

CHAPTER 2 Wireless Communication Towers and Antennas

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10-2-1: **PURPOSE.** The purpose of this Chapter is to establish requirements for the siting of wireless communications towers and antennas within the City. In particular, the purposes of this Chapter are to:

- (A) Protect residential areas and land uses from adverse impacts of Wireless Communication towers and antennas.
- (B) Discourage the location of Wireless Communication towers in or near residential areas.
- (C) Minimize the total number of Wireless Communication towers throughout the City.
- (D) Strongly encourage the joint use of new and existing Wireless Communication tower sites, rather than constructing single-use Wireless Communication towers
- (E) Encourage the location of Wireless Communication towers and antennas, to the maximum extent possible, in areas where the adverse impact on the City residents is minimal.
- (F) Encourage the configuration of Wireless Communication towers and antennas in a way that minimizes adverse visual impact of the Wireless Communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.

- (G) Enhance the ability of the providers of telecommunications services to provide such services to the City quickly, effectively, and efficiently.
- (H) Protect the public health and safety by encouraging proper design and construction of Wireless Communication towers.
- (I) Avoid potential damage to adjacent properties from Wireless Communication tower failure through engineering and careful siting of Wireless Communication tower structures.

(Ord. 191-03-15, 2/17/15).

10-2-2: **DEFINITIONS.** As used in this Chapter, the following terms shall have the meanings set forth below:

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| ALTERNATIVE TOWER STRUCTURES: | Man-made trees, clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of wireless communication towers or antennas. |
| ANTENNA: | Any exterior transmitting or receiving device 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. |
| BACK-HAUL NETWORK: | The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network. |
| CONCEALED ANTENNAS: | Antennas placed and concealed within existing structures. |
| FAA: | The Federal Aviation Administration. |
| FCC: | The Federal Communications Commission. |
| GUYED TOWER: | A support structure of metal crossed strips or bars steadied by wires in a radial pattern around the tower structure. |

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| HEIGHT: | When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna. |
| LATTICE TOWER: | A support structure consisting of metal crossed strips or bars supporting antennas and related equipment, without supporting guy wires. |
| MICROCELL NETWORK: | Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. |
| MONOPOLE: | A structure composed of a single spire. |
| OWNER: | The person who owns or operates an antenna or tower, including the person or entity which owns the property upon which an antenna or tower is located. |
| PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS: | Any tower or antenna for which a building permit has been properly issued prior to the effective date of this Chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired. |
| REPLACEMENT OF LIGHT STANDARDS AND SIMILAR STRUCTURES: | Antennas attached to a light standard or flagpole on a commercial or institutional use, provided the height of the standard is not increased, the height of the antenna does not exceed the height of the standard replaced, and the equipment shelter can meet the location requirements of this Chapter. |
| WIRELESS COMMUNICATION TOWER OR TOWER: | Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for television, telephone, radio and similar voice, video or data transmission purposes, |

including self-supporting lattice towers, guyed towers, or monopole towers. The term includes microwave towers, common-carrier towers, cellular telephone towers and alternative tower structures. The term also includes any supporting guy wires or structures, as well as building used to house equipment and facilities used to operate or provide power to such antennas.

ZONING
ADMINISTRATOR:

A person appointed by the Council to administer the provisions of this Chapter. Such person may be an employee or officer of the City, including the Mayor or members of the Council or a private person. In the absence of such appointment, any reference to the “Zoning Administrator” shall be deemed to refer to the Mayor.

(Ord. 191-03-15, 2/17/15).

10-2-3: **APPLICABILITY.**

- (A) **Wireless Communication Towers and Antennas.** All Wireless Communication towers or antennas in the City shall be subject to the provisions of this Chapter, except as provided in section (B) below.
- (B) **Exceptions.**
 - (1) **Amateur Radio Station Operators/Receive Only Antennas.** This Chapter shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a “receive-only” antenna.
 - (2) **Pre-existing Towers or Antennas.** Pre-existing Wireless Communication towers and antennas shall not be required to meet the requirements of this Chapter, other than the requirements of Section 10-2-4(F) and (G).
 - (3) **Radio and TV Towers and Antennas.** Towers and antennas when constructed as accessory uses for radio and television stations, as permitted under Section 11-7-3 (Industrial Zone) of the Iona Zoning Ordinance, shall not be required to meet the requirements of this Chapter unless modified for collocation as specified in subsection 10-2-5(D).

