

**CHAPTER 159: WIRELESS TELECOMMUNICATIONS FACILITIES**

Section

***General Provisions***

- 159.001 Purpose
- 159.002 Findings
- 159.003 Objectives
- 159.004 Applicability
- 159.005 Definitions
- 159.006 Development standards

***Wireless telecommunication Facility Permit - Requirements & Regulations***

- 159.011 Application requirements; Fees
- 159.012 Design review
- 159.013 Action on wireless telecommunication facility permit
- 159.014 Required findings
- 159.015 Historic Resources

***Conditional Use Permit - Requirements & Regulations***

- 159.021 Application requirements; fees
- 159.022 Education/outreach
- 159.023 Noticing
- 159.024 Design review
- 159.025 Action on conditional use permit
- 159.026 Required findings
- 159.027 Lapse of permit
- 159.028 Penalties

***GENERAL PROVISIONS***

**§ 159.001 PURPOSE.**

The purpose of this chapter is to provide a uniform and comprehensive set of standards for the development and operation of wireless telecommunications facilities. The regulations contained herein are intended to protect and promote the public health, safety, community welfare and the aesthetic quality of the city while at the same time providing reasonable opportunities for providers of wireless telecommunications services to provide such services in a safe, effective and efficient manner.

**§ 159.002 FINDINGS.**

- (A) *Community Benefit.* The City believes that access to wireless telecommunication

is an essential service and should be made available to all persons, agencies, organizations and businesses desiring such service.

(B) *Community Welfare.* The City acknowledges that there are concerns over the exposure of people and animals to electromagnetic and radio frequency radiation. The City also acknowledges that regulations promulgated by the Federal Communications Commission limit the City's ability to regulate the electromagnetic and radio frequency radiation emitted by wireless telecommunication facilities.

**§ 159.003. OBJECTIVES**

(A) The objectives of this chapter are to:

(1) Encourage and promote the location of new wireless telecommunications facilities in areas that are not zoned for residential use.

(2) Provide for the appropriate location and development of wireless telecommunication facilities;

(3) Protect Eureka's built and natural environment by promoting compatible design standards for wireless telecommunications facilities;

(4) Minimize adverse visual impacts of wireless telecommunication facilities through careful design, siting, landscape screening, and innovative camouflaging techniques;

(5) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of wireless telecommunications tower structures and antennae;

(6) Maximize use of existing wireless telecommunication towers and alternative structures so as to minimize the need to construct new towers and minimize the total number of towers throughout the City of Eureka; and

**§ 159.004 APPLICABILITY.**

All wireless telecommunication facilities located in the City of Eureka are controlled by the provisions of this chapter. A tower or other wireless telecommunication support structure built on speculation and for which there is no wireless tenant is prohibited within city limits.

**§ 159.005 DEFINITIONS.**

***LOCAL HISTORIC DISTRICT.*** An historic district listed on the City of Eureka's Local Register of Historic Places.

***NATIONAL HISTORIC DISTRICT.*** An historic district listed on the National Register of Historic Places.

***PUBLIC UTILITY.*** An organization that provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may

be publicly or privately owned.

***SATELLITE TELECOMMUNICATION FACILITY.*** Government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

***WIRED TELECOMMUNICATION FACILITY.*** Telecommunications services such as wired (landline) telephone, digital subscriber line (DSL) Internet, and cable TV and Internet services where TV, voice, Internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

***WIRELESS TELECOMMUNICATION FACILITY.*** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. ***WIRELESS TELECOMMUNICATION FACILITY*** includes the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. ***WIRELESS TELECOMMUNICATION FACILITY*** includes ***SATELLITE TELECOMMUNICATION FACILITY.*** ***WIRELESS TELECOMMUNICATION FACILITY*** does not include ***WIRED TELECOMMUNICATION FACILITY***, or private personal wireless facilities that do not require a license from the Federal Communications Commission, including Direct-to-home satellite TV.

***WIRELESS TELECOMMUNICATION FACILITY PERMIT.*** An administrative permit issued by the Director of Community Development or the Planning Commission.

**§ 159.006 DEVELOPMENT STANDARDS.**

(A) *Residential Neighborhoods.* It is strongly preferred that the location of new wireless telecommunication facilities be located outside of residential neighborhoods. In an R District, all new wireless telecommunications facilities, not including collocation with an existing permitted facility, shall submit with the conditional use permit application factual information and data proving that there is no site outside the R District where the facility can be located to provide the same level of service.

