

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction – July 23, 2019

PUBLIC HEARING DATE: August 20, 2019

CONTACT PERSON NAME AND PHONE NUMBER:

Philip Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov

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DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice); Title 20 (Zoning), Appendix A (Table Of Permissible Uses); Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection E; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection F; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection G; And Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code to update notification requirements, update the Table Of Permissible Uses; Require compliance with a Policy Guide; to establish location preferences, clarify organization of the Title; and provide for Non Conforming Situations. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)**

BACKGROUND / DISCUSSION:

On April 6, 2017, the CPC reviewed and recommended approval of the proposed code amendment.

PRIOR COUNCIL ACTION:

This item was previously brought forward to City Council on October 3, 2017, however there was no City Council action on this proposed code amendment at that time to allow staff to do additional outreach.

Additionally this item was presented as a Work Session item on May 13, 2019, to provide a general introduction prior to it being placed on a City Council Agenda and no action was taken.

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



Philip F. Etiwe, Director
Planning and Inspections Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), ARTICLE VII (PUBLIC HEARINGS), SECTION 20.04.520 (NOTICE); TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES); TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION A; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION D; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION E; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION F; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION G; AND TITLE 20 (ZONING), CHAPTER 20.22 (NONCONFORMING SITUATIONS), SECTION 20.22.100 (NONCONFORMING PWSF) OF THE EL PASO CITY CODE TO MODIFY EXISTING STANDARDS, UPDATE NOTIFICATION REQUIREMENTS, UPDATE THE TABLE OF PERMISSIBLE USES; REQUIRE COMPLIANCE WITH A POLICY GUIDE; TO ESTABLISH LOCATION PREFERENCES, CLARIFY ORGANIZATION OF THE TITLE; AND PROVIDE FOR NON CONFORMING SITUATIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code, Chapter 20.10 regulates personal wireless service facilities; and,

WHEREAS, City Council directed the Planning department to update and amend the current standards and regulations for personal wireless service facilities to create new standards and regulations to require better camouflaging of new facilities, encourage colocations, and mitigate the impact of new facilities to the surrounding environment; and

WHEREAS, the Planning Department communicated with various representatives of the wireless industry who were given an opportunity to comment and provide recommendations to the proposed revisions; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety and welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

ORDINANCE NO. _____

16-1007-1833 | 837272
PWSF Camouflaging Amendment
OAR

SECTION 1. Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice), subsection B, paragraph 2, subparagraph b, of the El Paso City Code is amended in its entirety to read as follows:

- b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within five hundred feet of the lot line of the subject property.

SECTION 2. Title 20 (Zoning), appendix A (Table of Permissible Uses) table 17.00 (Towers & related structures) of the El Paso City Code is replaced in its entirety with the table attached to this ordinance as Exhibit “A”:

SECTION 3. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A of the El Paso City Code is amended in its entirety to read as follows:

- A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be constructed and operated in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.

SECTION 4. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D through H of the El Paso City Code are deleted in their entirety.

SECTION 5. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection D that reads as follows:

- D. Proposed PWSF Siting and location Hierarchy Preferences.
 - 1. The following list indicates the City’s preferences for facility locations, in descending order of preference. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- b. Antennae Co-location on existing PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- c. New Facility-Mounted PWSF, meeting applicable camouflaging and screening requirements
- d. New Roof-Mounted PWSF, meeting applicable camouflaging and screening requirements
- e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City’s preferences for facility locations, in descending order of preference regarding zoning. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

- a. Heavy commercial and manufacturing zoning districts
- b. Light commercial and special purpose zoning districts.
- c. Residential and apartment zoning districts.

SECTION 6. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection E that reads as follows:

E. PWSF located in the NOS zoning district is prohibited.

SECTION 7. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection F that shows the table attached to this ordinance as Exhibit “B”:

SECTION 8. Title 20 (zoning), chapter 20.22 (Nonconforming situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code is amended in its entirety to read as follows:

20.22.100 - Nonconforming PWSF.

ORDINANCE NO. _____

A. A personal wireless service facility (PWSF) that was built in compliance with the city's zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:

1. A modified or rebuilt PWSF must propose to have at least one additional antenna than that of the existing or pre-existing facility. If the PWSF is to be rebuilt, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;

2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility by more than 10% or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater;

3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility and must meet the minimum setback standards for the zoning district in which it is located;

4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;

5. All rebuilt ground-mounted PWSF shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;

6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;

7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and

8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt

PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.

C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).

D. Abandonment and Termination of a Nonconforming PWSF.

1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:

- a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;
- b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
- c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.

2. The owner of a ground-mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.

E. Property affected by right-of-way acquisition

1. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:

- a. The PWSF must have been legally permitted at the time of the initial placement; and
- b. Must be located to the remainder of the property or remain in its existing location; and
- c. Cannot be altered or enlarged; and

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- d. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

SECTION 9. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED This _____ day of _____ 2019.

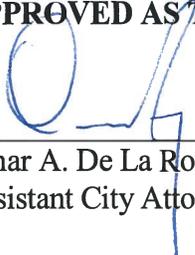
CITY OF EL PASO:

ATTEST:

Dee Margo, Mayor

Laura Prine, City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip Etiwe, Director
Planning and Inspections

(Exhibit A & B on the following pages)

17.07	Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.590	
17.08	Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.200	
17.09	Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	D	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.700			
17.10	Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710		
17.11	Wind-driven electrical generator, pump	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.200

* In addition to the use being permitted through a Master Zoning Plan, the use is only allowed by an additional Special Permit with a detailed site plan approval in the respective zoning district obtained from the city council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.

Exhibit B

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF				
1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
1.2	Setbacks	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards
	1.2.1	Additional Setback Standards for Ground Mounted PWSF If abutting ROW or easement, the width of the ROW or easement may be included in the setback measurement			
1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	N/A	N/A
	1.3.1	Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF Modifications to Required Setbacks must meet the following criteria: i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas			
1.4	Minimum separation (measured base of existing to base of proposed)	One-half mile			
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)	Minimum separation may be reduced with a special permit (see Section 1.5.1)
	1.5.1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF Modifications to Required Minimum Separation must meet the following criteria: i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.			
1.6	Maximum Height Permitted (measured to top of steel)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.			
1.7	Allowable Increases in Maximum Height Permitted	15' of additional height if the applicant is collocating a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.			
1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1 below)	Permitted (see Section 1.8.1 below)
	1.8.1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15', when providing contracts or agreements and space for a total of three (3) carriers or agencies, when the following criteria are met: i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.			
1.9	Camouflage and Screening	i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility. ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area. iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact. iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure. vi. Landscaping shall comply with all code requirements for landscaping.			
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.			
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official			
1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.			
1.13	Other Requirements Applicable to Ground Mounted PWSF	The following must accompany a request for a special permit or building permit: i. All towers located within two hundred (200) feet of a recognized federal, state or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.			
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.			
1.15	Existing non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.			

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF				
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline			
2.3	Allowable Increases in Maximum Height Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)
2.3.1	Additional Standards Applicable to permitted Increases in Height for Roof-mounted PWSF	<p>i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and</p> <p>iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.</p>			
2.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>			
2.5	Other Requirements	<p>The following must accompany a request for a special permit or building permit:</p> <p>i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;</p> <p>ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p> <p>iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.</p>			
2.6	Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.			

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure			
3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20			
3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas			
3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>			
3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <p>i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;</p> <p>ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p> <p>iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.</p>			
3.6	Collocation	Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.			

MEMORANDUM

DATE: August 15, 2019

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Jeff Howell, Project Manager

SUBJECT: **An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice); Title 20 (Zoning), Appendix A (Table Of Permissible Uses); Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection E; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection F; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection G; And Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.100 (Nonconforming PWSF)**

The City Plan Commission (CPC), on April 6, 2017, voted 6-0 to recommend **approval** of the proposed code amendment.

