

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 6-27-00

Submitted by: Assemblymembers VON
GEMMINGEN and TREMAINE
Prepared by: Assembly Office
For reading:

ANCHORAGE, ALASKA
AO NO. 2000-71(S-3)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE TITLE 21 REGULATING COMMUNITY AND
LOCAL INTEREST TOWERS

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1 : That AMC Section 21.45.263 of the Anchorage Municipal Code is amended to read as follows:

2 The installation and use of antenna(s) smaller than one (1) meter in any
3 dimension for use by a dwelling unit occupant for personal, home occupation,
4 or utility telemetry purposes, or by an electric or gas utility on an existing power
5 pole or cabinet to monitor or control equipment thereon, and n[N]oncommercial
6 receive only antennas are exempt from this title except for roof mounted satellite
7 dishes greater than one (1) meter in residential districts as specified in this
8 section. Roof mounted satellite dishes greater than one (1) meter in diameter
9 in residential districts shall be only permitted by conditional use.

Section 2 : That AMC Section 21.45.265 of the Anchorage Municipal Code is amended to read as follows:

21.45.265 **Community and local interest towers.**

A *General provisions:*

1. - 3. c. No change.

d Collocation shall grant an additional 15 [30] feet above the
base height for each qualifying antenna to maximum of 30 [60]
feet of additional height. Increases in tower structure height by
operation of this paragraph shall not reclassify a tower
structure from a local interest tower to a community interest
tower.

4. Collocation

a. - b. No change.

- c. All community and local interest towers shall, for a reasonable compensation, be made available for use by as many other licensed carriers as can be technically collocated thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in collocating additional facilities upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation.

5. - 10. No change

- 11 Administrative permit required. An administrative permit shall be obtained from the administrative official designated pursuant to section 21.10.005. The application shall identify the antenna(s) on the tower, the legal description of the site, its zoning and its street address, if any. This permit shall certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this title.

12. Annual inventory. By January 31 of each year, each tower owner who is regulated by this section shall provide the Municipality with an inventory of all additions and deletions of said provider's existing towers or approved sites for such facilities that are either within the Municipality or within one mile of the border thereof as of December 31 of the previous year. The first inventory from each provider shall be a comprehensive current list of their existing towers and approved sites.

13. Time period for construction. Construction of a tower shall commence within one (1) year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

14. Notice of site selection and site plan review.

a. B-1A, B-1B, and Watershed zoning districts:

1. Prior to issuance of a building or land use permit for a type 1, 2, and 3 tower structures within B-1A, B-1B, and Watershed zoning districts property owners of

residential-zoned land within 500 feet of the selected tower site and the local community council shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing of the notification.

2. Appeals. A decision of the administrative official to issue a building or land use permit is final unless appealed within the 30 day notice period to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the tower site. In the event of appeal, the planning and zoning commission shall, in accordance with section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.30.010.B.

b. PLI and residential districts: All type 1, 2, and 3 tower structures within a residential district as set forth in section 21.45.010 or PLI district shall be subject to a site plan review as set forth in this section except when a conditional use permit is required.

c. All zoning districts not referenced in paragraph a or b above are exempt from the notification requirements, the minimum separation distances from protected land uses, and the site plan review requirements set forth in this Chapter.

d. General. The following provisions shall govern the site plan review process for type 1, 2, and 3 tower structures. A site plan review is required of all such towers since they have aesthetic and visual impacts on their neighbors and the public interest is best served by allowing these neighbors and the public at large a chance to comment on and provide input concerning the location and design of these towers. All such towers shall conform to the requirements of this section and to the requirements of the use district in which the tower is located.

1. Applications for site plan review under this section shall be subject to AMC 21.50.200, except as modified in this section.