(B) *Design Standards.* All wireless telecommunication facilities are subject to the following design standards:

(1) Facilities shall be designed to be visually unobtrusive. Colors and designs should be compatible with the existing improvements on or adjacent to the site;

(2) In an R District or within 100 feet of an R District, or in the HM District within 150 feet of an R District, facilities located shall be camouflaged or of an innovative design to minimize negative visual impacts of the facility on the surrounding residential neighborhood;

(3) Screening and Landscaping:

City of Eureka Municipal Code

(a) In an R, OR, or C District, or within 100 feet of an R District, or in the HM District within 150 feet of an R District, for facilities located at or near ground level screening six feet in height shall be located adjoining the facility, and an area 10 feet in depth adjoining the facility shall be landscaped with plant materials including a buffer of trees, unless the Planning Commission finds that topographic or other conditions make screening or landscaping unnecessary;

(b) In all other Districts, for facilities located at or near ground level screening six feet in height shall be located adjoining the facility including a buffer of trees, unless the Planning Commission finds that topographic or other conditions make screening unnecessary.

(c) Screening of the facility should take into account the existing improvements on or adjacent to the site, including landscaping, walls, fences, berms or other devices specifically designed to screen development;

(4) Facilities shall be sited to avoid or minimize obstruction of scenic views;

(5) Facilities shall not be of a bright, shiny or glare reflective finish;

(6) If feasible, the base station and all wires and cables necessary for the operation shall be placed underground; and

(7) If the base station is located within, or on the roof of a building, it may be placed in any location not visible from the surrounding neighborhood, with any wires and cables attached to the base station screened from public view.

(C) *Noise.*

(1) For a wireless telecommunication facility in an R district, non-transportation noise levels generated by the proposed wireless telecommunication facility, measured immediately within the property line on which the facility is located, shall not exceed the following performance standards:

<i>Noise level descriptor</i>	<i>Daytime (7 a.m. to 10 p.m.)</i>	<i>Nighttime (10 p.m. to 7 a.m.)</i>
Hourly Leq, dB	50	45
Maximum Level, dB	70	65
<i>Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.</i>		

(2) For a wireless telecommunication facility located in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R district the noise performance standards listed above shall be measured at the boundary of the R district.

(D) *Height limits.* The maximum height of all structures and accessory structures shall be as prescribed for the district in which the facility is located. The maximum height of towers and other support structures for a wireless telecommunication facility and including the maximum height of all antennas, dishes, etc shall be in accordance with the following schedule:

City of Eureka Municipal Code

<i>District</i>	<i>Max height (feet)</i>	
	<i>Freestanding</i>	<i>On top of building</i>
A	100	25 feet above the height of the building, not to exceed 100 feet
RS-6000	60	25 feet above the height of the building, not to exceed 60 feet
RS-12000	60	25 feet above the height of the building, not to exceed 60 feet
RM-2500	60	25 feet above the height of the building, not to exceed 60 feet
RM-1000	60	25 feet above the height of the building, not to exceed 100 feet
OR	60	25 feet above the height of the building, not to exceed 60 feet
HM	60	25 feet above the height of the building, not to exceed 100 feet
CN	60	25 feet above the height of the building, not to exceed 60 feet
CP	60	25 feet above the height of the building, not to exceed 100 feet
CC	60	25 feet above the height of the building, not to exceed 100 feet
CW	60	25 feet above the height of the building, not to exceed 60 feet
CS	100	25 feet above the height of the building, not to exceed 100 feet
ML	100	25 feet above the height of the building, not to exceed 100 feet
MG	150	25 feet above the height of the building, not to exceed 150 feet
MC	150	25 feet above the height of the building, not to exceed 150 feet
P	100	25 feet above the height of the building, not to exceed 100 feet

(E) *Minimum yards.* The minimum yards for all structures and accessory structures shall be as prescribed for the district in which the facility is located. The minimum yards for free standing towers and other freestanding support structures for a wireless telecommunication facility shall be in accordance with the following schedule:

<i>District</i>	<i>Min yards (feet)</i>					
	<i>Within 100 feet of an R district</i>			<i>More than 100 feet from an R district</i>		
	<i>front</i>	<i>side</i>	<i>rear</i>	<i>front</i>	<i>side</i>	<i>rear</i>
A	30	30	30	30	30	30
RS-6000	25	25	25	-	-	-
RS-12000	25	25	25	-	-	-
RM-2500	20	20	20	-	-	-
RM-1000	20	20	20	-	-	-
OR	20	20	20	-	-	-
HM	20*	20*	20*	0*	0*	0*
CN	20	20	20	5	5	5
CP	50	50	50	50	50	50
CC	20	20	20	5	5	5
CW	20	20	20	5	5	5
CS	20	20	20	0	0	0
ML	20	20	20	0	0	0
MG	20	20	20	0	0	0
MC	20	20	20	0	0	0
P	20	20	20	0	0	0

\* in the HM district the distance from an R district is measured at 150 feet not 100 feet.

