



PLANNING COMMISSION MEETING NOVEMBER 1, 2018

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
5:00 PM

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **WORKSHOP ITEM**
 - a. **PH-18-13 UDC Text Amendments Wireless Telecommunication Facilities**

Consideration of text amendments to Unified Development Code to amend Section 2.8
Wireless Telecommunications Facilities.
- IV. **ADJOURNMENT**

SECTION 2.8 - WIRELESS TELECOMMUNICATIONS FACILITIES

2.8.1. Purpose, intent and objectives.

The purpose of this Section is to reasonably regulate, to the extent permitted under Georgia and federal law, the installations, operations, collocations, modifications, replacements and removals of wireless telecommunications facilities in the City of Alpharetta, recognizing the benefits of wireless communications while reasonably protecting other important City interests, including the public health, safety and welfare, aesthetics and local property values. These regulations are intended to establish reasonable standards and requirements for the siting of wireless telecommunications facilities, including wireless towers, antennas and accessory equipment. It is the intent of these regulations to promote the health, safety and general welfare of the citizens of the City of Alpharetta by establishing an orderly process for regulating the siting of wireless telecommunications facilities while balancing the need for adequate service levels. Therefore, the purposes of this Section are to establish standards for the safe provision of wireless communication services consistent with state and federal law; to minimize the adverse visual impact of wireless telecommunications facilities through proper design, site placement, height limitation and screening and thereby retain the residential and traditional character of the City and maintain property values; and to encourage the shared use of wireless telecommunications facilities. In furtherance of these purposes, the City shall give consideration to the Comprehensive Plan and Future Land Use Map, the Zoning Map, existing land uses, and environmental, residential, historic and other sensitive areas in approving the location and siting of wireless telecommunications facilities.

It is the intent of this Section to address the aesthetic effect of wireless telecommunications facilities on landscapes in the City, the visual impact of wireless telecommunications facilities on surrounding property owners, citizens' demands for these services, and the needs of service providers to close significant coverage gaps in service coverage and provide greater capacity by implementing the following objectives:

1. Minimize the visual and aesthetic effects of wireless telecommunications facilities through appropriate design, screening and location standards;
2. Promote the siting of wireless telecommunications facilities in a manner such that potential adverse effects to the City and its residents are minimal in order to insure harmony and compatibility with surrounding land uses;
3. Promote the location of wireless telecommunications facilities in areas where the adverse impact on the community is minimal;
4. Promote the installation of wireless telecommunications facilities at locations where other such facilities already exist; and
5. Promote the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts.

Pursuant to federal and state law, including Section 704(a) of the Federal Telecommunications Act of 1996, it is not the intent of this section to:

1. Prohibit or have the effect of prohibiting the provision of personal wireless services in the City of Alpharetta;
2. Unreasonably discriminate among providers of functionally equivalent wireless communication services;
3. Regulate the placement, construction or modification of wireless telecommunications facilities on the basis of environmental effects of radio frequency ("RF") emissions where it is demonstrated that the wireless telecommunications facility complies or will comply with the applicable FCC regulations;
4. Prohibit, effectively prohibit or unreasonably delay collocations or modifications to existing wireless telecommunications facilities that the City is required to approve pursuant to federal and state law; or

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mounted on the roof of or within the subject building, to or within the structure or pole, or on or under the ground proximate to the subject building, structure or pole, as applicable. Attached WTF's for which an existing building serves as the alternative support structure are:

- (1) "Roof-mounted wireless telecommunications facility" - antenna(s) attached with antenna attachment device(s) to the roof of an existing building; and
- (2) "Building-mounted wireless telecommunications facility" - antenna(s) mounted on the side of an existing building.

Base station. A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Broadband services. A wired or wireless terrestrial service that consists of the capability to transmit at a rate of not less than 25 megabits per second in the downstream direction and at least 3 megabits per second in the upstream direction to end users and in combination with such service provides (a) access to the Internet or (b) computer processing, information storage, or protocol conversion.

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Building-Concealed Wireless Telecommunications Facility. An attached wireless telecommunications facility designed and constructed as an existing architectural feature of an existing building in a manner such that the WTF is not discernible from the remainder of the building and is completely enclosed within the architectural feature. Building-Concealed WTF's function as replacements of existing architectural features of a building that extend vertically above the roof of the building in order to position antennas at a greater height. Building architectural features employed as building-concealed WTF's include, but are not limited to steeples, church spires, clock towers, bell towers and cupolas. The term "building-concealed wireless telecommunications facility" does not include in-building antennas and other wireless transmission equipment that are exempt from the permitting requirements of this Section pursuant to Subsection 2.8.8(C) hereof.

Cell on Wheels or COW. A portable self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless communication services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

Collocation. The placement or installation of new wireless transmission equipment on a previously approved and constructed wireless tower or support structure on which there is an existing antenna in a manner that negates the need to construct a new freestanding support structure.

Concealed. The classification of a wireless telecommunications facility that is disguised, hidden, integrated as or as part of an existing or proposed structure, or placed and enclosed within an existing or proposed structure, and camouflaged and designed to be aesthetically compatible with existing and proposed building(s), structures, uses, and other site features, including natural and architectural features, located on the site and nearby properties, such that it is not readily identifiable as a wireless telecommunication facility by a casual observer, its presence is not apparent to a casual observer, or it is otherwise minimally visible to the casual observer in accordance with such other prescribed standard of visibility. A concealed WTF (i) is integrated as an architectural feature of an existing building such as a cupola, (ii) uses a design which mimics and is consistent with nearby natural, architectural or site features and is integrated as such a feature, such as a flagpole, or (iii) is attached to and, through the use of concealment techniques, is incorporated as part of an existing non-tower structure, such as utility poles or light structures. "Concealed" also refers to the effective employment of the foregoing design techniques in such a manner as to render a wireless telecommunications facility, or certain components or aspects thereof, minimally visible to the casual observer pursuant to a prescribed standard of visibility. The standard of visibility of a concealed WTF may be further prescribed by other guidelines, standards and regulations applicable to the subject type of WTF.

Coverage, Service. The geographic area reached by an individual wireless telecommunications facility.

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Support Structure. Any structure on which one or more antennas may be mounted. The term 'support structure' is inclusive of 'alternative support structure' and 'antenna support structure'.

Support Structure, Alternative. An existing structure that is not primarily constructed or designed for the purpose of supporting antennas, but on which one or more antennas may be mounted. Alternative support structures include, but are not limited to, buildings (which may serve as alternative support structures for roof-mounted WTF's, building-mounted WTF's, and building-concealed WTF's), utility poles, light structures, and electrical transmission towers. Alternative support structures have a primary, obvious function other than that of a WTF, and may be concealed or non-concealed.

Support Structure, Antenna. A structure constructed and designed to support antenna(s), antenna array(s), and certain accessory equipment for the primary purpose of accommodating antennas at a desired height, such as a wireless tower, stealth tower or concealed freestanding support structure.

