

There have been revisions made to the draft since the January 15, 2004 Plan Board meeting. These include:

- Slightly revised definitions.
- Co-location requirements for monopole wireless towers have been increased.
- The development plan approval process for camouflaged towers has been changed and will entail a public hearing.
- The ½ mile radius showing existing wireless communication towers around a proposed facility on a map has been increased to a 2-mile radius.
- Additional information will be required for facilities that will be reviewed for a special use permit.
- Added a 6-foot height restriction for a tower identification sign.
- Deleted reference to temporary wireless communication facilities (C.O.W.S.).
- Additional provisions for hiring technical consultants.

Other changes include a statement concerning compliance with environmental regulations, separation requirements, prohibition of signage, provision for temporary wireless communication facilities, provision for hiring technical consultants and a statement about new technologies. Finally, there are other changes that involve housekeeping items such as moving paragraphs from one place to another and re-lettering and renumbering some sections to fit into the revised format. The proposed changes update the regulations, clarify existing language, and provide more options for personal wireless service providers.

Respectfully submitted,



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Planning Manager

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Attachment

ARTICLE VI. REQUIREMENTS FOR SPECIALLY REGULATED USES

Sec. 30-98. Communication Tower and Antenna Regulations.

(a) *Purpose.* These regulations were developed to protect the health, safety and welfare of residents of the City, and to protect property values and minimize visual impact while furthering the development of enhanced telecommunications services in the City. These standards are designed to comply with the Telecommunications Act of 1996. The provisions of this section are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting the provision of personal wireless services. This section shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent services, consistent with federal regulations. These regulations are intended to:

- (1) Provide uniform standards for the provision of both radio and television broadcast signals and telecommunication services, including two-way radio, paging, PCS, cellular and related wireless services;
- (2) Protect the natural features and aesthetic character of the city by regulating the location, design and operation of wireless communication facilities, with special attention to residential neighborhoods, public parks, transportation view corridors, historic districts, historic landmarks, and environmentally sensitive lands;
- (3) Minimize the adverse visual and aesthetic impacts of wireless communication facilities through innovative design, siting and landscaping standards, including incentives to promote the use of camouflaged towers, stealth facilities, co-location of new antennas on existing communication towers and the placement of antennas on roofs, walls, existing towers and other existing structures;
- (4) Accommodate the growing demand for wireless communication services, consistent with the Federal Telecommunications Act of 1996, and ensuring an efficient and high-quality wireless communications network; and
- (5) Expedite the review process for those applications choosing the least intrusive alternative of deploying wireless telecommunication services.

(b) *Definitions.* When used in this section, the following terms shall have the following meaning:

Amateur radio towers. Structural facilities used to support amateur radio antennas as licensed and operated by federally licensed amateur radio station operators.

Antenna. Any exterior apparatus designed for sending and/or receiving intelligence without physical connection.

Broadcast. To transmit information without physical connections to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems or wireless data communications networks.

Camouflaged towers. Man-made trees, clock towers, bell steeples, flag poles, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Co-location. Locating wireless communications equipment from more than one provider on a single site.

Communication tower. A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Guyed tower. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Height. The vertical distance measured from the base of the tower or antenna support structure at grade to the highest point of the structure. If the tower or support structure is on a sloped grade, then the average between the highest and lowest grades within six-times the tower height shall be used in calculating the antenna height.

Lattice tower. A guyed or self-supporting three or four-sided, open, steel frame structure used to support communications equipment.

Microwave transmission tower. A structure operated for the specific purpose of transmitting microwave frequency bands communications not open to public correspondence, operated by and for the sole use of those licensees operating their own point-to-point radio communication facilities in the public safety, business, industrial, land transportation, marine or aviation service.

Monopole wireless tower. A communication tower consisting of a single pole, constructed without guy wires and ground anchors, used for the transmission of wireless communication.

Personal wireless services (PWS). Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as defined by Federal Regulations.

Personal wireless service (PWS) antenna. A device used for sending or receiving radio signals used by a personal wireless service provider (a company authorized by the FCC to operate a PWS system), including the support structure used to hold the antenna at a particular height. This does not include antennas as defined in subsections 30-98(n) a)(4) and 30-98(f) and (g), or other accessory personal use antennas as allowed by the City Code of Ordinances.

Retransmission tower. A structure operated for the specific purpose of retransmitting the signals of a radio broadcast station or another retransmission facility without significantly altering the characteristics of the incoming signal other than its frequency or amplitude.

Service provider(s). Any individual, company, firm or other entity that provides telecommunications service over telecommunications facilities.

Stealth facility. Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

System. The communications transmission system operated by a service provider in the municipality.

Telecommunications. The transmission of information of the user's choosing between or among points specified by the user.

Temporary wireless communication facility. Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Wireless communication facility. An all-encompassing definition including any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

(c) Applicability. The requirements of this section apply to all new, existing (to the extent stated herein), replacement, relocated, expanded and/or modified wireless communication facilities and broadcast towers. All property within the City shall be subject to the requirements of this section. It is the intent of the City to impose all regulations of this section to all land within the City, whether publicly or privately held, except as specifically provided. These regulations shall supersede all other code provisions concerning these facilities. Setback and separation distances shall be applied regardless of municipal and county jurisdictional boundaries.

(d) Camouflaged towers. Camouflaged towers shall be permitted in all zoning districts except for the single-family zoning districts (see Attachment A).

- (1) Height. The maximum height of camouflaged towers in a multiple-family, office or mixed-use district (see Attachment A) is 80 feet. The maximum height of camouflaged towers in all other non-residential districts is 110 feet, except that in industrial districts a camouflaged tower of 130 feet can be approved if the tower is not within 300 feet of residential, office or mixed-use land, as designated on the Future Land Use Map. The height requirement shall not apply if the camouflaged tower is incorporated into a steeple, clock tower or similar architectural feature; however, the incorporated antenna must not exceed the height limitations prescribed in the airport zoning ordinance. Camouflaged towers may be constructed in excess of the maximum heights listed above, provided a special use permit is issued in accordance with Article VII, Division 5 of this chapter.
- (2) Setbacks. Regardless of the zoning district in which a camouflaged tower is located, the tower shall be set back a distance of at least 250 feet from the nearest property lines of any single-family, multiple-family, office or mixed-use district.
- (3) Co-location. Any camouflaged tower in excess of 110 feet in height shall be designed to support the facilities of at least 3 providers, including the facilities of the applicant. Any camouflaged tower in excess of 70 feet in height but less than 110 feet in height shall be designed to support the facilities of at least 2 providers, including the facilities of the applicant.