECT TO THE GENERAL CONDITIONAL USE PROCEDURES OF SUBSECTION 21.03.080B, BUT NOT THE APPROVAL CRITERIA OF SUBSECTION 21.03.080C. APPLICATIONS FOR CONDITIONAL USE PERMITS UNDER THIS SECTION SHALL COMPLY WITH THE STANDARDS CONTAINED IN THIS SECTION.]  
The following provisions shall govern the issuance of conditional use permits for tower structures or antennas by the planning and zoning commission:
    - (A) **If the community interest or local interest tower or antenna fails to meet the conditions of subsections 2.a. through 2.o. above,**

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then a conditional use permit shall be required for the construction of a tower structure or the placement of an antenna.

- (B) Applications for conditional use permits under this section shall be subject to the conditional use procedures and general standards, except as modified in this section.
- (C) In granting a conditional use permit, the planning and zoning commission may impose conditions to the extent the commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower structure or antenna on adjoining properties.
- (D) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

*ii. Submittal Information*

Applicants for conditional use for a tower structure shall submit the information required in the user's guide and a non-refundable fee to reimburse the municipality for the costs of reviewing the application.

*iii. Factors Considered in Granting Conditional Use Permits for Antennas and Tower Structures.*

In addition to the general standards for a conditional use in subsection 21.03.080C., t[T]he planning and zoning commission shall consider the following factors in determining whether to issue a conditional use permit, although the commission may waive or reduce the burden on the applicant of one or more of these criteria if the commission concludes that the goals of this ordinance are better served thereby:

- (A) Height of the proposed tower structure;
- (B) Proximity of the tower structure to residential structures and residential district boundaries;
- (C) Nature of uses on adjacent and nearby properties;
- (D) Surrounding topography;
- (E) Surrounding tree coverage and foliage;
- (F) Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (G) Proposed ingress and egress; and
- (H) Availability of suitable existing tower structures, other structures, or alternative technologies not requiring the use of tower structures or structures[, OR THE AVAILABILITY OF SAID

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STRUCTURES OR TECHNOLOGY TO COVER THE SERVICE AREA GAP WITHIN THE LICENSED SERVICE AREA].

**iv.** *Availability of Suitable Existing Tower Structures, Other Structures, or Alternative Technology*

No new tower structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning commission that no existing tower structure, structure, or alternative technology that does not require the use of tower structures, or alternative technology can accommodate or replace the applicant's proposed antenna. An applicant shall submit any additional information requested by the planning and zoning commission related to the availability of suitable existing tower structures, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower structure, structure, or alternative technology can accommodate the applicant's proposed antenna[, OR IS NOT ABLE TO COVER THE SERVICE AREA GAP WITHIN THE LICENSED SERVICE AREA,] will consist of the following:

- (A) No existing tower structures or structures are located within the geographic area which meet applicant's engineering requirements.
- (B) Existing tower structures or structures are not of sufficient height to meet applicant's engineering requirements.
- (C) Existing tower structures or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower structures or structures, or the antenna on the existing tower structures or structures would cause interference with the applicant's proposed antenna.
- (E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower structure or structure or to adapt an existing tower structure or structure for sharing are unreasonable. Costs exceeding new tower structure development are presumed to be unreasonable.
- (F) The applicant demonstrates that there are other limiting factors that render existing tower structures and structures unsuitable.
- (G) The applicant demonstrates that an alternative technology that does not require the use of tower structures or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new

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tower structure or antenna development shall not be presumed to render the technology unsuitable.

**v. Modifications**

Standards for modifications to community interest and local interest towers allowed as a conditional use are as follows:

**(A)** Repairs and maintenance to the tower structure may be performed consistent with subsection 21.12.040F.

**(B)** The replacement, repair or addition of antennas, dishes and other transmitting or receiving devices to a tower shall not be considered a modification of final approval as set forth in subsection 21.03.080D. and shall be considered a use contemplated within the original approved or de facto conditional use where the replacement, repair, or addition of antennas, dishes, and other transmitting or receiving devices:

**(1)** Will serve the same user or successor entity under the original conditional use;

**(2)** Will serve the same general purpose as was served under the original conditional use;

**(3)** Is consistent with the original conditional use.

**q. Amateur Radio Stations And Receive Only Antennas**

**i.** Amateur radio stations are exempt from the location, tower type, and height limitations contained in this title provided:

**(A)** The antenna and tower structure are part of a federally-licensed amateur radio station, and

**(B)** In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.

**ii.** The following are exempt from this title:

**(C)** Installation and use of antenna(s) for use by a dwelling unit occupant for personal, home occupation, or utility telemetry purposes, or by an electric or gas utility on an existing power pole or cabinet to monitor or control equipment thereon; and

**(D)** Noncommercial receive only antennas.

**iii.** Notwithstanding the above, any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be

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grounds for the municipality to remove the tower structure or antenna at the owner's expense.

- iv. Any antenna or tower structure erected under this subsection 2.n. shall not exceed the height limits set forth in subsection 21.04.080C. [CHAPTER 21.06 OF THIS TITLE] nor interfere with Federal Aviation Administration Regulations on airport approaches.