Support Structure, Concealed Freestanding. A clock tower, campanile, freestanding steeple, or other similarly designed freestanding support structure that conceals antennas as an architectural feature, or an alternatively designed freestanding antenna support structure that mimics or also serves as a common site feature, such as a flagpole or light structure, and in which the antenna, and the accessory equipment, are completely hidden from view. Concealed freestanding support structures designed as flagpoles or light standards are referred to herein as "faux flagpoles" or "faux light standards", respectively. Concealed freestanding support structures are designed to be aesthetically compatible with existing uses, building(s), and site features located on the site and nearby properties, such that they are not identifiable or recognizable to the casual observer as a wireless telecommunication facility in order to substantially reduce the facility's potential adverse visual impacts on the surrounding areas. Antenna support structures utilizing concealment elements but which are obviously not such a natural, architectural or site feature so as to render it unidentifiable or unrecognizable as a WTF to the casual observer, such as monopines, slick sticks and other stealth towers, are not 'concealed freestanding support structures.'

Tower, Guy. A wireless tower supported, in whole or in part, by guy wires and ground anchors.

Tower, Lattice. A guyed or self-supporting open frame wireless tower that has three (3) or four (4) sides.

Unipole. A uniformly tapered pole with one or more antennas and associated equipment and cables contained within the interior of the pole, and with a radome located at the top of the pole being the same width as the pole at the point of attachment.

Utility Pole. An existing pole or structure owned or operated and in active use by a public utility, electric membership corporation or electric cooperative that is specifically designed and used to carry lines, cables, or wires for electricity, telephone, or cable television. A "utility pole" does not include street light or light structures, light poles, lamp posts, and other structures primarily designed and used to provide lighting. "Utility pole" includes electrical transmission structures or poles used to support lower voltage overhead electrical transmission lines, but does not include "electrical transmission towers."

Wireless Carrier or Carrier. An entity that provides 'personal wireless services' as defined in 47 U.S.C. §332.

Wireless Communications Services. Wireless radio, data and/or telecommunications services, including cellular, telephone, television, microwave, analog, and digital services, 'personal wireless services' as defined in 47 U.S.C. §332, personal communication services, wireless broadband services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies, wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies, wireless utility monitoring and control services, and any other FCC licensed or authorized communications service transmitted over frequencies in the electromagnetic spectrum.

Wireless Telecommunications Facility or WTF. Any facility designed or intended to be used for transmitting or receiving electromagnetic waves, radio or other wireless signals or to otherwise provide wireless communications services, and usually consisting of wireless transmission equipment, including antenna(s) and accessory equipment, mounted to or supported by a wireless tower, antenna support structure, or alternative support structure. The following nonexclusive list shall be considered a wireless

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materials of the existing (original) architectural feature and building on which it is located.

(iii) The width of a building-concealed WTF shall not increase the width of the existing building, or create building features that protrude beyond the exterior walls of the building.

(iv) A building-concealed WTF shall not increase the habitable floor area of the building on which it is located.

E. *Concealed Attached WTF's Mounted to Utility Poles or Light Structures.* The following regulations, standards and requirements govern the location, siting, and design of concealed attached WTF's mounted to existing utility poles or light structures which are not located within public right-of-way:

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1. Allowed Districts with Administrative Permit. L-I, O-I, O-P, C-2, C-1, MU, PSC, and SU.
2. Standards and Requirements Applicable to Concealed Attached WTF's Mounted to Utility Poles or Light Structures.
 - a. Allowed Utility Poles. Attached WTF's may only be attached to existing utility poles supporting aerial (overhead) telephone and electric distribution lines that are at least thirty (30) feet in height.
 - b. Allowed Light Structures. Attached WTF's may only be attached to freestanding light structures that are at least twenty-five (25) feet in height.
 - c. Prohibited Structures. Attached WTF's are not permitted to be attached to the following types of light fixtures:
 - a. Antique or decorative light fixtures or lampposts;
 - b. Post-top lights (post top luminary fixtures); and
 - c. Traffic control devices, including, but not limited to, traffic signal poles or supports.

Further, compliance with the requirements and standards set forth in this Subsection shall not authorize or permit the location of a wireless telecommunications facility within or upon public right-of-way in the City (See, Section 2.8.10), or upon any property or light structure owned by the City.

- d. Minimum Height Location of Antennas. Antenna(s) shall be mounted on the alternative support structure at a height of fifteen (15) feet or more above grade. Pole-mounted equipment cabinets/enclosures shall be mounted on the alternative support structure at a height of ten (10) feet or more above grade.
 - e. Wireless Transmission Equipment. Only antennas, repeaters, equipment cabinets or pedestals, and other accessory equipment associated with DAS or small cell facilities may be installed in association with the attached WTF, subject to compliance with other design requirements set forth herein.
 - f. Cables. Cables shall be enclosed in conduit flush mounted to the utility pole or light structure. Conduit shall be finished to match the materials, texture, and color of the subject utility pole or light structure and positioned on the utility pole or light structure so as to be screened from view from public rights-of-way.
3. Additional Design Standards and Requirements for Attached WTF's Mounted to Utility Poles.
 - a. General Concealment Elements. The size, shape and orientation of antenna(s) and accessory equipment mounted to a utility pole shall be consistent with the size, shape and orientation of existing utility equipment installed on the subject utility pole and other utility poles in the nearby area. Such antenna(s) and accessory equipment shall

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and a graphic depiction to scale of the Wireless Tower or Base Station after Collocation or Modification;

4. A description of all construction that will be performed in connection with the proposed Collocation or Modification, including any excavation; and
5. A signed declaration by the applicant certifying that the proposed Collocation or Modification shall not constitute a Substantial Change and detailing the reasons therefor.

E. *Validity.* This Subsection 2.8.9 is adopted for the purpose of complying with Section 6409(a) and the Wireless Infrastructure Order. This Subsection shall become null and void if Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. Any and all permits issued pursuant to this Subsection 2.8.9 shall terminate on the ninety-first (91st) day after Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. Further, if any provision of Section 6409(a) or the Wireless Infrastructure Order limiting the review of a modification or collocation by a local government is found unconstitutional, unenforceable or invalid by a court of competent jurisdiction, the corresponding provision(s) set forth in this Subsection 2.8.9 shall become null and void.

