

TITLE 18

ZONING

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Chapter 18.04

GENERAL PROVISIONS

Sections:

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18.04.010 Title and scope.

The ordinance codified in this title shall be known as the city of Granger zoning ordinance and may hereinafter be referred to as "this title." This title shall be applicable to all lands within the city of Granger municipal boundaries. (Ord. 952 (part), 2001).

18.04.020 Purpose.

The purpose of this title is to provide uniform, equitable and reasonable standards to regulate the use of land within the city, to promote the general public health, safety and welfare, and to provide a primary means of implementing the land use goals of the Granger comprehensive plan. (Ord. 952 (part), 2001).

18.04.030 Administration and enforcement.

The city clerk, or a person or persons designated by the city clerk, shall be the administrative official of this title and shall

have the authority to interpret and enforce all provisions herein. (Ord. 952 (part), 2001).

18.04.040 Appeal of decisions.

A. Administrative Appeal. Appeal of administrative decisions may be appealed before the city council. Procedures for administrative appeal shall be those pursuant to Title 14 of this code.

B. City Council Appeal. City council decisions are final unless appealed to Yakima Superior Court. (Ord. 952 (part), 2001).

18.04.050 Variance.

The city council may grant a variance from design and development requirements of this title where it can be demonstrated that, owing to special and unusual circumstances related to a property, the literal application of this title would cause an undue or unnecessary hardship to the property owner. A variance shall not be granted to allow a use or structure which is not listed as a permitted or accessory use within any designated zone. In granting a variance, the city council may attach conditions determined necessary to protect the health, safety, and welfare of the general public. In addition, a variance may be granted only if all of the following circumstances exist:

A. Exceptional circumstances resulting from lot size or shape, topography, or other physical characteristic beyond the control of the applicant which is applicable to the subject property but does not generally apply to other properties within the same zone;

B. The variance is necessary for the preservation of property rights as are commonly enjoyed by property owners within the same zone;

C. Granting the variance will not adversely affect property in the neighboring vicinity;

D. The variance will not confer special privilege to the applicant and shall be the minimum variance of regulations necessary to eliminate or mitigate the situation causing undue hardship. (Ord. 952 (part), 2001).

18.04.060 Definitions.

A. The definition of any word or phrase not listed in this title shall be defined from any one of the following sources:

1. The Revised Code of Washington;
2. A common dictionary such as Webster's;
3. Title 14, Granger Municipal Code.

B. The word "may" is permissive and allows discretion; the word "shall" is mandatory and does not allow discretion.

C. For the purposes of this title, the following terms shall have the attached meanings:

"Accessory use or structure" means a structure or use incidental and subordinate to the primary use of the property and located on the same lot as the primary use.

"Adult family home" means a regular family abode in which a person or persons provides personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home shall be licensed by the State of Washington Department of Social and Health Services, and a City of Granger business license shall be required.

"Alley" means a public right-of-way used as a secondary access to residences and business establishments.

"Apartment" means one or more rooms in a multiple dwelling structure designed for the occupancy of one family.

"Automobile wrecking yard" means any property where two or more inoperable vehicles and vehicle parts are wrecked, dismantled, substantially altered, or kept in unenclosed storage.

"Block" means a group of lots, tracts, or parcels located within defined and fixed boundaries.

"Building." See "Structure."

"Conditional use" means uses which may have a detrimental effect on surrounding properties and may have conditions imposed to mitigate such adverse impacts prior to permit approval.

"Day care center, mini" means the care of more than twelve children, including children who reside at the home, conducted by the occupant within their residence. A mini day care center shall be regarded as a home occupation.

"Day care facility" means any institution or establishment in which children are received during established time periods in a non-residential facility for the purpose of being given non-parental care, supervision, or training.

"Day care provider, family" means a child daycare provider who regularly provides child daycare for not more than twelve children in the provider's home in the family living quarters.

"Dedication" means the deliberate appropriation of land by a property owner for any public use reserving to himself no other rights other than the public uses to which the property is dedicated.

"Dwelling" means a building or portion thereof designed exclusively for residential purposes excluding hotels, motels, and boarding houses.

"Dwelling unit" means one or more rooms within a building or apartment house designed for occupancy by one family.

Dwelling single-family. "Single-family dwelling" means a singular building designed for the occupancy of one family. Single-family dwellings are further classified by their nature of construction as follows:

1. Site-built. Constructed primarily at the occupancy site and permanently affixed to the ground by a foundation.

2. Manufactured home. See "Manufactured home" and "Mobile home."

Dwelling, duplex. "Duplex dwelling" means a singular building designed for occupancy of two families living independently of each other.

Dwelling, multifamily. "Multifamily dwelling" means a singular building containing three or more one family dwelling units.

"Easement" means a grant by a property owner to persons or the public to use land for specific purposes.

"Essential public facilities" means:

1. Those facilities that are typically difficult to site, such as airports, state education facilities, state and local correctional facilities, state or regional transportation facilities, solid waste handling facilities, in-patient facilities including substance abuse facilities and mental health facilities, and group homes not falling under the purview of fair housing laws, such as adult correctional work release facilities;

2. Those facilities listed in RCW 36.70A.200 (Siting of essential public facilities); or

3. Those facilities appearing on the list maintained by the State Office of Financial Management pursuant to RCW 36.70A.200 (4).

"Family" means a single person or two persons related by marriage, or two persons sharing residence in a manner typical of "common-law" marriages, of which any arrangement may include natural offspring or other dependents under legal guardianship or other dependents under legal guardianship or legal adoption. The term "family" shall also include consensual living arrangements of disabled persons living in a group home or other home-like setting which are protected by the provisions of the Federal Fair Housing Act and the Washington Housing Policy Act, RCW 36.70.990 and 36.70A.410 (See "Group home").

"Fence" means a built or placed aperture functioning as a boundary or barrier. Fences shall not be subject to building setback requirements pursuant to this title.

Fence, sight-obscuring. "Sight-obscuring fence" means a continuous fence, wall, evergreen planting or combination thereof constructed or planted to effectively screen a particular use from public view.

"Garage" means a building, or a portion of a building used primarily for the storage of vehicular and home maintenance equipment such as automobiles, boats, lawn mowers and similar apparatus.

"Group home" means any dwelling licensed, certified or authorized by state, federal or local authorities as a residence for handicapped, physically or developmentally disabled adults, or dependent or pre-delinquent children, providing special care in a home-like environment.

"Hazardous waste treatment and storage facilities" means facilities that require an interim or final status permit from the Washington State Department of Ecology as required under the Dangerous Waste Regulations, Chapter 173-303 WAG.

"Home occupation" means any use customarily carried on within a dwelling by the inhabitants which is secondary to the residential use and which complies with the regulations set forth within this title.

"Junk yard" means the use of more than two hundred square feet of area for storage or keeping of salvage, junk or scrap materials including but not limited to metal, paper, plastic, glass, synthetic materials, inoperable vehicles, and/or the dismantling of automobiles and other vehicles or machinery.

"Livable floor area" means the interior area of a dwelling unit which may be occupied for living purposes by humans, including basements and attics (if permitted). Livable floor area does not include a garage or any accessory structure.

"Loading space" means an off-street space with direct access to a street or alley and located within a building or on the same lot with a building and primarily used for the temporary parking of vehicles being used to load or unload freight.

"Lot" means a fractional part of divided land having a fixed boundary and being of sufficient area and dimensions to meet minimum zoning density requirements.

"Lot coverage", means the percentage of the total area of a lot which is covered by principal and accessory structures.

Lot, corner lot. "Corner lot" means a lot abutting on two or more streets at their intersection.

