

***DOCKET ITEM #12***  
***Text Amendment #2019-00008***  
***Telecommunications and Wireless Facilities***

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<b>Issue:</b> (A) Initiation of a Text Amendment; and (B) Public hearing and consideration of a Text Amendment to Sections 6-403 and 7-1200 of the Zoning Ordinance to amend provisions relating to telecommunication and wireless facility regulations.	Planning Commission Hearing:	February 4, 2020
	City Council Hearing:	February 22, 2020
<b>Staff:</b> Shaun Smith, Urban Planner, <a href="mailto:shaun.smith@alexandriava.gov">shaun.smith@alexandriava.gov</a> Tony LaColla, Land Use Services Division Chief, <a href="mailto:tony.lacolla@alexandriava.gov">tony.lacolla@alexandriava.gov</a>		

## **I. Issue**

The City's Zoning Ordinance for wireless communication facilities needs to be updated to make it consistent with recent changes to state and federal laws and regulations.

## **II. Background**

Over the past several years, the Virginia General Assembly has adopted Code of Virginia amendments to limit the City's ability to regulate wireless facilities from a land use perspective. In 2017, the City adopted the existing Section 7-1206 of the Zoning Ordinance to conform to the General Assembly's enactment of Senate Bill 1282. The state legislation established new requirements governing local zoning review of "small cell facilities," which were defined essentially as wireless facilities having an antenna located inside an enclosure of no more than six cubic feet in volume and associated additional equipment of no more than 28 cubic feet in volume. The new requirements included shorter deadlines for review of applications to install small cell facilities on existing structures, limits on applicable permit fees, and restrictions on the permitted grounds for denial of such applications, among other requirements. The General Assembly adopted the new requirements because wireless carriers asserted that they were needed to ensure the prompt deployment of "5G" wireless service.

In 2018, the General Assembly adopted Senate Bill 405 amending land use provisions of the Code of Virginia related to other types of wireless facilities. The General Assembly limited the City's ability to restrict wireless facilities through the land use process. Similar to regulations enacted with Senate Bill 1282, the state enacted regulations requiring certain review deadlines, maximum permit fees, and restrictions on the permitted grounds for denial of these types of applications.

Finally, the Virginia legislation acknowledged the existence of earlier federal rules that established an expedited review process for modifications of previously approved wireless facilities, known as the "eligible facilities" rule. The Federal Communications Commission (the "FCC") also adopted an order related to wireless facilities. Among other things, the order set standards for the placement of small cell facilities in public rights-of-way, regulates permit fees and other charges, and revised existing rules governing deadlines for the processing of zoning applications.

The FCC's regulations and the Virginia statutes, both address many of the same issues but often in somewhat different ways. For example, the federal definition of "small cell" is similar to the state definition, but not identical; the federal deadline for review of applications and the method for calculating the time the City has taken to process an application sometimes differs; and the permissible fees vary considerably.

The proposed amendments to the Zoning Ordinance are to implement comprehensively both the Code of Virginia statutory changes and the FCC order. Where there is a clear conflict between the authorities, the proposed amendments adopt the more restrictive

standard. Consequently, they constitute a blend of federal and state law designed to conform to both sets of requirements. In applying the new comprehensive standards, this proposed text amendment would also formally codify design guidelines for certain telecommunications structures in order to ensure that visual and physical impacts are mitigated and sufficiently protect the character of the City, including within the City's historic districts.

### **III. Discussion of Proposed Text Changes**

The purpose of the changes in this text amendment are to bring the provisions of the Zoning Ordinance into conformance with state law and the federal order. The changes create four types of facilities: (1) small cell facilities on existing structures, (2) small cell facilities on new structures, (3) standard facilities on existing structures, and (4) standard facilities on new structures. Generally going forward the City may only require a special use permit for wireless facilities that are 50 feet or taller. All other wireless facility requests must be processed using more restrictive administrative review procedures and denial basis.

#### ***Facilities Requiring Administrative Approval***



##### *Small Cell Facilities: On Existing and New Structures*

Small cell facilities are a type of commercial antenna used by wireless communications carriers to expand coverage for mobile telephone and tablet users and involve fewer antenna units and smaller equipment containers at a specific location than traditional antennas. They are often installed on top of light poles, wood poles, and new monopoles. Because of their relatively small service coverage area, they are installed in many locations throughout urban areas. Although the definition is technical, a small cell facility generally means something that is 50 feet or less in height. While small cell facilities were codified within the zoning ordinance as a use in 2017 consistent with the new regulations, additional clarification on the options for disapproval of these facilities was recommended to be added to the Zoning Ordinance. Also, the maximum time frame

(colloquially called the “shot clock”) for final zoning disposition on an application has been revised from 60 days with an option for a 30-day extension to a maximum of 60 days in order to reflect the more restrictive federal regulations regarding review of this type of facility.

##### *Standard Facilities*

In response to new regulations, staff proposes changes to the review and approval processes for wireless facilities larger than small cell facilities, collectively referred to as standard cell facilities. While small cell facilities do not exceed 28 cubic square feet,

standard cells may be a range of other sizes larger than that particular volume. The governmental review of these more customary telecommunications facilities, such as antenna and supporting equipment that has traditionally been mounted on buildings, towers, and monopoles – must now be reviewed in accordance with certain processes that govern the allowable zoning review, maximum fee structure, and criteria for approval and denial. The approval process for these types of facilities are differentiated regarding whether the request is for a facility to be mounted on a new structure or new equipment that would be mounted on an existing structure. An existing structure includes mounting new equipment on an existing building.