(Ord. No. 715, § 6(Exh. A), 9-28-2015)

2.8.10 Wireless Telecommunications Facilities in Public Rights-of-Way.

- A. *Purpose and Intent.* It is the purpose and intent of this Section 2.8.10 to provide for the management of the public rights-of-way in order to protect, maintain and promote the public health, safety, and general welfare; to establish reasonable regulations designed to manage the public rights-of-way that provide design requirements and procedures for the placement, construction and maintenance of wireless telecommunications facilities within the public rights-of-way by chartered telephone companies authorized to access such public rights-of-way per [O.C.G.A.] § 46-5-1; to establish and administer reasonable regulations governing the placement, construction and maintenance of wireless telecommunications facilities within the public rights-of-way pursuant to O.C.G.A. § 32-4-92 and consistent with state and federal law, including O.C.G.A. § 46-5-1 and 47 U.S.C. § 253 and §332; to provide for and maintain the safety of the traveling public and pedestrians and the appearance of public rights-of-way; to minimize disruption to the public rights-of-way; and to otherwise preserve the City's authority to manage and regulate the public rights-of-way within the City. Further, these provisions supplement and are in addition to other regulations and guidelines applicable to the use of public rights-of-way in the City.
- B. *Definitions.* For the purposes of this Subsection 2.8.10 only, the following terms shall have the meanings ascribed to them below (terms not otherwise defined in this Paragraph, shall have the meanings set forth in Section 2.8.3):

Broadband services. A wired or wireless terrestrial service that consists of the capability to transmit at a rate of not less than 25 megabits per second in the downstream direction and at least 3 megabits per second in the upstream direction to end users and in combination with such service provides (a) access to the Internet or (b) computer processing, information storage, or protocol conversion.

Cable operator. The term 'cable operator' shall have the same meaning as provided in 47 U.S.C. §522.

Evidence of Need Report. A report providing sufficient information to demonstrate why existing alternative support structures in the public right-of-way cannot reasonably accommodate the applicant's need.

Pedestrian light. (i) A pedestrian-scale fixture situated adjacent to sidewalks; and (ii) composed of a footing, pole shaft and luminaire, which may or may not be attached to an arm extending from the pole, at least fifteen (15) feet in height; and (iii) operated for pedestrian safety and for sidewalk, trail or pathway illumination.

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Personal wireless services. The term 'personal wireless services' shall have the same meaning as provided in 47 U.S.C. §332, which defines the term as 'commercial mobile services, unlicensed wireless services, and 'common carrier wireless exchange access services.' This definition, including the terms 'commercial mobile services,' 'unlicensed wireless services,' and 'common carrier wireless exchange access services,' shall further be interpreted in a manner consistent with federal statutes and regulations under the Federal Telecommunications Act of 1996, including FCC interpretations of such terms by rule or order. (NOTE – (i) The term "commercial mobile service" is defined in 47 U.S.C. §332 as any 'mobile service' (as defined in 47 U.S.C. §153) that is provided for profit and makes interconnected service available (a) to the public or (b) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission; and (ii) The term 'unlicensed wireless service' is defined in 47 U.S.C. §332 as the offering of telecommunications services (i.e., the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public) using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 47 U.S.C. § 303).

Post-top street light. A tapered steel pole with the luminaire mounted on top of the pole. Also referred to as a "post top luminary fixture."

Qualified broadband provider. A 'telecommunications carrier,' as defined in 47 U.S.C. 153, or a 'cable operator,' as defined in 47 U.S.C. § 522, that offers or provides broadband services as a 'mass-market retail service.' The term 'mass-market retail service' means services marketed and sold on a standardized basis to residential customers, small businesses, and other end-user customers such as schools, including institutions of higher education, and libraries, but does not include enterprise offerings or special access services, which are typically offered to larger organizations through customized or individually negotiated arrangement.

Registrant. ~~A person or entity eligible to access the public rights-of-way of the City as set forth in Paragraph C of this Subsection 2.8.10, telephone company that has filed a complete registration application adopted by the City authorizing the telephone company to construct, maintain and operate its lines upon, under, along, and over public rights of way of the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of The Code of the City of Alpharetta, Georgia, as further set forth in Subsection 2.8.10.C.~~

Replacement utility pole. A pole constructed to replace a utility pole (i.e., existing utility pole) that is substantially similar in design, size and scale as the utility pole it serves to replace and meets the requirements prescribed herein.

Street light. A light standard, pole or structure or similar structure located within public right-of-way primarily designed and used to provide lighting for roadway purposes.

Street light standard. A tapered steel pole with a mast arm extending a minimum of three (3) feet from the pole, to which the luminaire or lighting fixture is mounted, and primarily designed and used to provide lighting for the roadway.

Telephone Company. ~~A telephone company~~ 'telecommunications carrier,' as defined in 47 U.S.C. §153, chartered by the laws of the State of Georgia or any other state and certified by the Georgia Public Service Commission pursuant to O.C.G.A. 46-5-163 to provide telecommunications

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services in this state, and which is authorized to construct, maintain and operate its lines upon, under, along, and over public rights-of-way of this State in accordance with O.C.G.A. § 46-5-1.

C. Registration-Eligibility to Access Public Rights-of-Way of City.

An applicant for approval under this Section 2-8-10 must either be (1) a provider of personal wireless services, (2) a qualified broadband provider, or (3) a telephone company, including a third-party provider or neutral carrier. Speculative facilities will not be approved.

~~1.—Registration-Required. Subject to and in accordance with the additional regulations, terms and conditions prescribed in this Section 2-8-10, only a telephone company that has filed a complete registration application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the Code of the City of Alpharetta, Georgia (the "City Code") may place, site, locate, install, modify, or maintain a wireless telecommunications facility in public rights-of-way of the City. Wireless telecommunications facilities may only be placed, sited, located, installed, modified, or maintained by such registrants in public rights-of-way that are located within the service area identified in the registration application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code. Further, only wireless telecommunications facilities providing the types of services included in the description of services set forth in the application approved by the City in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code may be placed, sited, located, installed, modified or maintained by a registrant in public right-of-way. If the telephone company has modified the service area or the description of services to be provided as identified in the original application, the telephone company shall update the changes to the service area and/or the services provided prior to submitting an application to locate a wireless telecommunications facility in public rights-of-way of the City.~~

~~2.—Review of Registration. The registration of the registered telephone company shall be reviewed by the City at the time an application to locate a wireless telecommunications facility in public right-of-way is submitted by such registrant. Such review shall include confirmation that all "due compensation" owed to the City has been paid by the registrant pursuant to Section 12-21 of the City Code and O.C.G.A. § 46-5-1. If the City confirms that the registrant has submitted all information in accordance with this subsection C and is compliant with the provisions of O.C.G.A. § 46-5-1 and Section 12-21 of the City Code, the City shall notify the registrant of same, provided, however, such notification shall neither have the effect of nor be deemed an accord and satisfaction or waiver of any "due compensation" owed to the City. If the City determines that information has not been submitted in accordance with this subsection C, or the registration is not compliant with the provisions of O.C.G.A. § 46-5-1 and Section 12-21 of the City Code, the City shall notify the registrant in writing of the non-effectiveness of registration, and reasons for the non-effectiveness.~~