This item was previously brought forward to City Council on October 3, 2017, however no action was taken in order to allow staff to conduct additional outreach. In consideration of the additional outreach and input received, updates to the original proposed amendment have been incorporated.

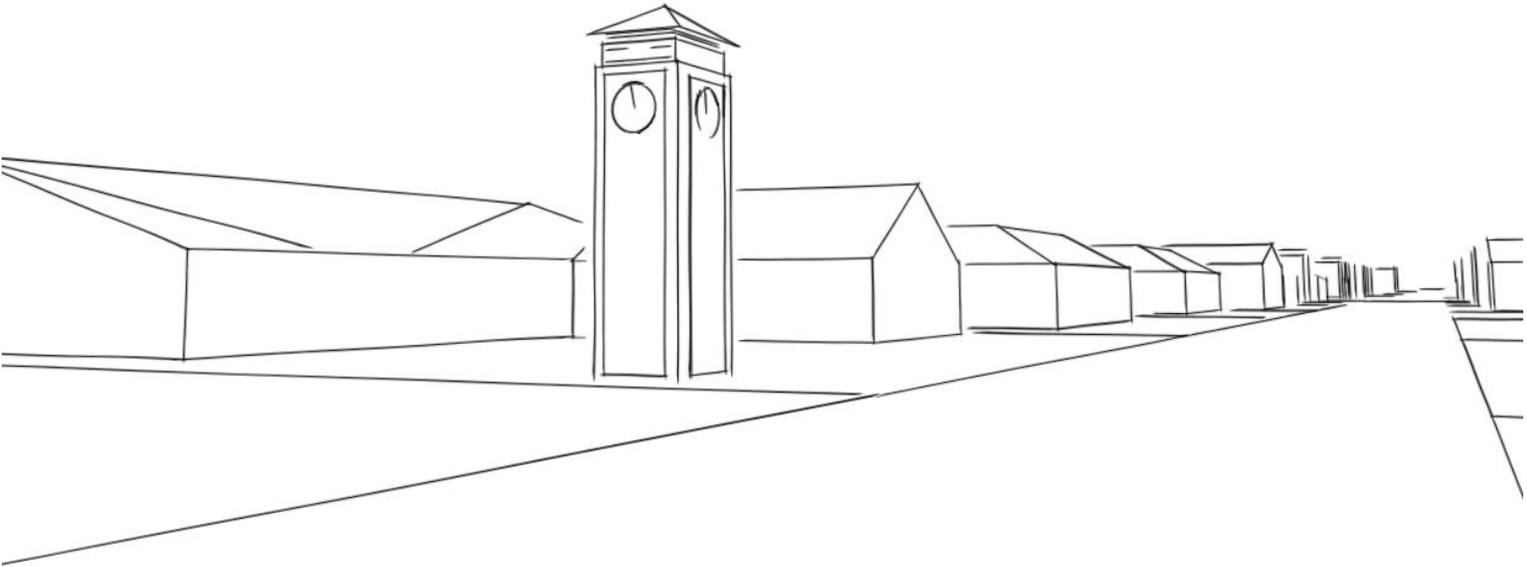
Applicant: City of El Paso

Attachments:
PWSF Policy Guide to be adopted by the Director
Redlines of proposed amendments
Comments/concerns received from the PWSF industry

City of El Paso | 2019

PERSONAL WIRELESS SERVICE FACILITY (PWSF)

Policy Guide



Applicability

This document is to serve as a supplement to be used in conjunction with the applicable provisions of the City Code.

This document includes various depictions of acceptable designs, but does not encompass all potential alternatives which could be submitted. The guidelines are intended to provide the applicant, reviewing departments, advisory boards, and City Council with a basis for determining whether a proposed Personal Wireless Service Facility (PWSF) complies with the intent of the applicable code provisions.

Introduction

This document includes design guidelines which are intended to encourage co-location of personal wireless service facilities to minimize the visual impact on the City's landscape. The design guidelines contained in this document are intended to provide additional reference in support of 20.10.455, Personal Wireless Service Facilities, and may be amended by the Planning and Inspections Director or City Manager Designee.

Purpose

The purposes of these design guidelines are to assure a degree of predictability and consistency in the review process. These guidelines provide direction to service providers and their consultants in regard to the types of facilities that are encouraged and discouraged within the City of El Paso. Inclusive within these guidelines are various illustrations and depictions which are intended for illustrative purposes and are not intended to be reflective of all potential designs, solutions, or scenarios but rather a guide to use in the review process of applications for new facilities. The City recognizes the complexity and uniqueness inherent to these types of facilities and not all design guidelines will be applicable on all projects, and the guidelines are suggestive versus restrictive.

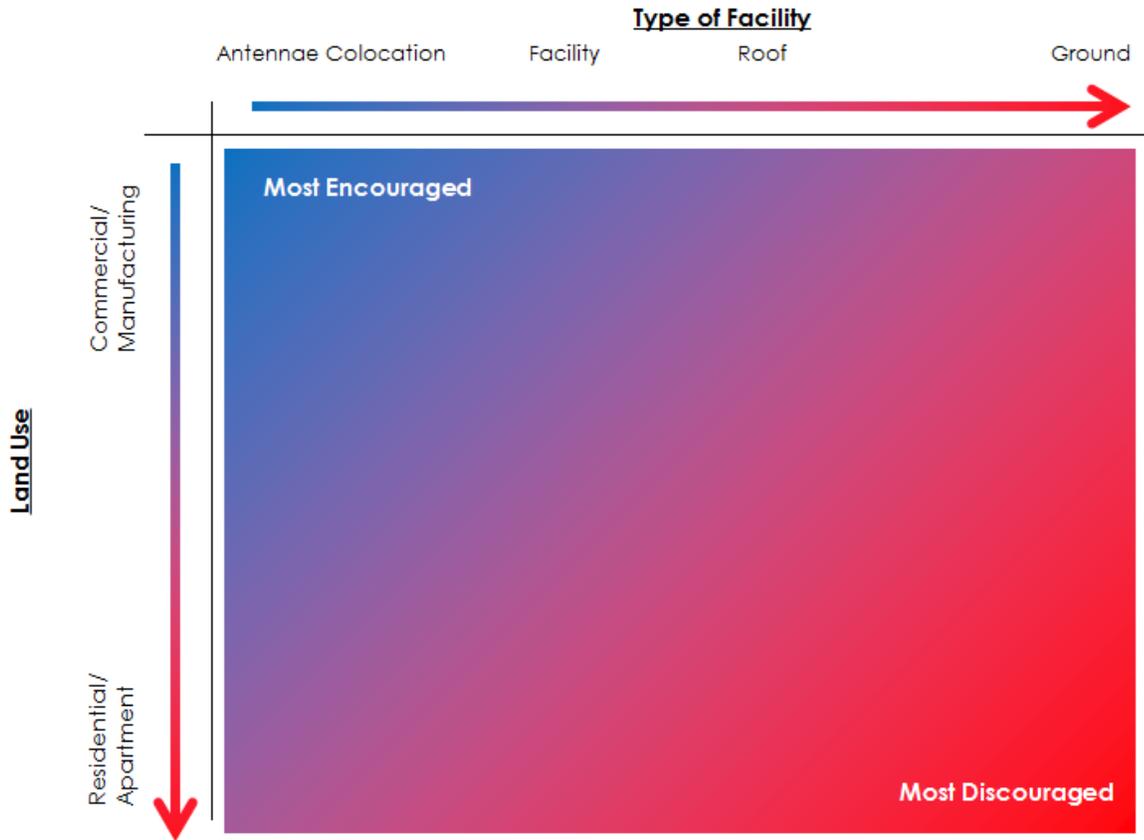
How to use the Policy Guide

This guide is to be used as a supplement for Staff, City Plan Commission, and City Council to formulate recommendations and make decisions on new PWSF applications. It is also meant to be used to provide more information to applicants to help them select the best location/ type of facility for their proposal. Section 20.10.455 of the El Paso City Code identifies the requirements that need to be followed in order to meet the zoning regulations, while the Policy Guide indicates the City's preferences on new facilities. When reviewing applications for new facilities, the following is a list of factors to be considered for approval of the request:

- **Location**
 - Preferred vs Not Preferred
- **Type**
 - Preferred vs Not Preferred
- **Scale and Context**
 - Appropriate vs. Inappropriate
- **Camouflaging**
 - Encouraged vs Discouraged

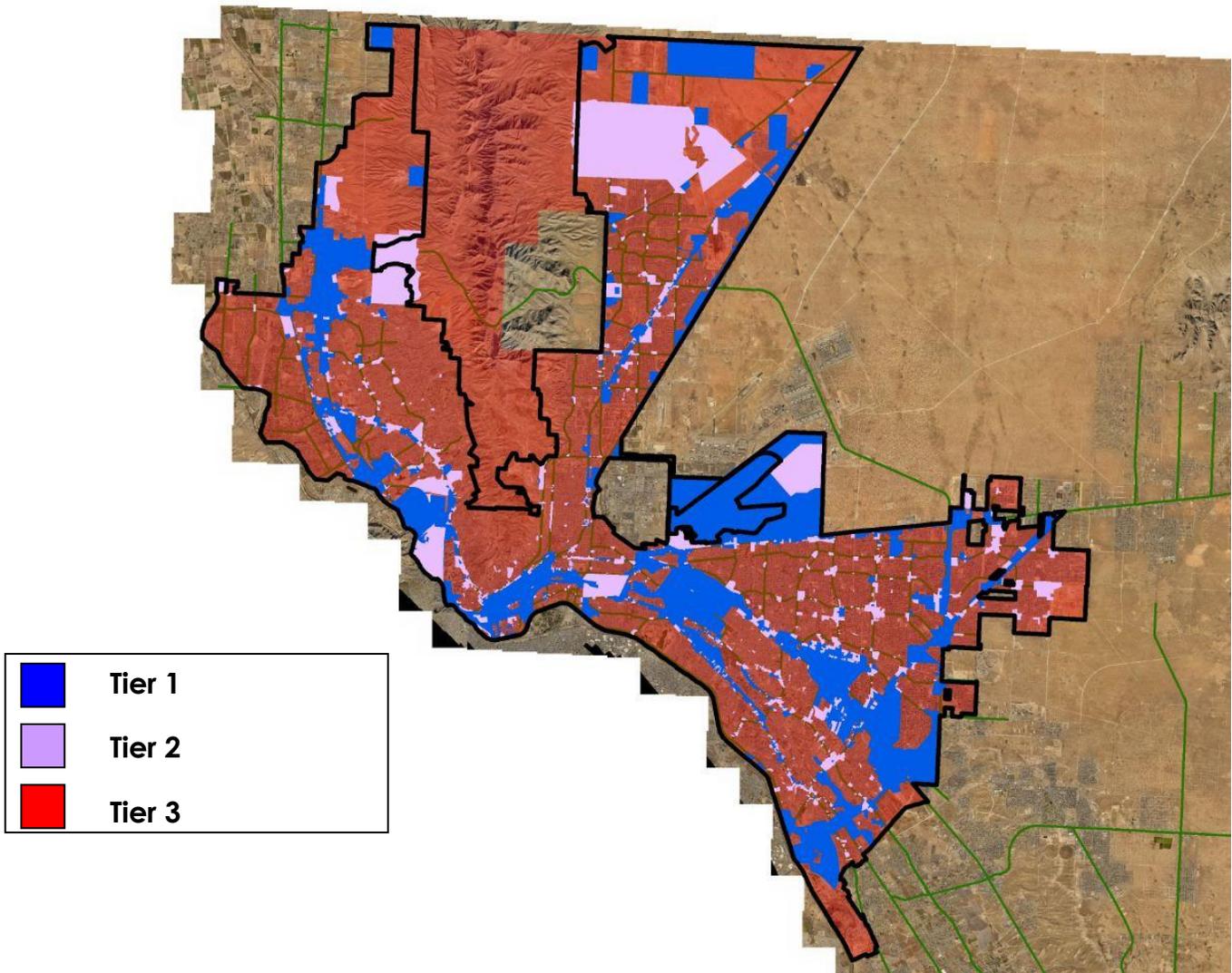
Location and Type Policies

Preference Matrix

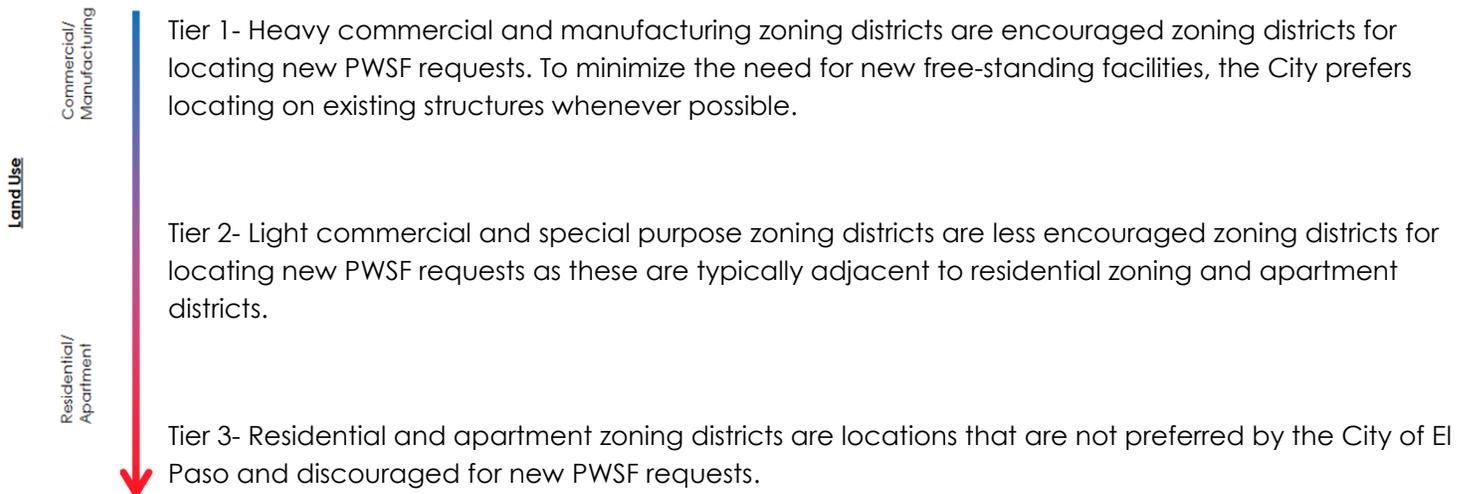


Location Policies

The location guidelines establish a location siting hierarchy for new proposed personal wireless service facility (PSWF) requests.



*This map is for illustrative purposes only and are not regulatory.



Type Policies

In addition and in-line with the location preferences, in descending order (from encouraged to discouraged) are the City's preferences for PWSF types are shown below:

1. Antennae Co-location on existing camouflaged PWSF (Facility, Roof, Ground-Mounted)
2. Antennae Co-location on existing PWSF (Facility, Roof, Ground-Mounted)
3. New Facility-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements
4. New Roof-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements

In all instances, a new ground-mounted facility is a discouraged type of PWSF and should be seen as a last resort for new requests.

5. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements

In accordance with 20.10.455, a new ground-mounted facility should only be used when the following evidence has been provided by the applicant:

- An inventory of existing facilities within the area sought to be used which depicts the structures on which the facility may be able to locate (either facility or roof mounted) and an explanation on why these locations are not feasible.

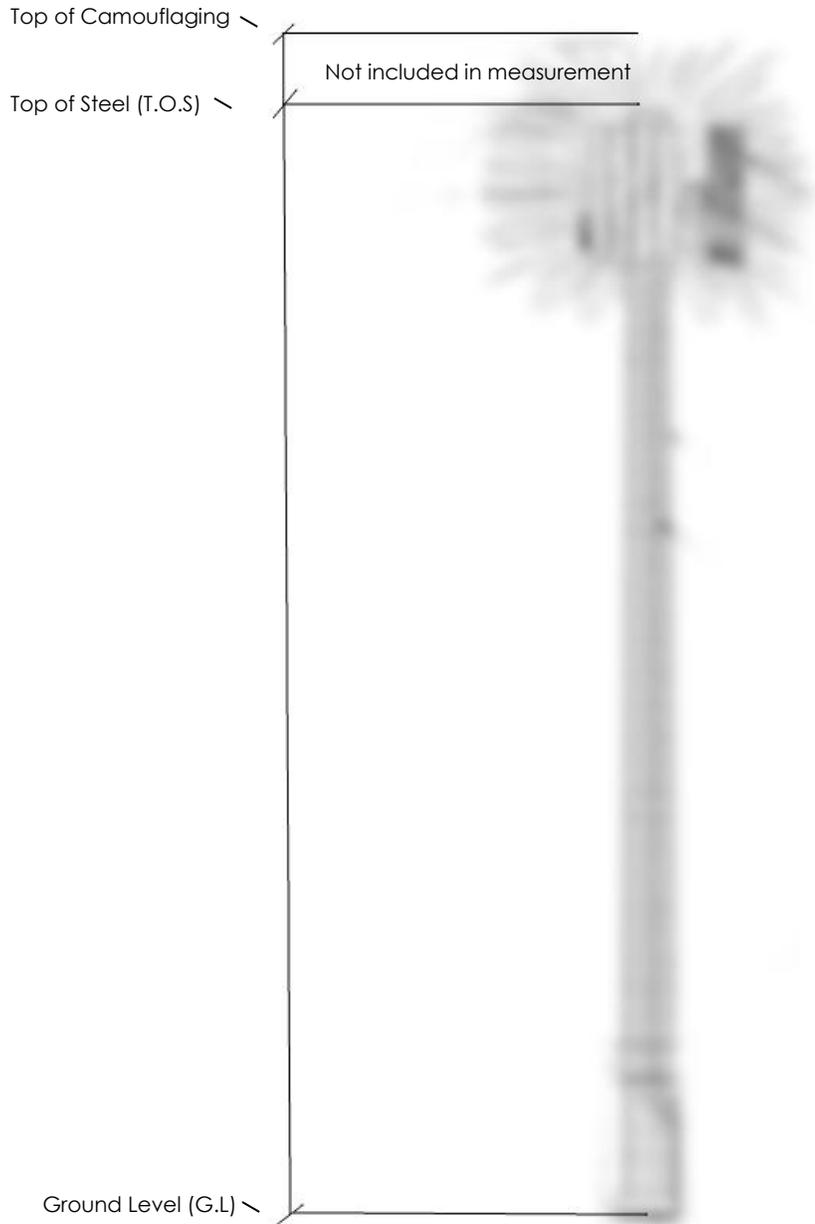
Evidence that would support why an existing facility cannot be used is as follows:

- The current structure cannot support additional facilities.
- The location will cause interference with existing facilities
- An existing ground mounted PWSF does not have the capacity for additional antenna and/or does not provide the required coverage needed.

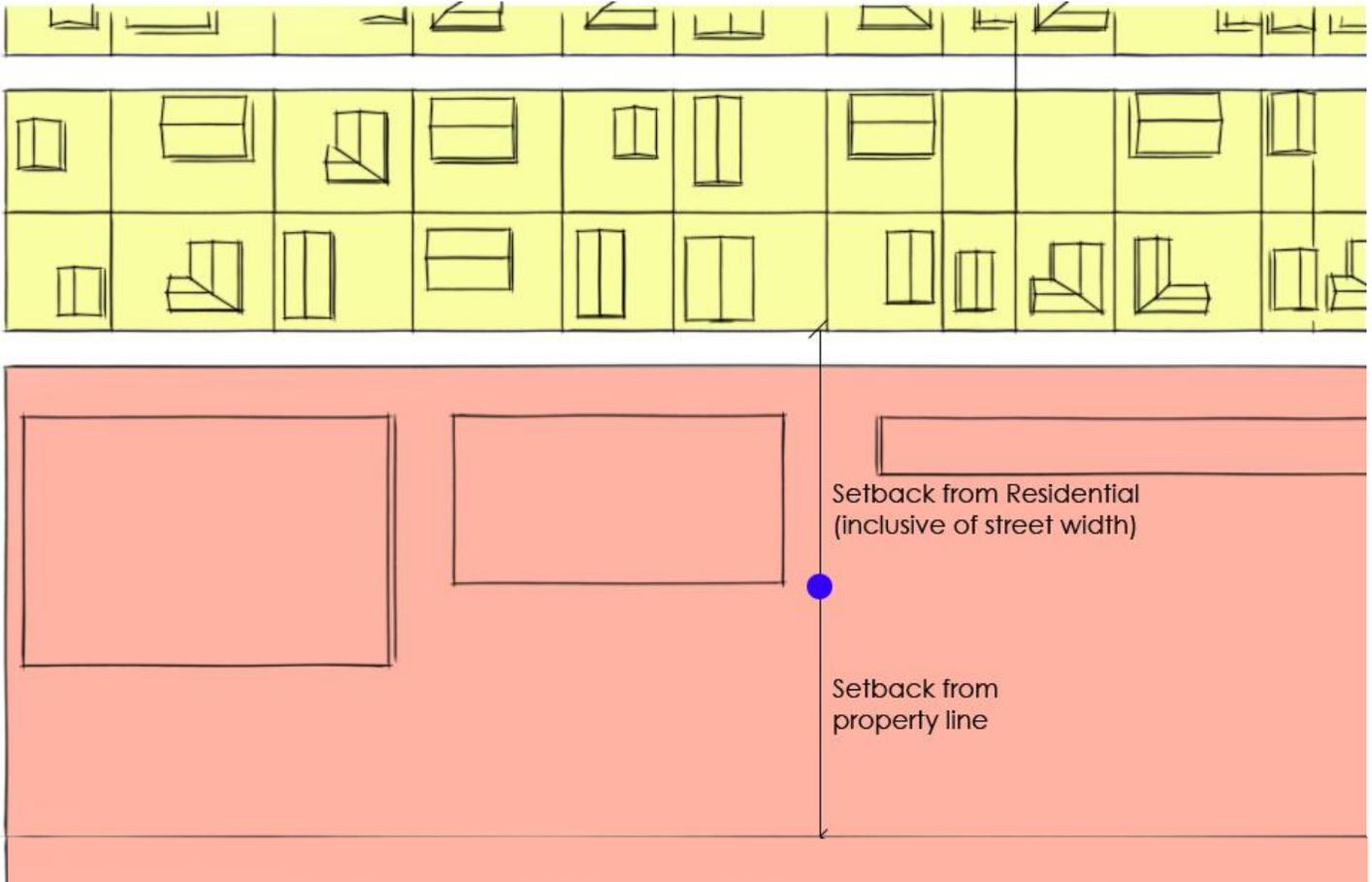


Measurements

- In order to determine height and setback requirements a PWSF will be measured from the ground level (G.L.) to the top of steel (T.O.S.). The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging.