2. In granting a site plan permit, the administrative official may impose conditions to the extent that the official concludes such conditions are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

e. Information required. Applicants for a site plan review for a tower structure shall submit the following information:

1. The information required for tower conditional use permits as contained in 21.50.280.B.

2. The information required concerning availability of suitable existing tower structures, other structures or alternative technology as contained in 21.50.280.D.

f. Public participation process. At least 35 days before acting on a tower site plan application under this section, the administrative official shall publish notice of the application in a newspaper of general circulation in the Municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the Municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice ~~and~~ as provided for elsewhere in this title. Following notice of the site plan, the community council has thirty-five (35) days from the date of the letter to respond. The administrative official shall take action on the site plan within 50 days of the site plan application submission. Upon

action, the applicant will mail to all addressees on the original notice list, the written action of the administrative official. The applicant shall document their public process including a list of who was notified, with what, and when as part of their permit application process.

g. Factors considered in granting site plan approval for tower structures. In addition to the general standards for site plan approval, the administrative official shall consider the following factors in determining whether to issue a site plan permit:

1. The factors considered in tower conditional use permits as contained in 21.50.280.C.

h. Appeals. A decision of the administrative official under the authority set forth in this subsection is final unless appealed within fifteen (15) days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within five hundred (500) feet of the tower site. In the event of appeal, the planning and zoning commission shall, in accordance with section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in Superior Court.

15. Unless cured, an Administrative permit revocation/ An administrative tower permit shall be revoked after notice, an administrative hearing as provided elsewhere in this Title, and the opportunity to cure, for any of the following:

a. Construction, and/or maintenance operation of a tower at an unauthorized location;

b. Construction or operation of a tower in violation of any of the terms and conditions of this Chapter or the conditions attached to the permit;

c. Material misrepresentation by or on behalf of an applicant; or permittee in any application or written statement upon which the administrative official substantially relies in making the decision to grant, review or amend any permit pursuant to this Chapter and which materially changes the application of the

standards of approval of the permit;

d. Abandonment of a tower as set forth in this Chapter, or

e. Failure to relocate or remove facilities as required in this Chapter.

16. Minimum separation distance from protected land uses.

a. A protected land use is defined as follows:

1. Principal structures on PLI zoned lands;

2. School buildings;

3. State licensed daycare facilities; and

*insert residential 4. Principal structures on residentially zoned lands.

b. The minimum separation distance as measured from any principal structure built on any protected land use to the base of a tower shall be 200 percent of the allowable tower height.

c. After giving due consideration to the comments of the applicant, the property owner, and the local community council, the minimum separation distance set forth in the paragraph b. above may be reduced or eliminated by the Administrative Official.

17. After having a tower permit revoked, no tower shall be re-permitted for that property or by that tower owner on any property within the Municipality for a period of one year except through a conditional use permit. This subsection shall apply only with respect to community and local interest tower revocations pursuant to this title after the effective date of this ordinance.

Section 3: That AMC Section 21.50.280 of the Anchorage Municipal Code is amended to read as follows:

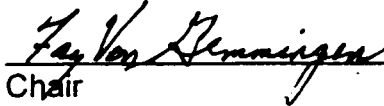
D. *Availability of suitable existing tower structures, other structures, or alternative technology.* No new tower structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning commission that no existing tower structure, structure or alternative technology that does not require the use of tower structures, or [STRUCTURES] alternative technology can accommodate or replace the applicant's proposed antenna. An applicant shall submit any additional information requested by the planning and zoning commission related to the availability of suitable

existing tower structures, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower structure, structure or alternative technology can accommodate the applicant's proposed antenna [MAY] will consist [OF ANY] of the following:

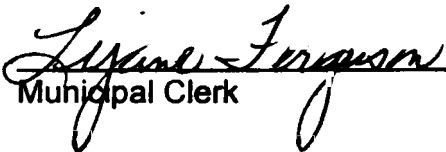
Section 4: This ordinance shall become effective immediately upon passage and approval.

Section 5: The Planning and Zoning Commission shall review the terms of this ordinance and advise the Municipal Assembly on any revisions required to maintain the effectiveness and intent of this ordinance as the result of changes and technology prior to January 1, 2003. This Section amends Section 38 of AO 99-62.

PASSED AND APPROVED by the Anchorage Assembly this 27 day of June, 2000.


Chair

ATTEST:


Municipal Clerk