ANCHORAGE, ALASKA
AO No. 2015-142 (S-1), As Amended

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21 (NEW
CODE) TO AMEND PROVISIONS REGARDING TELECOMMUNICATIONS
FACILITIES, INCLUDING CELL TOWERS.

WHEREAS, the purpose and intent of this ordinance is to provide a uniform and
comprehensive set of standards for the development of telecommunication facilities,
including cell towers. The regulations contained herein are designed to protect and
promote public health, safety, community welfare, and the aesthetic quality of
Anchorage, while at the same time not unduly restricting the development of needed
telecommunications facilities. It is furthermore intended that, to all extent permitted by
law, the Municipality of Anchorage shall apply these regulations to specifically
accomplish the following:

A. Protect the visual character of the municipality, with particular attention to
residential districts, from the potential adverse effects of telecommunication facilities;

B. Insure against the creation of visual blight within or along the
municipality's scenic corridors and ridgelines;

C. Retain local responsibility for and control over telecommunication facilities
to protect nearby properties;

D. Simplify the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the
legitimate interests of Anchorage citizens;

E. Encourage low-impact development of telecommunication facilities by
prioritizing concealed towers and alternative technology in residential
districts, and co-location in nonresidential districts;

and

WHEREAS, with approval of the Municipal Attorney in accordance with AMC section
1.05.050B., this S-version is submitted as a clean document without the marked
legislative drafting conventions showing changes from the original proposed AO,
because this is a complete overhaul of the structure of the amendments to AMC
subsection 21.05.040K. and includes several additional amendments to other sections
and use tables; now, therefore
NOW, THEREFORE, THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code table 21.03-1 is hereby amended in accordance with the attached Exhibit A.

Section 2. Anchorage Municipal Code subsection 21.03.180 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.03.180 Site Plan Review

C. Administrative Site Plan Review

1. Applicability
   Land uses requiring administrative site plan review are identified in table 21.05-1, Table of Allowed Uses, table 21.05-3, Table of Allowed Accessory Uses, table 21.09-1, Table of Allowed Uses (Girdwood), table 21.09-2, Table of Accessory Uses (Girdwood), table 21.10-4, Table of Allowed Uses (Chugiak-Eagle River), and table 21.10-5, Table of Accessory Uses (Chugiak-Eagle River).

2. Procedure

   a. Application Submittal
      Applications for an administrative site plan review shall contain the information specified in the title 21 User's Guide, and shall be submitted to the director on a form provided by the department.

   b. Public Notice
      Notice shall be provided in accordance with subsection 21.03.020H.

   c. Departmental Review and Director's Action
      The department shall review each proposed administrative site plan application in light of the approval criteria of subsection F. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the director shall take final action on the site plan application and approve, approve with conditions, or deny the application. The department's review and the director's action, including referral to other agencies and bodies, shall be completed within 60 days of verification of a complete application.

   d[C]. Appeals
      Decisions on administrative site plans may be appealed to the urban design commission, in which case it shall be treated as a major site plan review application under subsection D. below.
3. Administrative Site Plan Review With Notice

When a section of title 21 calls for administrative site plan review with notice, written (mailed) notice and posted notice shall be provided at least 45 days before the date of decision, along with other notice required by table 21.03-1.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 3. Anchorage Municipal Code subsection 21.05.010E., Table of Allowed Uses, is hereby amended in accordance with the attached Exhibit B.

Section 4. Anchorage Municipal Code subsection 21.05.040K. is hereby repealed and reenacted to read as follows and a copy of the text to be repealed is attached as Exhibit H (the remainder of the section is not affected and therefore not set out):

21.05.040 Community Uses: Definitions and Use-Specific Standards

** ** ** ** ** **

K. Telecommunication facilities

This subsection provides the land use standards for the location and design of what are commonly referred to as cell towers, but also includes or excludes other types of telecommunication facilities. Telecommunication facilities are allowed as a principal use as provided in table 21.05-1. Telecommunications facilities are allowed as an accessory use as provided in table 21.05-3.

1. Definitions
   a. Type 1 tower
      A freestanding vertical support structure of cylindrical, conical, or rectangular cross section constructed of composite, wood, concrete, or metal employed primarily for the purpose of supporting an antenna array and commonly called a monopole. A utility pole with one or more macro antennas [TELECOMMUNICATIONS FACILITIES] is a type 1 tower unless it meets the requirements of 8.f. of this section.

   b. Type 2 tower
      A freestanding vertical support structure of open frame skeletal design employed primarily for the purpose of supporting an antenna array and commonly called a lattice tower. This tower type includes lateral arrays.

   c. Type 3 tower
      A guyed vertical support structure of open frame, skeletal design, or solid pole design employed primarily for the
purpose of supporting an antenna array and commonly called a guyed tower.

d. Type 4 tower
A concealed telecommunications facility and its support structure.

e. Antenna Only, Large *(Macro)*
One or more antennas used for wireless communication and not attached to a Type 1-4 tower, with a volume of greater than three cubic feet.

f. Antenna Only, Small *(Micro)*
One or more antennas used for wireless communication and not attached to a Type 1-4 tower, with a volume of equal to or less than three cubic feet per antenna. This use includes facilities commonly known as "small cell" and "DAS."

2. Applicability
This section applies to new telecommunications towers and associated equipment, new telecommunications antennas and associated equipment, and modifications to existing telecommunications towers and antennas and/or their equipment. Except for the provisions governing abandonment and interference, the following are exempt from this section:

a. Amateur radio station towers and noncommercial receive-only antennas, provided:

i. The antenna and tower structure are part of a federally-licensed amateur radio station; and

ii. In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.

b. Personal antenna for use by a dwelling unit occupant for personal use, including a home occupation.

c. Localized utility antenna used for utility telemetry purposes, or by an electric or gas utility on an existing utility pole or cabinet to monitor or control equipment thereon.

d. Antennas and antenna systems located entirely within buildings.

e. A government-owned telecommunications facility installed upon the declaration of a state of emergency by the federal, state, or local government, except that such facility shall
comply with all federal and state requirements. The facility shall be exempt from the provisions of this section for up to six months after the duration of the state of emergency.

f. Temporary mobile telecommunication facilities, including cell-on-wheels. Temporary facilities shall comply with section 21.05.080.

