

CITY OF SILVERTON
ORDINANCE
19-05

AN ORDINANCE OF THE SILVERTON CITY COUNCIL APPROVING AN AMENDMENT TO SILVERTON MUNICIPAL CODE; TITLE 18, DEVELOPMENT CODE AND ZONING MAP RELATING TO NANO RADIO FREQUENCY TRANSMISSION FACILITIES BY DETERMINING WHERE AND HOW SUCH A USE COULD LOCATE, AND DRAFT REGULATIONS AND STANDARDS FOR APPROVAL

WHEREAS, the City Council directed staff to draft code language at the September 10, 2018 City Council meeting relating to Nano Radio Frequency Transmission Facilities; and

WHEREAS, the Planning Commission held work sessions on November 27, 2018, January 22, 2019, and March 12, 2019 to discuss possible language; and

WHEREAS, the Planning Commission held a public hearing at the April 9, 2019 meeting to accept testimony regarding the code language and reviewed the proposed text amendment to Title 18, Development Code and Zoning Map, of the Silverton Municipal Code and made certain modifications to the proposed amendments; and

WHEREAS, following public testimony, the Planning Commission deliberated and voted to recommend the City Council approve the proposed Development Code amendment; and

WHEREAS, after proper legal notice, a public hearing before the City Council was held on June 3, 2019 to consider the Development Code Amendment Application, DC-19-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it including the recommendations of the Planning Commission and directed staff to make modifications to the ordinance. The City Council provided additional direction at the July 1, 2019 meeting; and

WHEREAS, the City Council reviewed the modified ordinance at the August 5, 2019 City Council meeting.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: Section 2.2.110 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Uses Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	Status of Use in District			
	Single-Family Residential (R-1)	Low Density Residential (R-5)	Multiple-Family Residential (RM-10)	Multiple-Family Residential (RM-20)
Radio frequency transmission facilities and telecommunication towers, excluding amateur radio antennas, when accessory to a permitted use, provided they do not exceed the permitted structure height	N	N	N	N
<i>Nano radio frequency transmission facilities, per SDC 2.200.O</i>	S	S	S	S

Section 2: Section 2.2.200.O of the Silverton Development Code is created by adding the following:

2.2.200.O. Nano Radio Frequency Transmission Facilities. Nano radio frequency transmission facilities shall comply with the following standards:

1. Facilities are only allowed to be installed on existing residential dwellings or non-residential primary structures.
2. Antenna size for each site is limited to 12 square feet cumulatively with no individual antenna larger than 5 square feet.
3. Antenna size on a site located on a non-residential primary structure may be allowed up to 75 square feet in area provided the review body finds there will be no adverse impacts to the surrounding area.
4. Antenna shall be attached via a mono pole, J-pole, or tripod to the structure or flush mounted to the structure. The mono pole shall not exceed 3 inches in diameter, with up to three guy wires with no guy wire larger than ¼” in diameter, if used. Lattice towers are not permitted.
5. Antenna and associated supports shall not exceed 5 feet in height or project more than 2 feet horizontally from the structure it is attached to, if flush mounted. Antenna may be up to 10 feet tall if located on a gable roof, provided the ridge line runs parallel

with the street and the antenna is located on the roof section adjacent to the rear yard on an interior lot, with no part of the antenna extending 5 feet above the ridge line.

6. All support and ancillary equipment associated with the antenna larger than 2 cubic feet in volume with any individual dimension larger than 18 inches shall be placed underground or inside the existing structure the antenna is to be attached to. Ground cabinets are prohibited.
7. Brackets (mounting) and cabling shall be similar in color to the primary structure it is attached to.
8. Facilities may generate no more than 35 dBA within three feet on any residential dwelling or city park boundary, and no more than 40 dBA within ten feet of any other property.
9. No logos or brand names shall be legible from the right-of-way.
10. Nano radio frequency transmission facilities are limited to devices, equipment, machinery, structures or supporting elements that produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 60 GHz operating as a discrete unit to produce a signal or message and which are not intended for 5G service. Antennas on residential structures are limited to 250 Watts. Antennas on non-residential primary structures are limited to 500 Watts.
11. Facilities shall be located on the property only when the property owner has a current agreement with the provider. The facilities shall be removed by the provider when the property owner no longer has an agreement with the provider.
12. Facilities that do not meet the above standards may be reviewed through the Conditional Use process of Chapter 4.4 SDC.

Section 3: Section 2.2.110 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Table 2.3.110 – Uses Permitted in Commercial Districts

Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC)	Downtown Commercial (DC)	General Commercial (GC)	Downtown Commercial (DCF)
Radio frequency transmission facilities and telecommunication towers and antennas, except those allowed as ancillary to a primary permitted use	N	CU	N
<i>Nano radio frequency transmission facilities, per SDC 2.200.O, provided facilities are not visible from the street.</i>	S	S	S

Section 4: A full copy of all text amendments and findings of fact can be found in file DC-19-01, located in the Community Development Department at City Hall.

Section 5: This ordinance is and shall be effective within 30 days of passage.

Ordinance adopted by the City Council of the City of Silverton, this 5th day of August, 2019.

Mayor, City of Silverton
Kyle Palmer

ATTEST:

City Manager/Recorder, City of Silverton
Christy S. Wurster