*Standard Facility on Existing Structure*



State regulations mandate that any review for this type of facility be administrative; that no special use permit or variance be required for its installation if it meets certain criteria. The maximum filing fee shall not exceed \$500 and a zoning review shall be completed within 60 days of receipt of the application (a 30-day extension of the review period is permissible if the applicant is notified in writing regarding the extension). While staff currently reviews these types of applications administratively, the proposed text changes would alter the maximum time and lower the maximum fee currently applied for these types of reviews.

*Standard Facility on New Structure*



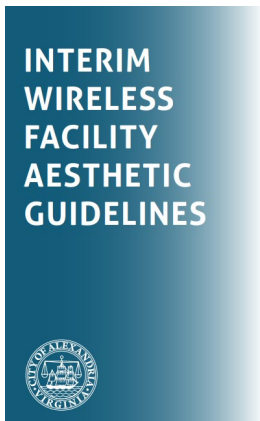
The proposed regulations for standard facilities on new structures mandate a special use permit process for structures that exceed 50 feet in height. These types of facilities must be reviewed within 150 days of receipt of the application and applications may be disapproved if not compliant with the Zoning Ordinance criteria for special use permits, so long as the disapproval grounds are permissible under the federal regulations. However, disapproval shall not be based on a basis considering: (1) the applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site; (2) the applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or (3) the wireless facility technology selected by the applicant for use for the project.

*Eligible Facilities Request*



The regulations have also placed strict guidelines on local government review of changes to existing towers or base stations involving the co-location of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment that does not substantially change the dimensions from the existing equipment and mounting apparatus. Staff proposes amending the Zoning Ordinance to address this new review procedure. Staff currently reviews these applications administratively; these types of applications currently constitute a majority of applications submitted to the City. The proposed text change would alter the maximum time and lower the maximum fee currently applied to these types of facilities.

*Aesthetic Standards for Wireless Facilities*



In compliance with the federal regulations, and in order to mitigate the visual and physical impact to the streetscape, city landmarks, and neighborhood character, staff proposes to incorporate language enabling the creation of design standards for wireless facilities within the City. These standards allow for the creation of reasonable requirements regarding the design, color, and materials of wireless facilities and additional design characteristics of the facility such as screening and landscaping that would be consistent with the aesthetic character of the City. These design standards may be adopted and amended

administratively, including standards that may regulate the design of such facilities within the City's historic districts. In the Spring of 2019, the City adopted interim aesthetic guidelines regulating the design and placement of wireless facilities in order to provide a mechanism to address concerns over the appearance and placement of wireless infrastructure while also accommodating for the needs of carriers and the desire for public access to the services in light of the new state and federal laws that have been adopted over the past years.

#### **IV. Recommendation**

Staff recommends approval of the proposed text amendment to amend the Zoning Ordinance to conform with the state and federal law, as proposed in Attachment I.

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Attachments:

Attachment 1: Text Amendment to the Zoning Ordinance

Attachment 2: Interim Wireless Facility Aesthetic Guidelines

## **ATTACHMENT 1: TEXT AMENDMENT TO THE ORDINANCE**

### Article VI – Special and Overlay Zones

#### 6-403 - General regulations and exceptions

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(D) All radio and television reception or transmission structures may be erected only in compliance with Section 7-1205 and Section 7-1206 through Section 7-1212.

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#### Sec. 7-1200 - Utilities.

##### 7-1201 - Permitted utilities.

The following utilities are permitted in any zone in the city: the erection, construction, alteration or maintenance by public utilities, public service corporations, municipal departments, public commissions or public authorities of underground gas, steam, water or sewage supply, collection or disposal systems and underground or overhead electric, communication, telephone or cable transmission or distribution systems, including poles, wires, lines, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, freestanding pad mounted transformers and electric switches, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such utilities, corporations, departments, commissions or authorities, or for the public health, safety or general welfare; provided, that such freestanding pad mounted transformers and electric switches have been approved after public hearing by site plan, special use permit or certificate of appropriateness or as part of the city's capital improvement program, or have been approved either by both the director of transportation and environmental services and the director of planning and zoning, in accordance with guidelines established by the directors and approved by city council, after affording informal notice and opportunity to comment to affected parties or by city council, after

public hearing, on an appeal from disapproval by one or both directors. Notwithstanding the foregoing, wireless facilities shall be regulated by sections 7-1206 through 1212.

7-1202 - Special use utilities.

~~The following utility uses are permitted by public utilities, public service corporations, municipal departments, public commissions or public authorities only with a special use permit:~~

- ~~(A) — Tanks, towers, standpipes or other facilities for storing water, sewage or other liquids or gases, electric power substations, telephone exchange buildings and structures, and pumping stations;~~
- ~~(B) — Overhead transmission, distribution or communication wires, lines, cables or facilities for the transmission of telecommunication suspended, mounted or carried by poles, towers or other structures which:~~
  - ~~(1) — Exceed 65 feet in height;~~
  - ~~(2) — Have one or more arms, cross arms or similar apparatus which would extend out more than six feet from the side thereof;~~
  - ~~(3) — Have a diameter in excess of three feet if it is a pole-like structure; or~~
  - ~~(4) — Exceed four square feet in area at any cross section, or have a side exceeding two feet in width if it is a tower or other type structure.~~
- ~~(C) — Notwithstanding the foregoing, small cell facilities shall be regulated by [section 7-1206](#).~~

(A) Special use permit required. The following utility uses are permitted by public utilities, public service corporations, municipal departments, public commissions or public authorities only with a special use permit:

- (1) Tanks, towers, standpipes or other facilities for storing water, sewage or other liquids or gases, electric power substations, telephone exchange buildings and structures, and pumping stations; and



(2) Overhead transmission, distribution, or communication wires, lines, or cables, and facilities for the transmission of wireline communications that are suspended, mounted on, or carried by poles, towers or other structures which:

(i) Exceed 50 feet in height;

(ii) Have one or more arms, cross arms or similar apparatus which would extend out more than six feet from the side thereof;

(iii) Have a diameter in excess of three feet if it is a pole-like structure; or

(iv) Exceed four square feet in area at any cross section, or have a side exceeding two feet in width if it is a tower or other type structure.