3. Approval Process

a. Towers and antennas shall be allowed in accordance and using the approval process set forth in table 21.05-1, table 21.05-3, table 21.09-2, table 21.09-3, table 21.10-4, and table 21.10-5, except that the provisions and standards in residential districts shall apply to all telecommunications facilities located within 150 feet of a residential district. **Towers in PC districts shall be allowed in accordance with the provisions of the district’s master plan.**

b. “Antenna only, large” and “Antenna only, small” shall require an administrative permit, in accordance with subsection 21.05.040K.4.d. below.

c. The director may refer applications for administrative site plan review or conditional use to an independent, Alaska licensed, professional engineer for analysis. The cost of such review shall be borne by the applicant.

d. Modifications that are not consistent with 47 U.S.C 1455(a) and its implementing regulations (47 C.F.R. § 1.40001, commonly referred to as “6409(a)”) shall be acted upon within 90 days of a complete application submittal.

e. Modification consistent with 47 U.S.C 1455(a) and its implementing regulations (47 C.F.R. § 1.40001, commonly referred to as “6409(a)”) shall be acted upon within 60 days of a complete application submittal.

f. Any telecommunication facility that is approved through an administrative site plan review process shall be approved through the administrative site plan review with notice process in accordance with subsection 21.03.180C.3.

g. A tower or antenna that does not meet the standards set forth in this section [OR IS NOT LISTED AS PERMITTED IN THE DISTRICT IN TABLE 21.05-1, TABLE 21.05-3, TABLE 21.09-2, TABLE 21.09-3, TABLE 21.10-4, OR TABLE 21.10-5] may be approved through the conditional use process, except that the limitations in subsection 7.b. below still apply. **To approve such an application, the planning and zoning commission shall find that, in addition to meeting**
the approval criteria of subsection 21.03.080D. and K.6. below, denial would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless service.

h. Towers in dedicated parks may require a majority vote at a regular or special election as provided for in the Anchorage Home Rule Charter 10.02.8, if siting the tower would require the Municipality to convey an interest in lands.

4. Limitations on Authority to Deny
The decision-making body may not deny an application for a telecommunications facility:

   a. If the denial would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services.

      i. Unreasonable discrimination occurs if the applicant is treated differently from other providers whose facilities are similarly situated in terms of the structure, placement, or cumulative impact as the facilities in question.

      ii. In order to establish the need for service, the applicant must make a showing of a significant gap in service coverage and address to the satisfaction of the decision-making body the infeasibility of alternative facilities or site locations.

   b. On the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission’s regulations concerning such emissions.

5. Submittal Requirements
   a. Administrative Site Plan Review and Conditional Use for New Towers
   In addition to the submittal requirements in chapter 21.03, applications for administrative site plan review and conditional use shall also include the following. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer, except radio frequency engineering reports which may be provided by a qualified employee of the applicant.
i. An explanation of why the site was selected. The applicant shall submit evidence that demonstrates that no existing tower or structure can accommodate the applicant’s needs. Such evidence shall consist of information demonstrating the following:

(A) No existing tower or structure is located within the geographic area needed to meet applicant’s engineering requirements.

(B) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(C) Existing towers or structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment.

(D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are commercially unreasonable. Costs exceeding new tower structure development are presumed to be unreasonable.

(F) There are other limiting factors that render existing tower or structures unsuitable.

ii. Evidence to demonstrate that no alternative technology can accommodate the applicant’s proposed antenna. Such evidence shall consist of information demonstrating that an alternative technology that does not require the use of a tower or structure, such as a cable microcell network using multiple low-powered transmitters or receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower structure or antenna development may [SHALL NOT BE PRESUMED TO] render the technology unsuitable.
iii. A dimensioned and scaled site plan clearly indicating the location of the proposed tower structure, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, topography, parking, landscaping, and other information deemed by the director to be necessary to assess compliance with the standards.

iv. The proposed tower height and type, along with elevation drawings of the tower, and types, sizes and locations of antennas on the tower.

v. A rendition, drawing, or photographic representation of what the tower will look like if constructed, from at least two directions.

vi. The distance between the proposed tower structure and the nearest residential unit, residentially-zoned property, and PLI-zoned property.

vii. The separation distance from other tower structures within one mile, shown on a plan or map. The applicant shall also identify the type of construction of the nearby towers and the owner/operator of the nearby towers, if known.

viii. Radio frequency propagation maps.

ix. Fence and lighting details.

x. An evaluation of the tower structure's compliance with this subsection.

xi. An applicant for a type 4 tower shall provide evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the director to find the concealment standards are satisfied.

b. Administrative Permit

i. Each antenna array installation, a single antenna not in an array, and any network of antennas (such as “small cell” or “DAS”) requires an administrative permit in accordance with section 21.03.030. In the case of an antenna network, the administrative permit shall verify compliance with subsection K.8.f. below.
ii. Compliance with subsection K.9. below regarding interference is required for the administrative permit.

iii. An applicant for a concealed antenna shall provide evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the director to find the concealment standards are satisfied.

c. Building Permit Required
Installation and use of a telecommunication facility that does not require an approval under this section may still be required to comply with other laws, including approval of a building or land use permit under title 23. Building or land use permits shall be reviewed for compliance with this title.

6. Approval Criteria
In addition to the general standards for site plan approval under subsection 21.03.180F. and for conditional use approval under subsection 21.03.080D., the decision-making body shall also consider all of the following factors. In approving an application, the decision-making body may impose conditions to the extent it concludes conditions are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

a. Height of the proposed tower structure.

b. Proximity of the tower structure to residential structures and residential district boundaries.

c. Nature of uses on adjacent and nearby properties.

d. Surrounding topography.

e. Surrounding tree coverage and foliage.

f. Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

g. Proposed ingress and egress.

h. Availability of suitable existing towers, structures, or alternative technologies not requiring the use of towers or structures. No new tower structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the decision-making body that:
i. No existing tower or structure can accommodate or replace the applicant's proposed antenna; and

ii. No alternative technology that does not require the use of tower structures can accommodate or replace the applicant’s proposed antenna.

7. Common Standards for All Towers

a. Applicability

These common standards apply to all towers.

b. Minimum Separation Distance from Protected Land Uses

i. The minimum separation distance between the base of the tower and any principal structure on residually-zoned land, or any school or child care center, shall be 200% of the allowable or actual tower height, whichever is greater.

ii. The decision-making body may reduce the separation distance set forth in paragraph b.i. above to 150% of the allowable or actual tower height (whichever is greater) upon finding that the property owner(s) of the protected land use(s) agree to the reduction, or that the reduced separation allows a location that has less visual impact on the community in general.

iii. After giving due consideration to the comments of the applicant, the property owner of the proposed tower site, the local community council, and the property owner(s) of the protected land use(s), the decision-making body may further reduce the separation distance set forth in paragraph b.i. above to no less than 110% of the allowable or actual tower height (whichever is greater) upon finding that the reduced separation allows a location that has less visual impact on the community in general, or is necessary for the applicant to close a significant gap in service. The applicable decision-making body may not further reduce this separation distance.

iv. Notwithstanding variance authority set forth in chapter 21.02 and section 21.03.240, the assembly may grant a variance from the separation distance if the applicant proves that denial of such variance would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services.
c. Tower Structure Height

i. Notwithstanding section 21.06.020, height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and associated structures. Maximum height shall be as set forth below:

(A) Residential districts—65 feet.

(B) Commercial districts—130 feet.

(C) Industrial districts—150 feet.

(D) AF district—200 feet.