~~3.—Effect of Registration; Additional Permits Required. An effective registration is a pre-condition for obtaining a permit to locate or place a WTF in public right-of-way. Notwithstanding an effective registration, a registrant shall be required to obtain a permit to place a wireless telecommunications facility in public right-of-way and such other permits as required by other applicable City ordinances, codes or regulations, as well as state and federal law. A permit may be obtained by or on behalf of a registrant having an effective registration if all permitting requirements are met.~~

~~a.—Non-Exclusive. Registration in accordance with O.C.G.A. § 46-5-1 and Section 12-21 of the City Code is nonexclusive and does not establish any right or priority to place or maintain a wireless telecommunications facility in any particular area in public rights-of-way within the City. Registrations and the placement of WTF's in the public rights-of-way are expressly subject to any future amendment of this Section 2-8-10, and such other City, state or federal laws, codes, ordinances, regulations or policies that may be enacted.~~

~~b.—Neither registration nor the issuance of WTF right-of-way placement permit conveys any title, equitable or legal, in the public rights-of-way of the City. Pursuant to O.C.G.A. §§ 46-~~

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~~5-1 and 32-4-92, registration governs only the right to access the public rights-of-way of the City in compliance with City, local, state and federal laws, ordinances, codes and regulations. Registration does not excuse a registrant from obtaining appropriate access or pole-attachment agreements before locating its wireless transmission facilities on the facilities of another utility or person, nor does it excuse a registrant from complying with the provisions of this Section 2.8.10 and other applicable City, local, state or federal laws, ordinances, codes and regulations.~~

~~c. A registrant shall not commence to place or maintain a wireless telecommunications facility in public rights-of-way until all applicable permits, including a WTF right-of-way placement permit, have been applied for by registrant and issued by the City or other appropriate authority.~~

D. WTF Right-of-Way Placement Permits.

1. **WTF Right-Of-Way Placement Permit Required.** A registrant shall not place, install, site, locate, collocate or modify a wireless telecommunications facility in the public right-of-way of the City without the issuance of an administrative permit from the City in accordance with the provisions hereof (an administrative permit to place, install, site, locate, collocate or modify a wireless telecommunications facility in the public right-of-way of the City is referred to herein as a "WTF right-of-way placement permit") A WTF right-of-way placement permit shall be required for each wireless telecommunications facility installation site in the public right-of-way. The complete removal of a wireless telecommunications facility shall not require a permit under this Section, however, removal must be performed in strict compliance with this Section.
 - a. Following the issuance of a WTF right-of-way placement permit, a registrant shall not commence to install, construct or place a wireless telecommunications facility in the public right-of-way until all other applicable permits have been issued by the City or other appropriate authority. Registrant acknowledges that as a condition of granting such permits, the City may impose reasonable terms and conditions governing the placement or maintenance of a wireless telecommunications facility in public rights-of-way.
 - b. All issued permits shall apply only to the areas of public rights-of-way specifically identified in the permit. The City may issue a blanket permit to cover certain activities, such as routine maintenance and repair activities, that may otherwise require individual permits or may impose lesser requirements.
 - c. A registrant that places or maintain a wireless telecommunications facility in the public right-of-way shall comply with and abide by all applicable provisions of this Section 2.8.10 and any and all other City, local, state and federal laws, ordinances, codes, statutes, regulations and policies.
2. **Exemptions.** A WTF right-of-way placement permit shall not be required for the following:
 - a. **§6409 Modifications.** A registrant shall be exempt from the requirement of obtaining an additional WTF right-of-way placement permit for collocations and modifications that are exempt per Section 2.8.9 hereof (§6409 Modifications — Exemptions for Modifications that do not Substantially Change the Physical Dimensions of a Wireless Telecommunications Facility); provided, however, the registrant shall be required to submit an application as set forth therein.
 - b. **Emergencies.** Subject to compliance with the other requirements provided herein, in the event of an emergency requiring the replacement or maintenance of a wireless telecommunications facility in the public right-of-way, a registrant shall be exempt from the requirement of first obtaining a WTF right-of-way placement permit prior to performing such work. The term "emergency" shall mean a condition that affects the public's health, safety or welfare, and which includes an unplanned out-of-service condition of a pre-existing service. Registrant shall provide prompt notice to the City of the replacement or maintenance of a wireless telecommunications facility in public rights-of-way in the event of an emergency.

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3. Application for WTF right-of-way placement permit.

a. General. The Director of Engineering/Public Works, or his/her designee, shall be responsible for the review and approval or denial of all WTF right-of-way placement permit applications. The Community Development Department shall be responsible for receiving all WTF right-of-way placement permit applications. Original applications received by the Community Development Department shall be forwarded to the City Engineering/Public Works Department and copies of same shall be distributed to the Finance Department and all other affected City departments for review for completeness and compliance with City regulations and laws. The Director of Engineering/Public Works shall be responsible for further coordinating departmental review for compliance. Applications for a WTF right-of-way placement permit shall be approved by the Director of Engineering/Public Works whenever the Director of Engineering/Public Works determines that the proposed WTF fully complies with the subject standards, regulations and requirements, as more fully set forth herein—which may include revisions to the application.

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b. Pre-Application Conference. Before application submittal, applicants are strongly encouraged to schedule and attend a voluntary pre-application conference with City staff for all WTF right-of-way placement permit applications. The pre-application conference is intended to foster cooperative discussion between applicants and staff, identify potentially avoidable issues, and generally streamline the application review process to occur after the applicant formally submits its application. City staff will endeavor to provide applicants with an appointment between approximately five (5) and fifteen (15) working days after a written request for an appointment is received.

c. Submittal of Application(s). An application for a WTF right-of-way placement permit(s) shall be submitted to the Community Development Department on an application form prepared by the City and made available to the public. The City will provide on its public website the contact information, including the e-mail address and telephone number, of the point of contact at the City authorized to receive WTF right-of-way placement permit applications, who shall also be the point of contact for requesting and scheduling a pre-application conference. An application shall be required for each WTF or installation site, except as otherwise expressly provided in this Paragraph 3.

d. Planned Network: Batching. Where a proposed WTF is part of a planned network of WTF's that will be installed contemporaneously or sequentially, such as a WTF for DAS, or an applicant otherwise seeks to construct, modify or replace a network of WTF's, the applicant may either:

(i) Submit applications for each of the WTF's in the proposed-planned network shall be submitted at the same time, or

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(ii) Submit a single, consolidated application for the multiple WTF's in the planned network.

Subject to the other requirements and procedures set forth herein, when WTF's requested under a single, consolidated application are approved by the City, the City may issue either a single WTF right-of-way placement permit for multiple WTF's (i.e., single permit covering all approved WTF's) or multiple permits (i.e., separate permit for each approved WTF).

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e. Single Source of Contact. At the time of submittal of an application for a WTF right-of-way placement permit, the City Administrator will appoint a single point of contact for all matters related to the application and the proposed project or, if multiple applications are submitted at the same time for a planned network, the proposed network project.