(B) Exception. Notwithstanding the foregoing, wireless facilities shall be regulated by sections 7-1206 through 7-1212.

7-1203 - Uses not considered utilities.

The following are not included in the above-named lists of uses: buildings, offices, motor vehicles, bus or car barns, garages, shops, railroad yards or siding, freight terminals, warehouses, service or storage yards or facilities or any use separately listed in a zone.

7-1204 - Compliance with other regulations.

Notwithstanding anything to the contrary in this section 7-1200, all development shall comply with chapter 3, title 5, of the city code pertaining to underground utilities.

7-1205 - Radio and television reception or transmission structures.

All radio and television reception or transmission structures may be erected in accordance with the following criteria:

(1) Whether the proposed size and height of the structure is compatible with the height and scale of adjacent buildings and is the minimum necessary to conduct the anticipated transmission or reception activity;

- (2) Whether the proposed location of the structure is one that has the least negative impact on surrounding buildings and neighborhoods of the locations available and is the least visible position which still provides adequate transmission and reception; if there is no unobtrusive location for the structure, whether alternative methods of achieving transmission or reception are reasonably feasible; and
- (3) Whether the proposed material and screening of the structure is adequate and appropriate to minimize the visual impact of the structure. This section does not apply to small cell facilities, standard facilities, or receiving antennas subject to 47 C.F.R. Section 1.4000.

~~7-1206—Small cell facilities.~~

~~(A) [Definitions.] For purposes of section 7-1206, the following definitions apply:~~

- ~~(1) — *Antenna* means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.~~
- ~~(2) — *Co-locate* means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.~~
- ~~(3) — *Existing structure* means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of Transportation of the Commonwealth of Virginia of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.~~

- ~~(4) — *Micro wireless facility* means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.~~
- ~~(5) — *Small cell facility* means a wireless facility that meets both of the following qualifications:~~
- ~~(i) — Each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and~~
  - ~~(ii) — All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.~~
- ~~(6) — *Utility pole* means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth of Virginia that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.~~
- ~~(7) — *Wireless facility* means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or~~

~~fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.~~

~~(8) — *Wireless infrastructure provider* means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.~~

~~(9) — *Wireless services* means (a) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (b) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d) provided to personal mobile communication devices through wireless facilities; and (c) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.~~

~~(10) — *Wireless services provider* means a provider of wireless services.~~

~~(11) — *Wireless support structure* means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.~~

~~(B) — *Administrative approval.* Notwithstanding any other provisions of this Zoning Ordinance, no special exception, special use permit, or variance shall be required for any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider:~~

~~(1) — Has permission from the owner of the structure to co-locate equipment on that structure; and~~

~~(2) — Applies pursuant to this section.~~

~~(3) — Notwithstanding anything to the contrary in this section, the installation, placement, maintenance, or replacement of micro-wireless facilities that~~

~~are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from these permitting requirements and fees.~~

- ~~(C) — *Application process.* An applicant for a small cell facility permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. The application may include up to 35 permit requests on the same application. Within ten days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.~~
- ~~(D) — *Filing fee.* The fee for processing the application shall be \$100.00 each for the first five permit requests and \$50.00 for each additional permit request on an application.~~
- ~~(E) — *Action by the director.* The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including the specific reason for disapproval pursuant to [section 7-1205](#).~~ (F). The 60-day period may be extended by the director in writing for a period not to exceed an additional 30 days. The application shall be deemed approved if the director fails to act within the initial 60 days or the extended 30-day period. Approval for a permit shall not be unreasonably conditioned, withheld, or delayed.
- ~~(F) — *Reasons for disapproval limited.* The director may disapprove a proposed location or installation of a small cell facility only for the following reasons:~~
- ~~(1) — Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been~~

~~designed and planned for a specific location or that have been reserved for future public safety communications facilities;~~

~~(2) The public safety or other critical public service needs;~~

~~(3) Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or~~

~~(4) Conflict with the regulations in article X, historic districts and buildings of this ordinance.~~

~~(G) Conditions of approval. An applicant may voluntarily submit, and the director may accept, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.~~

~~(H) Abandoned facilities. Nothing in this subsection shall preclude the director from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities.~~

~~(Ord. No. 3653, §§ 1, 2, 6-22-93; Ord. No. 3774, § 2, 1-21-95; Ord. No. 3844, § 1, 2-24-96; Ord. No. 5092, § 2, 11-18-17)~~

7-1206 - General provisions pertaining to installation of wireless facilities.

(A) Definitions. For purposes of sections 7-1206 through 7-1212, the following definitions apply:

(1) Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

(2) Ancillary equipment means wireless facilities other than antennas and associated cabling, and includes radio transceivers, power supplies, and

other equipment associated with an antenna but not integrated with an antenna into a single component.