(E) All other districts—100 feet.

ii. Notwithstanding section 21.06.020, height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the maximum height set forth in subsection 7.c.i. above, whichever is greater.

iii. Tower structures, whether directly affixed to the ground or mounted on a building, shall not interfere with Federal Aviation Administration Regulations on airport approaches.

d. Co-location

i. All type 1, type 2, and type 3 towers constructed after [effective date] shall be engineered and constructed to accommodate a total of three separate antenna array without the need to re-engineer, except that type 1, type 2, or type 3 towers in residential districts shall accommodate a total of two separate antenna array if they are less than 85 feet in height.

ii. With a signed letter of intent or similar document demonstrating that another carrier intends to co-locate on the tower:
(A) A Type 4 tower in class A districts may be engineered and constructed to accommodate one additional antenna array and may exceed the maximum tower height set in subsection 7.c. above by 15 feet.

(B) A Type 4 tower in class B districts may be engineered and constructed to accommodate one or two additional antenna array and may exceed the maximum tower height set in subsection 7.c. above by 15 feet per additional array, up to a maximum of 30 feet of additional height.

iii. All towers shall, for reasonable compensation, be made available for use by as many licensed carriers as can be technically co-located 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 co-locating additional facilities upon such towers. All licensed carriers shall exercise good faith in co-locating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location.

iv[III]. Colocation is prohibited if the installation will violate the standards of the original approval, including violation of standards applicable to concealment.

e. Seward Highway National Scenic Byway and Significant Viewsheds
In order to approve towers proposed along the Turnagain Arm in or adjacent to the Seward Highway National Scenic Byway corridor, and in significant viewsheds, including street level viewsheds, and community gateways identified in the comprehensive plan, the decision-making body shall find that the proposed facility does not significantly affect the scenic corridor, viewshed, or gateway.

f. Parking
Off-street parking is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved in class A districts and, in class B districts, shall be paved or covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Notwithstanding section 21.07.100, parking space illumination is not required.
g. Landscaping and Fencing
   i. All towers and related ground-mounted equipment shall be surrounded by a sight obscuring fence at least six feet tall. In dedicated parks, residential districts and within 150 feet of residential districts, chain link, plastic, or vinyl fencing/screening is prohibited.

   ii. In dedicated parks, residential districts and within 150 feet of residential districts, security wire, such as barbed, razor, or concertina wire, is prohibited. In all other locations, security wire is permitted but only if inverted inside the fence. The wire may be exposed and visible above the fence by a maximum of one foot, but if not exposed, the fence shall be posted with prominent warning signs.

   iii. In dedicated parks, residential districts and within 150 feet of residential districts, L1 visual enhancement landscaping shall be provided around the outside of the fence, except for at the point of access and where the fence is not visible from the property line. In all other locations, L1 visual enhancement landscaping shall be provided around the outside of the fence (except for at the point of access and where the fence is not visible from the property line) unless waived by the decision-making body with a finding that the landscaping is not compatible with the location.

h. Security
   The tower structure and support structures shall be secured to prevent unauthorized access.

i. Separation Distance
   Towers shall maintain a minimum spacing of one-half mile unless the applicant reasonably demonstrates that physical limitations (such as topography, terrain, vegetation, or existing buildings) in the immediate service area prohibit the provision of services by existing facilities or that co-location on an existing facility within one-half mile is technically impractical or does not sufficiently meet coverage needs.

j. Installation
   All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission (FCC) as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).
k. Tower Lighting
Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

l. Equipment Lighting
Lighting placed to illuminate the associated equipment shall be designed to direct light towards the ground. Lighting shall not cause glare or light trespass on adjacent properties. In residential districts and within 150 feet of residential districts, lights shall either be on motion sensors or shall be kept off when no personnel are on site.

m. Tower Color
Except for qualifying Type 4 concealed towers where the color used enhances the concealment, the tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

n. Identification Placard
An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

i. The name and address of the tower structure owner;

ii. The name and address of the tower structure manager, if different from the owner;

iii. The date of erection of the tower structure; and

iv. The owner's name and address of each antenna on the tower structure.

o. Time Period for Construction
Construction of a tower shall commence within one year from the later date of the building or land use permit, site plan, or conditional use approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit or approval, or both, shall become null and void.
8. Specific Standards for Types of Telecommunications Facilities

a. Type 1 Tower
   i. Setbacks
   The minimum distance from any lot line to the vertical axis of the tower structure shall be equal to or greater than the setbacks of the underlying zoning district.

b. Type 2 Tower
   i. Setbacks
   The minimum distance from any lot line to the vertical axis of the tower structure shall be equal to or greater than the distance measured from grade to the first taper transition.

c. Type 3 Tower
   i. Setbacks
   The minimum distance from any lot line to the vertical axis of the tower structure shall be equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer's criteria for the proposed application. That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:

   (A) Guy wire with a nominal diameter of 0.25 inches or less—25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.

   (B) Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches—25 feet, provided the setback may be reduced to five feet if the anchor structure is enclosed within a sight obscuring fence.

   (C) Guy wire with a nominal diameter equal to or greater than 0.625 inches—25 feet.

d. Type 4 Tower and Concealed Antenna
   i. Setbacks
   The minimum distance from any lot line to the vertical axis of the tower structure shall be equal to or greater than the setbacks of the underlying zoning district.
ii. Concealment Qualifications for Towers and Antennas

(A) Towers and antennas shall be considered Type 4 towers or concealed antennas if they are integrated as an architectural feature of an existing structure and/or designed and built so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer. Common concealments include integration into building facades, street light poles, flagpoles, free standing signs, steeples and spires at places of worship, and water towers. Other concealments create the appearance of a natural feature, consistent with its surroundings, that is not commonly recognized as a man-made structure. Common types include trees, large rocks, and cliff faces. The antennas of the facility are mounted on the structure so that they are located and designed to minimize or eliminate visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment. By itself, paint schemes on the support structure or telecommunication facility are not presumptively sufficient to classify a facility as a Type 4 facility, but the director may determine that a paint scheme is sufficient to achieve the concealment required to be classified as a Type 4 facility.

(B) Each type 4 tower structure and concealed antenna proposed for installation and use shall be qualified as meeting the concealment standards in this section by the director.

e. Antenna Only, Large

i. In residential districts and within 150 feet of residential districts, antennas meeting the definition of “antenna only, large” shall be concealed in accordance with 8.d. above.

ii. In all other locations, when attached the façade of existing buildings, antennas meeting the definition of “antenna only, large” shall be painted to match the building at the location of mounting.

f. Antenna Only, Small
An antenna or a system of antennas meeting the definition of “antenna only, small” is permitted on utility poles in the public right-of-way and/or on existing structures, and requires an administrative permit. When located in the right-of-way, the following standards shall apply:

i. If applicable, the applicant shall provide proof that the owner of the utility pole authorizes the installation of the facilities.

ii. The applicant shall provide proof that the property owner, if different from applicant, authorizes the installation of the facilities.

iii. If replace, the new pole diameter shall be no larger than 1.5 times the diameter of the replaced pole, and no more than six feet taller than the replaced pole.

iv. The top of any installation on the utility pole shall not exceed 50 feet in height from the ground, or six feet above the top of the pole, whichever is less.

v. Antennas shall not increase the pole height by more than three feet per installation and shall not exceed 18 inches in diameter.

vi. There shall be no more than two separate installations on each pole.

vii. Antennas and mounting hardware shall be covered or painted to match the color of the pole on which it is mounted. All cables shall be located inside the installation or within an encasement colored to match the pole and oriented to a side with the least visual impact.

viii. Any ancillary equipment located in a right-of-way:

(A) Shall be attached to a utility pole and be the same color as the utility pole, or shall be ground mounted; and

(B) Shall include no individual item of equipment that [NOT] exceeds [THREE FEET IN HEIGHT,] two feet in width, [AND] two feet [ONE FOOT] in depth, and six cubic feet, when attached to a utility pole. The total volume of equipment, either pole-mounted or ground-mounted, shall not exceed 17 cubic feet; and
ix. Any ancillary equipment not located in a right-of-way shall meet the following criteria:

(A) The equipment shall be located in an easement.