4. Contents of Application. An application for a WTF right-of-way placement shall include such information and documents required by the application form, which shall include, but not be limited to, the information and documents set forth in Section 2.8.4(CD), as well as the following:

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- a. **Description of Construction:** A description of the manner in which the WTF will be installed (i.e. anticipated construction methods and/or techniques) and the timetable for construction of the project or each phase thereof, and the areas of the City which will be affected;
- b. **Traffic Maintenance Plan:** A traffic maintenance plan for any disruption or obstruction of the public rights-of-way;
- c. **If appropriate given the type of WTF proposed,** an estimate of the cost of restoration to the public rights-of-way;
- d. **Identification of Facilities in Public Right-of-Way:** Information that identifies and depicts all utility poles, electrical transmission towers, street light fixtures, traffic control signals and device, and other above-ground structures, fixtures, facilities and equipment currently existing in the area of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way, if available, including, but not limited to, those owned or used by public utilities, electric membership corporations, electric cooperatives, or the City (such information shall be provided without certification as to correctness, to the extent obtained from other persons with fixtures, facilities or equipment in the public rights-of-way);
- e. **WTF Inventory:** An inventory of all existing wireless telecommunications facilities located in the areas of the public right-of-way to which the permit application applies, and extending one thousand (1,000) feet in each direction along the public right-of-way, ~~including any wireless transmission equipment or support structures that the registrant or its predecessor(s) in interest has previously placed or which are otherwise used by the registrant, and, to the extent such information is available, or which are owned or used by other wireless providers (such information shall be provided without certification as to correctness, to the extent obtained from other persons with WTF's in the public rights-of-way).~~
- f. **Evidence of Need Report:** If required due to the type of WTF proposed, an evidence of need report, which shall include sufficient information to demonstrate that existing WTF's, existing utility poles and/or existing street light standards in the public right-of-way, as applicable, cannot reasonably accommodate the applicant's need because
 - (i) There are no existing WTF's, existing utility poles and/or street light standards, as applicable, located in the public right-of-way within the GSA;
 - (ii) The existing utility poles and/or street light standards, as applicable, in the GSA cannot accommodate the proposed attached WTF because the antenna and/or other wireless transmission equipment cannot be mounted at a sufficient height to meet the applicant's engineering requirements or there is not sufficient space available for mounting wireless transmission equipment meeting the applicant's engineering requirements due to the location of utility equipment or other equipment currently mounted on the subject structure;
 - (iii) The existing utility poles and/or street light standards, as applicable, in the GSA do not have sufficient structural strength and cannot be structurally improved to support the wireless transmission equipment for the applicant's proposed WTF, which shall be further certified by a Georgia-licensed professional engineer;
 - (iv) Taking into consideration economic and technical feasibility, compliance with the design requirements and standards governing the proposed attached WTF are not reasonably practicable due to other existing conditions associated with the existing utility poles and/or street light standards, as applicable;
 - (v) To the extent there are existing WTF's within the GSA available for collocation or modification, the collocation of the proposed WTF on or modification to the existing WTF's would defeat the concealment elements required for the existing WTF; or

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- (vi) The existing utility poles and/or street light standards in the GSA are unsuitable due to other similar limiting factors; and
- g. Such additional information necessary for review in order to confirm compliance with the requirements set forth herein, as reasonably determined and requested by the City.
5. **No Application Fee.** Notwithstanding any provision set forth in Section 2.8.4 to the contrary, no permit, application or review fee is required for a WTF right-of-way placement permit.
6. **Review for Completeness: Notice of Deficiency.** Within thirty (30) days of receipt of an application for a WTF right-of-way placement permit, the City must determine and notify the applicant in writing whether the application is complete or incomplete, and if an application is incomplete, the City must specifically identify (i) the missing documents or information and (ii) the specific rule, regulation or code provision creating the underlying obligation to provide same. If the applicant makes a supplemental submission to address or provide the missing information or documents identified by the City within sixty (60) days of the notice sent by the City, the City shall have ten (10) days from receipt of such supplemental submission to verify that the application is complete and, if not, notify the applicant in writing that the supplemental submission was not sufficient to render the application complete and specifically identify the missing documents or information that still need(s) to be submitted pursuant to the City's original notice. The additional documents or information provided in the supplemental submission shall be limited to the deficiencies cited in the original notice from the City and no material changes shall be made to the original application other than those necessary to cure any identified deficiencies. If a supplemental submission includes material changes to the proposed WTF's identified in the original application, proposes or requests a WTF not identified in the original application, or otherwise includes or makes a material change to the original application other than as necessary to cure the deficiencies identified by the City, such supplemental submission shall be deemed a new application. If an applicant fails to submit sufficient documents or information to render the application complete within sixty (60) days of the notice sent by the City, the original notice sent by the City shall serve as written notice of the denial of the application, and the application shall be deemed denied.
7. **Deadline for Action on Applications.** The City shall approve or deny an application for a WTF right-of-way placement permit within the applicable time period set forth in subparagraph (a), plus any tolling period(s) pursuant to subparagraph (b).
- a. **General Time Period for Action on Application.** Subject to the tolling provisions set forth below, the City, by and through the Director of Public Works, or his/her designee, shall make its final decision to approve or deny the application(s) within the following time periods, unless the Director of Public Works extends the time for review for good cause shown and notifies the applicant in advance of such extension of time and the reasons therefor:
- (i) For an application(s) for an attached wireless facility, within sixty (60) days of receipt of such application(s); or
- (ii) For an application(s) for a new structure, within ninety (90) days of receipt of such application(s); or
- (iii) For multiple applications submitted at the same time for a planned network which seek a mix of attached WTF's and new structures (i.e., one or more of the applications is for a new structure), within ninety (90) days of receipt of such applications.
- b. **Tolling Period.** Unless a written agreement between the applicant and the City provides otherwise, the tolling period for an application, if any, shall be as follows:
- (i) If within ten (10) days of receipt of an application for a WTF right-of-way placement permit, the City notifies the applicant that an application is incomplete and specifically identifies (i) the missing documents or information and (ii) the specific rule, regulation or

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code provision creating the obligation to submit same to the City, the time period for action on an application shall reset and not begin until the applicant submits all of the documents and information identified by the City to render the application complete (i.e., the date the applicant submits all of the documents and information identified by the City in the deficiency notice is day zero).

(ii) For all other initial applications, the tolling period shall be the number of days from –

(a) The day after the date the City sends written notice to the applicant that the application is incomplete in accordance with Paragraph 6 of this Section, until

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(b) The date the applicant submits all the documents and information identified by the City in such notice to render the application complete.

(iii) For resubmitted applications (or supplemental submissions) following a notice of deficiency from the City pursuant to Paragraph 6 of this Section, the tolling period shall be the number of days from—

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(a) The day after the date the City sends written notice to the applicant that the applicant's supplemental submission was not sufficient to render the application complete and specifically identifies the missing documents or information that need to be submitted based on the City's original notice under Paragraph 6 of this section, until

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(b) The date the applicant submits all the documents and information identified by the City to render the application complete,

provided that such notice regarding the insufficiency of the supplemental submission is sent by the City to the applicant within ten (10) days following the City's receipt of the supplemental submission in response to the City's original notice under Paragraph 6 of this Section.