- (3) Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.
- (4) Existing structure means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the city or the Department of Transportation of the Commonwealth of Virginia of an agreement with the owner of the structure to co-locate equipment on that structure. Existing structure includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including lattice towers, monopoles, buildings, utility poles, light poles, flag poles, signs, and water towers.
- (5) Micro-wireless facility means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.
- (6) New structure means a wireless support structure that has not been installed or constructed or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval. New structure does not include any utility pole as defined in Section 7-1206(A)(10).
- (7) Public right-of-way means the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive or bridge, in which the city holds a property interest or which is under the control or management of the city for use by the travelling public.
- (8) Small cell facility means a wireless facility that meets each of the following conditions:

- (a) The facilities—

  - (i) Are mounted on structures 50 feet or less in height including their antennas; or
  - (ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or
  - (iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (b) Each antenna associated with the deployment, excluding ancillary equipment, is no more than three cubic feet in volume;
- (c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (d) The facilities do not require antenna structure registration under Federal Communications Commission regulations; and
- (e) The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in Federal Communications Commission regulations.
- (9) Standard facility means a wireless facility that does not meet the definition of small cell facility in section 7-1206(A)(8).
- (10) Utility pole means a structure owned, operated, or owned and operated by a public utility, the city, or the Commonwealth of Virginia that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.
- (11) Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:



- (i) Equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul; and
  - (ii) Radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
  - (iii) Wireless facility does not include radio or television broadcast facilities or amateur radio facilities, which are subject to Section 7-1205.
- (12) Wireless infrastructure provider means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.
- (13) Wireless services means (a) personal wireless services as defined in 47 U.S.C. § 332(c)(7)(C)(i); (b) personal wireless service facilities as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d) provided to personal mobile communication devices through wireless facilities; and (c) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.
- (14) Wireless services provider means a provider of wireless services.
- (15) Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

- (B) Microwireless facilities. Notwithstanding anything to the contrary in this article, the installation, placement, maintenance, or replacement of microwireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from the permitting requirements and fees of this article.
- (C) Applications to include proposed wireless facilities. Any application for a new structure under this article shall include and identify the facilities to be attached to the proposed new structure. The director shall reject as incomplete any application for a new structure under this section that does not also propose installation of specific wireless facilities to be attached to the new structure.
- (D) Conditions of approval. Notwithstanding any other provision of this article, an applicant may voluntarily submit, and the city may accept, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities or standard facilities.
- (E) Abandoned facilities. Nothing in this subsection shall preclude the director from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities within 12 months in accordance with Section 2-101.
- (F) Construction Period. If the director or the city council approve an application and construction of the approved project has not commenced within two years of final approval any approved permit shall be deemed automatically revoked. If construction has commenced within two years of final approval, but has not been completed in that time, the director may request that the successful applicant demonstrate that construction is continuing and is being diligently pursued; if the director is not satisfied that construction will be completed within a reasonable time, the director may revoke any approved permit.

**Editor's note**— See Code of Virginia § 15.2-2316.3 related to subsections (A)(1), (A)(3) through (A)(6), (A)(9) through (A)(15); see 47 C.F.R. § 1.6002(l) related to subsection (A)(8); see Code of Virginia § 15.2-2316.4(C) related to subsection (B); see Code of Virginia § 15.2-2316.4(B)(5)

related to subsection (D); see Code of Virginia § 15.2-2316.4(B)(6) related to subsection (E); and see Code of Virginia § 15.2-2316.4:2(A)(10) related to subsection (F).

7-1207 - Installation of Small Cell Facilities on Existing Structures.

- (A) Administrative approval. Notwithstanding any other provisions of this zoning ordinance, no special exception, special use permit, or variance shall be required for any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider:
- (1) Has permission from the owner of the structure to co-locate equipment on that structure; and
  - (2) Applies pursuant to this section.
- (B) Application process. An applicant for a permit under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. The application may include up to 35 permit requests on the same application. Within ten days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.
- (C) Filing fee. The fee for processing the application shall be \$100.00 each for the first five permits requested on a single application and \$50.00 for each additional permit request on an application.
- (D) Action by the director. The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including the specific reason for disapproval pursuant to section 7-

1207(E). The application shall be deemed approved if the director fails to act within the 60 day period. Approval for a permit shall not be unreasonably conditioned, withheld, or delayed.

- (E) Reasons for disapproval limited. The director may disapprove a proposed location or installation of a small cell facility on an existing structure only for the following reasons:
- (1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
  - (2) The public safety;
  - (3) Other critical public service needs;
  - (4) In the case of an installation on or in the public rights-of-way or on other publicly owned or publicly controlled property, aesthetic impact as further specified in Section 7-1212, except for attachments to utility poles and other privately-owned structures where the applicant has an agreement for attachment to the structure;
  - (5) In the case of an installation on or in the public rights-of-way or on other publicly owned or publicly controlled property, the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property, except for attachments to utility poles and other privately owned structures where the applicant has an agreement for attachment to the structure; or
  - (6) Conflict with the regulations in article X, historic districts and buildings, of this ordinance.
- (F) Exception. This section does not apply to any eligible facilities request, as defined in Section 7-1211(A).

**Editor's note**— See Code of Virginia § 15.2-2316.4(A) related to subsection (A); see Code of Virginia § 15.2-2316.4(B) related to subsection (B); see Code of Virginia § 15.2-2316.4(B)(2) related to subsection (C); see Code of Virginia §§ 15.2-2316.4(B)(1) and 15.2-2316.4(B)(3)

related to subsection (D); and see Code of Virginia § 15.2-2316.4(B)(4) related to subsection (E).

7-1208 - Installation of standard facilities on existing structures.