(B) The equipment shall be located on a concrete pad, unless required to be elevated due to FEMA requirements.

(C) All equipment, including power generators, service panels and service connections shall be housed in one of the following: within a building, within a wireless equipment compound, within a wireless equipment cabinet, or completely underground. The wireless equipment cabinet shall not exceed four feet in height and 80 cubic feet.

(D) Notwithstanding chapter 21.06, the equipment may be located within a required front, side, or rear setback, provided, that it extends no higher than 48 inches above finished grade and does not encroach into any required sight distance triangle.

(E) The equipment, including the pad, shall be included in lot coverage and shall not count as open space for the site.

(F) The equipment shall be screened from view by landscaping, architectural features, or a combination of both, and designed in a manner which minimizes nuisance impacts, such as noise and odor. Screening shall be at least equal to the height of the equipment on all sides and shall be maintained in good order. Failure to maintain fences, walls,
landscaping, or other screening shall constitute a violation of this chapter.

x. The building, wireless equipment compound or wireless equipment cabinet shall be architecturally compatible with the surrounding area in terms of scale, form, texture, materials and color.

xi. If the installation is located on a pole that is undergrounded, the installation shall be removed.

9. Notification of Activation
Within 30 days of activation of an antenna, antenna array, or antenna network, the operator shall provide written notice to property owners and residents in accordance with subsection 21.03.020H.3., Written (Mailed) Notice. The notice shall include:

a. The date of activation;

b. A statement that the Federal Communications Commission (FCC) has authority over interference caused by telecommunications facilities, and how to contact the FCC to register a complaint;

c. The operator’s contact information, including phone number; and

d. Normal business hours or, if none, hours the operator can be reached by phone.

10. Annual Inventory
By January 31 of each year, the owner of each antenna or tower regulated by this section shall provide the municipality with an inventory of all additions and deletions of the owner’s existing antennas, towers, or approved sites for such facilities that are within the municipality or within one mile of the border thereof as of December 31 of the previous year.

a. The first inventory from each provider shall be a comprehensive current list of their existing antennas, towers, and approved sites.

b. The inventory shall be provided in an electronic format, preferably in a spreadsheet, emailed to the director, and shall contain a separate entry for each tower or, if no tower, each site and antenna. Each entry shall contain:

i. Municipal or borough parcel ID. In the absence of a parcel ID, a legal description or official street address;
ii. Global positioning system (GPS) coordinates for each tower and antenna/antenna array;

iii. Actual height of the antenna or tower or, in the absence of a constructed antenna or tower, the approved tower height;

iv. Number of actual or planned antenna;

v. Name of each antenna owner for co-located antenna;

vi. Number of inactive antenna or, if applicable, indicate the entire tower or site is inactive; and

vii. Unutilized number of antenna co-locations available on the tower, by counting designed or existing and known engineered capacity in 15 foot increments.

c. Failure to comply with this section is a violation enforceable under 21.13.040.

11. Modifications and Amendments

a. Standards for modifications to telecommunications facilities are as follows:

i. Repairs and maintenance to a nonconforming tower structure may be performed consistent with subsection 21.12.010F.

ii. The replacement or repair of antennas, addition of antennas to a tower that does not increase the maximum height or width of the tower, or changes that do not increase the footprint or height of associated equipment, shall not be considered an amendment of final approval under subsection b. and shall be considered a use contemplated within the original approval where the replacement, repair, or addition:

(A) Will serve the same user or successor entity under the original approval;

(B) Will serve the same general purpose as was served under the original approval; and

(C) Is consistent with the conditions and standards applicable to the original approval.
iii. Replacement or addition of an antenna requires an administrative permit and compliance with the notification of activation requirement in subsection K.9.

iv. An application under this title for modification approval is not required. A review for eligibility and compliance with this subsection shall occur during the administrative, building, or land use permit review.

b. Amendments to Final Approval

i. Applications for amendments to a conditional use shall be subject to the requirements of 21.03.080E. Applications for amendments to an administrative site plan approval shall be subject to the requirements of 21.03.180H.

ii. Utilization of the criteria provided in 47 U.S.C. 1455(a) and its implementing regulations (47 C.F.R. § 1.40001, commonly referred to as “6409(a)” (hereafter “Rule”), as it may be amended from time to time, shall be treated as a minor amendment under this title if:

(A) The application clearly requests treatment of the modification as an insubstantial change under the Rule;

(B) The application is complete in accordance with this title and the Rule; and

(C) The director determines the application meets all the requirements of the Rule and applicable provisions of this title not preempted by the Rule. The director may use the maximum time allowed by the Rule to determine whether the application is complete and eligible under the Rule.

12. Building or Land Use Permit, Administrative Site Plan Approval, or Conditional Use Approval Revocation

a. Unless cured, a building or land use permit or approval of a site plan or conditional use shall be revoked after notice and the opportunity to cure, for any of the following:

i. Construction, maintenance, and/or operation of a tower at an unauthorized location;
ii. Construction or operation of a tower in violation of any of the terms and conditions of this title or the conditions attached to the permit or approval;

iii. Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the approving authority substantially relies in making the decision to grant, review, or amend any permit or approval pursuant to this section and which materially changes the application of the standards of approval of the permit or issuance of the approval;

iv. Abandonment of a tower as set forth in this section; or

v. Failure to relocate or remove facilities as required in this section.

b. After having a permit or approval revoked, no tower shall be re-permitted or subsequently approved 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 approval.

13. Abandonment
Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the municipality notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.

14. Appeals
a. Notwithstanding 21.03.050, a decision to

i. Deny or issue a building or land use permit based on requirements of this section where an approval of an administrative site plan or conditional use is not required, or

ii. Deny or approve an administrative site plan under the authority set forth in this section,

is final unless appealed to the planning and zoning commission within 30-days of the denial or effective date of
the permit or approval. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding owners of rights-of-way) of the privately owned land within 500 feet of the outer boundary of the site. The appeal shall be heard by the commission in accordance with the procedures in 21.03.050A.

b. An appeal from an original or appellate decision of the planning and zoning commission may be brought in Superior Court.

Section 5. Anchorage Municipal Code subsection 21.05.070C., Table of Allowed Accessory Uses, is hereby amended in accordance with the attached Exhibit C.

Section 6. Anchorage Municipal Code subsection 21.09.050A., Table of Allowed Uses (Girdwood), is hereby amended in accordance with the attached Exhibit D.

