

PART II - SUPPLEMENTAL REGULATIONS FOR PARTICULAR USES

9-201: PERSONAL WIRELESS SERVICES

- A. Authorization. Subject to the limitations of this Section 9-201, all uses and structures are subject to the following standards, regulations, and requirements at all times in those zoning districts in which they are permitted or special permit uses.
- B. Location. Personal wireless services antennas shall be located on lawfully pre-existing antenna support structures or other lawfully pre-existing buildings or structures wherever possible. No special use permits authorizing construction of a new antenna support structure or addition to or expansion of an existing antenna support structure or existing building or structure shall be authorized unless the applicant is able to demonstrate that no lawfully pre-existing antenna support structure or lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services.
- C. Design of New Antenna Support Structures for Co-Location. Unless otherwise authorized by the City Council for good cause shown every new personal wireless services antenna support structure of a tower design shall be designed, constructed and installed to be of a sufficient size and capacity to allow the location of additional personal wireless services antennas to accommodate at least one additional personal wireless service provider on such structure in the future. Any special permit for such a support structure may be conditioned upon the agreement of the applicant to allow co-location of other personal wireless service providers on commercially reasonable terms specified in such special permit.
- D. Tower Design. Every new personal wireless services antenna support structure that is of a tower design shall:
1. Be a monopole rather than latticework, unless otherwise authorized by the City Council for good cause shown;
 2. Not be illuminated or have any signs installed thereon unless otherwise required by federal law or regulations; and
 3. Be separated from any principal building by a distance that is not less than 110 percent of the height of the tower. For the purposes of this requirement, this distance shall be measured horizontally from the center of the base of the supporting structure of the tower to the point where the ground meets a vertical wall of such principal building.
- Any deck on such a tower shall be centered on the tower and the radius from the center of the tower to the outside of the deck shall not exceed six feet. Each side of the deck shall not exceed six feet vertically.
- E. Antennas on Buildings. Antennas that are installed are to conform with one of the following:

1. Such antennas shall be located only on a lawfully pre-existing building and shall not exceed the following dimensions:
 - (a) Omni-directional or whip antennas shall not exceed six (6) inches in diameter and twelve (12) feet vertically; and
 - (b) Directional or panel antennas shall not exceed three (3) feet horizontally and six (6) feet vertically;

or

2. Such antennas and any necessary antenna support structure are fully enclosed or shielded from view from any point located off the zoning lot on which they are located by a structure otherwise permitted on the zoning lot and all electronic equipment is fully enclosed in a structure otherwise permitted on the zoning lot.

All such antennas shall not exceed the maximum height authorized by applicable zoning district regulations, and shall not extend above the highest point of the building or structure to which they are attached or more than two (2) feet from the exterior of any wall or roof of the building to which they are attached. In no event shall a total or more than six (6) antennas of the types and sizes described in Paragraph 1 of this Subsection be located on any building in the C-3 District.

- F. Color. Every personal wireless services antenna and antenna support structure shall be neutral colors that are harmonious with, and that blend with, the natural features, buildings and structures surrounding such antenna and antenna support structures; provided, however, that directional or panel antennas and omnidirectional or whip antennas located on the exterior of a building that will also serve as an antenna support structure shall be of colors that match, and cause the antenna to blend with, the exterior of the building.

- G. Landscaping and Fencing. In addition to any other applicable requirements of Section 9-107 of this Code, all ground-mounted antennas, antenna support structures, related electronic equipment and equipment enclosures shall be subject to the following:

1. In order to minimize the visibility of such facilities, a natural screen or fence shall be erected if not already provided, so as to provide the maximum reasonable achievable screening as determined by the Community Development Director.
2. Any natural screen shall be a minimum of six (6) feet in height when planted, with dense plantings spaced no more than two (2) feet apart.
3. Any fence shall be a minimum of four feet in height, except where fence height is otherwise limited by Section 9-107 of this Code, and shall be of a style of construction that provides a visual shield of the facilities.

- H. Protection Against Climbing. Every personal wireless services antenna and antenna support structure shall be protected against unauthorized climbing or other access by the public.

- I. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, such structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure. Any free-standing structure that is not attached to or within an existing building or located completely below grade shall not exceed a maximum height of fifteen (15) feet.
- J. Licenses and Permits. The operator of every personal wireless services antenna shall maintain all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna. In addition, any such operator shall provide copies of such licenses and permits and provide evidence of renewal or extension thereof, when requested by the Community Development Director.
- K. Compliance with Plans. Every personal wireless services antenna and antenna support structure shall comply with all plans approved by the City.
- L. Limited to Applicant. Every ordinance granting approval of a special permit for a personal wireless services antenna or antenna support structure shall state that any assignment or transfer of the special permit or any of the rights thereunder may be made only with the approval of the City Council.
- M. Term Limitation. Every ordinance granting approval of a special permit for a personal wireless services antenna or antenna support structure may provide that:
 - 1. where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special permit is limited to the term of the lease or other agreement granting rights to use the land; and
 - 2. the special permit shall be subject to review by the City Council, at ten year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the special permit at the time of its approval has been eliminated or modified, and whether the special permit should be modified or terminated as a result of any such change.

Abandonment and Removal. When one or more antennas, an antenna support structure, or related equipment are not operated for the provision of personal wireless services for a continuous period of twelve (12) months or more, such antenna, antenna support structure, or related equipment may be deemed to be abandoned by the City. The owner of such an antenna, antenna support structure, or related equipment shall remove such items within ninety (90) days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt required, by the City to such owner at the last known address of such owner. If two or more providers of personal wireless services use the antenna support structure or related equipment to provide personal wireless services, then the period of non-use under this provision shall be measured from the cessation of operation at the location of such antenna support structure or related equipment by all such providers.