City of Eureka Municipal Code

(F) *Utility poles.* Co-location of wireless telecommunication facility antennas on utility poles shall be subject to the same permit requirements for all other wireless telecommunication facilities, and shall be subject to the following standards:

(1) The utility pole shall be located in a public right-of-way or in a utility easement and subject to any applicable franchise fees or lease agreements required by the city;

(2) The antenna(s) shall not extend more than ten feet above the top of the utility pole;

(3) If the utility pole must be replaced to accommodate the antenna(s), the replacement pole shall not be more than 10 feet higher than the existing utility pole. If the replacement pole exceeds the height of the existing pole, the antenna(s) shall be mounted to the sides of the pole and shall not extend above the top of the replacement pole. Replacement of a utility pole shall be subject to a conditional use permit;

(4) Antenna(s) including the mounting structure with an outside diameter between 24 inches and 36 inches shall be subject to a conditional use permit;

(5) Antenna(s) including the mounting structure with an outside diameter greater than 36 inches are not permitted on utility poles;

(6) If the antenna(s) and mounting structure are narrower than the top of the utility pole, stealth shielding of the antenna(s) shall be used to make the antenna(s) appear as a vertical extension of the utility pole;

(7) Electrical equipment shall either be attached directly to the utility pole or placed underground. If the electrical equipment is attached to the pole, the box(es) shall not be larger than 36 inches in height, 12 inches deep and no wider than 20 inches. Not more than 5 such boxes shall be mounted on any one utility pole (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least 10 feet above the ground. The power meter and network interface box may be installed below the 10 foot level;

(8) Antenna(s) and electrical boxes shall be painted to match the utility pole to minimize visual impact;

(9) Generators or noise producing venting systems shall not be permitted;

(10) Lighting for aircraft is prohibited except where required by federal law;

(11) Electrical and utility cables between the utility pole and electrical boxes shall be placed underground;

(12) Prior to co-location the utility pole shall be certified by the utility company or an independent structural engineer as being structurally capable of supporting the existing and proposed equipment; and

(13) If the wired utilities using the pole are relocated or placed underground, the telecommunications antennae and equipment shall be relocated so that the utility pole can be removed at the same time as adjoining poles.

(G) *Maintenance.* All wireless telecommunication facilities shall be maintained in a neat and orderly manner on a regular and as-need basis. Maintenance shall include but not be limited to the following:

(1) Mowing, weeding, gardening and general maintenance of landscaping, and including replacement of diseased or dying plant material;

(2) Painting;

(3) Removal of debris, garbage and waste; and

(4) Graffiti removal.

(H) *Removal.* Wireless telecommunication towers or support structures shall be demolished, deconstructed or otherwise removed upon abandonment or termination of use, and all debris shall be recycled and/or disposed of in an appropriate manner. Removal shall be completed within 90 days of abandonment or termination of use. Upon notification by the city to the property owner that the tower or support structure appears abandoned, the property owner shall remove the tower or support structure within 90 days, or the property owner shall provide satisfactory evidence to the city that the tower or support structure has not been abandoned. Expenses incurred to demolish, deconstruct or otherwise remove wireless communication towers or support structures shall be fully paid by the company owning the tower or support structure and/or the property owner where the tower or support structure is located.

Nothing in this provision shall have the effect nor shall it be construed to interfere with private contracts for facility uses in existence at the time of adoption of this ordinance.

***WIRELESS TELECOMMUNICATION FACILITY PERMIT -  
REQUIREMENTS & REGULATIONS***

**§ 159.011 APPLICATION REQUIREMENTS; FEES.**

(A) Except as provided in this chapter, all wireless telecommunication facilities shall require a wireless telecommunication facility permit.

(B) All wireless telecommunication facilities shall be co-located with existing facilities, unless it is determined that co-location is not feasible.