Section 7. Anchorage Municipal Code subsection 21.09.050C.1., Table of Allowed Accessory Uses (Girdwood), is hereby amended in accordance with the attached Exhibit E.

Section 8. Anchorage Municipal Code subsection 21.10.050A., Table of Allowed Uses (Chugiak-Eagle River), is hereby amended in accordance with the attached Exhibit F.

Section 9. Anchorage Municipal Code subsection 21.10.050G.2., Table of Allowed Accessory Uses and Structures (Chugiak-Eagle River), is hereby amended in accordance with the attached Exhibit G.

Section 10. Anchorage Municipal Code section 21.14.040, definitions, is hereby amended to add new definitions to read as follows (the remainder of the section is not affected and therefore not set out):

21.14.040 Definitions

Access
A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Equipment
Any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Adjacent
Abutting or across an alley, a street (public or private, local and collector classification on the Official Streets and Highways Plan), or pedestrian right-of-
Cupola
A small roof tower, usually rising from the roof ridge.

DAS or Distributed Antenna System
A system that distributes RF signals from transceivers at a central hub to a specific service area with otherwise poor coverage or inadequate capacity. As typically configured, a DAS network consists of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas. Whereas small cells are usually operator-managed and support only a single wireless service provider, DAS networks can often accommodate multiple providers using different frequencies and/or wireless air interfaces.

Date of Service
The date that the secretary mails or otherwise distributes the summary of action or approved resolution to the applicant.

Slope
The change in vertical elevation of a land area between two points, divided by the horizontal distance between those points, and multiplied by 100 to be expressed as a percentage.

Small Cell
A low-powered wireless base station that function like cells in a mobile network but provide significantly smaller coverage area than traditional macrocells. Small cells are low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces. It includes femtocells, picocells, metrocells, and microcells.

Solar Access (Sunlight Access)
The availability of, or access to, unobstructed direct sunlight.

Target area
An area designated under Section 21.07.050 as a location in which overhead distribution lines are to be placed underground as provided in this chapter.

Telecommunication facility
A facility which transmits signals between or among points using electromagnetic waves. The facilities may include towers, antennas, buildings, transformers, transmitters, receivers, equipment cabinets, and parking lots.
Topographic flow line
A topographically-defined surface drainage path; a line of continuous fall in elevation across a land surface that will tend to accumulate and concentrate overland runoff from an area; the local flow path likely to be taken across a land surface by surface runoff as it integrates into a concentrated flow; any actual line of major surface flow conveyance. A topographic flow line is present solely as a result of the topography of the land surface itself and exists independent of the infiltration characteristics of the land surface or the presence or absence of vegetation along the flow line.

Tower, Amateur Radio
An antenna and structure of any type used exclusively by an amateur radio operator licensed by the Federal Communications Commission.

Tower[, COMMUNITY INTEREST]
Any structure principally designed to support an antenna(e) [WHERE THE HEIGHT OF THE STRUCTURE (NOT INCLUDING ANY BUILDING HEIGHT, IF INSTALLED ON TOP OF A BUILDING) EXCEEDS 100 FEET, MEASURED TO THE TOP OF ANY ANTENNAE]. Specific tower types are defined in subsection 21.05.040K.

[TOWER, LOCAL INTEREST
ANY STRUCTURE PRINCIPALLY DESIGNED TO SUPPORT ANTENNAE AND NOT MEETING THE DEFINITION OF A COMMUNITY INTEREST TOWER.]

Tower Site
A lot, tract, or aggregate of abutting lots or tracts that has been planned and coordinated for development with separate community interest towers and/or local interest towers in any combination, including subordinate and related equipment and buildings in accordance with the applicable zoning district.

Utility Distribution Line
All or any part of a conductor and supports owned or operated by a utility and used:

- To transmit electrical power from a main source substation to consumers, at a voltage of 34.5 kV or less; or

- To transmit messages, impressions, pictures, or signals by means of electricity or electromagnetic waves; between a distribution substation or central office and the lot line of a customer's premises, excluding auxiliary equipment such as aboveground transformers, switching devices, pad-mounted distribution facilities, and CATV power supplies.

Utility Pole
One of a series of poles usually located at the side of a street or road, or within a utility easement, and used to support wires and other equipment used by utilities,
generally transmitting or distributing electricity or serving primarily as a light pole. A structure used solely or primarily for antennas or their associated facilities is not a utility pole.

Utility Transmission Line
A line used for electrical power transmission between utility substations and switching yards, usually at a voltage of 34.5 kV or greater.

Window, Providing Visual Access (or Visual Access Window)
Windows that allow views between the outdoors and interior habitable space such as working areas, lobbies, entrances, sales areas, or other public areas. The window is transparent enough to permit views between activities within a building and public space such as nearby streets and sidewalks, and so that objects beyond or behind the window can be distinctly seen.

WMN or Wireless Mesh Networking Facility
Low-powered telecommunication devices including nodes, wireless access points (WAPs) and repeaters which are part of a decentralized internet backbone system or wireless local area network (LAN) intended to deliver telecommunications and internet services to small areas within a larger network coverage area. These facilities operate on the 802.11 family of protocols and range in frequencies from 2.4 GHz to five GHz.

Zoning district
A specifically delineated area or district within which uniform standards govern the use, placement, spacing, size, and form of land and buildings.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-82, 7-28-15; AO 2015-100, 10-13-15; AO 2016-3(S), 2-23-16)

Section 11. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 21st day of June, 2016.

ATTEST:

Chair

Municipal Clerk
AO 2015-142 (S-1) regarding telecommunication facilities
Exhibit A

<table>
<thead>
<tr>
<th>Type of Application or Procedure</th>
<th>Section</th>
<th>Written (Mailed)</th>
<th>Published</th>
<th>Posted</th>
<th>Community Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rezonings (Zoning Map Amendments)</td>
<td>21.03.160</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Site Plan Review, Administrative</td>
<td>21.03.180C</td>
<td>✓</td>
<td>✔</td>
<td>✔</td>
<td>✓</td>
</tr>
<tr>
<td>Site Plan Review, Major</td>
<td>21.03.180C</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

*Written (mailed) notice and posted notice shall be provided only when the “administrative site plan review with notice” process is specifically required by this title.*

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-131, 1-12-16; AO 2016-3(S), 2-23-16)
## TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS

<table>
<thead>
<tr>
<th>Definitions and Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>P = Permitted Use  S = Administrative Site Plan Review  C = Conditional Use  M = Major Site Plan Review</td>
</tr>
</tbody>
</table>

For uses allowed in the A, TA, and TR districts, see section 21.04.050.

All other uses not shown are prohibited.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>INDUST.</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telecommunication Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antenna only, large⁴</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Antenna only, small⁴</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Type 1 tower⁴</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Type 2 tower⁴</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Type 3 tower⁴</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Type 4 tower⁴</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>P</td>
</tr>
</tbody>
</table>

In accordance with subsection 21.05.040K.3.g., a tower or antenna that is not permitted in a district may be requested through the conditional use process.