"Lot depth" means the distance from the street line of a lot to its rear line measured parallel to the side lot lines.

"Manufactured home" means a home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

2. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences that meets International Building Code standards.

"Manufactured home Park" means a parcel of land which has been city approved for the exclusive siting of manufactured homes on individual spaces.

"Mobile home" means a transportable, factory-built home designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Housing and Safety Standards Act of 1974. Mobile homes are no longer built,

and their placement in this community is prohibited. This definition does not include manufactured home, modular home, modular commercial coach, recreational vehicle or motor home.

"Modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. This definition does not include manufactured home, modular commercial coach, recreational vehicle, or motor home. The same standards shall apply to modular homes as are applied to manufactured homes. See "Manufactured homes."

"Nonconforming lot" means a lot legally platted prior to the effective date of the ordinance codified in this title but not in conformance with dimensional and/or area requirements of provided herein.

"Nonconforming structure" means an existing structure which was lawful prior to the effective date of this title but does not conform to provisions herein.

"Nonconforming use" means an existing use which was lawful prior to the effective date of this title but does not conform to provisions herein.

"Parking space" means an off-street enclosed or open area of not less than twenty feet in length and ten feet in width permanently reserved for the temporary parking of one vehicle.

"Recreational vehicle park" means an improved parcel of land which has obtained formal city approval to accommodate the temporary locating of recreational vehicles.

"Recreational vehicles" means travel trailers, campers, motor homes, boats, motorized bikes, and other vehicles used primarily for recreational activities.

"Right-of-way" means land dedicated and maintained for existing or future public access.

"Setback" means the distance between a front, side or rear lot line and a structure.

"Sign" means any medium, including its structure and component parts, which is used to attract attention to specific subject matter for advertising or information purposes.

"Street" means a public right-of-way improved and maintained for vehicular use.

"Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground excluding fences under six feet in height and retaining walls under three feet in height. For the purpose of this title, the terms "structure" and "building" shall be interchangeable. (Ord. 952 (part), 2001). (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.04.070 Official zoning map.

The city of Granger adopts the map attached to the ordinance codified in this section by reference, as if fully set forth herein, as the official zoning map of the city of Granger. (Ord. 1073 § 1, 2007; Ord. 952 (part), 2001).

18.04.080 Districts established.

Zoned districts have been established and provided with use classifications in conformance with the Granger comprehensive plan. District boundaries shall be those depicted pursuant to the official zoning map. Lands within the zoned districts shall be regulated pursuant to the requirements of this title. The districts are as follows:

- A. R1 Single-family residential;
- B. R2 Multifamily residential;
- C. C1 Commercial;
- D. M1 Manufacturing - light industrial.

(Ord.952 (part), 2001).

18.04.090 Municipal facilities, uses and activities.

Facilities, uses, and activities owned, leased, and/or provided by the City of Granger may be permitted in all zoning districts. (Ord. 1072 § 4(part), 2007) (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

Editor's note— formerly, § 18.20.060.

Chapter 18.08

R1 ZONE SINGLE-FAMILY RESIDENTIAL

Sections:

- 18.08.010 Permitted uses and structures.
- 18.08.020 Permitted accessory uses and structures.
- 18.08.030 Conditional uses.
- 18.08.040 Development requirements.
- 18.08.050 Signs.

18.08.010 Permitted uses and structures.

The following uses and/or structures shall be permitted within the single-family residential zone:

- A. Single-family dwellings. One dwelling structure per lot;
- B. Manufactured homes as defined in [Section] 18.04.060 (Definitions), one dwelling structure per lot, provided:
 - 1. Each home includes permanent fire and weather resistant skirting to ground level.
 - 2. All dwellings are placed on permanent foundations.
 - 3. Was originally constructed with or now has a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch.
 - 4. Has exterior siding similar in appearance to siding materials commonly used on site-built single-family homes built according to the International Building Code.
- C. Public parks and playgrounds.
- D. Family day care providers.
- E. Group homes.
- F. Adult family homes. (Ord. 952 (part), 2001).
(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.08.020 Permitted accessory uses and structures.

The following accessory uses and/or structures shall be permitted within the single-family residential zone:

- A. Garages, carports, patios, buildings for home and garden equipment storage, greenhouses, hobby activities and home workshops;
- B. Swimming pools. (Ord. 952 (part), 2001).

18.08.030 Conditional uses.

Certain uses may have detrimental effects on surrounding properties unless the use is conditioned to decrease the potential for adverse impacts. Such uses are classified as conditional uses and require conditional use permits.

The following uses may be permitted as conditional uses:

- A. Municipal services and buildings;
- B. Home occupations;
- C. Public and private schools;
- D. Churches. (Ord. 952 (part), 2001).

18.08.040 Development requirements.

The following requirements shall apply to the development of any lots or of any buildings not existing prior to the effective date of this title:

- A. Minimum lot size: seven thousand two hundred square feet;
- B. Minimum lot width: sixty feet;
- C. Minimum lot depth: one hundred feet;
- D. Maximum percentage of lot coverage: forty percent;
- E. Minimum front yard setback: twenty-five feet;
- F. Minimum side yard setback: five feet;
- G. Minimum rear yard setback: fifteen feet; five feet for accessory buildings;
- H. Maximum building height: thirty feet for dwelling structures; twenty feet for accessory buildings;
- I. Minimum floor space per dwelling, not including basement or attic area: nine hundred forty square feet. (Ord. 952 (part), 2001).

18.08.050 Signs.

The following signs shall be permitted provided they are not illuminated:

- A. One name plate per residential dwelling not exceeding six square feet in size;
- B. One sign pertaining to the sale or lease of property not exceeding eight square feet;
- C. One temporary sign advertising the sale of land parcels or subdivision lots not exceeding forty square feet and set back a minimum ten feet from any property line;
- D. Signs associated with public and community service buildings and uses shall not exceed fifty square feet of surface area. (Ord. 952 (part), 2001).

Chapter 18.12
R2 ZONE MULTIFAMILY RESIDENTIAL

Sections:

- 18.12.010 Permitted uses and structures.
- 18.12.020 Permitted accessory uses and structures.
- 18.12.030 Conditional uses.
- 18.12.040 Development requirements.
- 18.12.050 Signs.

18.12.010 Permitted uses and structures.

The following uses and/or structures shall be permitted within the multifamily residential zone:

- A. Multifamily residential dwellings;
- B. Single-family residential dwellings, one dwelling structure per lot;
- C. Manufactured homes, as defined in [Section] 18.04.060 (Definitions), one dwelling structure per lot, provided:
 - 1. Each home includes permanent fire and weather resistant skirting to ground level;
 - 2. All dwellings are placed on permanent foundations.
 - 3. Was originally constructed with or now has a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch.
 - 4. Has exterior siding similar in appearance to siding materials commonly used on site-built single-family homes built according to the International Building Code.
- D. Public parks and playgrounds.
- E. Family day care providers.
- F. Group homes.
- G. Adult family homes. (Ord. 952 (part), 2001).
(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.12.020 Permitted accessory uses and structures.

The following accessory uses and/or structures shall be permitted within the multifamily residential zone:

- A. Garages, carports, patios, buildings for home and garden equipment storage, greenhouses, hobby activities and home workshops;
- B. Swimming pools. (Ord. 952 (part), 2001).

18.12.030 Conditional uses.

Certain uses may have detrimental effects on surrounding properties unless the use is conditioned to decrease the potential for adverse impacts. Such uses are classified as conditional uses and require conditional use permits.

The following uses may be permitted as conditional uses:

- A. Municipal services and buildings;
- B. Home occupations;

- C. Public and private schools;
- D. Manufactured home parks;
- E. Churches. (Ord. 952 (part), 2001).