- The setbacks of the PWSF shall be measured from the center point of the proposed tower. The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging. If abutting ROW or easement, the depth/width of the ROW or easement may be included in the setback measurement.



- In order to verify if a special permit is required, the radius for PWSF separation shall be measured from the center point of the facility. This is to be verified with the database of PWSF from the City of El Paso and only applies to ground mounted facilities.



Camouflaging and Screening Guidelines

When reviewing new PWSF applications, items that will be taken into consideration, in addition to the location of the proposed facility, as it relates to camouflaging include:

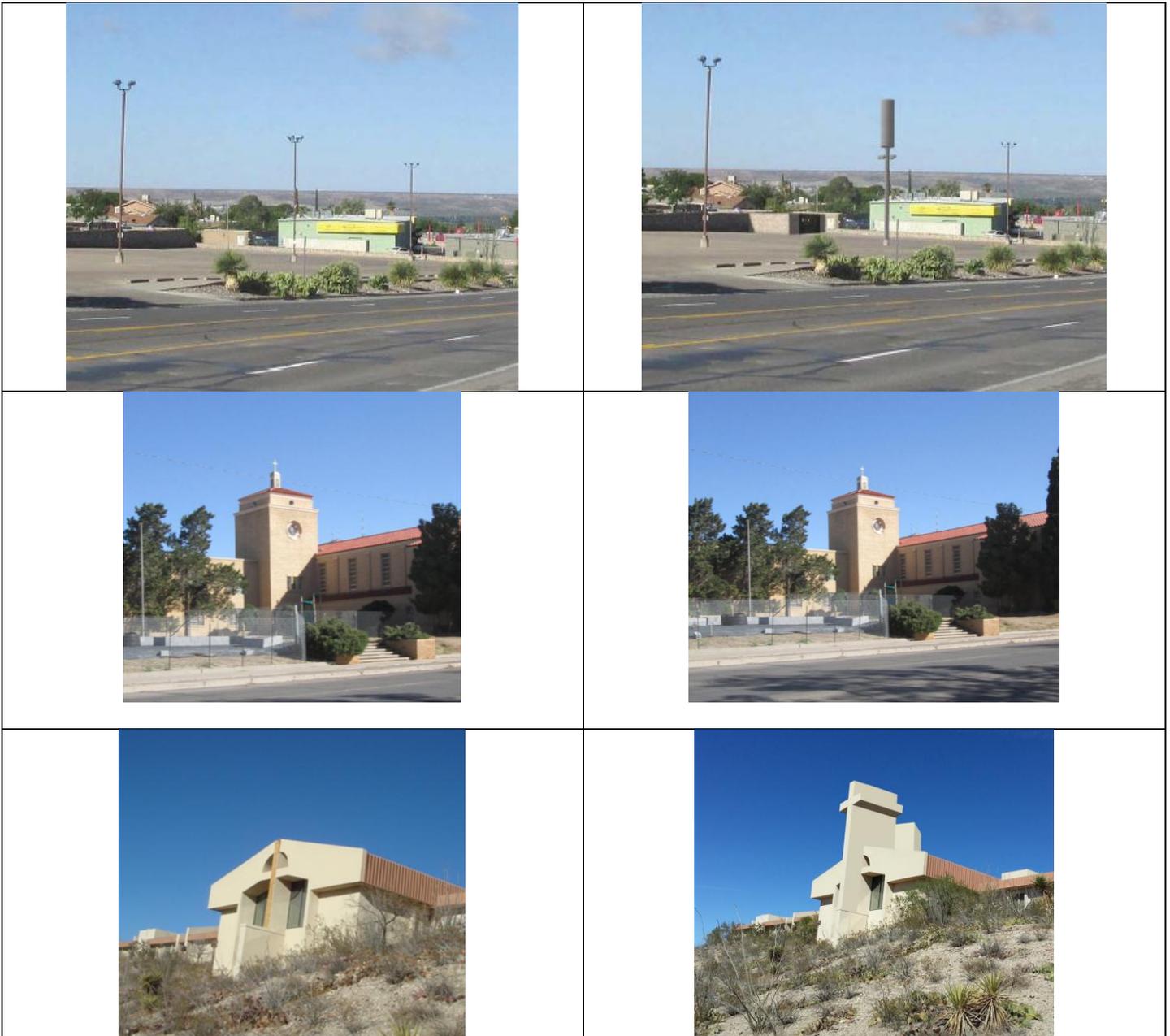
- Scale and Context
- Visibility classification of facilities
- Types
 - Ground-Mounted
 - Roof Mounted
 - Facility Mounted
- Landscaping
- Screening

Scale and Context

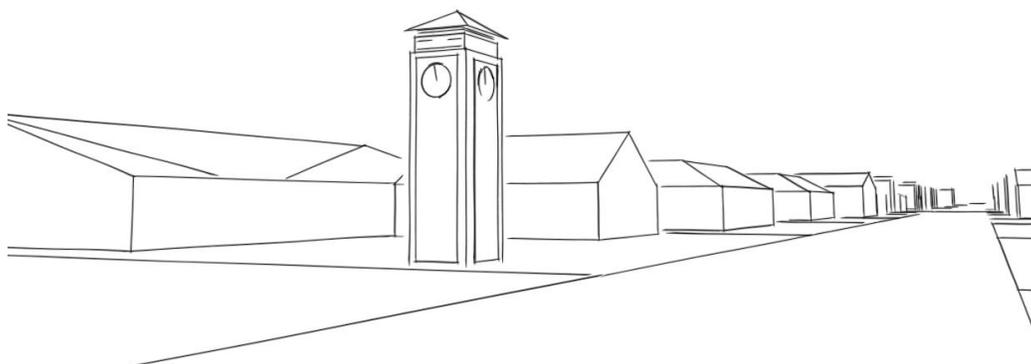
All ground-mounted PWSF should be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible.