(C) An application for a wireless telecommunication facility permit shall include the following:

(1) All application materials otherwise required for design review as prescribed in the Eureka Municipal Code;

City of Eureka Municipal Code

(2) Scaled photo simulations, elevations and other visual or graphic illustrations necessary to determine the visual compatibility of the proposed project, including all equipment and antennae associated with future co-located telecommunications, with the general character, aesthetics, scenic qualities, and existing development in the surrounding neighborhood;

(3) A landscape plan that shows existing vegetation, vegetation to be removed and proposed landscaping by type, size and location with the expectation that maturity will occur in three to five years;

(4) A geographic service area map showing:

(a) The applicant's existing and anticipated future wireless telecommunications network within 3 miles in all directions of the proposed wireless telecommunication facility;

(b) The handoff sites within the area described in (a) above;

(c) The geographic area of the "cell" in which the proposed wireless telecommunication facility could be located to provide the new or expanded wireless service;

(d) All other existing facilities that could be used for co-location within 3 miles in all directions of the proposed wireless telecommunication facility;

(5) If the proposed wireless telecommunication facility will not be co-located with an existing approved facility, written justification why co-location is not feasible shall be submitted. Feasibility shall include the following:

(a) Whether there are any existing facilities within the geographic area of the cell required for the proposed wireless telecommunication facility;

(b) If there are existing facilities within the geographic area of the cell for the proposed wireless telecommunication facility, feasibility shall consider whether:

(i) The existing facility(ies) is of sufficient height to meet the needs of the proposed wireless telecommunication facility;

(ii) The existing tower(s) or support structure(s) have sufficient structural strength to support the proposed new wireless telecommunication antennas or antenna arrays and related equipment;

(iii) There is adequate vertical and horizontal distance available on the existing tower(s) or support structure(s) to accommodate the proposed wireless telecommunication antennas or antenna arrays and related equipment;

(iv) The proposed wireless telecommunication facility would cause adverse electromagnetic interference with the existing facility(ies);

City of Eureka Municipal Code

(v) There is adequate site area and/or building floor area at the existing facility(ies) to accommodate the proposed wireless telecommunications ground equipment; and

(vi) The owner of the existing facility(ies) will consent to co-location.

(6) A Federal Communications Commission TOWAIR Determination that the antenna structure does not require registration, or an aircraft and airport safety analysis providing a copy of the Federal Aviation Administration approval letter that the project conforms to Federal Aviation Administration regulations (*Form FAA 7460-1 "Notice of Proposed Construction or Alteration"* and the *"Determination of No Hazard to Air Navigation"*) and including specific safety requirements such as lighting, facility color, etc.;

(7) A structural analysis prepared by a qualified California licensed civil engineer showing that the proposed wireless telecommunication facility meets manufacturer's specifications and the requirements of the state's building code contained in Title 24 of the California Administrative Code, as may be amended from time to time, relating to structural design, wind, ice and snow loads;

(8) A public health report, prepared by a qualified radio frequency engineer written in plain English and in conformance with the Federal Communications Commission OET 65. The public health report shall state the maximum electromagnetic and radio frequency radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The public health report shall include the cumulative analysis of the electromagnetic and radio frequency radiation of all other existing and anticipated future wireless telecommunication facilities within 2,000 feet of the proposed facility;

(9) Noise and acoustical information for non-transportation noise sources, including the base transceiver station(s), equipment building(s) and associated equipment, such as cooling equipment and back-up generator(s) showing compliance with the development standards of section 159.006(A);

(10) Application fees as established by Resolution of the City Council.

**§ 159.012 DESIGN REVIEW**

(A) All wireless telecommunications facilities shall be subject to site plan and architectural review as prescribed in Chapters 155 and 156.

(B) The Design Review Committee may adopt pre-approved designs for wireless telecommunications facilities. For proposed wireless telecommunication facilities that use pre-approved designs the site plan or architectural review required by Chapters 155 and 156 may be approved by the Director of Community Development.

**§ 159.013 ACTION ON WIRELESS TELECOMMUNICATION FACILITY PERMIT.**

City of Eureka Municipal Code

(A) Action to approve or deny a wireless telecommunication facility permit shall be taken by the Director of Community Development. The action of the Director on the wireless telecommunication facility permit shall be after design review as prescribed in section 159.012 of this chapter.

(B) The Director of Community Development may at his or her discretion refer the wireless telecommunication facility permit to the Planning Commission for action.

