

Chapter 4.7: Wireless Communication Facilities

Sections:

- 4.701 Purpose and Applicability
- 4.702 Procedures
- 4.703 Use and Development Regulations
- 4.704 Additional Development Regulations
- 4.705 Required Findings
- 4.706 Miscellaneous Provisions

4.701 Purposes and Applicability

The purposes and applicability of these regulations are as follows:

- A. To establish uniform standards and procedures to manage the development, siting, installation, and operation of *Wireless Communication Facilities* (WCFs) in compliance with the Federal Telecommunications Act of 1996.
- B. To ensure that WCFs are installed in a manner that will protect and promote public health and safety, preserve the City's character, and minimize adverse visual impacts through careful design, siting, landscape screening, and innovative camouflaging techniques.
- C. To ensure that telecommunication providers can deliver services quickly, effectively, and efficiently, while respecting neighborhood character.
- D. This Chapter shall apply to all new WCFs and the expansion and/or alteration of any existing WCF.
- E. This Chapter shall not apply to those uses set forth in Chapter 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

4.702 Procedures

- A. ***Wireless Communication Facilities, Other than Monopoles.*** In accordance with this Chapter and Chapter 5.4: Use Permits, an Administrative Use Permit may be approved for a WCF as specified in Tables 4.703.A: Single Family and Multi-Family Residential, and Downtown Mixed Use Zoning Districts, 4.703.B: Commercial and Office Zoning Districts, 4.703.C: Industrial Zoning Districts & Public Facilities and Institutional Zoning District.
- B. ***Wireless Communication Facilities, Alternative WCF Light Pole.*** In accordance with this Chapter and Chapter 5.4: Use Permits, an Administrative Use Permit may be approved for an Alternative WCF Light Pole as specified in Tables

4.703A: Single Family and Multi-Family Residential, and Downtown Mixed Use Zoning Districts, 4.703B: Commercial and Office Zoning Districts, 4.703.C: Industrial Zoning Districts & Public Facilities and Institutional Zoning District.

- C. ***Wireless Communication Facility Monopole.*** In accordance with this Chapter and Chapter 5.4: Use Permits, a Conditional Use Permit may be approved for a Wireless Communication Facility Monopole facility as specified in Tables 4.703B: Commercial and Office Zoning Districts, 4.703.C: Industrial Zoning Districts & Public Facilities and Institutional Zoning District.
- D. ***Application.*** An application for a new WCF, or expansion or alteration of any existing WCF shall be filed in accordance with the application procedures set forth in Section 5.2: Common Procedures. In addition to any other requirements specified, applications shall include the following:
1. ***Inventory.*** An inventory list and map of existing WCFs operated within 1 mile of the proposed site including specific information as to location, height, carriers, and design of each facility.
 2. ***Report on Alternatives.*** A statement explaining why the WCF is needed at the requested location. If the applicant is seeking to construct a new monopole, the applicant shall explain why co-location or location on another kind of support structure is not feasible, including efforts made to develop such an alternative. If the City has requested that the applicant co-locate its WCF on a site, the applicant shall explain why co-location is not feasible, including efforts made to develop such an alternative.
 3. ***Facility Plans:***
 - a. Dimensioned elevations of the proposed facility, including equipment cabinets and buildings, antennas and fences are required. Elevations shall identify the separation between the proposed WCF and any existing WCFs on the same support structure.
 - b. Proposed color and material palette.
 - c. A site plan illustrating the separation between the proposed WCF and any existing WCFs on the same site.
 - d. Method of screening for mechanical and electrical equipment.
 - e. Location and type of lighting fixtures proposed.
 - f. Plans for a new monopole demonstrating that the structure will accommodate at least 1 additional WCF.

4. *Photographic Simulation.* For new monopoles, a photographic simulation with a minimum of 4 views of the proposed facility from surrounding properties and streets shall be submitted. Specific locations for the photographic simulation shall be approved by the Planning and Zoning Officer before an application is accepted. A map shall be submitted indicating the locations used for the analysis and their distances from the proposed WCF.