Before

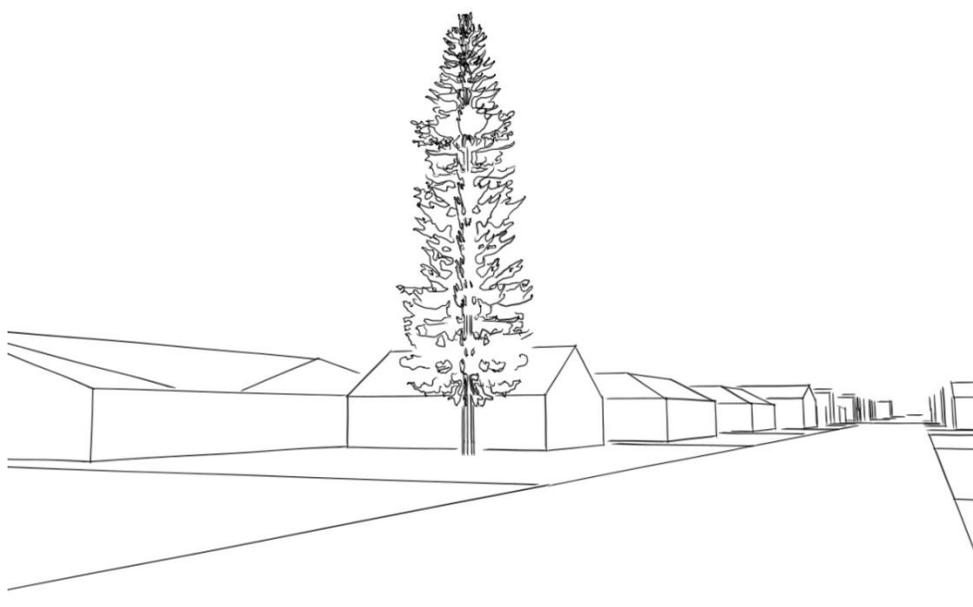
After



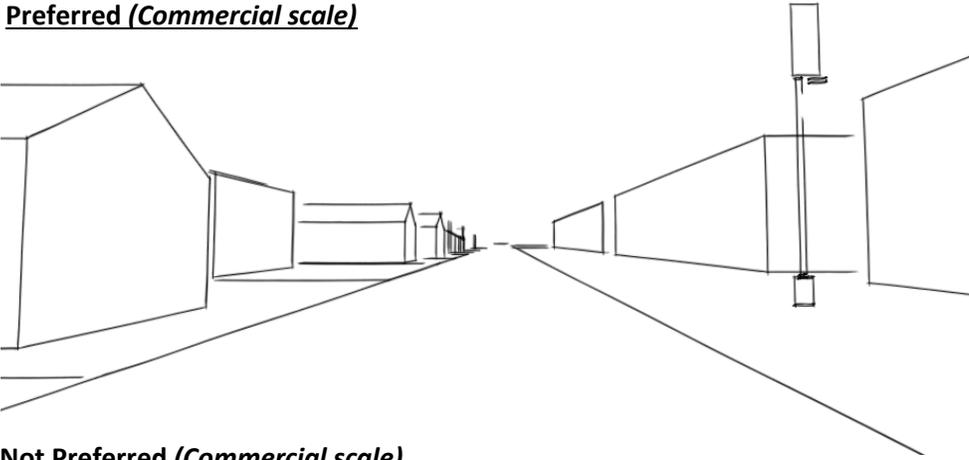
Preferred (Residential scale)



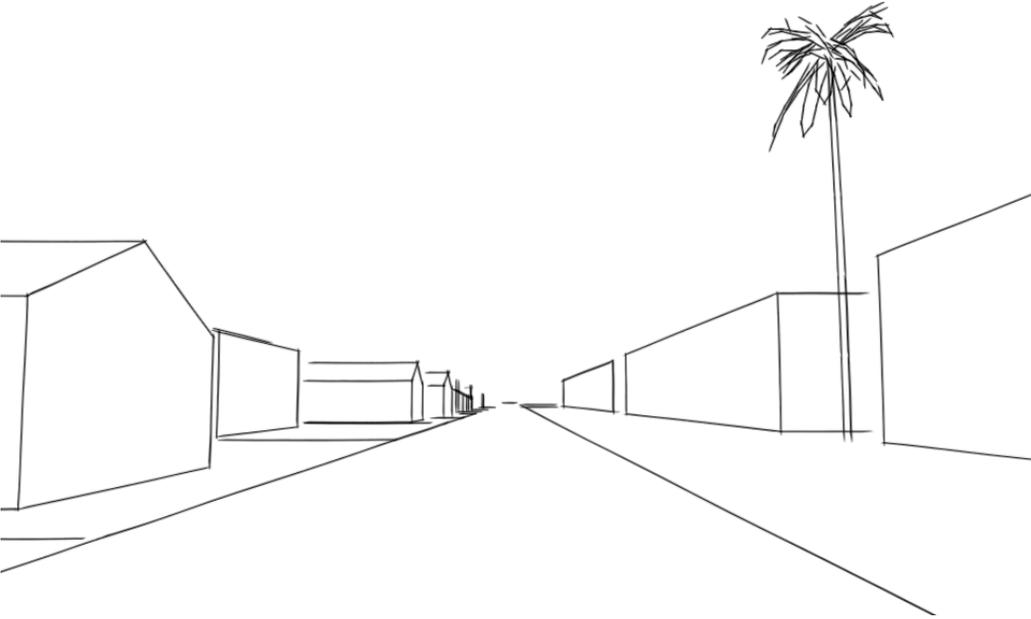
Not Preferred (Residential scale)



Preferred (Commercial scale)



Not Preferred (Commercial scale)

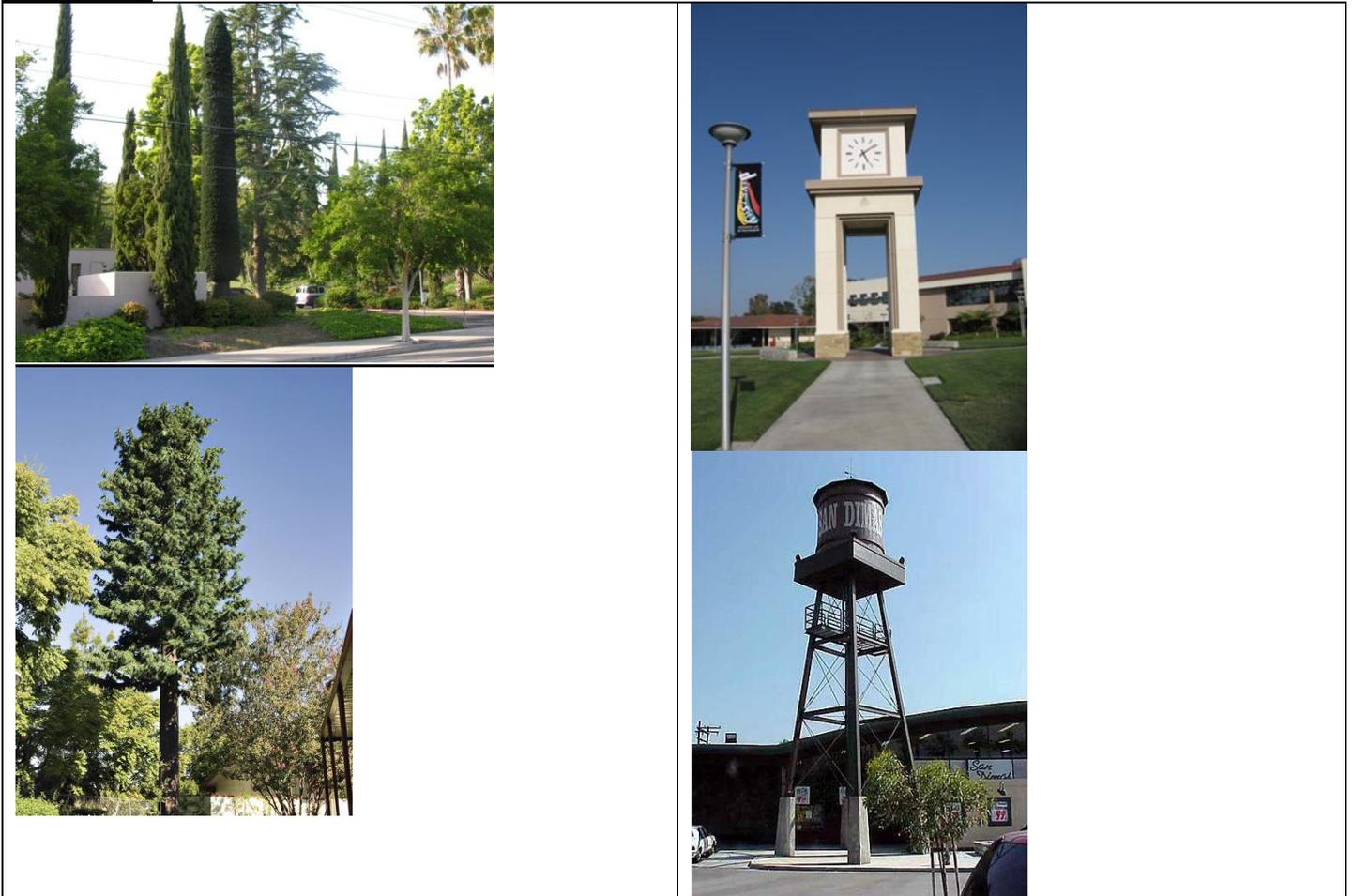


High Visibility



These examples are high visibility as they tend to be less compatible more and are encouraged for existing open space or parkland areas where they may blend more easily.

