

CHAPTER 23: TELECOMMUNICATIONS FACILITIES

Article

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CHAPTER 23: TELECOMMUNICATIONS FACILITIES

ARTICLE 1: TELECOMMUNICATIONS FACILITIES

§ 23-1 PURPOSE.

The purpose of these regulations for telecommunications facilities are:

- (A) To facilitate the provision of telecommunications services throughout the city;
- (B) To enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;
- (C) To encourage the location of towers in nonresidential zoned districts;
- (D) To minimize the total number of towers in the community;
- (E) To encourage the joint use of new and existing tower locations;
- (F) To ensure that towers are located in areas that minimize adverse impacts;
- (G) To ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting and landscape screening;

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(H) To encourage the attachment of antennas on existing structures;

(I) To consider public health and safety effects of telecommunications facilities;

(J) To avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures; and

(K) To protect residential areas and lands by minimizing adverse impacts of towers.
(Ord. 3071, passed 10-17-00)

§ 23-2 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY SUPPORT FACILITIES. Support buildings, structures and equipment cabinets, telecommunications facilities containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

ALTERNATIVE TOWER STRUCTURE. Clock towers, bell steeples, building structures or building equipment normally maintained above the roof line of a structure, light poles and similar alternative design mounting structures. An **ALTERNATIVE TOWER STRUCTURE** must be compatible with the natural setting and surrounding structures, must camouflage or conceal the presence of antennas and/or towers and be a minimum of 30 feet in height. This term also includes any antenna or antenna array attached to the alternative tower structure.

ANTENNA. Any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies excluding radar signals, wireless telecommunications signals or other communication signals.

BACKHAUL NETWORK. The lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices and/or long distance providers, or the public switched telephone network.

CO-LOCATION. The use of a single mount or tower on the ground by more than one carrier or several antennas on an existing building or structure by more than one carrier.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

FALL ZONE. The area of ground within a prescribed radius from the base of a telecommunications tower and antenna. The **FALL ZONE** is the area within which there is a potential hazard of falling debris or collapsing material.

TELECOMMUNICATIONS FACILITIES. The plant, equipment and property, including but not limited to cables, wires, conduits, ducts, pedestals, antennae, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

TELECOMMUNICATIONS SERVICE. The providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefits or any closed transmission medium.

TOWER. Any structure 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 and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

TOWER HEIGHT. When referring to a tower or other alternative tower structure, the distance measured from the lowest point within ten feet of the structure to the highest point on the tower or other alternative tower structure, including the base pad and any antenna.
(Ord. 3071, passed 10-17-00)

§ 23-3 PERMIT REQUIRED.

Telecommunications facilities shall be regulated and permitted pursuant to this chapter and the zoning ordinance.

(A) A telecommunications facility shall obtain a building permit as a condition for the siting, construction or operation of the telecommunications facility.

(B) These regulations shall apply to all towers and antennas as defined, except:

(1) Any tower or antenna not more than 70 feet in height, owned and operated by a federally licensed amateur radio station operator if it is used exclusively as a receive only facility;

(2) Any antenna co-located on an existing telecommunications facility, except as expressly provided in this chapter; and/or

(3) A telecommunications facility located or co-located on property which is owned by the city and designated by the city as a site suitable for location of a telecommunications facility.

(C) Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief or penalty provided by law, the city may apply to district court for an injunction to prohibit the continuation of any violation of this chapter.
(Ord. 3071, passed 10-17-00)

§ 23-4 CO-LOCATION REQUIREMENTS.

(A) All applicants for a telecommunications facility permit shall co-locate on an existing facility if it is feasible to do so. An existing facility shall be deemed to be available to the applicant for co-location if the facility is within the search ring of the applicant or within a reasonable distance so as to fit into the applicant's design. Space is available on the facility. The facility owner will lease space to applicant at a reasonable market rate.

(1) If the applicant finds co-location is not feasible, it shall submit to the city a written statement of the reasons for the infeasibility. The city may retain a technical expert in the field of radio frequency (RF) engineering to determine whether co-location at the site is feasible. The cost for a technical expert will be at the expense of the applicant.

(2) The city may deny the permit unless the applicant demonstrates to the city by substantial evidence that existing telecommunications facilities cannot accommodate the applicant's proposed antenna.