8. Final Decision. The City must advise the applicant in writing of its final decision and, if such final decision is to deny the application, provide the basis for such denial, including identifying the specific City rule, regulation or code provision or other applicable law on which the denial was based.

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a. The denial of any WTF or site requested under a single, consolidated application shall not serve as a basis for denial of other WTF's or sites requested under the same application. The City shall grant a permit(s) for any and all sites in a consolidated application that it does not otherwise deny.

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E. General Standards.

1. **General Standards of Approval; Factors for Consideration.** The City shall have the authority to prohibit or limit the placement of new or additional wireless telecommunications facilities within certain public rights-of-way as reasonably necessary to protect existing facilities in the public rights-of-way, including facilities owned by a public utility or the City, to accommodate City plans for public improvements or projects that the City determines are in the public interest, to prevent interference with the operations of public safety communications services, to accommodate or address traffic safety issues or concerns related to the subject location or arising out of the proposed placement of the wireless telecommunication facility at the subject location, or as otherwise necessary, proper, or incidental to the efficient operation, management or development of the public rights-of-way and the municipal street system.

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a. Preservation of Safe Traffic Environment, Appearance of Right-of-Way and Efficiency of Right-of-way Maintenance. The type of construction required for the installation, vertical clearance above pavement, horizontal clearance within the public right-of-way, the location of the support structure and wireless transmission equipment, and the location of existing poles, guys, and related ground-mounted utility appurtenances, such as transformers or cabinets, are factors of major importance to preserve a safe traffic environment as well as the appearance of the public right-of-way and the efficiency and economy of public right-of-way maintenance. A critical requirement for locating support structures and wireless transmission equipment along the roadside is the width of the border area; i.e., the space between the edge of pavement, edge of paved shoulder or curb line and the right-of-way line, and its availability and suitability for accommodating such facilities. The safety, maintenance efficiency and appearance of public rights-of-way are enhanced by keeping this space as free as possible from encroachment by obstacles above the ground. Where ground-mounted utility facilities are to occupy this space, they shall be placed as far as possible from the traveled way and beyond the clear zone. The nature and extent of roadside development and the ruggedness of the terrain are additional controlling factors for locating support structures and wireless transmission equipment within the public right-of-way as close as possible to the right-of-way line and outside of the clear zone.

b. Non-interference.

(i) Wireless telecommunications facilities shall be placed and maintained so as not to interfere unreasonably with the use of the public rights-of-way by the public and so as not to cause unreasonable interference with the rights and convenience of property owners who own property adjacent to the subject public right-of-way.

(ii) All wireless telecommunications facilities shall be placed and maintained so as not to interfere, displace, damage or destroy any other utilities or facilities, including but not limited to, water mains, sanitary sewer facilities, storm drains, electrical facilities, gas mains, pipes, cables or conduits of the City or any utility's facilities lawfully occupying the public rights-of-way of the City.

(iii) All wireless telecommunications facilities shall be placed and maintained so as not to create interference with the operations of public safety communications services.

(iv) All wireless telecommunications facilities shall be placed and maintained so as not to interfere with traffic signal communications or any equipment or communications systems used for traffic control, management or monitoring purposes.

c. Insufficient Space. The City has the authority to prohibit or limit the placement of new or additional wireless telecommunications facilities within certain areas of the public rights-of-way if there is insufficient physical space to accommodate all of the requests to place and maintain WTF's or other facilities in that such area of the public rights-of-way.

2. General Design Standards.

a. Types of Wireless Facilities Authorized by Permit. Concealed-Attached-WTF's-and Concealed-Freestanding-Support-Structures. Subject to compliance with the other regulations set forth herein, including location, siting and design standards and requirements, and the issuance of a WTF right-of-way placement permit, only the following types of concealed ~~attached-WTF's-and-concealed-freestanding-support-structures~~ wireless facilities may be placed in the public rights-of-way:

(i) Concealed attached WTF mounted to one of the following types of alternative support structures:

(a) Utility pole, replacement utility pole or electrical transmission tower (i.e., utility-pole-mounted WTF), or

(b) Street light pole standard (i.e., streetlight-mounted WTF), or

(c) Traffic signal pole.

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(ii) Concealed freestanding support structure designed as a

(a) Street light fixture, such as a street light standard, pedestrian light, decorative street light fixture or decorative lamppost primarily used for public lighting (i.e., faux streetlight facility), or

(b) Unipole.

- b. Wireless Transmission Equipment. Only antennas, repeaters, equipment cabinets or pedestals, and other accessory equipment associated with small wireless technologies, like DAS or small cell facilities, which are physically much smaller and less visible and can be placed at much lower elevations than macrocell antennas and accessory equipment, such that they can be more easily deployed with concealment enclosures and other concealment elements that blend with the non-tower support structure on or within which they are installed, may be located within the public right-of-way provided, however, a DAS hub may not be located within the public right-of-way. The foregoing provisions are provided for the purpose of generally describing in prevailing industry terminology the type of wireless transmission equipment (in terms of its size, scale, design and feasibility for location on alternative support structures or concealed freestanding support structures) allowed in public rights-of-way in accordance with the further regulations provided herein; the foregoing provisions are not intended to restrict the technology used by the registrant.

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- c. Concealment Elements. In order to preserve the appearance of the public right-of-way and minimize the visual impact of new facilities, all wireless telecommunications facilities and wireless transmission equipment located in the public rights-of-way shall be designed with concealment elements, as further prescribed herein. It is the intent of this ordinance to prescribe concealment element that are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments.

3. Siting Standards and Requirements for WTF's. In order to limit the proliferation of new support structures in the public right-of-way so as to preserve the appearance of the public right-of-way and prevent physical or visual obstructions to pedestrian or vehicular traffic, inconveniences to public use of the right-of-way, safety hazards to pedestrians and/or motorists, and new visual and aesthetic impacts, a proposed wireless telecommunications facility shall be sited in the public right-of-way in accordance with the following siting alternatives order:

- a. Utility-Pole-Mounted WTF's. A new wireless telecommunications facility in the public rights-of-way must be placed on existing utility poles or replacement utility poles (subject to and in accordance with the standards and regulations governing concealed utility-pole-mounted WTF's and other requirements set forth herein), unless such siting is impracticable or technically infeasible. In order to demonstrate that such siting is impracticable or technically infeasible, the registrant shall provide an evidence of need report to the City at its pre-application meeting or as part of the application showing why and how complying with the foregoing standard would be impractical or technically infeasible.
- b. Concealed Streetlight-Mounted WTF's. When a registrant sufficiently demonstrates that there are no existing utility poles in the subject area of the public right-of-way to accommodate the proposed WTF, the proposed wireless telecommunications facility shall be placed on an existing streetlight standard (subject to and in accordance with the standards and regulations governing concealed street-light-mounted WTF's and other requirements set forth herein), unless such siting is impracticable or technically infeasible as sufficiently demonstrated by an evidence of need report; or
- c. New Concealed Freestanding Support Structures: Faux Streetlight Facility or Unipole. When a registrant sufficiently demonstrates that there are no existing utility poles or streetlight standards in the subject area of the public right-of-way to accommodate the proposed WTF, a faux streetlight facility or unipole may be sited in the public right-of-way

the style, color, texture and materials of other fixtures and features in the area in which located, or painted, textured and located to blend in with existing foliage/vegetation or additional landscaping, and otherwise camouflaged, screened and designed in such a manner to render the ground-mounted equipment cabinet as visually inconspicuous as possible, such that the ground-mounted equipment cabinet meets the visibility standard applicable to the subject type of WTF, as further set forth herein. All ground-mounted equipment cabinets shall be screened by landscaping unless existing foliage and vegetation and/or other existing structures or fixtures provide sufficient screening to meet the subject standard of visibility.

- e. **Downtown Overlay District.** In addition to the foregoing standards, in the Downtown Overlay District, ground-mounted equipment cabinets shall not be located in any area of the public right-of-way ~~in which adjacent to an existing or planned pedestrian walkway~~ ~~is also located or planned~~, unless such equipment cabinet is camouflaged, screened and designed such that it is not visible (to a reasonable person of ordinary sensibilities) from public rights-of-way or any public place.
- f. **Residential Areas.** In addition to the foregoing standards, ground-mounted equipment cabinets shall not be located in any portion of the public right-of-way that is contiguous to the front or side yard property line of a property with a "for-sale" dwelling use, unless there are existing utility cabinets or enclosures located on the ground and screened with landscaping, such as telephone cabinets or electrical transformer boxes/enclosures, provided (i) there is sufficient space to place the ground-mounted equipment cabinet within such screened area, (ii) the height and other dimensions of the ground-mounted equipment cabinet do not exceed the height or size of the existing utility cabinet or enclosure located on the ground, or be more than five (5) feet in height, three (3) feet in width, or three (3) feet in depth, whichever is less, and (iii) the ground-mounted equipment cabinet is otherwise camouflaged, screened and designed so as to render it as visually inconspicuous as possible, such that the ground-mounted equipment cabinet is not readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from public rights-of-way or any property with a "for-sale" dwelling use.

F. Additional Regulations, Design Standards and Minimum Requirements for WTF's in Public Rights-of-Way.

1. Additional Regulations and Design Standards for Concealed Utility-Pole-Mounted WTF's.

- a. **Location Standards.** Utility-pole-mounted WTF's shall be located in areas of the public right-of-way in which there are existing ~~utility poles supporting~~ aerial (overhead) telephone ~~and/or~~ electric distribution lines. Antenna(s) and pole-mounted accessory equipment of utility-pole-mounted WTF's may only be located on an existing utility pole supporting such aerial lines or on an existing electrical transmission tower. ~~Notwithstanding the foregoing, utility-pole-mounted WTF's shall not be located in any portion of the public right-of-way that is contiguous to the front yard property line of a property with a "for-sale" dwelling use.~~
- b. **Minimum Height of Utility Pole.** Antenna(s) and pole-mounted accessory equipment of a utility-pole-mounted WTF may only be attached to a utility pole with a height of ~~twenty-five~~ ~~thirty~~ (25-30) feet or greater, as measured from finished grade, or on an electrical transmission tower.
- c. **Minimum Height Location of Antennas.** Antenna(s) shall be mounted on the utility pole or electrical transmission tower at a height of fifteen (15) feet or more above grade. Pole-mounted equipment cabinets/enclosures shall be mounted on the utility pole or electrical transmission tower at a height of ten (10) feet or more above grade.
- d. **Design Standards and Concealment Elements.**
 - (i) **General Concealment Measures.** The size, shape and orientation of antenna(s) and accessory equipment mounted to a utility pole (use of the term "utility pole" shall include "electrical transmission tower" when an electrical transmission tower serves

as the alternative support structure) shall be consistent with the size, shape and orientation of existing utility equipment installed on the subject utility pole and other utility poles in the nearby area (within 500 linear feet of the subject utility pole and on the same side of the right-of-way). Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole such that the utility-pole-mounted WTF is no more readily apparent or plainly visible from public rights-of-way than the existing utility equipment located on the utility pole. Further, if the utility pole is located in any portion of the public right-of-way that is contiguous to the front yard property line of a property with a residential "for-sale" dwelling use or visible (at ground level) from any property with a residential "for-sale" dwelling use, antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted, to the utility pole and painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole.

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- (ii) **Type of Antennas; Maximum Number.** No type of antenna other than a panel or whip antenna may be mounted to a utility pole unless such antenna is enclosed within a canister, radome, shroud or other similar concealment enclosures. No more than (a) one (1) whip antenna and (b) three (3) panel antennas or three (3) antennas enclosed within canisters, radomes, shrouds or other similar antenna concealment enclosures may be attached to a utility pole.

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- (iii) **Mounting of Antennas.** ~~Antennas shall be flush-mounted.~~ A panel antenna, together with its mount, shall not extend horizontally from the utility pole more than the width of existing pole-mounted equipment (on the subject utility pole) with the same orientation, or more than three (3) feet, whichever is less. Panel antennas shall not extend vertically above the height of the utility pole. When flush-mounted to the side of the utility pole, a whip antenna, together with its mount, may extend horizontally up to eighteen (18) inches from the utility pole, and the whip antenna, exclusive of its mounts, may extend vertically up to three (3) feet above the height of the utility pole. Alternatively, the base of a whip antenna may be flush-mounted (without vertical separation) to the top surface of the utility pole, but shall not extend vertically above the height of the utility pole by more than three (3) feet. Canisters, radomes, shrouds or other similar antenna concealment enclosures ~~shall may be flush-mounted to the side of a utility pole, without any visual horizontal separation and without~~ but shall not extend vertically above the height of the utility pole. Additionally, one (1) canister, radome, shroud or other similar antenna concealment enclosure may be flush-vertically mounted (without vertical separation) to the top surface of the utility pole, provided that such canister, radome, shroud or other similar antenna concealment enclosure including its mount, is centered on the top of the utility pole and that the vertical separation between the top of the utility pole and but shall not extend vertically above the height of the utility pole by more than three (3) feet.

