

**ORDINANCE NO. 153**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING THE UNIVERSITY PLACE ZONING CODE ORDINANCE NO 79 AS AMENDED RELATING TO PERSONAL WIRELESS TELECOMMUNICATION FACILITIES BY AMENDING SECTION 15 DEFINITIONS; SECTION \_\_.25.070 ADDING AN EXEMPTION; SECTIONS \_\_.25.100, \_\_.25.280, AND \_\_.25.500 INDICATING ZONES WHERE PERSONAL WIRELESS TELECOMMUNICATION FACILITIES ARE PERMITTED PROVIDED APPROPRIATE PERMITS ARE OBTAINED, AND AMENDING DEVELOPMENT STANDARDS INCLUDING SECTIONS \_\_.35.020(D) AND (E) SETBACKS; SECTION \_\_35.030 LANDSCAPING; AND SECTION \_\_.35.040 PARKING REQUIREMENTS.**

WHEREAS, on April 16 1997 the Planning Commission of the City of University Place voted unanimously to recommend a personal wireless service facilities ordinance to the City Council; and

WHEREAS, on May 5 1997 the City Council of the City of University Place held a public hearing to consider the adoption of the Personal Wireless Service Facilities Ordinance that include specific siting regulations which will provide for placement of personal wireless facilities in areas least likely to negatively affect residential property the City of University Place; and

WHEREAS, adoption of the personal wireless Service facilities ordinance will result in the need for amendments to various sections of the Zoning Code, adopted by Ordinance 79, as amended, to insure consistency of the documents; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions. Section \_\_\_\_\_.15, Definitions, of the Zoning Code is amended to delete the current definitions relating to cellular telecommunications facilities and add new definitions consistent with the Personal Wireless Service Facilities Ordinance, as follows:

~~Cellular Communication Facility, Attached. Attached Cellular Communication Facility means a cellular facility that is affixed to an existing structure. The existing structure, for example, an existing building, tower, water tank, utility pole, etc., to which the Cellular Communications Facility is attached, is not considered a component of the Attached Cellular Communications Facility.~~

~~Cellular Communication Support Structure. Cellular Communication Support Structure is the structure erected to support cellular communication antennas and connecting appurtenances. Support Structure types include, but are not limited to, monopoles, lattice towers, wood poles or guyed towers.~~

Mount means the structure or surface upon which personal wireless telecommunication facilities are mounted. There are three types of mounts: (i) Building mounted. A personal wireless service facility mount fixed to the roof or side of a building. (ii) Ground mounted. A personal wireless service facility mount fixed to the ground, such as a tower. (iii) Structure mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

Personal wireless telecommunication facilities used in this Title, shall be defined in the same manner as in Title 47, United States Code, Section 332 (c)(7)(C), as they may be amended now or in the future and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Section 2. Exempted Uses \_\_.25.070 Uses Exempted From Chapter \_\_.25 is amended to modify subsection 7 as follows:

**B. Uses Exempted From Chapter 19.25.** The provisions of Chapter 19.25 shall not apply to the following uses:

7. Cable, fiber optic, or telephone transmission and distribution lines, poles and appurtenances (not including antennae or cellular transmission towers personal wireless telecommunication facilities - see Utilities Use Category);

Section 3. Zone Classifications and Use Tables Section .25.100, Subsection F, Zone Classifications Use Tables is amended to change a subtitle from Communication or Cellular Facilities to Personal Wireless Telecommunications Facilities and change the zones and permit requirements for Personal Wireless Telecommunication Facilities; as follows:

( TABLE 2 )

ZONE CLASSIFICATIONS						
Use Categories and Use Types	Employment Center	Urban Centers	Urban Districts		Urban Residential	Overlays
	Moderate Intensity Employment Center	Community Center	Mixed Use District	High Density Residential	Moderate Density Single Family	Lonestar Study Area
	<b>MEC</b>	<b>CC</b>	<b>MUD</b>	<b>HRD</b>	<b>MSF</b>	
<b>Utilities Use Category</b>						
Communication or Cellular Facilities and Personal Wireless Telecommunication Facilities	P1, 2 - C3 P1, A2 3, C4	P1 - C2, 3 P1, A2 3, C4 PFP4	P1 - C2, 3 P1, A2 3, C4	P1 - C2, 3 C1 2 3, PFP3 4	P1 - C2, 3 C1 2 3 PFP3 4	

Section 4. Utilities Use Category - Description of Use Categories Section .25.280, is amended to modify Subsection A, Communications or Cellular Facilities and levels of use as follows:

.25.280 **Utilities Use Category - Description Of Use Categories**

Utilities Use Category refers to facilities serving the public by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunication services, for the collection of stormwater and for the collection and disposal of sewage and refuse.