(Ord. 191-03-15, 2/17/15).

10-2-4: **GENERAL REQUIREMENTS.**

- (A) **Principal or Accessory Use.** Wireless Communication towers and antennas may be considered either as principal or accessory uses. The existence of an existing structure on the same lot shall not preclude the installation of another antenna or tower on such lot.
- (B) **Inventory of Existing Sites.** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the City or within one mile of the borders thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for approvals under this Chapter or other organizations seeking to locate antennas within the City, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for collocation.
- (C) **Aesthetics.** Wireless Communication Towers and antennas shall meet the following requirements:
 - (1) Towers shall have a galvanized steel finish or, subject to any applicable standards of the FAA, shall be painted a neutral color so as to reduce visual obtrusiveness, unless the tower is a laminated monopole.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the natural setting and be compatible with surrounding buildings.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (D) **Lighting.** Wireless Communication Towers shall not be artificially lighted, unless required by the FAA or other applicable regulatory authority. If lighting is required, such lighting must employ the alternative which will cause the least possible disturbance to the surrounding views, as between all alternatives that comply with FAA regulations.
- (E) **State or Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate Wireless Communication Towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance

with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (F) **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure it is maintained in compliance with standards contained in the International Building Code and the National Electric Code, as amended and adopted by the City from time to time.
- (G) **Measurement.** For the purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.
- (H) **AM Array.** For purposes of implementing this Chapter, an AM array, consisting of one or more tower units and a supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- (I) **Towers Not Considered as Essential Services.** Wireless Communication Towers and antennas shall be regulated and permitted pursuant to this Chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (J) **Signs.** Advertising signs shall not be attached to or supported by an antenna or Wireless Communication Tower.
- (K) **Buildings and Support Equipment.** Buildings and support equipment associated with antennas or towers shall comply with the setback requirements of the applicable zone unless the provisions of this Chapter are more restrictive.

(Ord. 191-03-15, 2/17/15).

10-2-5: **PERMITTED USES—T-1 AND T-2 ZONES.**

- (A) **General.** Antennas or towers, including appurtenant additional buildings or other supporting equipment used in connection with said tower and antenna, are permitted uses in the T-1 and T-2 overlay zones.
- (B) **T-1 Overlay Zone.** The purpose of the T-1 Overlay Zone is to permit towers of limited height on publicly-owned property or commercial areas near County roads and existing towers. The height of the towers is limited due to the close proximity of residential structures.
 - (1) **Design Requirements.** Antennas or towers, including the placement of additional buildings or other supporting equipment used in connection with said tower and antenna, shall meet the following requirements:

- (a) The height shall not exceed ninety (90) feet.
 - (b) The tower shall be constructed to permit another carrier to co-locate on the same tower without significant structural modification to the tower.
 - (c) The distance between the base of the tower and the property line of the nearest residence shall not be less than the height of the tower.
 - (d) Towers shall meet the separation distances in Tables 1 and 2, Section 10-2-7.
 - (e) Towers and accessory buildings shall meet the setback requirements of the underlying zone.
 - (f) Noise levels above 45dB, as measured from the nearest property line on which the tower is located, are not permitted.
- (C) **T-2 Overlay Zone.** The purpose of the T-2 Overlay Zone is to permit towers and appurtenant buildings and equipment on commercially or industrially zoned properties near county roads. These zones are buffered from residential areas by natural or man-made features such as rivers, railroads or natural geographical or topological features.
- (1) **Design Requirements.** Antennas or towers, including the placement of additional buildings or other supporting equipment used in connection with said tower and antenna, shall meet the following requirements:
- (a) The height of the tower or antenna shall be no greater than the following:
 - (i) For a single user, up to ninety (90) feet.
 - (ii) For two users, up to one hundred twenty (120) feet; and
 - (iii) For three or more users, up to one hundred (150) feet.
 - (b) **Setbacks.**
 - (i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any public street.
 - (ii) Guys and accessory buildings shall meet the setback requirements of the underlying zone.
 - (c) **Separation.** Towers shall meet the separation requirements of Tables 1 and 2, Section 10-2-7.
 - (d) **Noise levels.** No equipment shelter shall produce noise levels separate or accumulative above 45dB as measured from the nearest property line of the closest residence.