18.12.040 Development requirements.

The following requirements shall apply to the development of any lots or of any buildings not existing prior to the effective date of this title:

- A. Minimum lot area:
 - 1. Single-family structures: seven thousand two hundred square feet;
 - 2. Multifamily structures: minimum eight thousand square feet for duplex structures and an additional two thousand square feet for each dwelling unit thereafter;
- B. Minimum lot width: sixty feet;
- C. Minimum lot depth: one hundred feet;
- D. Maximum lot coverage: eighty percent;
- E. Minimum front yard setback: twenty-five feet;
- F. Minimum side yard setback: five feet;
- G. Minimum rear yard setback: fifteen feet; five feet for accessory buildings;
- H. Maximum building height: thirty feet for dwelling structures; twenty feet for accessory buildings;
- I. Minimum floor space per dwelling, not including basement or attic area:
 - 1. Single-family structure: nine hundred forty square feet;
 - 2. Multifamily units: five hundred sixty square feet per dwelling unit. (Ord. 952 (part), 2001).
(Ord. No. 1118, § 1, 7-14-2009)

18.12.050 Signs.

The following signs shall be permitted provided they are not illuminated:

- A. One name plate per dwelling unit not exceeding six square feet in size;
- B. One sign pertaining to the sale or lease of property not exceeding eight square feet;
- C. One temporary sign advertising the sale of land parcels or subdivision lots not exceeding forty square feet and set back a minimum ten feet from any property line;
- D. Signs common to public service buildings shall not exceed fifty square feet of surface area. (Ord. 952 (part), 2001).

Chapter 18.16

C1 ZONE COMMERCIAL

Sections:

- 18.16.010 Permitted uses and structures.
- 18.16.020 Permitted accessory uses and structures.
- 18.16.030 Conditional uses.
- 18.16.040 Development requirements.
- 18.16.050 Reserved.
- 18.16.055 Sitescreening.

18.16.010 Permitted uses and structures.

The following uses and/or structures shall be permitted within the commercial zone:

1. Adult family homes;
2. Art studios and interior decorating services;
3. Automobile service stations;
4. Bakeries;
5. Book and stationary stores;
6. Business and professional offices;
7. Community centers and fraternal organizations;
8. Custom shops producing on-site retail items;
9. Day care facilities;
10. Electrical or similar service shops and contractor offices excluding the storage and servicing of heavy equipment;
11. Feed and seed stores;
12. Financial institutions;
13. Furniture stores;
14. General retail and variety stores;
15. Grocery stores;
16. Group homes;
17. Hardware, paint, building and automobile supply stores;
18. Hotels and motels;
19. Laundry and dry cleaning service coin operated facilities;
20. Liquor stores;
21. Medical and dental clinics including chiropractic services;
22. Mortuaries and undertaking services;
23. Municipal buildings including fire and police stations;
24. Music stores including sales and service of musical instruments;
25. Pawn shops excluding outdoor display or storage of goods;
26. Personal service shops;

27. Pet shops;
28. Pharmacies;
29. Photography services and camera shops;
30. Printing establishments;
31. Public garages;
32. Real estate and insurance offices;
33. Restaurants and cafes;
34. Sporting equipment stores;
35. Tailor and garment making shops including retail sales;
36. Telephone and telegraph offices;
37. Theaters, bowling alleys, and skating rinks;
38. Video rental outlets.

(Ord. 952 (part), 2001). (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.16.020 Permitted accessory uses and structures.

The following accessory uses and/or structures shall be permitted within the commercial zone:

- A. Uses incidental and subordinate to the principal permitted use;
- B. On-site hazardous waste treatment and storage facilities to any use generating hazardous waste and which such facilities are sited pursuant to 70.105.210 RCW;
- C. Owner or manager living quarters within the same building in which the commercial use is located provided the living quarters do not detract from the commercial character and use of the building. (Ord. 952 (part), 2001).

18.16.030 Conditional uses.

Certain uses may have detrimental effects on surrounding properties unless the use is conditioned to decrease the potential for adverse impacts. Such uses are classified as conditional uses and require conditional use permits.

The following uses may be permitted as conditional uses:

- A. Churches;
- B. Municipal facilities and services;
- C. Recreational vehicle parks;
- D. Auto body repair shops;
- E. Commercial uses not listed as permitted or conditional uses may be regarded as conditional uses excluding the following:
 1. Feed lots;
 2. Salvage and vehicle wrecking yards (Ord. 952 (part), 2001).

18.16.040 Development requirements.

The following requirements shall apply to the development of any lot or of any building not existing prior to the effective date of the ordinance codified in this title:

- A. Minimum lot size: three thousand square feet;
- B. Minimum lot width: thirty feet;
- C. Minimum lot depth: eighty feet;
- D. Minimum front yard setback: five feet;
- E. Minimum side yard setback: five feet;
- F. Minimum rear yard setback: five feet;
- G. Maximum building height: thirty-five feet;
- H. Maximum lot coverage: eighty percent.
- I. Dwellings permitted in the C-1 zone must comply with R-2 development standards provided in Section 18.12.040 D.--I. (Ord. 952 (part), 2001)(Ord. No. 1118, § 2, 7-14-2009; Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.16.050 Reserved.

Editor's note—Ord. No. 1090, § 1, adopted April 22, 2008, repealed section 18.16.050 in its entirety, which pertained to signs and derived from Ord. No. 952, adopted 2001.

18.16.055 Sitescreening.

On portions of a site where commercial developments abut existing residential areas, sitescreening shall be required. This shall consist of either 1) a three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years, and maintained in a healthy living condition for the life of the development, or 2) a six-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material. Sitescreening in the C-1 district shall not be required where commercial developments abut roads. (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

Chapter 18.20

M1 ZONE MANUFACTURING - LIGHT INDUSTRIAL

Sections:

- 18.20.010 Permitted uses and structures.
- 18.20.020 Permitted accessory uses and structures.
- 18.20.030 Conditional uses.
- 18.20.040 Development requirements.
- 18.20.050 Signs.
- 18.20.055 Sitescreening.
- 18.20.060 Reserved.
- 18.20.070 Nonconforming uses and structures.

18.20.010 Permitted uses and structures.

The following uses and/or structures shall be permitted within the M1 zone:

- A. Agricultural cold storage and bulk storage
- B. facilities, grain elevators;
- C. Commercial and mini-storage facilities;
- D. Farm feed and seed sales;
- E. Farm machinery, sales and service;
- F. Food processing;
- G. Heavy equipment sales and service, equipment rental service;
- H. Lumber yards;
- I. Machine shops, automobile engine and body repair;
- J. Petroleum product distribution facilities;
- K. Product assembly facilities;
- L. Veterinary clinics and animal hospitals;
- M. Vocational training schools and subordinate facilities;
- N. Wineries.

All uses or structures permitted in the commercial (C-1) zone may be permitted in the manufacturing - light industrial (M-1) zone. (Ord. 1072 § 4(part), 2007; Ord. 952(part), 2001).

18.20.020 Permitted accessory uses and structures.

The following accessory uses and/or structures shall be permitted within the manufacturing - light industrial zone:

- A. Uses incidental and subordinate to the principal use;
- B. On-site hazardous waste treatment and storage facilities meeting criteria pursuant to the Revised Code of Washington;
- C. Off-site hazardous waste treatment and storage facilities meeting criteria pursuant to the Revised Code of Washington. (Ord. 952 (part), 2001).

18.20.030 Conditional uses.

Certain uses may have detrimental effects on surrounding properties unless the use is conditioned to decrease the potential for adverse impacts. Such uses are classified as conditional uses and require conditional use permits.