- (A) Administrative approval. Notwithstanding any other provisions of this zoning ordinance, no special exception, special use permit, or variance shall be required for any standard facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider applies pursuant to this section.
- (B) Application process. An applicant for a permit under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. Within ten days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.
- (C) Filing fee. The fee for processing the application shall be \$500.00.
- (D) Action by the director. The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including
- (i) The specific reason for disapproval; and
  - (ii) Any modifications to the project described in the application that if made would permit the city to approve the application. The 60-day period may be extended by the director in writing for a period not to exceed an additional 30 days. The application shall be deemed approved if the

director fails to act within the initial 60 days or the extended 30-day period, provided that the director and the applicant may agree to extend the applicable deadlines by mutual consent.

- (E) Reasons for disapproval. The director may disapprove a proposed location or installation of a standard facility on an existing structure for any reason that is consistent with the standards of 47 U.S.C. § 332(c)(7), provided that the director shall not disapprove an application on the basis of:
- (1) The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;
  - (2) The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or
  - (3) The wireless facility technology selected by the applicant for use at the project.
- (F) The director shall release any written record supporting the written explanation required by Section 1208(D) within thirty days following the written notice of disapproval.
- (G) Prohibited application requirements. The city shall not impose any requirement on an applicant that is prohibited by Section 15.2-2316.4:2 of the Code of Virginia.
- (H) Exception. This section does not apply to any eligible facilities request, as defined in Section 7-1211(A).

**Editor's note—** See Code of Virginia §§ 15.2-2316.3 and 15.2-2316.4:1(A) related to subsection (A); see Code of Virginia § 15.2-2316.4:1(C)(1) related to subsection (B); see Code of Virginia § 15.2-2316.4:1(B)(1) related to subsection (C); see Code of Virginia §§ 15.2-2316.4(B)(1), 15.2-2316.4:1(C)(2)(b), and 15.2-2316.4:1(E), related to subsection (D); see Code of Virginia §§ 15.2-2316.4:1(F)(2) and 15.2-2316.4:2 related to subsection (E); and see Code of Virginia § 15.2-2316.4:2 related to subsection (F).

7-1209 - Installation of new structures to support small cell facilities.

- (A) Administrative approval. Notwithstanding any other provisions of this zoning ordinance, no special exception, special use permit, or variance shall be required for any application by a wireless infrastructure provider or wireless services provider, for the installation of a new structure to support small cell facilities.
- (B) Application process. An applicant for a permit under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. Within ten business days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.
- (C) Filing fee. The fee for processing the application shall be \$100.00 each for the first five permit requests and \$50.00 for each additional permit request on an application.
- (D) Action by the director. The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including (i) the specific reason for disapproval pursuant to section 7-1209(E); and (ii) any modifications to the project described in the application that if made would permit the city to approve the application. The director shall release any written record supporting the written explanation required by this section within thirty days following the written notice of disapproval. The application shall be deemed approved if the director fails to act within the initial 60 days or the extended 30-day period.
- (E) Reasons for disapproval. The director may disapprove a proposed location or installation of a small cell facility on a new structure for any reason that is

consistent with the standards of 47 U.S.C. § 332(c)(7), provided that the director shall not disapprove an application on the basis of:

- (1) The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;
  - (2) The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity;
  - (3) The wireless facility technology selected by the applicant for use at the project; or
  - (4) Any conflict with an applicable height restriction.
- (F) Prohibited application requirements. The city shall not impose any requirement on an applicant that is prohibited by Section 15.2-2316.4:2 of the Code of Virginia.

**Editor's note**— See Code of Virginia §§ 15.2-2316.3 and 15.2-2316.4:1(A) related to subsection (A); see Code of Virginia § 15.2-2316.4:1(C)(1) related to subsection (B); see Code of Virginia §§ 15.2-2316.4(B)(2) and 15.2-2316.4:1(B)(1) related to subsection (C); see Code of Virginia §§ 15.2-2316.4(B)(1), 15.2-2316.4:1(C)(2)(b), 15.2-2316.4:1(E), and 15.2-2316.4:1(F)(2) related to subsection (D); see Code of Virginia §15.2-2316.4:2 related to subsection (E); and see Code of Virginia 15.2-2316.4:2 related to subsection (F).

#### 7-1210 - Installation of a new structure to support standard facilities.

##### (A) Application process.

- (1) An applicant for a standard facility permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose, which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant.
- (2) The director shall determine whether the proposed new structure exceeds a maximum height of 50 feet. If the proposed new structure falls below the specified maximum height, the application shall be reviewed in



accordance with the administrative process set forth in Section 7-1210(C). If the proposed new structure exceeds the specified maximum height, the applicant shall obtain a special use permit, pursuant to the procedures set forth in Section 7-1210(D). Notwithstanding any provision of the zoning ordinance, the fees and processing periods for such a special use permit shall not exceed those set forth in this section.

(3) Within ten business days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. The director shall also notify the applicant if the director has determined that the applicant must obtain a special use permit.

(B) Prohibited application requirements. The city shall not impose on an applicant for a standard facility to be installed on a new structure any requirement that is prohibited by Section 15.2-2316.4:2 of the Code of Virginia.

(C) Administrative approval.

(1) If a proposed new structure does not exceed the maximum permitted height as listed in Section 7-1210(A)(2), the application must be approved or disapproved by the director within 150 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including (i) the specific reason for disapproval pursuant to section 7-1210(C)(2); and (ii) any modifications to the project described in the application that if made would permit the city to approve the application.

(2) The director may disapprove a proposed location or installation of a standard facility on a new structure that falls below the maximum height permitted for the zone or height district in which the proposed new structure is to be located for any reason that is consistent with the

standards of 47 U.S.C. § 332(c)(7), provided that the director shall not disapprove an application on the basis of:

- (i) The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;
- (ii) The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity;
- (iii) The wireless facility technology selected by the applicant for use at the project.

(D) Special use permit required.