4.703 Use and Development Regulations

- A. *Land Use Regulations.* The land use regulations for each base zoning district in Division 2: Land Use Designations, establish the districts in which Wireless Communication Facilities are permitted.
- B. *Regulations.* The permit type for each facility is established by letter designations as follows: "A" designates uses that require an Administrative Use Permit and "C" designates uses that require a Conditional Use Permit, pursuant to Chapter 5.4: Use Permits. Site development regulations are set forth in Tables 4.703A, 4.703B, and 4.703C. In addition, WCFs are subject to the development regulations set forth in Section 4.704: Additional Development Regulations.
- C. *Residential Zoning Districts.* WCFs are permitted in single family and multi-family residential zoning districts only on property owned by:
 1. A school district, if the primary use of such property is for education;
 2. A *Religious Assembly* use, if the primary use of such property is for worship, education or assembly.

WCF Type	Maximum Height	Minimum Setbacks	Use Permit Required
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element – Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Building Element	Height of building	--	A

- D. *Commercial and Office Zoning Districts.* WCFs are permitted in commercial and office zoning districts, subject to the following regulations:

Table 4.703B: WCF Site Development Regulations – Commercial and Office Zoning Districts (% = Percent of installation height)			
WCFType	Maximum Height	Minimum Setbacks (Greater of)	Use Permit Required
Monopole			
Single Carrier	90	75' or 110%	C
Two Carriers	120	75' or 110%	C
Three Carriers	150	75' or 110%	C
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element – Electric Utility Pole	15' above height of pole	--	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	45'	75'	C

E. Industrial and Public Facilities & Institutional Zoning Districts. WCFs are permitted in Industrial and Public Facilities & Institutional zoning districts, subject to the following regulations:

Table 4.703C: WCF Site Development Regulations – Industrial and Public Facilities & Institutional Zoning Districts (% = Percent of installation height)			
WCFType	Maximum Height	Minimum Setbacks (Greater of)	Use Permit Required
Monopole			
Single Carrier	90'	75' or 110%	C
Two Carriers	120'	75' or 110%	C
Three Carriers	150'	75' or 110%	C
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element – Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole	50'	75' or 110%	A
Religious Assembly	40'	110%	A
Schools			
Elementary	--	--	--
Middle	40'	110%	A
High	40'	110%	A
Public Park	40'	110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	50'	75'	A
Building Mounted WCF	25' above the highest point of the building	--	A

4.704 Additional Development Regulations

A. *Setbacks*

1. *Measurement.* Setbacks shall be measured from the boundary of the entire property prior to the WCF application even though the WCF may be sited on one or more smaller individual parcels within a larger lot or parcel.
2. *Residential Setbacks.* No monopole shall be located within 500 feet of a property designated for residential use in the Comprehensive Plan or zoned for residential use. Notwithstanding any setback requirements, Monopoles, Alternative WCF Light Poles and Alternative WCF Structures shall be set back to the maximum extent feasible from property designated for residential use in the Comprehensive Plan or zoned for residential use.
3. *Equipment Cabinets and Buildings.* WCF equipment cabinets and buildings shall comply with the required building setbacks of the base zoning district in which the WCF is located, except as provided for in Section 4.704.A.5.c.
4. *Setback Exemptions.* The following items are exempt from WCF setback requirements:
 - a. WCF antennas mounted on an existing vertical element.
 - b. WCF antennas incorporated as a building design element.
 - c. Equipment cabinets or buildings located on a utility site.

B. *Height Measurement.* Unless otherwise set forth in this Chapter, height of WCFs shall be measured from finished grade to highest point of the structure, including antenna and attachments.