**§ 159.014 REQUIRED FINDINGS.**

(A) A wireless telecommunication facility permit may be granted only if the following findings are made:

(1) The proposed wireless telecommunication facility will not generate electromagnetic or radio frequency radiation in excess of the Federal Communications Commission adopted standards for human exposure; and

(2) The proposed wireless telecommunication facility will be compatible with the general character, aesthetics, scenic qualities, and existing development in the surrounding neighborhood.

**§ 159.015 HISTORIC RESOURCES.**

In addition to the wireless telecommunication facility permit, all wireless telecommunications facilities located within a Local or National Historic District or within 100' of a Local or National Historic District shall require a conditional use permit as prescribed in this chapter.

***CONDITIONAL USE PERMIT - REQUIREMENTS & REGULATIONS***

**§ 159.021 APPLICATION REQUIREMENTS; FEES.**

(A) Where a wireless telecommunication facility requires a conditional use permit, the conditional use permit shall also act as the wireless telecommunication facility permit otherwise required by this chapter.

(B) An application for a conditional use permit for a wireless telecommunication facility shall include the following:

(1) All application materials otherwise required for a conditional use permit pursuant to the Eureka Municipal Code;

(2) All materials listed as required for a wireless telecommunications facility permit application as prescribed in this chapter;

(3) In an R District, all new wireless telecommunications facilities, not including collocation with an existing permitted facility, factual information and data proving

that there is no site outside the R District where the facility can be located to provide the same level of service; and

(4) Application fees as established by Resolution of the City Council.

(C) In addition to the conditional use permit a wireless telecommunication facility located in the coastal zone shall only be allowed upon the granting of a coastal development permit as required pursuant to the Eureka Municipal Code.

**§ 159.022 EDUCATION OUTREACH.**

(A) Within 60 days of submittal of a complete application for a conditional use permit to locate a wireless telecommunication facility in an R district, or in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R district, the applicant shall host a neighborhood education and informational meeting at which, at a minimum, a summary of the information provided with the conditional use permit application shall be presented and made available to attendees in electronic and/or hard copy.

(B) The education and informational meeting shall be noticed by the applicant in conformance with section 159.023 of this chapter. The notice shall be printed on brightly-colored (preferably florescent) heavy stock post cards. Additionally, a sign of a minimum size of two-and-a-half feet tall by three feet wide of a visible color other than yellow advertising the education and informational meeting shall be posted in a conspicuous place on or near the location of the proposed wireless telecommunication facility. The sign shall state the date, time and location of the education and informational meeting, the location of the proposed wireless telecommunication facility, and a contact phone number of the applicant or agent.

(C) The applicant shall prepare and submit to the Community Development Department within 21 days of the education and informational meeting, at a minimum, the following:

(1) A copy of the information presented and made available (in all formats) by the applicant at the meeting;

(2) A summary of the issues and concerns, if any, that were presented either verbally or in writing at the meeting along with proposed mitigation to address them;

(3) A copy of all written correspondence received at the meeting;

(4) Information and/or documentation prepared by the applicant addressing each of the issues and/or concerns, if any, expressed at the meeting; and

(5) A list of names and email addresses of persons requesting to receive notice of the public hearing for the conditional use permit.

**§ 159.023 NOTICING.**

(A) All noticing for hearings on a conditional use permit application for a wireless telecommunications facility shall be as otherwise required for a conditional use permit pursuant

to the Eureka Municipal Code;

(B) For a proposed wireless telecommunication facility greater than 60 feet in height in an R district, or in an HM District within 150 feet of an R District, or in any other district within 100 feet of an R district, notice shall also be provided to all owners and tenants of real property within 500 feet of the site proposed for the wireless telecommunication facility.

**§ 159.024 DESIGN REVIEW.**

(A) All wireless telecommunications facilities shall be subject to site plan and architectural review.

(B) No conditional use permit for a wireless telecommunications facility shall be approved until the site plan and architectural review required by this chapter are approved by the Planning Commission.

**§ 159.025 ACTION ON CONDITIONAL USE PERMIT.**

All conditional use permits for a wireless telecommunication facility shall be acted upon as otherwise required for a conditional use permit pursuant to the Eureka Municipal Code.

**§ 159.026 REQUIRED FINDINGS.**

(A) A conditional use permit for a wireless telecommunication facility may be granted only if the following findings are made:

(1) All findings otherwise required for a conditional use permit pursuant to the Eureka Municipal Code; and

(2) All findings required for a wireless telecommunication facility permit as prescribed in section 159.014 of this chapter.