(D) **Existing Structures.** Antennas may be installed after the effective date of this Chapter on existing structures or existing towers as permitted uses in the T-1 and T-2 zones, provided they comply with the terms of subsections (1) and (2) below.

(1) **Antennas on Existing Structures.** Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional building or use or upon a multi-family structure of eight or more dwelling units, provided:

- (a) The antenna does not extend more than thirty (30) feet above the highest point of the structure;
- (b) The antenna complies with all applicable FCC and FAA regulations; and
- (c) The antenna complies with the International Building Code and National Electric Code as amended and adopted by the City from time to time.

(2) **Antennas on or in Conjunction with Existing Towers.** An antenna which is to be attached to an existing tower may be approved by the Zoning Administrator, provided such collocation is accomplished in a manner consistent with the following:

- (a) In order to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers.
- (b) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
- (c) **Height Restrictions.**
 - (i) An existing tower other than one in a T-1 zone may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, in order to accommodate the collocation of an additional antenna. The height change referred to in this subsection may only occur one time per tower.
 - (ii) The additional height referred to in this subsection shall not require an additional distance separation as set forth in Table 1 or 2 of Section 10-2-7 of this Chapter. The tower's pre-modification height shall be used to calculate such distance separations.
- (d) **Relocation of Existing Tower.**

- (i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within fifty (50) feet of its existing location.
- (ii) After the tower is rebuilt to accommodate collocation, the old tower must be removed.
- (iii) A relocated on-site tower shall be measured from the original tower location for purposes of calculating separation distances between towers pursuant Table 2. The relocation of a tower hereunder shall not be deemed as a violation of Table 2.
- (iv) The on-site relocation of a tower shall not come within the separation distances to residential units or residentially zoned lands as established in Table 1.

(Ord. 191-03-15, 2/17/15).

10-2-6: **APPLICATION.** The application for a permitted tower or antenna shall contain at the minimum the following information:

- (A) Applicant's name, address, and telephone number.
- (B) Name, phone number and principle place of business of the carrier.
- (C) A scaled site plan, construction plans and engineering calculations, elevations, and other data as required by the Zoning Administrator.
- (D) Lighting plans, if any.
- (E) A statement as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (F) The distance separating the proposed tower from other towers on the same site.
- (G) An inventory of existing sites of the carrier within the City in accordance with Section 10-2-4(C) of this Chapter.
- (H) Written proof that all applicable requirements of the FCC and FAA have been satisfied. If such documentation is older than one (1) year, new documentation shall be submitted.
- (I) Certification by a professional engineer licensed in the State of Idaho that the proposed installation complies with the requirements of the International Building Code.
- (J) Color photo simulations showing the proposed tower as it will appear:
 - (1) From the nearest public street.
 - (2) From the nearest residential property.

(K) A description of compliance with 10-2-4(D), (E), (J) and (K).
 (Ord. 191-03-15, 2/17/15).

10-2-7: **SEPARATION.** The following minimum separation requirements shall apply to all towers in the T-1 and T-2 Overlay Zones:

(A) **Separation from Off-site Uses/designated Areas.** Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or boundary line of designated areas as specified in Table 1. Towers shall comply with the minimum separation distances established in Table 1 below.

TABLE 1

| Off-Site Use/Designated Area | Separation Distance |
|--|--|
| Residential zones or land shown as residential on the City Zoning Map or Comprehensive Plan | 200 feet or 300% height of tower, whichever is greater |
| Agricultural, commercial or industrial zones or land shown as agricultural, commercial/industrial on the City Zoning Map or Comprehensive Plan | Setback as required for main buildings by applicable zone. |

(B) **Separation Distances Between Towers.** The minimum separation distances (listed in lineal feet) shall be as shown in Table 2. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower.

TABLE 2

| | Lattice | Guyed | Monopole 70 feet in Height or greater | Monopole less than 70 feet in Height |
|---------|------------|------------|--|---|
| Lattice | 2,000 feet | 2,000 feet | 1,000 feet | 500 feet |
| Guyed | 2,000 feet | 2,000 feet | 1,000 feet | 500 feet |

| | | | | |
|--|------------|------------|------------|----------|
| Monopole 70 feet in Height or greater | 1,000 feet | 1,000 feet | 1,000 feet | 500 feet |
| Monopole less than 70 feet in Height | 500 feet | 500 feet | 500 feet | 500 feet |

(Ord. 191-03-15, 2/17/25).