In the AF district, three towers per lot are permitted by right (or, for Type 2 towers, by administrative site plan review). The installation of more than three towers per lot requires a conditional use permit.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2013-139, 1-28-14; AO 2014-58, 5-20-14; AO 2016-3(S), 2-23-16)
### TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>INDUST.</th>
<th>OTHER</th>
<th>Definitions and Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private outdoor storage of non-commercial equipment accessory to a residential use</td>
<td>P P P P P P P P P</td>
<td></td>
<td></td>
<td></td>
<td>21.05.070D.17.</td>
</tr>
<tr>
<td>Telecommunications antenna only, large</td>
<td>P P P P P P P P P P P P</td>
<td></td>
<td></td>
<td></td>
<td>21.05.040K</td>
</tr>
<tr>
<td>Telecommunications antenna only, small</td>
<td>P P P P P P</td>
<td></td>
<td></td>
<td></td>
<td>21.05.040K</td>
</tr>
<tr>
<td>Type 4 tower</td>
<td>S S S S S S</td>
<td></td>
<td></td>
<td></td>
<td>21.05.040K</td>
</tr>
</tbody>
</table>

1. Accessory dwelling units in the R-1 and R-1A districts are limited to attached ADUs, which are added to or created within single-family dwellings.
2. In the R-4 and R-4A districts, ADUs are allowed only on lots already improved with detached single-family dwellings as of January 1, 2014.
3. The telecommunications antenna is allowed only when meeting the concealment standards of 21.05.040K.8.d. and as accessory to a multifamily structure containing at least seven dwelling units or to a nonresidential use.
4. The tower or telecommunications antenna is allowed only as accessory to a multifamily structure containing at least seven dwelling units, or to a nonresidential use.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2016-3(S), 2-23-2016)
## TABLE 21.09-2: TABLE OF ALLOWED USES

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>Residential</th>
<th>Commercial</th>
<th>Ind.</th>
<th>Resort</th>
<th>Other</th>
<th>Definitions and Use Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMUNITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telecommunications</td>
<td>Antenna only, large(^1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Antenna only, small(^1)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Type 1 tower(^1) [STRUCTURE]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
</tr>
<tr>
<td></td>
<td>Type 2 tower(^1) [STRUCTURE]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
</tr>
<tr>
<td></td>
<td>Type 3 tower(^1) [STRUCTURE]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
</tr>
<tr>
<td></td>
<td>Type 4 tower(^1) [STRUCTURE]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
</tr>
<tr>
<td></td>
<td>[ANTENNA AND/OR TOWER ON EXISTING STRUCTURE]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
<td>[S]</td>
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<tr>
<td>COMMERCIAL</td>
<td>Animal Sales, Service &amp; Care</td>
<td>Animal grooming service</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) In accordance with subsection 21.05.040K.3.g., a tower or antenna that is not permitted in a district may be requested through the conditional use process.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2014-133, 11-5-14; AO 2016-3(S), 2-23-16)
AO regarding telecommunication facilities  
EXHIBIT E

### TABLE 21.09-3: TABLE OF ACCESSORY USES

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>Residential</th>
<th>Commercial</th>
<th>Ind.</th>
<th>Resort</th>
<th>Other</th>
<th>Definitions and Use Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>gR1</td>
<td>gR2</td>
<td>gR2A</td>
<td>gR3</td>
<td>gR4</td>
<td>gR5</td>
</tr>
<tr>
<td>Telecommunications antenna only, large</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Type 4 tower</td>
<td>S&lt;sup&gt;2&lt;/sup&gt;</td>
<td>S&lt;sup&gt;2&lt;/sup&gt;</td>
<td>S&lt;sup&gt;2&lt;/sup&gt;</td>
<td>S&lt;sup&gt;2&lt;/sup&gt;</td>
<td>S&lt;sup&gt;2&lt;/sup&gt;</td>
<td>S&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

1. The telecommunications antenna is allowed only when meeting the concealment standards of 21.05.040K.8.d. and as accessory to a multifamily structure containing at least seven dwelling units or a nonresidential use.

2. The tower is allowed only as accessory to a multifamily structure containing at least seven dwelling units, or to a nonresidential use.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2016-3(S), 2-23-16)
AO regarding telecommunication facilities
EXHIBIT F

TABLE 21.10-4: TABLE OF ALLOWED USES – CHUGAIA-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS

P = Permitted Use  S = Administrative Site Plan Review  C = Conditional Use  M = Major Site Plan Review  T = Special Land Use Permit for Marijuana
For uses allowed in the CE-TR and CE-AD districts, see section 21.10.040.
All other uses not shown are prohibited.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>INDUSTRIAL</th>
<th>OTHER</th>
<th>OV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Type</td>
<td></td>
<td>CE-R-1</td>
<td>CE-R-1A</td>
<td>CE-R-2A</td>
<td>CE-R-2D</td>
<td>CE-R-2M</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CE-R-3</td>
<td>CE-R-5</td>
<td>CE-R-5A</td>
<td>CE-R-6</td>
<td>CE-R-7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CE-R-8</td>
<td>CE-R-9</td>
<td>CE-R-10</td>
<td>CE-B-3</td>
<td>CE-RO</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CE-RC</td>
<td>CE+1</td>
<td>CE+2</td>
<td>CE+3</td>
<td>CE-DR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CE-PR</td>
<td>CE-PLI</td>
<td>CE-DO</td>
<td>CE-D0</td>
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COMMERCIAL USES

<table>
<thead>
<tr>
<th><strong>Use</strong></th>
<th><strong>Use Category</strong></th>
<th><strong>Use Type</strong></th>
<th><strong>Permitted Use</strong></th>
<th><strong>Administrative Site Plan Review</strong></th>
<th><strong>Conditional Use</strong></th>
<th><strong>Major Site Plan Review</strong></th>
<th><strong>Special Land Use Permit for Marijuana</strong></th>
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</thead>
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<tr>
<td>Wind energy conversion system (WECS), utility</td>
<td>Utility Facility</td>
<td>Wind energy conversion system</td>
<td>P</td>
<td>S</td>
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</tr>
<tr>
<td>Antenna only, large</td>
<td>Telecommunication Facilities</td>
<td>Antenna only, large</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>Antenna only, small</td>
<td>Telecommunication Facilities</td>
<td>Antenna only, small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Type 1 tower</td>
<td>Telecommunication Facilities</td>
<td>Type 1 tower</td>
<td>S</td>
<td>C</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Type 2 tower</td>
<td>Telecommunication Facilities</td>
<td>Type 2 tower</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Type 3 tower</td>
<td>Telecommunication Facilities</td>
<td>Type 3 tower</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Type 4 tower</td>
<td>Telecommunication Facilities</td>
<td>Type 4 tower</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
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</table>

COMMERCIAL USES

<table>
<thead>
<tr>
<th>Use</th>
<th>Use Type</th>
<th>Permitted Use</th>
<th>Administrative Site Plan Review</th>
<th>Conditional Use</th>
<th>Major Site Plan Review</th>
<th>Special Land Use Permit for Marijuana</th>
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</thead>
<tbody>
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<td>Commercial horticulture</td>
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<td>C</td>
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</tbody>
</table>

1 For uses allowed in the CE-DO (Downtown Eagle River Overlay District), when the abbreviation of the approval process is followed by a “-R”, that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is RO. When the abbreviation of the approval process is followed by a “-B”, that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is B-3. If the abbreviation of the approval process has no suffix, then the use is allowed anywhere in the overlay district. For example, “P-R” means that the use is permitted only in the portion of the overlay district where RO is the underlying district.