The following uses may be permitted as conditional uses:

- A. Utility facilities including substations, reservoirs, and water towers.
- B. Recreational vehicle parks;
- C. Solid waste transfer stations;
- D. Airports of any scale and type;
- E. Auto wrecking and salvage yards;
- F. Manufacturing - light industrial uses not listed as permitted or conditional uses may be regarded as conditional uses excluding the following:
 1. Feed lots,
 2. Manufacturing and storage of explosives. (Ord. 952 (part), 2001).

18.20.040 Development requirements.

The following requirements shall apply to the development of any lots or of any buildings not existing prior to the effective date of the ordinance codified in this title:

- A. Minimum lot size: three thousand square feet;
- B. Minimum lot width: thirty feet;
- C. Minimum lot depth: eighty feet;
- D. Maximum lot coverage: seventy-five percent;
- E. Maximum building height: thirty-five feet;
- F. Minimum front yard setback: five feet;
- G. Minimum side yard setback: five feet;
- H. Minimum rear yard setback: five feet.

(Ord. 952 (part), 2001).

18.20.050 Signs.

A maximum of three signs not exceeding a combined total of one hundred square feet shall be permitted. Provided, any individual sign shall not exceed sixty square feet of area. Illuminated signs which flash or pulsate are prohibited. (Ord. 952 (part), 2001).

18.20.055 Sitescreening.

On portions of a site where manufacturing developments abut existing residential areas, sitescreening shall be required. This shall consist of either 1) a three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height within three years, and maintained in a healthy living condition for the life of the development, or 2) a six-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material. (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.20.060 Reserved.

Editor's note—Ord. No. 1139, § 2(Exh. A), adopted April 26, 2011, renumbered § 18.20.060. The user's attention is directed to § 18.04.090.

18.20.070 Nonconforming uses and structures.

The mayor or his or her designee may grant a variance or waiver from the requirements of the city zoning code or development regulations governing nonconforming uses and structures in accordance with the provisions of the city's regulations governing variances. (Ord. 1072 § 4(part), 2007).

Chapter 18.24

MANUFACTURED HOME PARKS/RECREATIONAL VEHICLE PARKS

Sections:

- 18.24.010 Manufactured home parks.
- 18.24.011 Nonconforming manufactured home parks.
- 18.24.020 Recreational vehicle parks.

18.24.010 Manufactured home parks.

- A. In addition to any conditions of approval which may be attached to a conditional use permit, the following standards shall be required of all manufactured home parks:
 - 1. Minimum total area: two acres;
 - 2. Maximum site coverage by buildings: sixty-five percent;
 - 3. Minimum number of home spaces: twelve;
 - 4. Minimum individual space area: three thousand square feet;
 - 5. Minimum individual space width: thirty feet;
 - 6. Minimum manufactured home width: fourteen feet;
 - 7. Minimum manufactured home floor area: eight hundred square feet;
 - 8. Minimum setback from individual home space lines: five feet;
 - 9. Off-street parking per home space: two parking spaces.
- B. All manufactured homes located within a manufactured home park shall be sited on a designated space within the park and shall comply with all applicable federal, state, and local building codes and standards.
- C. Each park shall provide manufactured park streets allowing ingress and egress to a public street. Manufactured park streets shall be accessible to all homes within the park.
 - 1. The width of all manufactured home streets shall be not less than twenty feet including curbs, and must have a minimum easement width of thirty feet.
 - 2. Park streets shall be paved with asphalt, concrete or other durable material, in accordance with the standards established by the public works director.
 - 3. All park streets shall be clearly marked and signed for traffic direction and safety.
- D. Waste disposal containers or garbage dumpsters sufficient to serve all homes shall be provided by the park owner and be approved by the city.
- E. Sitescreening is required to make the manufactured home park compatible with its adjacent surrounding uses, and shall be either 1) a three-foot-wide planting strip that will create a living evergreen screen that is at least six feet in height

within three years, and maintained in a healthy living condition for the life of the manufactured home park, or 2) a six-foot-high, view-obscuring fence, made of wood, masonry block, concrete, or slatted chain link material.

- F. Walkways of not less than two feet in width shall be provided from each manufactured home site to any service building, recreation area, or parking area.
- G. Pads, stands, strips, or rails adequate for the support of manufactured homes shall be installed.
- H. All manufactured homes within the manufactured home development shall be skirted on its lower perimeter by fire-resistant siding.
- I. Structures located on a manufactured home site, in addition to the manufactured home, shall be limited to the following: covered patios and carports, decks, and storage buildings. No other structural additions shall be built onto or become part of any manufactured home, and no manufactured home shall support any building in any manner.
- J. All utilities, including irrigation and domestic water and sewer, shall be installed prior to placement of units in the park. All utilities, including electrical distribution, telephone, and cable TV shall be installed underground.
- K. Each individual home space shall be furnished with city sewer and water service located within three hundred feet of a city approved fire hydrant. (Ord. 952 (part), 2001).

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.24.011 Nonconforming manufactured home parks.

All existing manufactured home parks not meeting the requirements of this chapter shall be declared nonconforming and shall not be permitted to add spaces or make any improvements (as defined in Granger Municipal Code Section 17.04.080). That are not in full compliance with the regulations and requirements of this chapter. In addition, changes or additions to nonconforming structures or uses must conform to the requirements of Chapter 18.32 (Non-conforming Uses, Lots, and Structures).

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.24.020 Recreational vehicle parks.

- A. In addition to any conditions of approval which may be attached to a conditional use permit, the following standards shall be required of all recreational vehicle parks:
 - 1. Minimum total area: two acres;
 - 2. Maximum site coverage by buildings: sixty-five percent;
 - 3. Minimum number of vehicle spaces: twelve;
 - 4. Minimum individual space area: one thousand five hundred square feet;
 - 5. Minimum individual space width: twenty-five feet;

- B. Buffering or screening is required to make the recreational vehicle parks compatible with its adjacent surrounding uses, and shall be a sight-obscuring fence, masonry wall, evergreen hedge or other suitable planting.
- C. Where walls or fences are required along boundaries or public roads, the walls or fences shall set back from the property lines to conform to setbacks for structures in base zoning district. Evergreen planting shall not be less than six feet in height, and shall be maintained in a healthy living condition for the life of the recreational vehicle park.
- D. Boundaries of all spaces shall be defined and permanently marked. Signs identifying a recreational vehicle park shall be a maximum of one sign not exceeding thirty square feet of surface area.
- E. City water shall be provided by the park owner to each recreational vehicle space.
- F. Waste disposal containers or garbage dumpsters sufficient to serve all spaces shall be provided by the park owner.
- G. Each park shall provide ingress and egress to a public street accessible to all recreational vehicle spaces within the park.
- H. Recreational vehicle parks shall provide a minimum of one service building equipped with flush toilets, shower, and laundry facilities. Shower and toilet facilities shall be provided for each gender and be physically separated. Facilities shall be provided at a ratio of one shower and one toilet for each gender per twelve recreational vehicle spaces.
- I. Length of stay of recreational vehicles shall be no more than thirty days, continuous or otherwise, per any sixty-day time period. Temporary workers employed within the Granger area may be granted an extension to stay in recreational vehicle parks for a total of one hundred eighty days, upon furnishing a written request and proof of employment to the appropriate administrative official.
- J. Manufactured homes or any other structure designed or altered for permanent residency shall be prohibited within a recreational vehicle park.
- K. Loading space that has been provided for an existing use shall not be reduced beyond the minimum requirements herein. Required off-street parking space shall not be used to satisfy requirements for off-street loading. (Ord. 952 (part), 2001).
- L. (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

Chapter 18.28

OFF-STREET PARKING AND LOADING

Sections:

- 18.28.010 General provisions-Off-street parking and loading.
- 18.28.020 Off-street parking requirements.