10-2-8: BUILDINGS OR OTHER EQUIPMENT STORAGE.

- (A) **Antennas Mounted on Structures or Roof Tops.** The equipment cabinet or structure used in association with antennas mounted on structures or roof tops shall contain no more than one hundred-twenty (120) square feet of gross floor area or be more than twelve (12) feet in height. Equipment storage buildings or cabinets shall comply with all applicable building codes and the zoning district setback requirements.
- (B) **Antennas Mounted on Utility Poles and Light Standards.** The equipment cabinet or structure used in association with antennas mounted on utility poles or light standards shall not contain more than one hundred-twenty (120) square feet of gross floor area or be more than twelve (12) feet in height. Equipment storage buildings or cabinets shall comply with all applicable building codes and the zoning district setback requirements. If the equipment cabinet/structure is located in a residential zone, it shall be screened by an evergreen hedge with an ultimate height of at least forty-eight (48) inches and a planted height of at least thirty-six (36) inches. The light standard, utility poles or similar existing structure on which the antenna are placed shall not be required to meet the setback requirements of the zone and separation distances in Sections 10-2-5 or 10-2-7.

(Ord. 191-03-15, 2/17/15).

10-2-9: REMOVAL OF ABANDONED ANTENNAS AND TOWERS. Any antenna or tower that is not used or operated for a continuous period of one hundred eighty (180) days shall be deemed as abandoned, and the Owner of such antenna, tower or property shall remove the same within ninety (90) days of receipt of notice from the City notifying the Owner of such abandonment. Any Owner who fails to remove an abandoned antenna or tower within said time frame shall be guilty of a misdemeanor for each day thereafter that such abandoned tower or antenna is left in place. Such failure shall also be grounds to remove the tower or antenna at the Owner's expense. If there are two or more users of a single tower, then abandonment shall not be deemed to occur until all users cease using the tower.

(Ord. 191-03-15, 2/17/15).

10-2-10: **NON-CONFORMING USES.**

- (A) **No Expansion of Nonconforming Use.** Towers constructed and antennas installed in accordance with the provisions of this Chapter shall not be considered as an expansion of an existing, lawful nonconforming use or structure.
- (B) **Pre-existing Towers.** Pre-existing towers shall be allowed to continue their usage as they presently exist, provided such use is not enlarged, modified, expanded or additional antennas are added. Routine maintenance (including replacement with a tower of like construction and height) shall be permitted on such pre-existing towers. Construction expansion, enlargement or installation of additional equipment, poles, towers or appurtenances, other than routine maintenance on a pre-existing tower shall comply with the requirements of this Chapter.
- (C) **Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.** Notwithstanding Section 10-2-8, bona-fide nonconforming towers or antennas damaged or destroyed by force majeure or accidental events may be rebuilt without having to meet the separation requirements specified in Section 10-2-7. The type, height, and location of the tower shall be of the same as the original facility. Building permits to rebuild the facility shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said building permit expires, the tower or antenna shall be deemed abandoned as specified in Section 10-2-9.

(Ord. 191-03-15, 2/17/15).

10-2-11: **REQUEST FOR TOWER OVERLAY ZONE.** When evaluating applications for permits within the T-1 and T-2 overlay zones, the City Council may grant a variance to any condition or requirement under this Chapter, upon a showing of hardship not caused by the applicant, any unusual topographical feature or existing lot configuration or feature or other condition which makes compliance with this Chapter impossible or highly impractical. In considering a request for a variance the Council shall consider the following non-exclusive factors:

- (A) The purposes listed in Section 10-2-1.
- (B) Whether or not alternative technology can accommodate the applicant's proposed antenna, without the need for a variance.
- (C) Whether there are existing towers or structures at other locations without or within the City that meet applicant's engineering requirements in terms of location, height, or structural strength.

- (D) Whether the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or whether the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (E) Whether the fees, costs, or contractual provisions required by an Owner in order to share an existing tower or structure, adapt an existing tower or structure for sharing, or locate a tower or antenna are unreasonable or highly impractical or impossible.
- (F) Whether the applicant demonstrates an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system.

(Ord. 191-03-15, 2/17/15).