(B) A telecommunications tower shall not be permitted unless the owner of the proposed tower certifies to the city that the tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis. Towers shall be designed and built to accommodate a minimum of three telecommunications facilities.

(C) To facilitate co-location and coordination of telecommunication sites all telecommunication service providers shall, within 90 days of the passage of this chapter, provide the city with their respective master antenna plans. The plans shall include detailed maps showing the locations of all telecommunications towers serving any portion of the city and indicating their coverage areas.

(D) Providers shall also provide the city with any updates to the above documents within 90 days of their creation.
(Ord. 3071, passed 10-17-00)

§ 23-5 STANDARDS.

(A) The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

(B) At the telecommunications facility, the design of the buildings and related structures used in conjunction with telecommunications facilities shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the telecommunications facilities to the natural setting and the built environment.

(C) Guy wires must be anchored no closer than 25 feet from any property line. Guy wires shall not cross or encroach any overhead telephone or electric power lines.

(D) The height of a single antenna tower shall not exceed 150 feet. The height of a tower with two or more antennas shall not exceed 195 feet. Maximum height shall be measured from ground at base to highest point on tower and antenna. A conditional use permit will be required for any structure that exceeds 195 feet.

(E) Applicants will be required to demonstrate that the planned telecommunications facility will not cause radio frequency interference with other equipment. The interference is prohibited.

(F) All telecommunication facilities must have a five-foot buffer of landscaping outside the perimeter of the fenced facilities.

(G) The base of the tower and any accessory support facilities such as anchored locations of guy wires shall be screened from view with a solid fence, which shall be a minimum of six feet in height.

(H) Illumination of a tower is prohibited except as required by the FAA. Strobes shall not be used for night time lighting. Any required lighting shall be directed upward and away from adjoining properties. In addition, the ground level security lighting shall not be more than 20 feet in height and shall be focused to avoid conflict with vehicle operators in a public right-of-way.

(I) The applicant will be required to provide ingress/egress only from approved access points and a minimum of one off-street parking space per provider.

(J) All wireless telecommunications towers and their equipment shelters shall comply with the building setback provisions of the zoning district in which it is located. In addition, the following requirements shall be observed:

(1) In order to insure public safety, the minimum distance from the base of any ground-mounted wireless telecommunications service facility to any property line, road, habitable dwelling, business or institutional use or public recreation area shall be the height of the tower and any antenna mounted on it. This setback is considered a "fall zone."

(2) In the event that an existing structure is proposed for mounting an antenna, a fall zone shall not be required, but the setbacks of the zoning district shall apply. In the case of pre-existing, nonconforming structures, wireless telecommunications service facilities and their equipment shelters shall not increase any nonconformities.

(K) Signs on telecommunication towers shall only display the name, registration and emergency contact number of the tower owner with the exception of signs required by FCC regulations or signs containing warning or safety instructions. Signs are limited to four square feet in size and advertising is expressly prohibited.

(L) No tower shall be closer than 500 feet from another tower. Any new telecommunications tower in excess of 180 in height must be located a minimum of one mile from any existing tower in excess of 180 feet in height.

(M) Support facilities can be no more than 350 square feet of gross floor area nor more than 12 feet in height per user. Minimum setback requirements of the zoning district apply to the accessory support facilities.

(Ord. 3071, passed 10-17-00)

§ 23-6 ALTERNATIVE STRUCTURES.

Telecommunications facilities may be permitted on an alternative tower structure at least 30 feet tall under the following conditions, which shall be in addition to the requirements of §§ 23-5 and 23-7.

(A) The facility and its accessory support facilities comply with all zoning requirements applicable to the alternate structure and the provisions of § 23-5;

(B) If the facility or an accessory support facility is located upon the roof of a structure, each facility shall be set back a distance from the roof edge at least equal to the height of the telecommunications facility unless the facilities are screened or camouflaged in a manner that is compatible with the surrounding property; (The top of the antenna or other facility shall not be more than 30% of the height of the alternate structure or 75 feet whichever is less.)

(C) The alternative structure must be similar in color, scale and character to adjoining buildings or structures or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment; and

(D) Prior to the installation of any building/roof mounted telecommunications facility, the applicant shall furnish to the city a structural engineer's certification that the building structure will support and not be adversely affected by the proposed antenna and accessory support facility or equipment.

