

CITY OF CORDOVA, ALASKA  
ORDINANCE 1070

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, ENACTING CORDOVA MUNICIPAL CODE SECTIONS 18.08.075 AMATEUR RADIO ANTENNA, 18.08.078 ANTENNA, 18.08.175 COLLOCATION, 18.08.449 MONOPOLE, 18.08.562 TELECOMMUNICATION, 18.08.563 TELECOMMUNICATION ANTENNA, 18.08.564 TELECOM-MUNICIPATION TOWER, 18.08.568 TOWER HEIGHT, AND 18.40.050 ANTENNAS; AMENDING CORDOVA MUNICIPAL CODE 18.52.030 DAMAGE OR DESTRUCTION AND 18.60.010 USES PERMITTED BY PLANNING COMMISSION APPROVAL; AND ENACTING 18.60.015 CONDITIONAL USE FOR TELECOMMUNICATION TOWER, TO PROVIDE FOR THE REGULATION OF ANTENNAS AND TELECOMMUNICATION TOWERS**

WHEREAS advances in communications technology have created an increased need for telecommunication towers, antennae and other related equipment within the City of Cordova (“City”); and

WHEREAS the City wants to encourage providers to deliver much needed wireless telecommunication services to City residents, businesses and visitors; but

WHEREAS, the City also wants to ensure that wireless telecommunication services are delivered in a manner that complies with the City’s planning and zoning goals;

**THEREFORE BE IT ORDAINED** by the Council of the City of Cordova, Alaska, that:

Section 1: CMC 18.08.075 Amateur radio antenna is enacted to read as follows:

18.08.075 Amateur radio antenna. “Amateur radio antenna” means a structure or device designed to collect or radiate electromagnetic waves for non-commercial amateur radio equipment including without limitation ham, citizen band radio, VHF and single side band antennas.

Section 2: CMC 18.08.078 Antenna is enacted to read as follows:

18.08.078 Antenna. “Antenna” means a structure or device designed to collect or radiate electromagnetic waves, including without limitation directional antennas such as panels, microwave dishes, satellite dishes; and omni-directional antennas such as whip antennas.

Section 3: CMC 18.08.175 Collocation is enacted to read as follows:

18.08.175 Collocation. “Collocation” means the use of a telecommunication tower by more than one provider of telecommunication service.

Section 4: CMC 18.08.449 Monopole is enacted to read as follows:

18.08.449 Monopole. “Monopole” means a support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation.

Section 5: CMC 18.08.562 Telecommunication is enacted to read as follows:

18.08.562 Telecommunication. “Telecommunication” means the transmission and reception of messages, impressions, pictures, and signals by means of electricity, electromagnetic waves, and any other kind of energy, force variations, or impulses whether conveyed by cable, wire, radiated through space, or transmitted through other media within a specified area or between designated points.

Section 6: CMC 18.08.563 Telecommunication antenna is enacted to read as follows:

18.08.563 Telecommunication antenna. "Telecommunication antenna" means an antenna used in telecommunication, and whose operation is subject to licensing by the Federal Communications Commission.

Section 7: CMC 18.08.564 Telecommunication tower is enacted to read as follows:

18.08.564 Telecommunication tower. "Telecommunication tower" means a structure intended to support equipment used to transmit and/or receive telecommunication signals including monopoles, guyed and lattice steel structures. This definition does not include a tower that supports only one or more amateur radio antennas.

Section 8: CMC 18.08.568 Tower height is enacted to read as follows:

18.08.568 Tower height. "Tower height" means the vertical distance from the grade to the top of the telecommunication tower, including any antenna or other equipment thereon.

Section 9. CMC 18.40.050, Antennas, is enacted to read as follows:

18.40.050 Antennas. A. Antennas located on existing structures. Except for satellite and microwave dishes, which are governed by subsection B of this section, and amateur radio antennas, which are governed by subsection C of this section, antennas and accessory equipment are permitted in all zoning districts when located on an existing structure, including without limitation a building, water tank, utility pole, broadcast tower or other existing support structure, subject to the requirements of this subsection.