2 Uses with structures with a gross floor area over 20,000 square feet require a major site plan review through subsection 21.07.120A., Large Commercial Establishments.

3 See subsection 21.05.055B., for restrictions on the establishment of this use in this zoning district.

4 In accordance with subsection 21.05.040K.3.g., a tower or antenna that is not permitted in a district may be requested through the conditional use process.

### TABLE 21.10-5: TABLE OF ACCESSORY USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>RESIDENTIAL</th>
<th>COMMER.</th>
<th>INDUS.</th>
<th>OTHER</th>
<th>OV</th>
<th>Definitions and Use-Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CE-R-1</td>
<td>CE-R-1A</td>
<td>CE-R-2A</td>
<td>CE-R-2B</td>
<td>CE-R-3</td>
<td>CE-R-4</td>
</tr>
<tr>
<td>Telecommunications antenna only, large</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Telecommunications antenna only, small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

3. For uses allowed in the CE-DO (Downtown Eagle River Overlay District), when the abbreviation of the approval process is followed by a “-R”, that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is RO. When the abbreviation of the approval process is followed by a “-B”, that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is B-3. If the abbreviation of the approval process has no suffix, then the use is allowed anywhere in the overlay district. For example, “P-R” means that the use is permitted only in the portion of the overlay district where RO is the underlying district.

4. Accessory dwelling units in the CE-R-1 and CE-R-1A districts are limited to attached ADUs, which are added to or created within single-family dwellings.

5. In the CE-R-3 district, outdoor keeping of animals is only permitted accessory to a single-family detached dwelling.

6. The telecommunications antenna is allowed only when meeting the concealment standards of 21.05.040K.8.d. and as accessory to a multifamily structure containing at least seven dwelling units or a nonresidential use.

7. The tower or telecommunications antenna is allowed only as accessory to a multifamily structure containing at least seven dwelling units, or to a nonresidential use.

K. Telecommunication facilities. Telecommunication facilities transmit signals between or among points using electromagnetic waves. The facilities may include towers, antennas, buildings, transformers, transmitters, receivers, equipment cabinets, and parking lots.

1. Definitions.
   a. **Type 1 tower.** A freestanding vertical support structure of cylindrical, conical, or rectangular cross section constructed of composite, wood, concrete, or metal employed primarily for the purpose of supporting an antenna array and commonly called a monopole.
   b. **Type 2 tower.** A freestanding vertical support structure of open frame skeletal design employed primarily for the purpose of supporting an antenna array and commonly called a lattice tower. This tower type includes lateral arrays.
   c. **Type 3 tower.** A guyed vertical support structure of open frame, skeletal design, or solid pole design employed primarily for the purpose of supporting an antenna array and commonly called a guyed tower.
   d. **Type 4 tower.** A support structure, such as an existing building, steeple, spire, or utility pole that is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or hidden antenna array so that its principal or secondary function as an antenna and antenna support structure is imperceptible to an uneducated eye. The antennas are mounted on the support structure so that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment. This definition shall include any antenna or antenna array complying with the objective of definition whether it is mounted on tower structure or not.

2. Use-specific standards.
   a. **Setbacks.**
      i. The minimum distance from any lot line to the vertical axis of the tower structure shall be as follows:
         (A) Types 1: Equal to or greater than the setbacks of the underlying zoning district.
         (B) Type 2: Equal to or greater than the distance measured from grade to the first taper transition.
         (C) Type 3: Equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer’s criteria for the proposed application.
         (D) Type 4: None.
      ii. That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:
         (A) Guy wire with a nominal diameter of 0.25 inches or less—25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.
(B) Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches—25 feet, provided the setback may be reduced to five feet if the anchor structure is enclosed within a sight obscuring fence.

(C) Guy wire with a nominal diameter equal to or greater than 0.625 inches—25 feet.

b. **Minimum separation distance from protected land uses.**

   i. The minimum separation distance between the base of the tower and any principal structure on PLI or residentially-zoned land, or any school or licensed child care center, shall be two times the allowable tower height.

   ii. After giving due consideration to the comments of the applicant, the property owner, and the local community council, the director may reduce or eliminate the minimum separation distance set forth in the paragraph b.i. above.

c. **Tower structure height.**

   i. Height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and supporting structures.

   ii. Height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the base height, whichever is greater. Tower structures shall not exceed the height limits set forth in subsection 21.04.060C. of this title nor interfere with Federal Aviation Administration Regulations on airport approaches.

   iii. Base height shall be as set forth below:

      (A) Residential districts—65 feet.

      (B) Commercial districts—130 feet.

      (C) Industrial districts—150 feet.

      (D) AF district—200 feet.

      (E) All other districts—100 feet.

   iv. Co-location shall grant an additional 15 feet above the base height for each qualifying antenna to a maximum of 30 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.

d. **Residential zoning districts, RO district, and AF district.**

   i. In all residential districts and in the RO district, type 1 and 3 towers, antennas without tower structures, and type 4 tower structures and antennas are permitted as a secondary and subordinate use with a permitted nonresidential use.

   ii. In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers, antennas without tower structures, and type 4 tower structures are also permitted as a secondary and subordinate use with a residential use of six dwelling units or more.

   iii. In the AF district, three towers per lot are permitted. More than three towers per lot require conditional use approval.

e. **Notice of site selection and site plan review.**
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i. **B-1A and watershed zoning districts.**
   (A) Prior to issuance of a building or land use permit for a type 1, 2, and 3 tower structures within B-1A and W 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.
   (B) A decision 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 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 subsection 21.03.050 A.

ii. **PLI and residential districts.** All type 1, 2, and 3 tower structures within a residential district, as allowed by Table 21.05-1, 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.

iii. **Other zoning districts.** All zoning districts not referenced in subsection e.i. or e.ii. 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.

f. **Co-location.**
   i. The co-location tower structure, pole, monopole or any other similar facility, must be designed to accommodate no less than the following communications equipment: 12 antennas with a flat plate wind loading of not less than four square feet per antenna; a standard mounting structure, stand off arms, platform or other similar structure that is sufficient to hold the antennas; cable ports at the base and antenna levels of the tower structure; and, sufficient room within or on the tower structure for 12 runs of 7/8" coaxial cable from the base of the tower structure to the antennas.
   ii. Applicants for co-location shall provide proof in a form found acceptable to the municipal attorney that more than one service provider is using the co-location facility.
   iii. 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 co-located 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 co-locating additional facilities upon such towers. All licensed carriers shall exercise good faith in co-locating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location.

g. **General standards.**
   i. **Installation.** All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission (FCC) as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).
ii. **Tower lighting.** Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

iii. **Tower color.** The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

iv. **Notice and interference.** An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.

