

# DRAFT Version 2

## ORDINANCE NO. 2026-XX

### **AN ORDINANCE AMENDING TITLE 19 ZONING, TO REGULATE WIRELESS COMMUNICATION FACILITIES (WCF) BOROUGH WIDE. ORDINANCES REGULATING WIRELESS COMMUNICATION FACILITIES (WCF) SHALL APPLY THROUGHOUT PETERSBURG BOROUGH WHETHER WITHIN OR WITHOUT DESIGNATED SERVICE AREAS**

**WHEREAS**, the Federal Telecommunications Act of 1996 preserves the authority of local governments to regulate the placement, construction, and modification of personal wireless service facilities to protect the health, safety, and welfare of the community; and

**WHEREAS**, the Petersburg Borough recognizes the increasing demand for wireless services and the necessity of high-quality telecommunications infrastructure for public safety, education, and economic development; and

**WHEREAS**, the unregulated proliferation of standalone towers can lead to significant visual blight, degradation of the community aesthetic, and potential impacts on property values; and

**WHEREAS**, it is the policy of the borough to prioritize the collocation of equipment on existing structures to minimize the total number of towers required to provide adequate coverage; and

**WHEREAS**, standalone towers, by their height and nature, present a "fall zone" risk to residents and public infrastructure, necessitating a setback equal to 110% of the tower height from residential parcels and public roads; and

**WHEREAS**, the technical complexity of Radio Frequency (RF) engineering requires an independent third-party expert review, the cost of which should be borne by the private entity seeking the permit rather than the public; and

**WHEREAS**, the borough has a compelling interest in ensuring that abandoned or decommissioned towers are removed promptly, requiring a 125% Removal Bond to prevent these structures from becoming a public liability or nuisance and a financial liability to borough residents; and

**WHEREAS**, the requirement for all new towers to accommodate at least three providers ensures that future service needs can be met without the construction of redundant structures; and

**WHEREAS**, the Planning Commission has held a duly noticed public hearing and determined that these regulations provide the least intrusive means to achieve the community's connectivity goals while protecting the public interest.

**NOW, THEREFORE, BE IT RESOLVED BY THE PETERSBURG BOROUGH PLANNING COMMISSION TO RECOMMEND THAT THE BOROUGH ASSEMBLY ADOPT THE PROPOSED WIRELESS COMMUNICATION FACILITIES ORDINANCE AS DRAFTED.**

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## SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to establish comprehensive standards for the siting of WCFs to:

1. Preserve the authority of the Borough to regulate the location of wireless facilities.
2. Protect residential neighborhoods and the Borough's aesthetic character from the adverse impacts of towers.
3. Ensure compliance with the Federal Telecommunications Act of 1996.

## SECTION 2: DEFINITIONS

'Antenna' means any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), or any other communications through the sending and/or receiving of electromagnetic waves.

'Alternative tower Structure' means innovative siting techniques such as man-made trees, or similar mounting structures that camouflage or conceal the presence of antennas or towers.

'Colocation of wireless communications equipment on an existing support structure' means the placement or installation of new PWSFs on existing towers or mounts, including buildings, water towers, and utility poles. Collocations on existing towers may increase height by <10%, add <6ft in width, and remain within the existing fenced compound.

'Personal wireless service facility (PWSF)' or 'Wireless Communication Facility (WCF)' means the set of equipment and network components, including antennas, accessory equipment, transmitters, base stations, power supplies, and cabling, necessary to provide wireless services.

'Significant gap' means a gap in service where the applicant proves by substantial evidence that:

1. Signal strength is below -95 dBm (outdoor) or -75 dBm (in-building).
2. The gap affects a primary emergency route or a contiguous area of at least one (1) acre.

'Communications tower' means any freestanding structure, such as a monopole or lattice tower, designed primarily to support one or more antennas.

## SECTION 3: PERMITTED ZONES

To preserve the residential character and natural beauty of the community, standalone WCF towers are strictly limited to the following districts:

1. **Industrial (I):** All standalone towers are permitted via the Conditional Use Permit (CUP) process.
2. **Commercial (C-1 and C-2):** All standalone towers are permitted via the Conditional Use Permit (CUP) process.
3. **Prohibited Zones:** Standalone towers are prohibited in all Residential, Commercial-3, and Open Space/Recreation districts.

## SECTION 4: PERMITTING PATHWAYS

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1. **Conditional Use Permit (CUP):** Required for all new standalone macro towers. This process requires a public hearing and Planning Commission approval.
2. **Building Permit:** Required for "insignificant" collocations on existing towers that increase height by <10%, add <6ft in width, and remain within the existing fenced compound.

## SECTION 5: SITING HIERARCHY AND SEPARATION

1. **Collocation Preference:** Applicants must prove through an RF Necessity Report that they cannot collocate on existing structures within a one-mile radius.
2. **Mandatory Separation:** No new standalone tower shall be permitted within one-half (1/2) mile (2,640 feet) of any existing standalone macro tower.
3. **Future Capacity:** All new towers must be structurally designed by an engineer licensed in the State of Alaska to accommodate at least three (3) separate providers.