- A. **Communication and or Cellular Personal wireless telecommunication facilities.** ~~Communication and or Cellular Personal wireless telecommunication facilities~~ Type refers to facilities used in the transmission of information by wire, radio, optical cable, electromagnetic or other similar means. Communication Facilities include central office switching units, unattended remote switching units, unattended telecommunications radio relay stations. ~~cellular communication facility support structures~~ Personal wireless telecommunication facilities include facilities for the transmission and reception of radio or microwave signals

used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Level 1: Building mounted wireless facilities Antennas or satellite dishes not exceeding 60 feet in height, structures not exceeding 2,500 square feet.

Level 2: Structure mounted wireless facilities Structures exceeding 2,500 square feet with or without antennas or satellite dishes not exceeding 60 feet in height.

Level 3: Towers 60 feet or less in height, unattended remote switching units and unattended telecommunications radio relay stations Antennas or satellite dishes over 60 feet in height with or without a structure of any size.

Level 4 Towers over 60 feet and less than 110 feet in height and central office switching units.

Section 5. Temporary Uses/Temporary Housing Units Section \_\_.25.500 has been amended to add a provision for temporary personal wireless telecommunication facilities as follows:

4. A Temporary Personal Wireless Telecommunications Facility shall be permitted for a maximum of one week or during an emergency declared by the City.

Section 6. Density and Dimension Section \_\_.35.020(D) Setback Standards has been amended to add a new Subsection 11, Exemption for Personal Wireless Telecommunication Facilities as follows:

11. All personal wireless telecommunication towers shall comply with the minimum setback requirements of the area in which they are located in all zoning districts, unless there are unusual geographical limitations or other public policy considerations as determined in the sole and absolute discretion of the City. Such considerations shall include by way of illustration and not limitation, but are not limited to:

- a. Impact on adjacent properties;
- b. Alternative sites for personal wireless facilities; and
- c. The extend to which screening and camouflaging will mitigate the affects of the personal wireless telecommunication facilities.

The setback requirement may be waived if the antenna and antenna support structure are located in the City right-of-way.

Section 7. Density and Dimension Section \_\_\_\_35.020(E) Height Standards has been amended to add a new Subsection 2(c) regarding Personal Wireless Telecommunication Facilities as follows:

- c. Personal Wireless Telecommunication antenna may project no more than 16 feet above the roof line including parapets. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted. Equipment buildings, antenna, and related equipment shall occupy no more than 25% of the total roof area of the building the facility is mounted on, which may vary in the City's sole discretion if co-location and an adequate screening structure is used.

Section 8. Landscaping and Buffering Section \_\_\_\_35.030, Requirements - Perimeter Landscape Buffering is amended to modify Table 2 changing footnote 3 for Personal Wireless Telecommunication Facilities as follows and shown in Exhibit A attached hereto.

3. For power lines, sewage pump stations and sewage lift stations only the vegetative screen or berm requirements of the L3 landscape level are required, 35.030 G.3.b.(1) or (2). No canopy vegetation or minimum screen width is required, 35.030 G.3.b.(3) and (4). For Personal Wireless Telecommunication Facilities refer to Ordinance No. \_\_\_\_\_

Section 9. Landscaping and Buffering Section \_\_\_\_35.030, Requirements - Landscaping and Public right-of-way is amended to add a new Subsection 4, relating to Personal Wireless Telecommunication Facilities, as follows:

4. Telecommunication facilities located in the rights of ways shall be subject to the provisions of City of University Place Public Work Standards Ordinance \_\_\_\_\_. Personal wireless telecommunication facilities in the rights-of-ways shall be on existing utility poles or made to blend in with existing utility poles. Equipment storage buildings shall meet the required setbacks and landscaping requirements of Ordinance \_\_\_\_\_.

Section 10. Loading Area Requirements and Offstreet Parking Section \_\_\_\_35.040, Subsection I, Parking Spaces Required for Particular Uses is amended to add parking requirements for Unattended Personal Wireless Telecommunication Facilities, as follows:

20. Unattended Personal Wireless Telecommunication Facilities One  
(1) for each facility.

Section 11. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 12. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

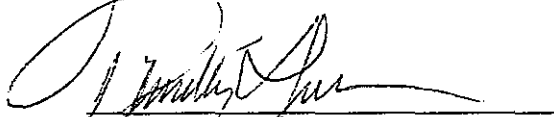
**PASSED BY THE CITY COUNCIL ON JUNE 2, 1997**

  
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Linda P. Bird, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Susan Matthew, City Clerk

**APPROVED AS TO FORM:**

  
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Timothy X. Sullivan, City Attorney

**Published: June 5, 1997**  
**Effective Date: June 10, 1997**