18.28.010 General provisions-Off-street parking and loading.

- A. Individual parking spaces shall be a minimum length of twenty feet and a minimum width of ten feet.
- B. Areas used for parking and loading shall have durable surfaces maintained for all-weather use and be constructed in conformance with city construction standards.
- C. Maintenance of off-street parking and loading spaces shall be the responsibility of the property owner.
- D. Requirements for buildings and uses not specifically listed herein shall be determined by the administrative official whose decision shall be based upon the requirements of comparable listed uses within the subject zone.
- E. If multiple uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of all uses computed separately.
- F. Owners of two or more uses, structures, or parcels of land may agree to jointly utilize the same parking and loading spaces when hours of operation do not overlap; provided, satisfactory evidence is presented to the city identifying contractual agreement of the joint use by the subject property owners.
- G. Residential off-street parking spaces shall be located on the same lot as the residence. Commercial and public assembly parking spaces shall be located no more than one hundred feet from the building and use being served.
- H. Required off-street parking shall be for operable automobiles owned by residents, customers, and employees and shall not be used for storing vehicles or materials or for the parking of trucks used in conjunction with a business or other use.
- I. Commercial and industrial uses which have existing parking provided by the city may include the spaces bordering their property to satisfy parking requirements.
- J. Uses, or buildings and uses in combination that regularly ship or receive goods shall provide an unencumbered loading zone having a minimum width of twelve feet and a minimum length of twenty-four feet beginning from the nearest public right-of-way and extending to the building and use being served.
- K. Loading space that has been provided for an existing use shall not be reduced beyond the minimum requirements herein.

Required off-street parking space shall not be used to satisfy requirements for off-street loading. (Ord. 952 (part), 2001).

18.28.020 Off-street parking requirements.

For the purpose of this section, square feet measurements shall be the gross floor area of the building excluding any interior space devoted to off-street parking or loading. Where the number of employees is specified, persons counted shall be those working on the premises during the largest shift of the subject use. Capacity and area requirements are as follows:

A. Residential Uses.

1. Single-family dwelling, duplex: two spaces per dwelling unit;
2. Multifamily units: one and one-half spaces per dwelling unit.

B. Commercial, Industrial and Service Uses.

1. Retail stores not including wholesale or furniture outlets: one space per three hundred square feet of floor area;
2. Service or repair shops: one space per five hundred feet of floor area
3. Financial institutions: one space per teller window or service counter plus one space for each employee;
4. Professional offices, clinics: one space per three hundred square feet of floor area plus one space per employee;
5. Eating or drinking establishments including fraternal clubs: one space per two hundred square feet of floor area plus one space per employee;
6. Motel, hotel: one space per guest room plus one space for each employee;
7. Storage, manufacturing, rail and truck freight terminals, wholesale and furniture stores: one space per seven hundred square feet of floor area;
8. Hospitals, nursing homes: one space per five beds plus one space per two employees.

C. Places of Public Assembly.

1. Churches, auditoriums, theaters, community and senior centers: one space per five seats;
2. Elementary and junior high school: one space per employee plus three spaces;
3. Senior high school and colleges: three spaces per employee;
4. Bowling alleys: three spaces per alley;
5. Amusement and recreation places: one space per one hundred fifty feet of floor area. (Ord. 952 (part), 2001).

Chapter 18.32

NONCONFORMING USES, LOTS, AND STRUCTURES

Sections:

- 18.32.010 Nonconformance--In general.
- 18.32.020 Continuation or completion of a nonconforming use or structure.
- 18.32.030 Discontinuance of a nonconforming use.
- 18.32.040 Changes of or additions to a nonconforming land use.
- 18.32.050 Reserved.
- 18.32.060 Nonconforming lots.

18.32.010 Nonconformance-In general.

Certain existing uses, structures, and lots will not meet all requirements of this title upon its adoption and will therefore be considered "nonconforming." Such uses, structures and lots shall be allowed to continue unabated if their existence was lawful prior to the effective date of this title provided that any future development or alterations comply with the terms of this title. (Ord. 952 (part), 2001).

18.32.020 Continuation or completion of a nonconforming use or structure.

A. A nonconforming use or structure may be continued and shall be maintained in reasonable repair but shall not be altered or expanded unless the expansion or alteration decreases the nonconformity as determined by the administrative official.

B. Structures for which a building permit has been issued prior to the adoption date of this title shall be allowed to be completed under the terms of the building permit. (Ord. 952 (part), 2001).

18.32.030 Discontinuance of a nonconforming use.

Discontinuance of a nonconforming use or structure, or a combined nonconforming use and structure for a period of one year shall cause permanent discontinuance of the use or structure, or use and structure in combination. For reasonable cause, the administrative official may grant a one year extension to the time period. (Ord. 952 (part), 2001). (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.32.040 Changes of or additions to a nonconforming land use.

Excepting activities provided for above and accessory uses, all changes and additions to nonconforming uses shall require a conditional use permit, and permits for alterations, changes in use or additions shall be granted only after a determination by

the city council that the following conditions have been, or will be, satisfied.

- A. There shall be no expansion in the amount of land area outside a nonconforming facility (outdoor area) used for storage of materials, supplies and/or products, except as provided herein.
- B. Where the nonconforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a lumberyard), dense evergreen screening sufficient to shield all such materials from the view of adjacent landowners and/or the traveling public may be required.
- C. No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located. Moreover, no change of use shall be to one of a more intensive classification (e.g. one with more employees, more traffic, more parking or more off-site impacts). A nonconforming re-tail enterprise could be converted to a barber shop, for example, but not to an industrial use. Similarly, a nonconforming residential use could not be converted from a single-family use to a multi-family use.
- D. There shall be no increase in the amount of storm water runoff for the site over what was existing as of the date of the enactment of this ordinance. A professional engineer or other appropriate professional may be relied upon to recommend appropriate measures to control storm water runoff. Such measures shall be attached as conditions of approval.
- E. In no case will a change, addition or extension of a nonconforming use be allowed that would result in a traffic increase that would decrease the level of service for the road, the diversion of traffic closer to a nearby residence, or a reduction of any of the parking and unloading requirements of this law where additional parking or loading would otherwise be required due to the change, addition or expansion.
- F. The use may only be expanded or extended onto another property of record if that property is immediately adjacent to the lot on which the original structure or use was located and is under the same ownership, as of the effective date of this ordinance or amendments hereto, and the use is not one which has been altogether prohibited as a new use under this ordinance.
- G. Should the use proposed for expansion or extension be one which is specifically prohibited as a new use in the city or is determined by city council to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be

satisfied by the imposition of the conditions permitted under this law, the requested expansion or extension shall be denied. (Ord. 952 (part), 2001). (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.32.050 Reserved.

Editor's note—Ord. No. 1113, § 1, adopted January 27, 2009, repealed section 18.32.050 in its entirety, which pertained to the destruction of a nonconforming use or structure and derived from Ord. No. 952, adopted 2001.

18.32.060 Nonconforming lots.

Lots that do not meet minimum area requirements required herein but were in lawful existence prior to the adoption of this title may be developed provided that all other requirements of this title are complied with. (Ord. 952 (part), 2001).

Chapter 18.36

CONDITIONAL USES

Sections:

- 18.36.010 Conditional uses--General provisions.
- 18.36.020 Conditional use permit--Criteria.
- 18.36.030 Conditions.
- 18.36.040 Termination of a conditional use permit.
- 18.36.050 Home occupations as conditional uses.