## SECTION 6: SETBACKS AND FALL ZONES

1. **Standard Setback:** The tower base must be set back a distance equal to 110% of the total tower height (1X1.1 ratio) from any property line and the edge of any public road right-of-way.
2. **Safety Certification:** The standard setback is mandatory unless a structural engineer licensed in the State of Alaska certifies a "break-point" design that restricts the fall radius to a specific area.
3. **Sensitive area setbacks:** The tower base must be set back a distance equal to 1,500 ft [of the total tower height] from any school, assisted living facility, childcare facility, or hospital.

## SECTION 7: TECHNICAL AND SAFETY STANDARDS

1. **Cumulative RF Emissions:** The applicant must submit an audit certifying that the facility will comply with FCC safety standards cumulatively (accounting for all existing and proposed antennas on the tower).
2. **Lighting Restrictions:** Towers shall not be lighted unless required by the FAA. If required, lighting must use the minimum intensity and be equipped with shields or louvers to prevent glare onto residential properties.
3. **Third-Party Review:** The borough shall retain an independent expert to audit the application; the applicant shall pay the full cost of this review via a non-refundable deposit.
4. **Federal Compliance as a Condition of Permit.** All PWSF/WCF shall be operated in strict accordance with the rules and regulations of the Federal Communications Commission (FCC) regarding radio frequency interference. Continued compliance with FCC interference standards is a material condition of the borough's conditional use permit and/or building permit.

## SECTION 8: SECURITY AND SIGNAGE

1. **Fencing:** The ground space and equipment shall be enclosed by an eight (8) foot security fence with locked gates.

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2. **Identification:** A weatherproof sign (max 4 sq. ft.) must be affixed to the fence near the gate, displaying the owner's name and a 24-hour emergency contact number.

## SECTION 9: WAIVERS FOR TECHNICAL OR COMMUNITY NECESSITY

**9.1 Purpose and Authority.** The Planning Commission may, at its discretion, waive the separation requirements, setback distances, or height limits set forth in this Ordinance during the Conditional Use Permit (CUP) process. To grant such a waiver, the Commission must find that the proposal meets requirements of Section 9.2 and either Section 9.3 (A) or (B)

**9.2. Baseline Protections (Mandatory for all Waivers).** No waiver shall be granted unless the applicant provides clear and convincing evidence of the following:

1. **Collocation Exhaustion:** The applicant has proven that collocation on existing towers or structures within one-half (1/2) mile is structurally or technically impossible.
2. **Minimum Necessary Deviation:** The requested waiver is the absolute minimum required to achieve the goal.
3. **Least Intrusive Means:** The design utilizes the best available stealth technology (e.g., "monopoles" or concealment) to mitigate the impact on the community's character.

**9.3. Approval Tracks.** If the criteria of subsection 9.2 are met, the Commission may approve the waiver if the proposal meets also the requirements of A or B below.

**A:** The applicant proves via independent, 3rd-party verified data that a Significant Gap exists because outdoor signal strength is consistently below the -95 dBm threshold measured outdoors.

**B.** The Commission finds that, regardless of the technical decibel measurement, the facility is necessary to protect public health, safety, and welfare.

i. **Criteria for Community Support:** This finding shall be based on substantial evidence including, but not limited to:

- **Verified Resident Testimony:** Written or oral testimony from residents demonstrating that current service is functionally inadequate for emergency calls, medical monitoring, or "lifeline" connectivity.
- **Emergency Reliability:** Documented need for reliable 911 access or areas prone to power failures.
- **Public Safety Support:** Coordinated requests from local Fire, Law Enforcement, or Emergency Management agencies (e.g., FirstNet).

**9.4 Independent Validation.** All technical claims submitted under either track, including signal propagation maps, must be audited by an Independent 3rd-Party Engineer hired by the Borough. The applicant shall deposit funds to cover 100% of the cost of this audit at the time of application.

## SECTION 10: DECOMMISSIONING AND REMOVAL BOND

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1. **Abandonment:** A tower not operated for twelve (12) consecutive months is deemed abandoned and must be removed within 180 days.
2. **Financial Guarantee:** Before permit issuance, the applicant must post a Removal Bond or Letter of Credit equal to 125% of the estimated cost of decommissioning and site restoration.
3. **Site Restoration:** Removal includes all equipment and foundations to a depth of four (4) feet below grade.

## SECTION 11: EXEMPTIONS

The provisions of this Ordinance shall **not** apply to the following:

1. **Amateur Radio (Ham Radio) Antennas:** Any tower or antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator. (This complies with FCC "PRB-1" which requires local governments to "reasonably accommodate" ham radio).
2. **Public Safety Communications:** Any tower, antenna, or wireless facility owned and operated or contracted by a government agency (City, County, State, or Federal) for the purpose of providing emergency services, including Fire, Law Enforcement, and Emergency Medical Services.
3. **Personal Use Antennas:**
  - **Satellite Dishes:** Residential satellite dishes used solely for the reception of television or internet signals, provided they are less than one (1) meter in diameter.
  - **Over-the-Air (OTA) Antennas:** Standard television antennas intended for the private use of the occupant of the property.
  - **Wi-Fi Access Points and Bridges:** Residential access points and bridges used solely for the reception or transmission of internet signals, provided they are less than one (1) meter in size in the largest dimension.
  - **Cell Phone Boosters:** Residential cell phone booster antennas used solely for the reception or transmission of voice or internet signals provided they are less than one (1) meter in size in the largest dimension.
4. **Routine Maintenance:** The replacement or repair of existing antennas or equipment on a "like-for-like" basis, provided the replacement does not increase the weight load or height of the structure.