**§ 159.027 LAPSE OF PERMIT.**

Lapse of a conditional use permit for a wireless telecommunications facility shall be the same as the lapse of all other conditional use permits as prescribed in the Eureka Municipal Code.

**§ 159.028 PENALTIES.**

(A) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code, or the provisions of any code adopted by reference by this code, is committed, continued, or permitted

## City of Eureka Municipal Code

by such person and shall be punishable accordingly. Any violation of this code which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

(1) The City Attorney files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor; or

(2) The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

(B) In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this code, or the provisions of any code adopted by reference by this code, shall be deemed a public nuisance and may be summarily abated by this city, and each day such condition continues shall be regarded as a new and separate offense.

**§ 155.006 DEFINITIONS.**

*ADD THE FOLLOWING*

**PUBLIC UTILITY.** An organization which provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

**SATELLITE TELECOMMUNICATION FACILITY.** Government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

**WIRED TELECOMMUNICATION FACILITY.** Telecommunications services such as wired (landline) telephone, digital subscriber line (DSL) Internet, and cable TV and Internet services where TV, voice, Internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

**WIRELESS TELECOMMUNICATION FACILITY.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. **WIRELESS TELECOMMUNICATION FACILITY** includes the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. **WIRELESS TELECOMMUNICATION FACILITY** includes **SATELLITE TELECOMMUNICATION FACILITY**. **WIRELESS TELECOMMUNICATION FACILITY** does not include **WIRED TELECOMMUNICATION FACILITY**, or private personal wireless facilities that do not require a license from the Federal Communications Commission, including Direct-to-home satellite TV.

**WIRELESS TELECOMMUNICATION FACILITY PERMIT.** An administrative permit issued by the Director of Community Development or the Planning Commission.

**§ 155.033 HEIGHT LIMITS.**

(B) *Exceptions.* Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, ~~radio and television aerials and antennas~~, transmission towers for wired telecommunications, fire towers, and similar structures and necessary mechanical appurtenances covering not more than 10% of the ground area covered by the structure may be erected to a height of not more than 100 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. ~~Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.~~ The height of wireless telecommunication facilities shall be regulated by Chapter 159.

**§ 155.051 A AGRICULTURAL DISTRICTS.**

(D) *Conditional uses.* The following uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

(24) Veterinarians' offices; ~~and~~

(25) Accessory structures and uses located on the same site as a conditional use; ~~and-~~

(26) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 155.052 RS-6,000 ONE-FAMILY RESIDENTIAL DISTRICTS.**

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

(13) “Bed and breakfast inn” in which not more than 15 paying guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre in area; ~~and~~

(14) Timber harvest of less than three acres; ~~and~~

(15) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 155.053 RM MULTI-FAMILY RESIDENTIAL DISTRICTS.**

(F) *Conditional uses.* The following conditional uses shall be permitted in the RM-2,500 and RM-1,000 Districts upon the granting of a use permit in accordance with the provisions of §§ 155.280 through 155.299 of this chapter:

(14) Family care homes and halfway houses; ~~and~~

(15) Timber harvest of less than three acres; ~~and~~

(16) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 155.054 OR OFFICE AND MULTI-FAMILY RESIDENTIAL DISTRICTS.**

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

(13) Timber harvest of less than three acres; and

(14) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 155.055 HM HOSPITAL-MEDICAL DISTRICTS.**

(C) *Permitted uses.* The following uses shall be permitted:

(6) Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required parking facilities in § 155.118 of this chapter; ~~and~~

(7) Accessory structures and uses located on the same site as a permitted use; and

(8) Wireless telecommunication facilities located more than 150' from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

(6) Any use permitted in § 155.053(E) of this chapter in “RM” Districts, subject to all the requirements of the “RM 1,000” District. “HM” District regulations shall control where they impose greater restrictions; ~~and,~~

(7) Timber harvest of less than three acres; and

(8) Wireless telecommunication facilities located within 150' of an R District subject to the provisions of Chapter 159.