18.36.010 Conditional uses--General provisions.

Conditional uses may be permitted by the city council in accordance with provisions herein and review procedures pursuant to Title 14 of the Granger Municipal Code. Applications which involve a development project shall include a detailed site plan containing all information required by the city. Following their review of a conditional use permit application, the city council with consideration of recommendations submitted by the community development commission may either approve, approve with conditions, or disapprove the permit application. (Ord. 952 (part), 2001).

18.36.020 Conditional use permit--Criteria.

Approval of a conditional use shall be based on, but not limited to, the following criteria:

- A. The proposed use will not be detrimental to neighboring property or uses;
 - B. The size of the site is adequate for the proposed use;
 - C. Traffic generated by the proposed use will not unduly burden the traffic circulation system within the vicinity.
- (Ord. 952 (part), 2001).

18.36.030 Conditions.

The town council may attach conditions to an approved conditional use permit. Conditions may include, but shall not be limited to, the following:

- A. Limiting vehicular activity;
- B. Increasing the number of required off-street parking or off-street loading spaces;
- C. Requiring fencing, screening, landscaping or other facilities to protect adjacent property;
- D. Limiting the manner in which the use is conducted including restricting the time and frequency certain activities may occur. (Ord. 952 (part), 2001).

18.36.040 Termination of a conditional use permit.

A conditional use permit may be revoked by the town council for any of the following reasons:

- A. Approval of the conditional use permit was obtained by fraud or misrepresentation;
- B. The use for which approval was granted is changed;
- C. The use fails to comply with any conditions attached to the permit or comes into violation of the terms of this title or any other town ordinance or code. (Ord. 952 (part), 2001).

18.36.050 Home occupations as conditional uses.

Home occupations allowed by conditional use permit shall comply with the following requirements:

- A. The home occupation shall be contained and conducted within an enclosed building;
- B. Home occupations contained within a residential dwelling shall be limited to occupying twenty-five percent or less of the total floor area;
- C. Any structural alterations made to accommodate a home occupation shall not detract from the outward appearance or residential character of the property;
- D. Only residing members of the immediate family owning the property shall be engaged in the home occupation;
- E. Exterior display of products is prohibited;

F. Mechanical and other equipment associated with a home occupation and prone to generating vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other effect detrimental to the general public is prohibited.
(Ord. 952 (part), 2001).

WIRELESS COMMUNICATIONS FACILITIES

Sections:

- 18.38.010 Purpose.
- 18.38.020 Definitions.
- 18.38.030 Exemptions.
- 18.38.040 WFC locations.
- 18.38.050 General provisions.
- 18.38.060 Site development standards.
- 18.38.070 Co-location.
- 18.38.080 Facility removal.
- 18.38.090 Electromagnetic field (EMF) standards compliance.
- 18.38.100 Application requirements
- 18.38.110 Permit limitations.
- 18.38.120 Fees.
- 18.38.130 Rules and regulations of the town.

18.38.010 Purpose.

This chapter addresses the issues of location and appearance associated with wireless communication facilities (WCF). It provides adequate siting opportunities through a range of locations and options that minimize the visual sometimes associated with wireless communications technologies. The siting of facilities on existing buildings or structures, co-location of several providers' facilities on a single support structure or site, and visual mitigation measures are encouraged to maintain neighborhood appearance and reduce visual clutter in the town. (Ord. 960(part), 2001).

18.38.020 Definitions.

"Abandonment" or "abandoned" means: (1) To cease operations for a period of sixty or more consecutive days; (2) To reduce the effective radiated power of an antenna by seventy-five percent for sixty or more consecutive days; (3) To relocate an antenna at a point less than eighty per cent of the height of an antenna support structure; or (4) To reduce the number of transmissions from an antenna by seventy-five per cent for sixty or more consecutive days.

"Antenna" means any system of electromagnetically tuned wire, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, including, but not limited to:

1. Whip antenna. "Whip antenna" means an omnidirectional antenna, which transmits and receives radio frequency signals in a three hundred sixty-degree radial patterns: typically four inches or less in diameter.
2. Panel antenna. A directional antenna which transmits and receives radio frequency signals in a specific directional pattern up to one hundred twenty degrees, and which is typically thin and rectangular in shape.
3. Tubular antenna. A tube, typically twelve inches in diameter, containing either Omni-directional or directional antennae, depending on the specific site requirement. This is often used as a means to mitigate the appearance of antennae on top of light standards and power poles.
4. Parabolic (or dish) antenna. A bowl-shaped device for the reception and/or transmission of communications signals in a narrow and specific direction.
5. Ancillary antenna. An antenna that is less than twelve inches in its largest dimension and that is not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna.

"Co-location" means the placement and arrangement of multiple providers' antenna and equipment on a single support structure or equipment pad area.

"Electromagnetic field" means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

"Equipment shelter" means the structure associated with a WCF that is used to house electronic switching equipment, cooling systems and back-up power systems.

"Microcell" means a wireless communication facility consisting of a single antenna that is either: (i) a panel antenna four feet in height and with an area of not more than five hundred eighty square inches; or (ii) a whip antenna, no more than four inches in diameter and no more than six feet high; or (iii) a tubular antenna no more than eighteen inches in diameter and six feet in height.

"Minor facility" means a wireless communication facility consisting of up to three antennae, each of which is either (i) four feet in height and with an area of not more than five hundred eighty square inches; or (ii) a whip antenna, no more than four inches in diameter and no more than six feet in length; (iii) a tubular or panel antenna no more than eighteen inches in diameter and six feet in height; and, an associated equipment cabinet that is six feet in height and no more than forty-eight square feet in floor area.

"Property line" means the border of the property which defines its exterior.

"Setback" means the distance from the property line to the nearest structural component of a freestanding wireless communication facility. Wireless Communication Facility (WCF). "Personal wireless service facility" or "wireless communication facility" or "wireless facility" or "facility" means a wireless communication facility, including a microcell, that is a facility for the transmission and/or reception of radio frequency signals, and which may include antennae, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and transmission devices and antennae.

"Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in Title 47, United States Code, Section 332 (c) (7) (C).

"Support structure" means any built structure, including any guy wires and anchors, to which antenna and other necessary associated hardware is mounted. Support structures may include the following:

1. Lattice tower. "Lattice tower" means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.
2. Guy tower. "Guy tower" means a support structure such as a pole or narrow metal framework which is held erect by the use of guy wires and anchors.
3. Monopole. "Monopole" means a support structure that consists of a single steel or wood pole sunk into the ground and/or attached to a concrete pad.

"Existing nonresidential structure" means existing structures identified in this ordinance to which wireless facility components may be attached with certain mitigating conditions. (Ord. 960 (part), 2001).

18.38.030 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC;
- B. Antennae and related equipment no more than three feet in height that are being stored, shipped or displayed for sale;
- C. Facilities used for purposes of public safety, such as, but not limited to, police and the regional 911 system,

- either as a primary or secondary source, and upon property owned by the town;
- D. Wireless radio utilized for temporary emergency communications in the event of a disaster;
 - E. Licensed amateur (ham) radio stations;
 - F. Satellite dish antennae less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property;
 - G. Wireless communication facilities (WCF) which legally existed or had a vested application on or prior to the effective date of the ordinance codified in this chapter; except that this exemption does not apply to modifications of existing facilities;
 - H. Routine maintenance or repair of a personal wireless service facility and related equipment, (excluding structural work or changes in height or dimensions of antennae, towers or buildings) provided that compliance with the standards of this chapter are maintained; and,
 - I. Subject to compliance with all other applicable standards of this chapter and this code, a building permit application need not be filed for emergency repair of a personal wireless facility until thirty days after the completion of such emergency activity. (Ord. 998 51, 2003; Ord. 960 (part), 2001).