- (1) If a proposed new structure exceeds the maximum permitted height as listed in Section 7-1210(A)(2),, a special use permit is required. Any application for a special use permit under this subsection must be approved or disapproved by the city council within 150 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including:
  - (i) the specific reason for disapproval pursuant to section 7-1210(D)(2); and
  - (ii) any modifications to the project described in the application that if made would permit the city to approve the application. The director shall release any written record supporting the written explanation required by this section within thirty days following the written notice of disapproval.
- (2) The council may disapprove a proposed location or installation of a new structure under this subsection if the proposed location or installation conflicts with the criteria set out in Section 11-504, provided that the reason for denial is consistent with the standards of 47 U.S.C. §

332(c)(7)(B) and that the council shall not disapprove an application on the basis of:

- (i) The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;
- (ii) The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or
- (iii) The wireless facility technology selected by the applicant for use at the project.

(E) Filing fee. The fee for processing an application under Section 7-1210(C) shall be \$5,250. The fee for processing an application under Section 7-1210(D) shall be (1) \$5,250.00 if for construction of a new standard facility on a support structure or (2) \$335.00 for approval as part of a development site plan application in accordance with Section 11-400.

**Editor's note**— See Code of Virginia 15.2-2316.4:1(C)(1) related to subsection (A)(3); see Code of Virginia § 15.2-2316.4:2 related to subsection (B); see Code of Virginia § 15.2-2316.4:1(C)(2)(a) related to subsection (C)(1); see Code of Virginia §§ 15.2-2316.4(B)(4) and 15.2-2316.4:2 related to subsection (C)(2); see Code of Virginia §§ 15.2-2316.4:1(C)(2)(a), 15.2-2316.4:1(E), and 15.2-2316.4:1(F)(2) and 47 CFR § 1.6003(c)(iv) related to subsection (D)(1); see Code of Virginia § 15.2-2316.4:2 related to subsection (D)(2); and see Code of Virginia §§ 15.2-2316.3 and 15.2-2316.4:1(B)(2) related to subsection (E).

7-1211 - Modification, replacement, or installation of additional wireless facilities on an existing structure.

(A) Definition. For purposes of this section 7-1211, the term “eligible facilities request” shall have the same meaning as in 47 C.F.R. § 1.6100, or any successor regulation.

- (B) Application required. A wireless services provider or wireless infrastructure provider shall apply for a permit for any eligible facilities request.
- (C) Application process.
- (1) An applicant for an eligible facilities request permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose, which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant.
  - (2) The director shall determine whether the proposed modification, replacement or installation constitutes an eligible facilities request. Within thirty days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application qualifies as an eligible facilities request.
  - (3) If the proposed modification, replacement or installation does constitute an eligible facilities request, the application shall be further reviewed in accordance with 47 C.F.R. § 1.6100 and the application may be approved in accordance with the timeframes and procedures of that regulation.
  - (4) If the proposed modification, replacement or installation is for a small cell facility and does not constitute an eligible facilities request the application shall be reviewed in accordance with this section.
  - (5) If the proposed modification, replacement or installation is for a standard facility and does not constitute an eligible facilities request the application shall be reviewed in accordance with the procedures and standards set forth in this section.
- (D) Filing fee. The fee for processing an application under this section shall be (1) \$500 for standard facilities per application and (2) shall be \$100.00 each for the first five permit requests and \$50.00 for each additional permit request on an application for small cell facilities.

Editor's note— See 47 CFR §1.6100 related to subsections (A) through (C), and see Code of Virginia §§ 15.2-2316.4(B)(2) and 15.2-2316.4:1(B)(1) related to subsection (D).

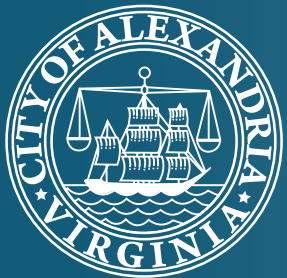
7-1212 - Aesthetic standards governing wireless facility installations.

- (A) Design guidelines. The director may develop and promulgate design guidelines applicable to each of the following types of facility installations:
- (1) Wireless facilities installed on existing structures in the public rights-of-way;
  - (2) Wireless facilities installed on rooftops and building facades;
  - (3) Wireless support structures designed to support standard facilities; and
  - (4) Wireless support structures designed to support small cell facilities.
- (B) Scope of guidelines. The design guidelines may include reasonable requirements regarding:
- (1) The kinds of materials of which a wireless support structure may be composed;
  - (2) The color, shape, texture, and general appearance of wireless support structures, ancillary equipment cabinets, and antennas;
  - (3) The arranging, screening, camouflaging, or landscaping of wireless facilities and wireless support structures; and
  - (4) Such other characteristics or factors that the director deems appropriate, consistent with the goal of allowing the deployment of wireless facilities in a manner consistent with the aesthetic character of the city and the zoning district in which an applicant proposes to install its facilities.
- (C) Characteristics of guidelines. The design guidelines shall be no more burdensome than those applied to other types of facilities deployed in similar locations in the city. The guidelines shall be detailed and clear and shall be written in such a way that:

- (1) Applicants may readily determine whether a design meets the guidelines; and
- (2) The discretion of the director in determining whether a design meets the guidelines is minimized.
  