**§ 155.056 P PUBLIC DISTRICTS.**

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

(8) Public pumping stations, power stations, equipment buildings and installations, corporation yards, drainage ways and structures, reservoirs, storage tanks, and sewage treatment plants; ~~and~~

(9) Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by § 155.119(B) of this chapter; and

(10) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 155.078 PERMITTED AND CONDITIONAL USES.**

(A) The following uses shall be permitted uses or conditional uses in a C District provided the symbol P, for permitted uses, or C, for conditional uses which appears in the column beneath of C District:

<i>USES</i>	<i>C N</i>	<i>C P</i>	<i>C C</i>	<i>C S</i>
<u>Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159.</u>			P	P
<u>Wireless telecommunication facilities located within 100’ of an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Wireless telecommunication facilities located more than 100’ from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Telegraph offices ; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159.</u>	P	P	P	P

**§ 155.098 PERMITTED USES.**

The following uses shall be permitted:

(A) *ML Limited Industrial Districts.*

(5) Parking lots improved in conformity with the standards prescribed for required parking facilities in § 155.118 of this chapter; ~~and~~

(6) Accessory structures and uses located on the same site as a permitted use; ~~and~~

(7) Emergency shelters pursuant to the requirements and regulations contained in § 155.040 of this chapter; ~~and~~

(8) Wireless telecommunication facilities located more than 100’ from an R

District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

**§ 155.099 CONDITIONAL USES.**

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter, and the Planning Commission may require the submission of reports by technical consultants or other evidence in addition to the data prescribed in § 155.281 of this chapter:

(A) *ML Limited Industrial Districts.*

(7) Gymnastics schools, and health clubs; ~~and~~,

(8) Live-work uses, only where the combining zone, LW has been applied to the Limited Industrial Zoning District; and,

(9) Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(B) *MG General Industrial Districts.*

(rr) Storage of logs or wood chips; ~~and~~,

(2) Accessory structures and uses located on the same site as a conditional use; and

(3) Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159,

**§ 156.006 DEFINITIONS.**

*ADD THE FOLLOWING*

**PUBLIC UTILITY.** An organization which provides an essential commodity or basic service to the public, such as water, energy, transportation, or telecommunications. Utilities may be publicly or privately owned.

**SATELLITE TELECOMMUNICATION FACILITY.** Government and private facilities that transmit a variety of data through satellites, including photos of the earth, messages to and from public safety officials, and a variety of other information.

**WIRED TELECOMMUNICATION FACILITY.** Telecommunications services such as wired (landline) telephone, digital subscriber line (DSL) Internet, and cable TV and Internet services where TV, voice, Internet, data, and other content are routed over a network of wires and cables and that do not require an antenna for transmission or reception.

**WIRELESS TELECOMMUNICATION FACILITY.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications. **WIRELESS TELECOMMUNICATION FACILITY** includes the towers and other support structures, commercial satellite dishes, antennas, equipment buildings necessary for the specific facility, and facilities co-located on utility poles. **WIRELESS TELECOMMUNICATION FACILITY** includes **SATELLITE TELECOMMUNICATION FACILITY**. **WIRELESS TELECOMMUNICATION FACILITY** does not include **WIRED TELECOMMUNICATION FACILITY**, or private personal wireless facilities that do not require a license from the Federal Communications Commission, including Direct-to-home satellite TV.

**WIRELESS TELECOMMUNICATION FACILITY PERMIT.** An administrative permit issued by the Director of Community Development or the Planning Commission.

**§ 156.037 HEIGHT LIMITS.**

(B) *Exceptions.* Towers, spires, cupolas, chimneys penthouses, water tanks, flagpoles, monuments, scenery lofts, ~~radio and television aerials and antennas~~, transmission towers for wired telecommunications, fire towers, and similar structures and necessary mechanical appurtenances covering not more than 10% of the ground area covered by the structure may be erected to a height of not more than 100 feet or not more than 25 feet above the height limit prescribed by the regulations for the district in which the site is located, whichever is less. ~~Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.~~The height of wireless telecommunication facilities shall be regulated by Chapter 159.

**§ 156.068 AC — COASTAL AGRICULTURAL DISTRICT.**

(D) *Conditional uses.* The following uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

(5) Wetland restoration and enhancement projects, ~~and~~

(6) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 156.069 RS — ONE-FAMILY RESIDENTIAL DISTRICTS.**

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

(13) Bed and breakfast inns in which not more than 15 paying transient guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre in area; ~~and~~

(14) Timber harvest of less than three acres; ~~and~~

(15) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 156.070 RM — MULTI-FAMILY RESIDENTIAL DISTRICTS.**

(C) *Conditional uses.* The following conditional uses shall be permitted in the RM-2,500 and RM-1,000 Districts upon the granting of a use permit in accordance with the provisions of §§ 155.280 through 155.299 of this title:

(13) Timber harvest of less than three acres; ~~and~~

(14) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 156.071 OR — OFFICE AND MULTI-FAMILY RESIDENTIAL DISTRICTS.**

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

(12) Retail and service establishments that are compatible with and complementary to other permitted uses, including only:

(o) Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159; and,

(13) Timber harvest of less than three acres; and

(14) Wireless telecommunication facilities subject to the provisions of Chapter 159.

