

Proposed Changes to Zoning Regulations Articles 20 Regarding Amateur Radio Antenna Support Structures

Add new Section 20-703:

20-703 Licensed Amateur Communications

The provisions of this section apply only to antennas and antenna support structures used in FCC Licensed Amateur Radio Service Communications. The provisions of this section shall control in the event of a conflict with the Height and Yard Regulations of the District Regulations in which the antenna support structure shall be placed. If said communications facilities do not comply with the following regulations, then a Conditional Use Permit as defined in Article 23 Telecommunications Towers shall be required unless such communications facilities are otherwise in compliance with and/or otherwise allowed under applicable district development standards.

a. **Definitions**

For the purposes of this section and notwithstanding any conflicting definitions under any other section of this Code:

Amateur Radio Antenna. means “antenna(s)” used for the purpose of receiving and/or transmitting licensed Amateur Radio Communications.

Amateur Radio Antenna Support Structure. means a structure, such as a mast, tower or pole, that is placed, erected or constructed to support one or more antennas for the purposes of engaging in licensed Amateur Radio Communications. Buildings and associated roof mounted equipment alone shall not be considered as antenna support structure.

Licensed Amateur Radio Communications. means any form of communication and/or testing, whether transmitted or received, that is licensed by the Federal Communication Commission under and pursuant to 47 C.F.R. Part 97, including all Operator and Station Licenses, under which communication/or testing is conducted by, or under the authority of, a licensed Amateur Radio Operator and Station holding a current valid Amateur Radio License.

Detached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are not physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

Attached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

b. **Maximum Number of Detached Antenna Support Structures in Residential Districts**

No more than two detached guyed or freestanding antenna support structures shall be permitted as a matter of right in a residential district. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communication, the Zoning Administrator shall have the right to administratively approve one or more additional detached antenna support structures on the condition that said additional structure(s) shall not create a risk of collapse on adjoining property not under the control of the Licensed Amateur Radio Operator requesting such additional structure(s).

c. **Maximum Number of Attached Antenna Support Structures in Residential Districts**

No more than two attached antenna support structures, whether guyed or unguyed, shall be permitted as a matter of right on a house or any other permitted structure on the subject property. Upon a reasonable showing of substantial need consistent

Commented [JW1]: Should we just add these to Article 2 Definitions instead? Having definitions in an Article is not unprecedented. The sign definitions are located inside Article 27.

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Commented [JW3]: Should this be two or one?

with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to administratively approve one or more additional attached antenna support structures on the subject property.

d. Height Limitations applicable to Amateur Radio Communications Antenna Support Structures

The maximum height for any Amateur Radio Communications antenna support structure in any district, whether attached or detached, shall be sixty feet.

Commented [JW4]: Can be adjusted to any height

Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to administratively approve a maximum height of one hundred (100) feet. Any antenna support structure that exceeds one hundred (100) feet in height above the ground shall be allowed only with the approval of a Conditional Use Permit.

Commented [JW5]: This height can also be adjusted if needed.

e. Antenna and Antenna Support Structure Standards

1. Number and Size

The number and/or size of antennas placed upon a properly erected antenna support structure used for licensed amateur radio communications shall not exceed the wind load requirements/limits for the supporting structure as specified by the manufacturer(s) of the antenna(s) and of the supporting structure, or in the absence of such specification, the wind load requirements contained in the current version of the City building codes if available, or under nationally recognized standards for wind loading determination.

2. Setbacks

Front Yards: Antenna support structures (including guy wires, foundations, anchor, and other components of the structure) shall not be permitted in required front yards. The Zoning Administrator may administratively approve the location of guy wires in a required front yard if it is demonstrated that there are limiting physical characteristics of the subject property that necessitate the location of guy wires in the front yard.

Side and Rear Yards: Guy wires shall be permitted in the required side and rear yards. Minimum setbacks for antenna support structures shall be the same as those required for accessory buildings in the applicable residential district and as for all buildings in nonresidential districts, except that side yard encroachments equal to that allowed for fireplaces or other allowed side yard encroachments under single family district regulations shall be permitted.

Commented [JW6]: Do want to modify this? With this wording the setbacks would be 3 feet from the side and 5 feet from the rear. We could add a fall zone equal to the support structure height.

Separation: There shall be no minimum or maximum separation requirements for antenna support structures from other structures on the same property.

3. Lights

No lights shall be mounted on antenna support structures unless otherwise required by applicable State and/or Federal Regulations governing said structure. Any such lighting shall be as specified in said regulations.

4. Construction Standards

Antenna Support Structures shall be installed, maintained and/or modified in accordance with the support structures manufacturer's plans and specifications, or in accordance with engineering plans and specifications which meet or exceed the TIA-222 Standard for said structure prepared by and under the seal of a registered professional engineer of the State of Kansas. All installations and maintenance thereon shall otherwise be performed in accordance with the usual and customary standards of care in the industry applicable to such installations in the State of Kansas.

Commented [JW7]: For those structures built by the operator and not a manufacturer, they must meet the TIA-222 standard.

5. Insurance

The applicant must include a statement from their insurance company that lists the tower on the address of construction as a covered item on the applicant's property or otherwise show proof of coverage.

6. Maintenance

All Antennas and antenna support structures shall be kept in good condition and properly maintained in accordance with manufacturers recommendations, the standards of the industry and any applicable Federal Amateur Radio License regulations. Antennas and Antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, in danger of failure to support, or which no longer meet the applicable standards of installation and maintenance shall be removed or brought into repair within 90 days following notice given by an authorized representative to the City. Notwithstanding said 90-day repair deadline, said authorized representative shall have the power to order such immediate remedial action as necessary, including removal of any offending antenna and/or antenna support structure if it is deemed to constitute an imminent threat to public safety or property.

7. Amateur Radio License Requirements

No person, corporation, partnership, or other legal entity shall have any rights under, nor be subject to the provisions of this section except the person or entity to whom a current, valid Amateur Radio License has been issued by the F.C.C under the provisions of 47 C.F.R. Part 97.

8. Discontinuance of Amateur Radio Operations

Within 180 days of the date that Amateur Radio Operations have been discontinued at the subject property on which an antenna and/or antenna support structure is located the owner of said property shall remove, or cause to be removed, all such antennas and structures on the property excepting only if said antennas and/or structures are otherwise and independently authorized to be on the subject property under other provisions of these regulations or other applicable law unrelated to this section.

Discontinuance: Discontinuance of Amateur Radio Operations means voluntary termination of operation or termination of the legal right to operate an Amateur Radio Station, including but not limited to the following: F.C.C. revocation, suspension and or termination of Amateur Radio operator and/or station license; death of the license holder or termination of any legal entity holding said license; voluntary cessation of operation by the license holder; termination of ownership, lease, license or legal interest in the subject property by the license holder under which licensed Amateur Radio Operations were conducted on the subject property.

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