1. The height of the antenna and accessory equipment may exceed the maximum building height for the zoning district, but shall conform to the following dimensional requirements.

a. Omni-directional or whip antennas shall not exceed twenty feet (20') in length and seven inches (7") in diameter.

b. Directional or panel antennas shall not exceed ten feet (10') in length and two feet (2') in width.

c. Cylinder-type antennas shall not exceed ten feet (10') in length and twelve inches (12") in diameter.

d. Antenna types other than those described above shall be permitted if they are not significantly larger and do not have a significantly greater visual impact than the antenna types described above. The purpose of this provision is to allow for future technological advances in the design of antennas.

2. The antenna and accessory equipment shall be of a color that is identical to or similar to the color of the supporting structure in order to be visually unobtrusive.

B. Satellite and microwave dishes. Satellite and microwave dishes are permitted in all zoning districts subject to following requirements. The diameter of a satellite or microwave dish shall not exceed ten feet (10'). A satellite or microwave dish having a diameter greater than three feet (3') shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture of the building on which it is mounted to which it is an accessory structure.

C. Amateur radio antennas. Amateur radio antennas are permitted in all zoning districts subject to the following requirements. An amateur radio antenna shall be designed and constructed in accordance with reasonable and customary engineering practices, shall conform to the height limitations in AS 29.35.141(b), and otherwise shall conform to the requirements applicable to an amateur radio antenna in the zoning district where it is located. This subsection applies only to amateur radio antennas erected on or after July 26, 2001.

Section 10: CMC 18.52.030 Damage or destruction is amended to read as follows:

18.52.030 Damage or destruction. **A. Except as provided in subsection B of this section,** nNo building which has been damaged or partially destroyed to the extent of more than fifty percent of its assessed value shall be repaired, moved or altered except in conformity with the provisions of this title.

**B. The Planning Commission may grant a conditional use permit for a telecommunication tower to be repaired or replaced without changing its location, provided that the repaired or replaced telecommunication tower meets all of the requirements for a conditional use permit under Section 18.60.015, except the requirements in Section 18.60.015(C)(7) and (9).**

Section 11: Subsection O of CMC 18.60.010 is amended to read as follows:

**O. Public utility or public service facilities, subject, in the case of a telecommunication tower, to the standards in Section 18.60.015;**

Section 12: CMC 18.60.015 Conditional use for telecommunication tower is enacted to read as follows:

18.60.015 Conditional use for telecommunication tower. A. The Planning Commission may grant a conditional use permit for a telecommunication tower in any zoning district subject to the conditions in this section.

B. The application for a conditional use permit for a telecommunication tower shall include the following information:

1. A written narrative explaining why the proposed site has been chosen, why the telecommunication tower is necessary, why the requested height was chosen, and a full explanation regarding the telecommunication tower's ability to accommodate other providers, and

2. Specifications for the telecommunication tower and all antennas to be located on it, including a description of design characteristics and material;

3. A site plan drawn to scale showing property boundaries, telecommunication tower location, telecommunication tower height, guy wires and anchors and existing structures and land uses on the site and on adjacent property.

4. A map showing the locations of the applicant's existing telecommunication towers that serve customers in the city and of all telecommunication towers that the applicant proposes to construct to serve customers in the city.

5. A report prepared by a person registered as a structural engineer in Alaska showing the capacity by type and number of the telecommunication tower and antennas, and that the telecommunication tower and antennas are designed to withstand winds in accordance with the latest revision of ASI/EIA/TIA/222 standards ("Structural standards for steel communications antenna towers and communications antenna supporting structures");

6. Identification of the person or persons who own the telecommunication tower and the equipment that is to be located on it;

7. Written authorization for the application from the owner of the site;

8. Evidence that the applicant has a valid FCC license for the use of the telecommunication tower;

9. A line of sight analysis showing the potential visual and aesthetic impacts of the telecommunication tower on adjacent residential districts through the use of photo simulations of the telecommunication tower, including all antennas, structures, and equipment, using the vantage points and number of photo simulations requested by the Planning Department;

10. A written agreement, on a form approved by the City Attorney, to remove the telecommunication tower and restore the site to its original condition within one hundred eighty (180) days after the telecommunication tower is substantially unused for a period of twelve (12) consecutive months, and providing that if the telecommunication tower is not removed within this hundred eighty (180) day period, the city may removal the telecommunication tower at the cost of the owner.