- (D) Historic districts. The director shall develop and submit to the board of architectural review for approval design guidelines for the city's historic districts that are consistent with this section and the existing design guidelines for the historic districts.
- (E) Compliance with design guidelines. In developing application forms and related requirements, the director may require applicants to submit information demonstrating that proposed installations of wireless facilities and wireless structures comply with the design guidelines pertinent to the types of facilities proposed in each application. Applicants shall comply with all such applicable design guidelines in designing and constructing wireless facilities and wireless structures. The director may reject any application that includes a proposed design that does not comply with any applicable guideline.
- (F) Setbacks. Applications shall meet all setback requirements for the district in which the wireless facilities are to be located. The director may reject any application that includes a proposed design that does not comply with such setback requirements.
- (G) Publication of guidelines. The final design guidelines shall be made available to the public, wireless providers, and wireless infrastructure providers before they take effect and shall be readily available on the city's website.

**Editor's note—** See Code of Virginia §§ 15.2-2316.4(B)(4)(c), 15.2-2316.4(B)(4)(d) and 15.2-2316.4:2(A)(6) related to subsection (A); see Code of Virginia § 15.2-2316.4:2(A)(6) related to subsection (B); see Code of Virginia § 15.2-2316.4(B)(4)(d) related to subsection (D); and see Code of Virginia § 15.2-2316.4:2(A)(9) related to subsection (F).

# INTERIM WIRELESS FACILITY AESTHETIC GUIDELINES







# PURPOSE

These Interim Wireless Facility Aesthetic Guidelines establish requirements for the placement and general design of wireless infrastructure and associated facilities within the City of Alexandria to address safety, streetscape, and potential engineering concerns.

These goals include:

- Mitigating visual and physical impact within the streetscape across the City;
- Minimizing the impact on the character of public spaces, specifically historic districts; and
- Avoiding impacts to important view sheds, vistas, and landmarks.

These interim guidelines are being put in place to address state and federal requirements for prompt action; the City is working on permanent guidelines; and permanent guidelines will allow the City to address concerns over the appearance and placement of wireless infrastructure, while also accommodating the needs of carriers, new state and federal policy, and desire of the public for access to service.

# DEFINITIONS

Small Cell Wireless Facilities are low-powered antennas that provide wireless service coverage to a limited geographic area (often with ranges of a few hundred feet), and are used to supplement and expand the coverage provided by the traditional, larger-scale network

Streetlight pole means a structure owned, operated, or owned and operated by a public utility, the City, or the Commonwealth of Virginia that is designed specifically to support a street light, that lights the public right of way.

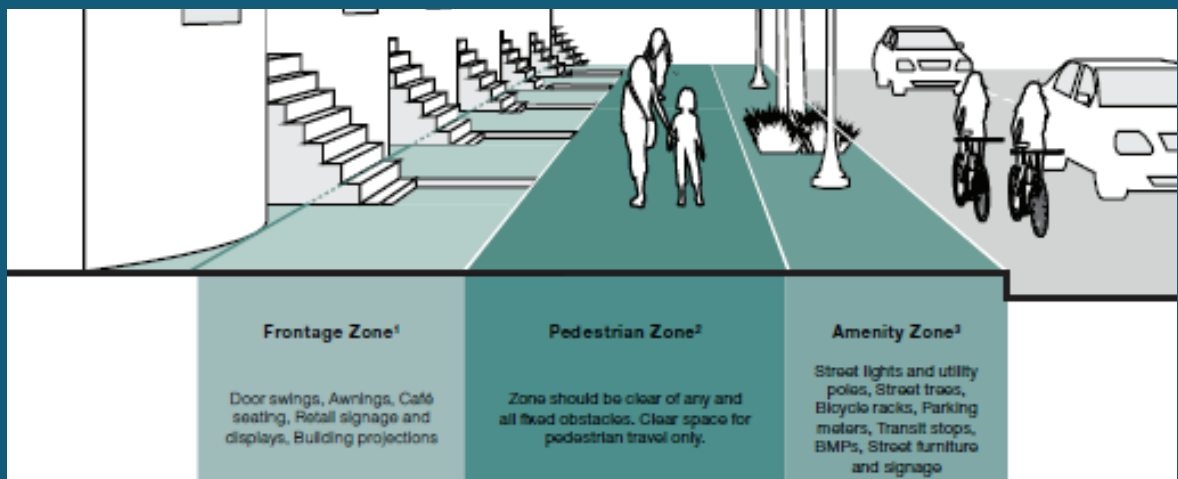
Utility pole means a structure owned, operated, or owned and operated by a public utility, the City, or the Commonwealth of Virginia that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.



# CONTEXT

Within the City of Alexandria, sidewalks are not a singular space but consist of distinct usage zones. Sidewalks are typically located in the public right of way, which extend from the curb line to a private property line behind it. Sidewalks can be broken up into three primary zones performing unique functions in the overall operation of the street, and interface with adjacent private property uses. These zones are identified as the Frontage Zone, Pedestrian Zone, and Amenity Zone. Although boundaries between zones may blur and blend, the overall function of each zone generally remains consistent. City of Alexandria, Complete Street Guidelines pg. 3-3

Across the City, most of the existing infrastructure that can be used to accommodate wireless facilities (streetlight poles, utility distribution poles, traffic signal poles, etc.) are located within the amenity zone. Deployment of wireless facilities, to the greatest extent possible, should not impede the pedestrian and frontage zones within the sidewalk.



Amenity Zone lies between the curb and the Pedestrian Zone. This area is occupied by a number of street fixtures and utilities such as street lights, utility poles, street trees, bicycle racks, parking meters, signposts, signal boxes, benches, trash and recycling receptacles, and other amenities. In commercial areas, it is typical for this zone to be hardscape pavement, pavers, or tree grates. In residential, or lower intensity areas, it is commonly a planted strip.