Low Visibility



These examples are low visibility as they tend to resemble permitted uses, are consistent with existing development and able to mimic community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.

Ground-Mounted Facilities

Ground-Mounted PWSF: man-made trees

- For locations where there is existing similar vegetation at or near the proposed site, camouflaging methods such as man-made palm trees or pine trees may be more appropriate. This would also be applicable to existing parks or open space where a tree will blend in more.

Discouraged



These examples are placed in a context where there is no existing vegetation around to assist in minimizing the visual impact of a new PWSF.

Encouraged



These examples blend in well with existing vegetation not only in material, but also in scale to the natural vegetation that already exists..

Ground-Mounted PWSF: within Residential areas

- For locations within or adjacent to residential neighborhoods, camouflaging methods such as bell towers, clock towers or water towers may be more appropriate to lessen the impact on nearby residents. These should resemble structures associated with uses that are already permitted in the underlying zoning districts (i.e. churches, schools, etc.) to better blend into existing and future development.

Discouraged



These facilities, while appropriate in the right context, appear to stand out and are not consistent with the scale and development of area.

Encouraged



The facilities above blend in more naturally with the adjacent development and do not appear drastically out of place with the existing permitted uses of the underlying zoning district.

Ground-Mounted PWSF: within Commercial areas

- For locations within commercial or manufacturing areas, camouflaging methods such as light poles, flag poles, public art, or structures similar to existing buildings may be more appropriate. These should resemble existing uses, structures, and amenities found in commercial developments.

Discouraged



The facilities although camouflaged do not blend in to the surrounding landscape and are placed in commercial areas where no other trees around to assist in blending them into their surroundings. Other designs may have been more appropriate given their context.

Encouraged



The facilities above blend in more naturally with a commercial setting and serve a purpose other than just a PWSF and resemble amenities typically found with commercial uses.

Roof Mounted Facilities

- Roof mounted PWSF are to be designed to blend in with the existing structure to which it is attached when the roof of the main structure is 35' or below. This can be achieved by shielding it with a sheath to disguise it as a chimney or vent, adding a new parapet to the existing structure, or changing its color to match existing structural projections.

Discouraged



The roof mounted facilities above should be located behind the parapet to completely screen them from below or screened by a different method when possible.

Encouraged



The roof mounted facilities above added screening to make them blend in to the structure in which they are attached to make them appear they have always been a part of the structure.

Facility Mounted Facilities

- Facility mounted PWSF are to be designed to blend in with the existing structure to which it is attached. This can be achieved by changing its color, shielding it with a sheath to disguise it as an architectural accent or placing it behind existing structural projections.

Discouraged



The facilities above are not located behind any structure or façade nor are they painted to blend in with the structure to which it is attached.

Encouraged



The facilities above are painted and enclosed within sheaths which match the structures to which they are attached and only project a small distance from the structure.

Landscaping

- Additional landscaping may be required in areas where there is an opportunity to camouflage equipment or assist in the camouflaging method chosen.

Discouraged



The placements of these facilities do not lend themselves to the placement of additional landscaping to screen equipment.

Encouraged



The locations of these facilities allow them to be placed in the context of existing vegetation while also allowing new landscaping to be added.

Screening

- Screening and fencing is required around all ground equipment. This may be provided around both the freestanding structure, or just around the equipment, depending on the location and camouflaging method chosen.

Discouraged



The ground equipment is not screened with a rockwall or wrought-iron fence and no additional landscaping is provided to screen the equipment.

Encouraged



The equipment is move to the edge of the property and screened to blend into the surroundings, as well as another screening example where it is incorporated into the design to blend in.

ADOPTED This _____ day of _____ 2019.

APPROVED: _____
Philip F. Etiwe, Director
Planning and Inspections

20.04.520 - Notice.

Where a public hearing is required by State law, notice shall be given in the manner specified below:

- A. **Content of Notice.** Required mailed notices and notices by publication shall include the date, time, and place of the hearing, a description of the subject matter of the hearing and the body holding the hearing. The mailed notices shall be in the form of a standard letter or a postcard and shall include the information in both English and Spanish. The postcard shall be a minimum size of 5.5 inches by 8.5 inches. Required on-site posting of notice shall be as specified in subsection B.2.d. of this section.
- B. **Provision of Notice.** Notice will be given in the following manner and as per Chapter 2.102 of this Code, as applicable:
 1. In all cases, by mail to the applicant, or owner of the property that is subject of the application, if different;
 2. On applications for special permits, amendments to zoning conditions and amendments to the district map, additional notice shall be given as follows:
 - a. Notice of hearing before the city plan commission shall be given to all owners of real property by mail, as indicated by the most recently approved municipal tax roll within three hundred feet of the lot line of the subject property.
 - i. In addition to notice given to the owners of the real property within three hundred feet of the lot line of the subject property, if a multifamily dwelling is located on any parcel of real property within the three hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within five hundred feet of the lot line of the subject property.
 - i. In addition to notice given to the owners of the real property within five hundred feet of the lot line of the subject property, if a multifamily dwelling unit is located on any parcel of real property within the five hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - ii. The applicant for a special permit, an amendment to zoning conditions, or an amendment to the district map involving a public utility facility is responsible for providing the required notice and for all costs of providing the required notice. The applicant shall provide written documentation to the city that the required notices have been provided unless the applicant has requested that the city provide the notices of the hearing and reimburses the city for all its expenses upon receipt of a city invoice.
 - c. Notice of hearing before the city council shall be given as follows:
 - i. On first reading—by publication in a newspaper of general circulation in the city not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).
 - ii. The published notice shall contain:
 1. The name of the property owner(s) requesting the special permits, amendments to zoning conditions, or amendments to the district map;

	Use	Residential															Commercial					Manufacturing			Special Purpose												Supplemental Standards					
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PMD****	S-D**	U-P**	P-R I**	P-R II**	P-C**	P-I**	SRR**	R-MU**		G-MU**	I-MU**	NOS	URD	
17.00 Towers & related structures																																										
17.01	Amateur & CB radio stations (federally licensed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.070	
17.02	Personal Wireless Service Facility (PWSF), facility-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D		D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455
17.03	PWSF, ground-mounted	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	PS	PS	PS	P	P	P	P	P	P	P	S	S		DS	S	S	S	DS	D	S	Z*	Z*	Z*		X	§ 20.10.010; § 20.10.020; § 20.10.455
17.04	PWSF, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D		D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455
17.05	Radio broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S		S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700
17.06	Radio receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.710
17.07	Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.590
17.08	Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.200
17.09	Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S		S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700	
17.10	Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.710

20.10.455 - Personal wireless service facilities.

A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be operable in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.

B. Certification. All owners of PWSF currently in existence as of the date of the passage of the ordinance codified in this chapter shall certify in writing, no later than thirty days after the passage of the ordinance codified in this chapter, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of each PWSF and any other pertinent information, excluding proprietary information, required on the form prescribed by the development services department.

Thereafter, for all such PWSF and additionally for all new PWSF installed and constructed after the date of passage by the ordinance codified and permitted in accordance with this chapter, the owner shall certify in writing, annually no later than January 31, beginning in 2008, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of the PWSF, and any other pertinent information, excluding proprietary information, required on the form prescribed by the building official.

The person who constructed the PWSF, the person who operated the PWSF or the owner of record must notify the zoning administrator of any change in the information or status of the PWSF as stated in the certification within thirty days after such change.

C. Removal. For any PWSF constructed after the date of this chapter, if the PWSF is not used to transmit, receive or relay voice and data signals to or from wireless communication devices for a period of six months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility or by the property owner within eighteen months from the time the PWSF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

If the use of the PWSF has not been restored within an eighteen-month period from the time the PWSF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the PWSF must be removed and the PWSF site restored to its original or better condition, at the property owner's expense.