v. **Identification placard.** An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

   (A) The name and address of the tower structure owner;
   
   (B) The name and address of the tower structure manager, if different from the owner;
   
   (C) The date of erection of the tower structure; and
   
   (D) The owner's name and address of each antenna on the tower structure.

h. **Administrative permit required.** An administrative permit shall be obtained from the director. 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.

i. **Administrative permit revocation.**

   i. Unless cured, an administrative tower permit shall be revoked after notice and the opportunity to cure, for any of the following:

      (A) Construction, maintenance, and/or 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 section and which materially changes the application of the standards of approval of the permit;
      
      (D) Abandonment of a tower as set forth in this section; or
      
      (E) Failure to relocate or remove facilities as required in this section.

   ii. 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.
j. **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 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.

k. **Time period for construction.** Construction of a tower shall commence within one 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.

l. **Administrative site plan review.**

   i. **Applicability.** When an administrative site plan is required by Table 21.05-1, Table 21.09.050-1, or Table 21.10-4, this subsection shall apply. 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 zoning district in which the tower is located.

   ii. **General.**

      (A) In approving a site plan, the director may impose conditions to the extent that he or she concludes are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

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

   iii. **Submittal information.** Applicants for an administrative site plan review for a tower structure shall submit the information required in the user's guide.

   iv. **Public participation process.** Notwithstanding Table 21.03-1, at least 35 days before acting on a tower site plan application under this section, the director 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 pursuant to subsection 21.03.020 H.5. Following notice of the site plan, the community council has 35 days from the date of the letter to respond.

   v. **Approval period.** The director shall take action on the site plan within 50 days of the site plan application submittal. Upon action, the applicant will mail to all addressees on the original notice list, the written action of the director. 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.

   vi. **Factors considered in granting site plan approval for tower structures.** In addition to the general standards for site plan approval at subsection 21.03.180 F., the
director shall also consider the factors for conditional uses for tower structures in subsection p.iii. below.

vii. Appeals. Notwithstanding section 21.03.050, a decision of the director under the authority set forth in this subsection is final unless appealed within 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 500 feet of the tower site. In the event of appeal, the planning and zoning commission shall 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.

m. Qualification of type 4 tower structure and antenna. Each type 4 tower structure and antenna shall be qualified as meeting the design standard by the planning and zoning commission. A proponent of a type 4 tower structure and antenna design shall provide the commission with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the commission to find the design standard is satisfied. At completion of the construction of the first tower structure and antenna under a newly qualified design, it shall be reviewed by the commission to confirm the installation complies with the design standards. If the installation fails to comply, subsequent tower structure and antenna design and installation shall be amended or redesigned as directed by the commission.

n. Community interest and local interest towers. Community interest and local interest towers as a permitted principal use shall be subject to the following:

i. Parking. Off-street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Parking space illumination shall be provided only to extent that the area is illuminated when the parking space is in use. The illumination shall be the lowest possible intensity level to provide parking space lighting for safe working conditions.

ii. Security. The tower structure and support structures shall be secured to prevent unauthorized access.

iii. Separation distance. If any community interest tower on a site exceeds 200 feet in height, the tower site shall be separated from any other principal or conditional use community interest or local interest tower site with tower(s) exceeding 200 feet in height by at least 5,280 feet (one mile).

o. Abandonment. Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.


i. General and applicability of conditional use requirement. The following provisions shall govern the issuance of conditional use permits for tower structures or antennas by the planning and zoning commission:

(A) If the community interest or local interest tower or antenna fails to meet the conditions of subsections 2.a. through 2.c and/or 2.e. through 2.o. above,
then a conditional use permit shall be required for the construction of a tower structure or the placement of an antenna.

(B) Applications for conditional use permits under this section shall be subject to the conditional use procedures and general standards, except as modified in this section.

(C) In granting a conditional use permit, the planning and zoning commission may impose conditions to the extent the commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower structure or antenna on adjoining properties.

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

ii. **Submitthal information.** Applicants for conditional use for a tower structure shall submit the information required in the user's guide and a non-refundable fee to reimburse the municipality for the costs of reviewing the application.

iii. **Factors considered in granting conditional use permits for antennas and tower structures.** In addition to the general standards for a conditional use in subsection 21.03.080 D., the planning and zoning commission shall consider the following factors in determining whether to issue a conditional use permit, although the commission may waive or reduce the burden on the applicant of one or more of these criteria if the commission concludes that the goals of this ordinance are better served thereby:

(A) Height of the proposed tower structure;

(B) Proximity of the tower structure to residential structures and residential district boundaries;

(C) Nature of uses on adjacent and nearby properties;

(D) Surrounding topography;

(E) Surrounding tree coverage and foliage;

(F) Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(G) Proposed ingress and egress; and

(H) Availability of suitable existing tower structures, other structures, or alternative technologies not requiring the use of tower structures or structures.

iv. **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 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 will consist of the following:

(A) No existing tower structures or structures are located within the geographic area which meet applicant's engineering requirements.
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(B) Existing tower structures or structures are not of sufficient height to meet applicant's engineering requirements.

(C) Existing tower structures or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower structures or structures, or the antenna on the existing tower structures or structures would cause interference with the applicant's proposed antenna.

(E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower structure or structure or to adapt an existing tower structure or structure for sharing are unreasonable. Costs exceeding new tower structure development are presumed to be unreasonable.

(F) The applicant demonstrates that there are other limiting factors that render existing tower structures and structures unsuitable.

(G) The applicant demonstrates that an alternative technology that does not require the use of tower structures or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower structure or antenna development shall not be presumed to render the technology unsuitable.

v. Modifications. Standards for modifications to community interest and local interest towers allowed as a conditional use are as follows:

(A) Repairs and maintenance to the tower structure may be performed consistent with subsection 21.12.010 F.

(B) The replacement, repair or addition of antennas, dishes and other transmitting or receiving devices to a tower shall not be considered a modification of final approval as set forth in subsection 21.03.080 D. and shall be considered a use contemplated within the original approved or de facto conditional use where the replacement, repair, or addition of antennas, dishes, and other transmitting or receiving devices:

(1) Will serve the same user or successor entity under the original conditional use;

(2) Will serve the same general purpose as was served under the original conditional use;

(3) Is consistent with the original conditional use.

q. Amateur radio stations and receive only antennas.

i. Amateur radio stations are exempt from the location, tower type, and height limitations contained in this title provided:

(A) The antenna and tower structure are part of a federally-licensed amateur radio station; and

(B) In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.

ii. The following are exempt from this title:

(A) Installation and use of antenna(s) for use by a dwelling unit occupant for personal, home occupation, or utility telemetry purposes, or by an electric or gas utility on an existing power pole or cabinet to monitor or control equipment thereon; and
(B) Noncommercial receive only antennas.

iii. Notwithstanding the above, any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense.

iv. Any antenna or tower structure erected under this subsection 2.n. shall not exceed the height limits set forth in subsection 21.04.070 C. nor interfere with Federal Aviation Administration Regulations on airport approaches.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)