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- (iv) **Maximum Size of Antennas.** A non-enclosed panel antenna shall be no larger than one (1) foot in width and two (2) feet in length. A whip antenna shall be no larger than two (2) inches in diameter and five (5) feet in length.
- (v) **Maximum Antenna Volume.** In addition to the foregoing size limitations, each antenna located on the utility pole shall either be (a) located within a canister, radome, shroud or other similar antenna concealment enclosure that is no more than three (3) cubic feet in volume, or (b) if the antenna is not enclosed within an antenna concealment enclosure, capable of fitting within an enclosure (i.e., an imaginary enclosure) that is no more than three (3) cubic feet in volume. The aggregate volume of actual concealment enclosures and/or imaginary enclosures of all antennas located on the utility pole, including any pre-existing antennas, shall not exceed six (6) cubic feet in volume.

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(vi) **Accessory Equipment; Equipment Cabinets.** All pole-mounted accessory equipment, other than antennas, antenna attachment devices, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility) shall be located in equipment cabinets or smaller equipment enclosures. Except for any approved ground-mounted equipment cabinet(s), all equipment cabinets and enclosures shall be flush-mounted to the utility pole. The ~~dimensions height (length)~~ of a pole-mounted equipment cabinet/enclosure shall be not exceed ~~30~~ 48 inches in height (length), and the width and depth of a pole-mounted equipment cabinet/enclosure shall not exceed the minimum width of the pole at the location of attachment by more than fifty (50) percent ~~24 inches in width and 18 inches in depth~~. The volume of all pole-mounted and ground-mounted equipment cabinets, ~~ancillary equipment~~ and enclosures associated with ~~wireless transmission~~ ~~ancillary~~ equipment located on the utility pole, including pre-existing ~~wireless transmission~~ ~~ancillary~~ equipment located on the utility pole, shall not exceed ~~seventeen twenty-eight (1728)~~ cubic feet.

2. Additional Regulations and Design Standards for Concealed Streetlight-Mounted WTF's.

- a. **Location Standards.** ~~Streetlight-mounted WTF's may only be located on the following aerial rights-of-way or areas~~ of the public right-of-way in which there are existing aerial (overhead) telephone and electric distribution lines, and antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's may only be located on an existing street light standard. Notwithstanding the foregoing, streetlight-mounted WTF's shall not be located in the Downtown Overlay District or in any portion of the public right-of-way that is contiguous to the front yard property line of a property with a "for-sale" dwelling use.
- b. **Minimum Height of Streetlight Standard.** Antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's may only be attached to a street light standard with a height of twenty-five (25) feet or more above grade.
- c. **Minimum Height Location of Equipment Cabinets/Enclosures.** Pole-mounted equipment cabinets and other equipment enclosures shall be mounted on the street light standard at a height of ten (10) feet or more above grade.
- d. **Lighting, Operability and Maintenance.** The streetlight-mounted WTF shall not impair the existing function of the street light standard, including its lighting. Further, the faux streetlight facility must be separately metered for electric power to all wireless transmission equipment located thereon. The applicant shall be responsible for all maintenance to the wireless transmission equipment located on the street light facility or otherwise installed in association therewith.
- e. **Design Standards and Concealment Elements.**
 - (i) **General Concealment Measures.** Antenna(s) and pole-mounted accessory equipment of streetlight-mounted WTF's shall be designed, camouflaged, screened and obscured from view in order to render the attached WTF as visually inconspicuous as possible. Such antenna(s) and accessory equipment shall be painted, textured, and designed in a manner consistent with the street light standard's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing street light standard in order to render the attached WTF as visually inconspicuous as possible, such that the streetlight-mounted WTF is not identifiable or plainly visible from public rights-of-way. Antennas shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the top of the street light standard and painted, textured, and designed in a manner consistent with the street light standard's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing street light standard.
 - (ii) **Type of Antennas.** Only antenna enclosed within a canister, radome, shroud or other similar antenna concealment enclosure may be mounted to a street light standard. No

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more than one (1) antenna concealment enclosure may be attached to a street light standard.

- (iii) **Mounting of Antennas.** Canisters, radomes, or similar antenna concealment enclosures shall be flush-mounted (without vertical separation) to the top of the pole located above the point of attachment of the mast arm, but shall not extend vertically above the height of the street light standard by more than three (3) feet. The canister, radome or similar antenna concealment enclosure shall be designed and camouflaged to appear as an integral part of the existing pole to which it is attached. If the diameter of an antenna concealment enclosure is greater than the diameter of the top end of the pole, the antenna concealment enclosure must be tapered in a manner consistent with style of the subject pole. Antennas shall not be mounted to the mast arm of the street light standard.
- (iv) **Maximum Size of Antennas.** The diameter of the canister, radome or similar antenna concealment enclosure shall not exceed the diameter of the existing pole at its mid-point.
- (v) **Accessory Equipment, Equipment Cabinets.** Cable and conduit shall be located inside the pole and not attached to the exterior. All accessory equipment, other than antenna concealment enclosures, cables, conduit, and power meters and switches (and similar equipment installed by an electric utility), shall be located in equipment cabinets or smaller equipment enclosures. Equipment cabinets and enclosures shall be flush-mounted to the side of the street light standard. The height (length) and depth of a pole-mounted equipment cabinet/enclosure shall not exceed 24-48 inches and 10 inches, respectively, and the width and depth of a pole-mounted equipment cabinet/enclosure shall not exceed the minimum width of the pole at the location of attachment by more than fifty (50) percent. The volume of all pole-mounted equipment cabinets/enclosures and accessory equipment located on the street light standard, including pre-existing wireless transmission equipment located on the street light standard, shall not exceed six-eleven (116) cubic feet. To the extent ground-mounted equipment cabinets/enclosures are permitted in accordance with Subsection 2.8.10(E)(4) hereof, the volume of all pole-mounted and ground-mounted equipment cabinets/enclosures associated with wireless transmission equipment located on the street light standard, including pre-existing wireless transmission equipment located on the street light standard, shall not exceed seventeen (17) cubic feet.

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3. **Additional Regulations and Design Standards for Faux Streetlight Facilities.**

- a. **Purpose and Intent.** The following regulations, standards and guidelines for the placement of faux streetlight facilities attempt to cover the large majority of situations which will occur and are general in application, particularly in regard to the location of new faux streetlight facilities in the public right-of-way. There may be instances where a proposed installation of a faux streetlight facility appears to meet the requirements set forth herein, but special circumstances, other considerations, or other regulations may make the installation inappropriate. Each requested location for placement of a faux streetlight facility is subject to the approval of the City Engineer/Public Works Director and shall be reviewed by the City Engineer/Public Works Director on its own merit with regard to the policies and purposes of this Section 2.8.10, including, but not limited to, its impact on safety, visual quality of the public right-of-way, and the difficulty of public right-of-way and public utility construction and maintenance.
- b. **Location Standards and Guidelines.**
 - (i) A faux streetlight facility may only be installed in the public right-of-way when the location has been reviewed and approved by the City Engineer/Public Works Director. In determining whether the location is appropriate, the City Engineer/Public Works Director shall review the proposed location for compliance with the foregoing general standards, the additional standards and requirement set forth below, and such other