(Ord. 3071, passed 10-17-00)

§ 23-7 SPECIFIC ERECTION AND OPERATION STANDARDS.

(A) All telecommunications facilities shall be erected and operated in compliance with current Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state and local standards.

(B) The tower owner is required to provide documentation that the power density levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever provides the stricter requirements.

(C) An applicant must provide a copy of its FCC license or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower.

(D) Telecommunication facilities shall not be permitted in any wetland, floodplain or wilderness or wildlife area and disturbance to wetland buffer areas shall be minimized. A telecommunication facility shall not be permitted in any area where it would threaten endangered species or critical habitats. Telecommunication facilities shall not be permitted where they would significantly change surface area, contribute significantly to deforestation or create significant water diversions. Stormwater runoff shall be contained on-site at all telecommunication facilities. Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 db at the property line. Roof-mounted or side-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 db at ground level at the base of the building closest to the antenna.

(E) Telecommunications tower structures must conform to the most current revision of EIA 222 standards. Guyed telecommunications towers shall be designed and located such that, if the structure should fall, it will avoid habitable structures and public ways. The applicant must supply a structural engineer's certification of the structural integrity of the tower and associated equipment. If more than one user is involved, the applicant shall supply certification that the tower has sufficient integrity to accommodate more than one user.

(F) Telecommunications facilities shall be designed and engineered to withstand wind loadings and other design standards, as defined by BOCA and ANSI, for the county.
(Ord. 3071, passed 10-17-00)

§ 23-8 PERMIT CONDITIONS.

(A) No owner or occupant of property within the city shall permit, leave or cause to be left on the property any telecommunications facility which has been abandoned or discontinued for use. The provider shall remove its facility within 90 days of the date that it discontinues its use of the facility. If the provider fails to remove the facility within the required time, the facility shall be deemed to be abandoned. The city shall have authority to enter the premises and remove the abandoned facilities. All costs of removal shall be collected from the provider in the manner provided for summary abatement of nuisance. This requirement shall apply to co-located facilities unless the co-location agreement provides for the removal of abandoned facilities by the tower operator.

(B) Defective or unsafe antennas, telecommunication towers or telecommunication facilities are to be repaired or removed within 90 days at the owner or operator's expense. If the facilities are not operated for a continuous period of 24 months they shall be considered abandoned and must be removed within 90 days. If not removed, the city may remove at the expense of the owner or operator.

(C) Any telecommunications towers or telecommunications facilities existing at the time of the adoption of this chapter and not conforming to its provisions shall be considered legal and nonconforming. These facilities shall be permitted to remain provided that they are not:

(1) Expanded or increased in height;

(2) Restored after damage or destruction, by any means, exceeding 50% of the estimated replacement value; and

(3) A hazard to safety, health or welfare.

(Ord. 3071, passed 10-17-00)

§ 23-9 APPROVAL PROCESS.

(A) (1) Except for a proposed telecommunications facility which will co-locate on an existing tower, the applicant for a telecommunications facility permit shall notify all property owners within 300 of the outer boundary of the property proposed for location of the facility. The notice shall describe the boundaries of the property included in the application, explain the character and dimensions of the proposed telecommunications facility and give an address for the property owners to submit written comments to the applicant.

(2) The notice shall include a drawing or other representation of the visual aspect of the proposed facility. The notice shall also contain the date, which shall be not less than 15 days after the mailing date set for consideration of the application by the Community Development and Planning Department.

(B) The permit process will be administered by the Community Development and Planning Department.

(C) Applicant shall pay a fee as set in the fee schedule at the end of this code of ordinances. The permit fee is nonrefundable even if the permit is denied.

(D) The applicant must submit to the office of the Community Development and Planning Department along with his or her application, an inventory and contour map of existing facilities that are within the city and at least five miles from the city limits, including specific information about the location, height, coverage, capacity and design of each telecommunications facility, telecommunication tower and antenna.

(E) The Community Development and Planning Department will develop, update and maintain an inventory of towers and antennas.

(Ord. 3071, passed 10-17-00)

§ 23-10 ZONING REQUIREMENTS.

Applicants for telecommunication facilities must verify zoning compliance in accordance with the zoning chapter, as amended. Conditional use permit approvals may be necessary to gain compliance.

(Ord. 3071, passed 10-17-00)