Frontage Zone is the area of sidewalk that immediately abuts buildings along the street. In residential areas, the Frontage Zone may be occupied by front porches, stoops, lawns, or other landscape elements that extend from the front door to the sidewalk edge. The Frontage Zone of commercial properties may include architectural features or projections, outdoor retailing displays, café seating, awnings, signage, and other intrusions into or use of the public right-of-way. Frontage Zones may vary widely in width from just a few feet to several yards.

Pedestrian Zone, also known as the “walking zone,” is the portion of the sidewalk space used for active travel. For it to function, it must be kept clear of any obstacles and be wide enough to comfortably accommodate expected pedestrian volumes including those using mobility assistance devices, pushing strollers, or pulling carts.

- City of Alexandria, Complete Street Guidelines

# GENERAL AESTHETIC STANDARDS & GUIDELINES

The following standards for wireless facilities apply to all areas in the City unless otherwise specified in areas such as historic districts.

- Wireless facilities and associated infrastructure shall be located within the Amenity Zone of the sidewalks or a comparable location in the public right of way.
- Wireless facilities should avoid areas of environmental sensitivity such as floodplains, wetlands, and resource protection areas (RPAs).

## **Guidelines for Wireless Facilities Subject to Article X of the City's Zoning Ordinance for Historic Districts**

Wireless facilities within Historic Districts are subject to Article X of the City's Zoning Ordinance and shall require approval under those provisions.

## **Guidelines for Attachments to Existing Utility and Streetlight Poles**

The following are applicable when locating wireless cell facilities on existing utility and streetlight poles within the public right of way:

- All wireless facilities and associated equipment located within the public right of way shall be located such that it meets ADA requirements and does not hinder, obstruct, impede usual pedestrian and vehicular travel.
- Wireless facilities must be shrouded, enclosing wires and equipment. No separate ground mounted equipment, including backup power supply, shall be allowed within the public right of way. Wireless facilities shall not negatively impact the decorative elements of the existing pole.
- Wireless facility attachments and hardware shall be colored to match the existing pole or colored to match similar infrastructure along the block face. If located on a wooden pole, attachments shall be colored to match the color of the pole or a similar earth tone color.
- Any signs on poles must comply with Article IX of the City's Zoning Ordinance.

If an existing utility or streetlight pole upon which wireless facility equipment is proposed to be installed requires replacement, see Guidelines for Replacement of Existing Poles.

### **Guidelines for Replacement of Existing Utility and Streetlight Poles**

The following are applicable when locating wireless facilities on replacement utility and streetlight poles within the public right of way:

- Increases in pole height needed to meet utility safety requirements, are not to exceed 10' greater than the existing pole to be replaced. Increases in pole height should be minimized to the greatest extent possible. No pole shall exceed 50' in height without a special use permit.
- Replacement poles must be in the same general location of the existing pole and within the Amenity zone consistent with the Complete Streets Guidelines and Standards and Title 5, Chapter, Section 5-3-1 of the City Code or a comparable location in the public right of way.
- Replacement poles shall not be located in a manner that requires the removal of an existing tree or impacts to the critical root zone or canopy of existing trees within the public right of way.
- Replacement poles shall be located such that they meet ADA requirements and do not obstruct, impede, or hinder usual pedestrian or vehicular travel.
- Any signs on poles must comply with Article IX of the City's Zoning Ordinance.
- Wireless facilities must be shrouded, enclosing wires and equipment. No separate ground mounted equipment, including backup power supply, shall be allowed within the public right of way.
- Wireless facilities shall be colored to match similar infrastructure along the block face. If located on a wooden pole, wireless facilities shall be colored to match the color of the pole or a similar earth tone color.

### **Guidelines for New Standalone Structures**

The guidelines provided are for single or multi-carrier installations of new standalone structures. The following are applicable when locating wireless facilities on new standalone structures:

- New standalone structures shall be located such that it meets ADA requirements and does not hinder, obstruct, impede usual pedestrian and vehicular travel.
- New standalone structures must be located within the Amenity zone (where applicable) consistent with the Complete Streets Guidelines and Standards and Title 5, Chapter, Section 5-3-1 of the City Code or comparable location in the public right of way.
- New standalone structures shall not be located in a manner that requires the removal of an existing tree or impacts to the critical root zone or canopy of existing trees.
- New standalone structures, to the greatest extent possible, shall be in alignment with existing trees, utility poles, and streetlights.
- All wireless facilities shall be internally contained to the pole and or concealed by an exterior shroud. No separate ground mounted equipment, including backup power supply, shall be allowed within the public right of way.
- New standalone structures shall be cylindrical, straight, and colored to match similar infrastructure along the block face.
- No new standalone pole shall exceed 50' in height without a special use permit.

**Wireless Facilities Outside the Public Right of Way**

The following are applicable when locating wireless facilities outside of the public right of way:

- Wireless facilities should avoid the creation of clutter and be placed to blend with existing structures.
- Building rooftop wireless facilities should be either flush mounted to surface walls, camouflaged, screened or placed to not be visible from the surrounding area unless the antenna has a minimal visual impact if installed above the roofline.
- New standalone structures must comply with setback requirements of the City's Zoning Ordinance.
- New standalone structures shall be located such that it meets ADA requirements and does not hinder, obstruct, impede usual pedestrian and vehicular travel.
- New standalone structures shall not be located in a manner that requires the removal of an existing tree or impacts to the critical root zone or canopy of existing trees.
- New standalone structures, to the greatest extent possible, shall be in alignment with existing trees, utility poles, and streetlights.
- All standalone structures shall be internally contained within the structure and/or concealed by an exterior shroud. No separate ground mounted equipment, including backup power supply, shall be allowed.
- New standalone structures shall be cylindrical, straight, and colored to match its surroundings.
- No standalone structure shall exceed 50' in height without a special use permit.