11. A cell phone coverage map showing the applicant's proposed cell phone coverage within the city;

12. A certificate from an engineer licensed in Alaska that the telecommunication tower, and all antennas and other equipment located on it, are built and installed to approved specifications and will contain only equipment meeting Federal Communications Commission requirements.

13. Any additional information required by the Planning Department during the application process

C. The Planning Commission may approve an application under this section, with or without conditions, if the application meets the following criteria:

1. Location and visual impact. The proposed location of the telecommunication tower will minimize the visual impact on the surrounding area while allowing the telecommunication tower to function in accordance with minimum standards imposed by the applicable telecommunications regulations and the applicant's technical design requirements. Telecommunication towers and attached antennas and equipment must be painted or coated in a color that blends with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors unless otherwise required under this code or other applicable law. Where necessary to make a telecommunication tower compatible with the historical, environmental or cultural character of its location, the Planning Commission may require that the telecommunication tower be disguised, hidden or screened, or integrated as an architectural feature of a structure, to reduce its visual impact.

2. Inability to collocate. It is not feasible to locate the applicant's telecommunication antenna and other equipment on any existing structure or tower under the control of the applicant.

3. Location in a residential zoning district. An applicant seeking to locate a telecommunication tower in a residential zoning district must show that the area cannot be adequately served by a telecommunication tower located in a nonresidential zoning district for valid technical reasons.

4. Location on public property or other private property. If the applicant proposes to acquire a site on private property for the telecommunication tower, the applicant must show that no available publicly owned site or available privately owned site occupied by a compatible use is suitable under applicable communications regulations and the applicant's technical design requirements.

5. Design for future use. A new telecommunication tower shall be designed to allow collocation of telecommunication antennas equal in number to the applicant's present and reasonably foreseeable future requirements.

6. Safety code met. The telecommunication tower meets all applicable laws and code requirements, including without limitation health, nuisance, noise, fire, building and safety code requirements.

7. Distance from existing telecommunication towers. A telecommunications tower shall not be approved if it is located within one half mile (2,640 feet) of an existing telecommunication tower, unless the applicant certifies that the existing telecommunication tower

does not meet the applicant's structural specifications and technical design requirements, or that a collocation agreement could not be obtained.

8. Zoning requirements. With the exception of requirements for setback and height, which are established in this section, the telecommunication tower must comply with all applicable zoning laws and regulations, including without limitation all laws governing land development, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, and sign, storage.

9. Setback. In all zoning districts, a telecommunication tower must be located no less than a distance equal to the tower height from all lot lines.

10. Signs. No signs may be located on a telecommunication tower except for identification signage.

11. Lighting. No lighting may be located on a telecommunication tower except as reasonably required for safety purposes or as required by the Federal Communications Commission, Federal Aviation Administration or other government agency with jurisdiction.

12. Fencing. A fence with a minimum height of eight feet (8') must be placed on the perimeter of the site of a telecommunications tower site to limit access by the public.

13. Height. The height of a telecommunications tower may not exceed the maximum tower height specified in the conditional use permit or in this section.

D. No decision regulating the placement, construction or modification of a telecommunication tower may be made on the basis of environmental or health effects of radio frequency emission if the antennas and other equipment on the telecommunication tower comply with Federal Communications Commission regulations.

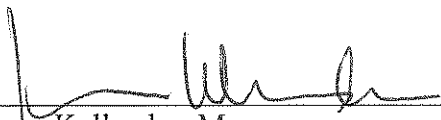
Section 13: This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska and published in the Cordova Times, a newspaper of general circulation in the City, within ten (10) days after its passage.

First reading: July 7, 2010


Public Hearing & 2<sup>nd</sup> reading: July 21, 2010

**PASSED AND APPROVED THIS 21<sup>ST</sup> DAY OF JULY, 2010**



  
James Kallander, Mayor

ATTEST:

  
Susan Bourgeois, City Clerk