18.38.040 WFC locations.

- A. Zoning District and Height. Free standing WCF's may be located in any M1 zoning district, but may not exceed one hundred fifty feet, and shall not be constructed within three hundred feet of any other zoning district, unless specifically waived by the town council and is on property owned by the town.
- B. Existing Structures. Wireless facilities may be placed in any zoning district on the following existing structures subject to administrative approval of the proposal subject to a maximum height of one hundred fifty feet:
 - 1. Any freestanding support structure currently used by a permitted WCF;
 - 2. Non-residential building, including, but not limited to, office buildings, retail buildings, industrial buildings and clubhouses; but no structures considered accessory structures to a residential uses;
 - 3. Minor facilities located on non-residential buildings and structures including but not limited to water towers, government or public buildings, churches, light standards, bridges, power poles and towers.

- C. Rights-of-way. Subject to prior approval of the town, wireless facilities may be placed in the town right-of-way provided the WCF is a microcell consisting of a whip or tubular antenna placed on a light standard or power pole and the equipment cabinet is placed in the ground. (Ord. 998 52, 2003; Ord. 975 51, 2003; Ord. 960 (part), 2001).

18.38.050 General provisions.

- A. Principal or Accessory Use. A WFC will be considered either a principal or an accessory use. A different use of an existing structure on the same lot shall not preclude the installation of a WCF on that lot.
- B. FCC Licensing. The applicant must demonstrate that it is licensed by the FCC if it is required to be licensed under FCC regulations. If the applicant is not the telecommunications service provider, it shall submit proof of lease agreements with a FCC licensed telecommunications provider if it is required to be licensed by the FCC.
- C. Lot Size. For purposes of determining whether the installation of a wireless telecommunications facility complies with district development standards, such as, but not limited to, setback and lot coverage requirements, the dimensions of the entire lot shall control, even though a wireless telecommunications facility is located on a leased parcel within that lot.
- D. Signs. No wireless telecommunications equipment shall be used for the purpose of mounting signs or message displays of any kind.
- E. Lighting. Wireless facilities shall not be artificially lighted unless required by the FAA or other applicable authority.
- F. Permanent Mounting Required. All commercial wireless telecommunications facilities shall be installed, erected or mounted in a manner that is intended to be permanent. Temporary and mobile commercial facilities are not allowed.
- G. Cumulative Effects. The town shall consider the cumulative visual effects of wireless facilities mounted on existing structure and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the town. (Ord. 960 (part), 2001).

18.38.060 Site development standards.

All wireless facilities shall be constructed, erected or built in accordance with the following site development standards:

- A. Wireless facilities shall be screened or camouflaged by employing the best available technology. This may be

accomplished by use of compatible materials, location, color, stealth technologies, and/or other tactics to achieve minimum visibility of the facility as viewed public streets or residential properties.

B. Wireless facilities may be mounted on certain nonresidential buildings and structures in any zoning district accordance with the limitations of Section 17.085.040(B)(2), provided that the following conditions are met:

1. The WCF is co-located on an existing wireless facility and conforms to Section 18.38.040(A).
2. The WCF consists of a microcell or a minor facility as follows:
 - a. The combined antennae and supporting hardware shall not extend more than fifteen feet above the existing or proposed roof structure. Antennae may be mounted to rooftop appurtenances provided they do not extend beyond fifteen feet above the roof proper;
 - b. The antennae are mounted on the building such 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.
 - c. WCF's shall conform to all of the following site development standards:
 1. Monopoles shall be the only freestanding support structures allowed in the town unless the applicant can present evidence and the reviewing body agrees in written findings that such evidence supports another type of wireless facility support structure;
 2. Installation of a freestanding facility shall be denied if placement of the antennae on an existing structure can meet the applicant's technical and network location requirements;
 3. The applicant shall demonstrate that the WCF is the minimum height required to function satisfactorily. No freestanding facility that is taller than the maximum allowed height shall be approved. Height shall be measured to the top of the antennae;
 4. A freestanding WCF, including the support structure and associated electronic equipment, shall comply with all required setbacks of the zoning district in which it is located; except when on a lot adjacent to a residential use, then the minimum setback from the property line(s) of the adjacent residential use(s) shall be no less than the distance equal to the height of WCF;

5. Freestanding wireless facilities shall be designed and placed on the site in a manner that takes maximum advantage of existing trees mature vegetation, and structures so as to:

- a. Use existing site features to screen as much of the total facility as possible from prevalent views; and/or
- b. Use existing site features as a background so that the total facility blends into the background with increased sight distances;

6. In reviewing the proposed placement of a wireless facility on the site and any associated landscaping, the town may make a condition of the permit that the applicant supplement existing trees and mature vegetation to more effectively screen the facility; provide ongoing maintenance of trees and vegetation, including replacement of dead or diseased plants and trees;

7. Support structures, antennae, and any associated hardware shall be painted a non-reflective color or color scheme appropriate to the background against which the facility would be viewed from a majority of points within its view shed. A proposed color or color scheme shall be approved by the reviewing body.

d. Electronic equipment enclosures shall conform to the following:

1. Screening of WCF equipment enclosures shall be provided with one or a combination of the following: underground, fencing, walls, landscaping, structures or topography which will block the view of the equipment shelter as much as practicable from any street and/or adjacent properties. Screening may be located anywhere between the enclosure and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition; and,

2. No wireless equipment reviewed under this section shall be located within required building setback areas.

e. Security fencing, if used, shall conform to the following:

1. No fence shall exceed six feet in height without prior issuance of a permit by the town;

2. Security fencing shall be effectively screened from view through the use of appropriate landscaping materials;

3. Chain-link fences shall be painted or coated with a non-reflective color, and shall have a minimum three foot deep area to be planted with approved

plant species in a manner that will completely screen the fencing. (Ord. 960 (part), 2001).

18.38.070 Co-location.

The intent of co-location is to encourage several providers to use the same structure or site to keep the number of wireless facilities sites to a minimum as a means of reducing the overall visual effects throughout the community. The following procedures are required to further the intent of WCF co-location:

A. A permittee shall cooperate with other WCF providers in collocating additional antennae on support structures and/or existing buildings and sites provided said proposed co-locatees have received a permit for such use at said site from the town. A permittee shall allow other providers to co-locate and share the permitted site, provided such shared use does not give rise to substantial technical level impairment of the permitted use (as opposed to a competitive conflict or financial burden).

B. A signed statement indicating that the applicant agrees to allow for the potential co-location of additional WCF equipment by other providers on the applicant's structure or within the same site location shall be submitted by the applicant as part of the permit application. If an applicant contends that future co-location is not possible on its site, the applicant must submit a technical study documenting that such, co-location is not possible. (Ord.960 (part), 2001).

18.38.080 Facility removal.

In instances where a WCF is to be removed, the removal shall be in accordance with the following procedures:

A. The operator of a WCF shall notify the town upon the discontinued use of a particular facility. The WCF shall be removed by the facility owner within ninety days of the date the site's use is discontinued, it ceases to be operational, the permit is revoked, or if the facility falls into disrepair or is abandoned. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts; and,

B. If the provider fails to remove the facility upon ninety days of its discontinued use, the responsibility for removal falls upon the landholder on which the facility has been located. (Ord. 960 (part), 2001).