C. *Support Structures*

1. *Alternative WCF Building Element.* Only non-residential buildings shall be used as support structures for a WCF.
2. *Monopole.* Any new Monopole shall be constructed to allow for co-location of at least 1 other similar wireless communication antenna. If constructed to less than the maximum height permitted, the Monopole shall have the capability of having an additional vertical section added.
3. *Alternative WCF Light Pole.* When an Alternative WCF Light Pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.
4. *Existing Vertical Element, Recreational Field Light Pole.* When a Recreational Field Light Pole replaces one of a group of light poles, its

dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.

5. *Nonconforming Support Structures.* No alteration to a non-conforming support structure shall be made unless required or permitted by law, unless the alteration will result in reduction or elimination of the nonconformity.

D. *Aesthetics*

1. WCFs mounted on existing vertical elements shall be the smallest antenna and array size feasible, and shall be painted to match the surface color of the element.
2. WCF poles, antennas and appurtenances shall have a non-reflective finish.

E. *Equipment Cabinets and Buildings*

1. *Screening*
 - a. *Equipment Cabinets and Associated Equipment.* Equipment cabinets and associated equipment, including air conditioning units and emergency generators, shall be located within the building or structure upon which antennas are placed, or shall be fully screened from view by a decorative solid fence or a wall equal to or exceeding the height of the cabinets. Gates shall be solid. The exterior of the building, structure or fence shall be landscaped.
 - b. *Equipment Buildings.* Equipment buildings shall be screened from view by an 8 foot decorative solid fence. The exterior of the building shall be landscaped.
 - c. *Waiver or Modification of Screening Requirement.* If the Planning and Zoning Officer determines that any of the above screening requirements have been met, the screening requirements may be waived or modified.
2. *Height*
 - a. Equipment cabinets shall not exceed 8 feet in height.
 - b. Equipment buildings shall not exceed 15 feet in height.
3. *Area.* An equipment cabinet or building may contain an area of up to 300 square feet for a single provider or 600 square feet for multiple providers.

F. ***Fencing and Walls***

1. ***Design.*** Fencing and walls shall be architecturally compatible with buildings or fencing on the property or adjacent properties.
2. ***Height.*** Fencing and walls shall not exceed a maximum of 8 feet in height.
3. ***Prohibitions.*** The use of chain link, woven wire, and similar fence material is prohibited, except at temporary construction sites.

G. ***Lighting.*** Illumination of a WCF, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes.

H. ***Co-Location.*** The operator of any WCF shall permit co-location of at least one additional WCF on the same support structure or site. Applicants and operators shall share technical information to enable evaluation of the feasibility of co-location. Permit requirements may include permission for an additional operator to install, at their cost, an additional support structure to accommodate co-location. Failure to comply with co-location requirements when feasible as provided for in this Chapter is grounds for denial of a use permit application.

I. ***Maintenance of Legal WCFs.*** Maintenance of legal and conforming WCFs shall not require amendment of a use permit. WCF maintenance is the realignment of antennas, replacement, or repair of a part or portion of a WCF required by ordinary wear, tear, or damage, with like material, size, color, and design. Maintenance of legal and conforming WCFs does not include changing the location, number, color, size, or design of the WCF and its components.

4.705 Required Findings

In addition to the findings required in Section 5.403: Required Findings, the Plan Commission or the Planning and Zoning Officer, in the case of Administrative Use Permits, shall approve, approve with modifications and/or conditions, or deny a use permit after making the additional findings of fact set forth in this section:

- A. The proposed WCF conforms with the requirements of this Chapter;
- B. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element; and
- C. The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, and/or constructing it with colors and materials that de-emphasize its visibility.

4.706 Miscellaneous Provisions

- A. ***Independent Technical Study.*** Should the Planning and Zoning Officer require additional technical information that cannot be obtained from the applicant, the City may require the applicant to pay the cost of an independent technical study.

- B. ***Revocation.*** Failure to comply with co-location requirements as provided for in this Chapter is grounds for revocation of an existing Use Permit pursuant to Section 5.404C: Revocation.