**§ 156.072 CW — WATERFRONT COMMERCIAL DISTRICTS.**

(C) *Permitted uses.* The following uses shall be permitted in the CW Waterfront Commercial District, provided that when recreation and visitor-serving facilities are integrated with coastal-dependent uses (noted below with an asterisk), the recreation and visitor-serving areas shall be secondary to and compatible with the coastal-dependent uses:

(11) Coastal dependent and coastal-related uses; and

(12) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.*

(1) The following conditional uses shall be permitted in the CW Waterfront Commercial District upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title. The applicant shall demonstrate and the city shall find that granting of a use permit will not diminish recreational or visitor-serving opportunities.

(iii) Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159;

(vvv) Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159;

(eee) Public utility service pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare; and

(fff) Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Chapter 159.

**§ 156.073 CN — NEIGHBORHOOD COMMERCIAL DISTRICTS.**

(C) *Permitted uses.* The following uses shall be permitted:

(84) Telegraph offices; towers and other support structures, commercial

satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159;

(93) Women's apparel accessory stores; and-

(94) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

(11) Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three sides; and

(12) Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Chapter 159.

**§ 156.074 CS — SERVICE COMMERCIAL DISTRICT.**

(C) *Permitted uses.* The following uses shall be permitted:

(143) Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159;

(176) Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159;

(197) Women's apparel accessory stores; and

(198) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

(20) Veterinarians' offices and small animal hospitals, including operations not conducted within a completely enclosed building, not less than 300 feet from an R or OD District; and

(21) Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Chapter 159.

**§ 156.075 CP — PLANNED SHOPPING CENTER COMMERCIAL DISTRICTS.**

(C) *Permitted uses.* The following uses shall be permitted in the CP Planned Shopping Center Commercial District:

(77) Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159;

(95) Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Chapter 159;

(107) Women's apparel accessory stores; and

(108) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.* The following conditional uses shall be permitted in accord with the provisions of §§ 155.280 through 155.299 of this title:

(11) Service stations, including automobile, truck, and trailer rentals as accessory uses only; ~~and~~

(12) Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided that all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three sides; and-

(13) Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Chapter 159.

**§ 156.076 MC — COASTAL DEPENDENT INDUSTRIAL DISTRICTS.**

(C) *Permitted uses.* The following uses shall be permitted:

(8) Water borne carrier import and export facilities; and-

(9) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.*

(1) The following conditional uses shall be permitted in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

(k) Warehouses serving permitted uses; ~~and~~

(l) Commercial uses incidental to the primary coastal dependent industrial use (within the Core Coastal-Dependent Industrial Area); ~~and-~~

(m) Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Chapter 159.

**§ 156.077 ML — LIMITED INDUSTRIAL DISTRICTS.**

(C) *Permitted uses.*

(49) Accessory structures and uses located on the same site as a permitted use; ~~-~~

(50) Emergency shelters pursuant to the requirements and regulations contained in § 156.041 of this chapter; ~~-~~ and

(51) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.*

(1) The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

(g) Gymnastics schools and health clubs; ~~and-~~

(h) Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Chapter 159.

**§ 156.078 MG — GENERAL INDUSTRIAL DISTRICTS.**

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

(44) Accessory structures and uses located on the same site as a conditional use; ~~and-~~

(45) Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Chapter 159.

**§ 156.079 P — PUBLIC DISTRICTS.**

City of Eureka Municipal Code

(C) Permitted uses. Each use and structure existing in a P District as of the adoption date of these regulations is hereby declared to be a conforming use and structure.

(19) Uses which are accessory and incidental to a permitted use; and

(20) Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Chapter 159.

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

(3) Storage or processing of materials or equipment accessory to other permitted or conditional uses; and-

(4) Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Chapter 159.

**§ 156.080 PF/M — PUBLIC FACILITY/MARINA.**

(C) *Conditional uses.* A third restaurant, ~~and~~ on-site incidental fish sales and processing, and wireless telecommunication facilities subject to the provisions of Chapter 159 shall be conditionally permitted, provided such uses do not displace current or projected demand for permitted uses and necessary support facilities, including parking. Conditional uses shall be designed and located so as not to interfere with permitted uses.