18.38.090 Electromagnetic field (EMF) standards compliance. All WCFs shall be operated in compliance with the following standards:

A. The applicant shall comply with Federal Standards for EMF emissions. If on review the town finds that the WCF does not

meet Federal Standards the town may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to comply with the Federal Standards. If the permit is revoked, then the facility shall be removed pursuant to Section 18.38.080

B. The applicant shall ensure that the WCF will not cause localized interference with the reception of area television or radio broadcasts. If the town finds that the WCF interferes with such reception, the town may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed pursuant to Section 18.38.080

C. Access will not be allowed to frequencies in the 24, 5.2, 5.7 and 5.8 gigabytes range, which are used by the public safety sites. (Ord. 960 (part), 2001).

18.38.100 Application requirements.

Applications for a WCF shall be in a form prescribed by the town and include the information below described. Applications shall be processed in accordance with the town's ordinances and regulations as presently constituted or hereafter amended, and a public hearing on the application shall be held as provided for zoning hearings. In addition to the information provided in the application form, the applicant must provide any combination of site plans, maps, surveys, technical reports, or written narratives that operate to convey all of the following information:

- A. Photo simulations of the proposed facility as viewed from affected residential properties and public rights-of-way at varying distances;
- B. A signed statement indicating that (i) the applicant and the landowner agree they will diligently negotiate in good faith to facilitate co-location of additional wireless communication facilities by other providers on the applicant's structure or within the same site location and (ii) the applicant and/or landlord agree to remove the facility within ninety days after abandonment;
- C. Copies of any environmental documents required by any federal agency, if applicable. These shall include the environmental assessment required by FCC Paragraph 1.13 07, 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;
- D. A full site plan shall be required for all sites, showing the tower, antenna, antenna support structure, building, fencing, buffering, access, and all other items required

in this chapter. The site shall clearly indicate the location, the specific placement of the facility on the site, the type and height of the proposed WCF, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility, the location of existing structures, trees and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s) and any other proposed structures. The site plan may not be required if the antenna is to be mounted on an existing structure;

- E. A current map showing the location and service area of the proposed WCF, and a map showing the locations and service areas of other wireless communication facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the town.
- F. A legal description and county assessor tax parcel number of the lot upon which the WCF is to be located;
- G. The approximate distance between the proposed tower and nearest residential unit, platted residentially zoned properties, 192 (Granger 6/02) and un-platted residentially zoned properties;
- H. The method of fencing, the finished color, and, if applicable, the method of camouflage and illumination, if required;
- I. A letter signed by the applicant stating the WCF will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;
- J. A statement by the applicant as to whether construction of the WCF will accommodate co-location of additional antennae for future users;
- K. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions. (Ord. 960 (part), 2001).

18.38.110 Permit limitations.

Approved permits issued by the city for WCFs shall be restricted by the following permit limitations:

Construction of a WCF shall commence within one year from the date of the city'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. (Ord. 960 (part), 2001).

18.38.120 Fees.

- A. Fees associated with permits and reviews required under this chapter shall be two hundred dollars, which may thereafter be amended from time to time.

- B. In addition to the application fee, the applicant will reimburse the city for costs of professional engineers and other consultants hired by the city to review and inspect the applicant's proposal when the city is unable to do so with its existing staffing resources. The city may require the applicant to deposit an amount with the city to cover anticipated costs of retaining professional services or consultants. (Ord. 960 (part), 2001).

18.38.130 Rules and regulations of the city.

Nothing in this chapter shall operate to restrict or limit the city's ability to adopt and enforce all appropriate ordinance requirements for telecommunications carriers' and providers' use of the rights-of-way and public property, procedures for application and approval of telecommunication business registrations, telecommunications right of way use authorizations, franchises and facilities leases and describing violations and establishing penalties. Nothing in this chapter shall operate to release in whole or in part any applicant for a WCF facility from the obligation to comply with such ordinances, rules and regulations of the city. (Ord. 960 (part), 2001).

Chapter 18.40

VIOLATION-PENALTIES

Sections:

18.40.010 Violation and penalties.

18.40.010 Violation and penalties.

Violation of the terms of this title shall constitute a misdemeanor and shall be punishable by a citation of not less than three hundred dollars and/or thirty days imprisonment for each violation. Each day which passes a date the city has duly established for satisfactory correction of a violation may be considered a separate offence and subject to further penalty. (Ord. 952 (part), 2001).

Chapter 18.50

SITING ESSENTIAL PUBLIC FACILITIES

Sections:

- 18.50.010 Purpose.
- 18.50.020 Applicability.
- 18.50.030 Essential public facilities review process.
- 18.50.040 Burden of proof.
- 18.50.050 Decision.

18.50.010 Purpose.

The purpose of this chapter is to provide a process to site essential public facilities (EPFs). "Essential public facilities" is defined in Granger Municipal Code Section 18.04.060 (Definitions). This process involves the community and identifies and minimizes adverse impacts.
(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.50.020 Applicability.

- A. Listed EPFs. All EPFs listed in the Granger Municipal Code Section 18.04.060 (Definitions) shall be reviewed through the EPF review process.
- B. Unlisted Facilities. The director shall make a determination that a facility be reviewed pursuant to this section based on the following criteria:
 - 1. The facility is a type difficult to site because of one of the following:
 - a. The facility needs a type of site of which there are few sites;
 - b. The facility can locate only near another public facility;
 - c. The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site;
 - d. The facility is of a type that has been difficult to site in the past;
 - e. It is likely that the facility will be difficult to site; or
 - f. There is a need for the facility and the City of Granger is in the facility service area. (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.50.030 Essential public facilities review process.

- A. All EPFs shall comply with the provisions of this chapter. An EPF shall require a Level 3 Review in all zones of the

city and applications shall conform to Granger Municipal Code Chapter 14.12 Land Use Action and Project Permits--Levels of Review. In the event of a conflict with any other Granger Municipal Code provision, the provisions of this chapter shall govern.

- B. The application for an EPF shall include a public participation plan designed to encourage early public involvement in the siting decision and to assist in determining possible mitigation measures. Informational public meetings within the city shall be scheduled pursuant to this process: the number of meetings shall be set by the director consistent with the size, complexity and estimated impacts of the proposal. The director shall determine the format and location(s) for the meetings, and shall require that public notice and meeting summaries acceptable to the city shall be either prepared or paid for by the EPF sponsor.
- C. An applicant may have one or more alternative sites considered during the same process.
- D. The director has the authority to require the consideration of sites outside of the City of Granger. Alternative sites shall cover the service area of the proposed essential public facility.
- E. An analysis of the facility's impact on city finances shall be undertaken. Mitigation of adverse financial impacts shall be required.
- F. The following criteria shall be used to make a determination on the application:
 - 1. The applicant shall provide a justifiable need for the essential public facility and for its location within the City of Granger.
 - 2. The impact of the facility on the surrounding uses and environment, the city and, if applicable, the region.
 - 3. Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.
 - 4. Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts in affected areas and the environment.
 - 5. Whether the proposed essential public facility is consistent with the City of Granger Comprehensive Plan.
 - 6. If a variance is requested, the proposal shall comply with Granger Municipal Code Section 18.04.050 (Variance).
 - 7. Essential public facilities shall also comply with all other applicable city and state siting and permitting requirements. (Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.50.040 Burden of proof.

The applicant has the burden of proving that the proposed use meets all criteria set forth in Granger Municipal Code Section 18.50.030 F.

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)

18.50.050 Decision.

The city council may approve an application for an EPF, approve with conditions or require modification of the 18.50.050 proposal to comply with specified requirements or local conditions. The city council may deny an application for an EPF if the placement of the use would be unreasonably incompatible with the surrounding area or incapable of meeting the criteria required for approval or with specific standards set forth in this code.

(Ord. No. 1139, § 2(Exh. A), 4-26-2011)