For any PWSF in existence but not listed as operable on the certification form as of the date of the passage of the ordinance codified in this chapter, the owner shall have eighteen months from the date of certification in which the PWSF must be made operable. If the PWSF is not operable within eighteen months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be removed by the person who constructed the facility, by the person who operated the facility or by the property owner within six months after the aforementioned time period expires. The PWSF site must be restored to its original or better condition, at the property owner's expense.

~~D. PWSF located in residential and apartment districts (including RF, SRR, PR-1, PR-2, & PMD) shall comply with the following:~~

~~1. Ground-mounted PWSF antenna support structures and appurtenant equipment storage facilities are permitted by special permit with the following restrictions:~~

~~a. Setbacks.~~

- ~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PWSF antenna support structure base.~~
 - ~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~
 - ~~b. Modified Setbacks. The setback set forth in subsection (D)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy five feet; if the city council, based on written evidence provided by the applicant, finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~~~
 - ~~c. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (D)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
 - ~~d. Modified Separation Between PWSF Antenna Support Structures. The separation distance between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~~~

- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- ~~e. Height Restriction. PWSF antenna support structures and appurtenant antennas shall not exceed seventy-five feet in height, except as provided in subsection (D)(1)(f).~~
- ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure, then the maximum height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred feet.~~
- ~~g. Camouflage and Screening.
 - ~~i. All ground-mounted PWSF located in residential and apartment zoning districts shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~~~
- ~~h. Other Requirements. The following must accompany a request for a special permit:
 - ~~i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;~~
 - ~~ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale.~~~~

- ~~i. Screening Fence. A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
 - ~~j. Access Driveway. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
 - ~~k. Increase in Elevation on Existing PWSF Antenna Support Structure. An increase in elevation, not to exceed a maximum height of one hundred feet, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant antennas and equipment storage facilities are permitted with the following restrictions:~~
- ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on those residential structures consisting of five or more units or on nonresidential structures;~~
 - ~~b. Height Restriction. Roof-mounted PWSF antenna support structures and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property on which the PWSF is located abuts a residential zoning district the PWSF shall not exceed ten feet in height above the existing roofline.~~
 - ~~c. Modified Height Restriction. The height of a roof-mounted PWSF antenna support structure on property abutting a residential zoning district may be increased by special permit application, but not above thirty feet measured from the existing roofline, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
 - ~~d. Camouflage and Screening:
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~~~

~~d. Facility-mounted PWSF shall be painted to integrate and blend with the facility structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~

~~e. Other Requirements. The following must accompany a request for a building permit:~~

~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;~~

~~ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~

~~iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~

~~f. Collocation. Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

~~E. C-1, C-2 and P-C Commercial Districts, S-D Special Development.~~

~~1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~

~~a. Setbacks.~~

~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PWSF antenna support structure base.~~

~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~

~~b. Modified Setbacks. The setback set forth in subsection (E)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two foot setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:~~

~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~

~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the~~

~~applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~

- ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~
- ~~e. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (E)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~d. Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- ~~e. Height Restriction. Ground-mounted PWSF antenna support structures shall not exceed seventy-five feet in height, except as provided in subsection (E)(1)(f).~~
- ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure shall not exceed one hundred feet.~~
- ~~g. Camouflage and Screening:
 - ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty~~~~

~~percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~

- ~~iii.— Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv.— Landscaping shall comply with all code requirements for landscaping.~~
 - ~~h.— Other Requirements. The following must accompany a request for a building permit:
 - ~~i.— A detailed plan showing the PWSF antenna support structure, antennas and equipment in relation to the surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ~~ii.— A verification letter that all required FAA and FCC approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available upon request;~~
 - ~~iii.— Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iv.— The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~~~
 - ~~i.— A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
 - ~~j.— The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
 - ~~k.— Increase in Elevation on Existing PWSF Antenna Support Structure. Increase in elevation, not to exceed one hundred feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2.— Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
- ~~a.— Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed use structures or those residential structures consisting of five or more units.~~

- ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that, when abutting a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (E)(2)(c).~~
 - ~~c. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~~~
- ~~d. Camouflage and Screening.
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:~~

- ~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including fencing, screening and camouflage; and~~
 - ~~ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
 - ~~f. Collocation. Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~3. Facility-mounted PWSF antenna and equipment storage facilities are permitted subject to the following restrictions:~~
 - ~~a. Where Permitted. PWSF may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~
 - ~~b. Height Restriction. Facility-mounted PWSF shall not exceed one hundred feet in height, which shall include the height of the facility structure. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred feet in height.~~
 - ~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty five feet, which shall include the height of the facility structure.~~
 - ~~d. Facility mounted PWSF shall be painted to integrate and blend with the existing facility structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
 - ~~f. Collocation. Collocation or installation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

~~F. C-3, C-4 and C-5 Commercial Districts.~~

- ~~1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~

- ~~a. — Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
- ~~b. — Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (F)(1)(c). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~c. — Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - ~~i. — The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. — The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. — The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - ~~iv. — The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. — The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- ~~d. — Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred twenty five feet in height, except as provided in subsection (F)(1)(e) or (F)(1)(f).~~
- ~~e. — Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet.~~
- ~~f. — Special Permit for Additional Height in C-3 and C-4 Commercial Districts Only. The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - ~~i. — The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~~~

- ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~g. Camouflage and Screening.~~
- ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic Surfaces Shall be Painted to Reduce Glare and Reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~
- ~~h. Other Requirements. The following must accompany a request for a building permit or special permit:~~
- ~~i. A detailed plan showing the PWSF antennas support, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant;~~
 - ~~iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iv. The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall~~

~~review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~

- ~~i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the building official of a structural recertification report prepared and sealed by a licensed professional engineer.~~
 - ~~j. The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the building official.~~
 - ~~k. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
- ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed use structures or those residential structures consisting of five or more units.~~
 - ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property abuts a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (F)(2)(c).~~
 - ~~c. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure and appurtenant antennas may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~~~~~

~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~

~~d. Camouflage and Screening:~~

~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~

~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~

~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~

~~e. Other Requirements. The following must accompany a request for a building permit:~~

~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~

~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~

~~f. Increase in Elevation. Increase in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

~~3. Facility-mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~

~~a. Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~

~~b. Height Restriction. New facility-mounted PWSF shall not exceed one hundred twenty five feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred twenty five feet in height.~~

~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty five feet, which shall include the height of the facility structure.~~

- d. ~~Facility Mounted PWSF Shall be Painted to Integrate and Blend with the Facility Structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- e. ~~Other Requirements. The following must accompany a request for a building permit:
 - i. ~~A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iii. ~~The applicant shall provide documentation to the building permits and inspections division that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
- f. ~~Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

~~G. M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts).~~

- 1. ~~Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - a. ~~Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
 - b. ~~Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (G)(1)(c) of this section. Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
 - c. ~~Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - i. ~~The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ii. ~~The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - iii. ~~The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on~~~~~~

- ~~the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- ~~d. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet in height, except as provided in subsection (G)(1)(e) or (G)(1)(f) of this section.~~
- ~~e. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred seventy-five feet.~~
- ~~f. Special Permit for Additional Height. The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:~~
- ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~g. Camouflage and Screening.~~
- ~~i. Camouflage is required for any ground-mounted PWSF. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~

- ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
- ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
- ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
- ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~

~~d. Other Requirements. The following must accompany a request for a building permit:~~

- ~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~
- ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIEER) reports are available on request from the applicant.~~

~~e. Increases in Elevation on Existing PWSF Antennae Support Structure. Increases in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

~~3. Facility-mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~

- ~~a. Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as an PWSF antenna support structure;~~
- ~~b. Height Restriction. New facility-mounted PWSF shall not exceed one hundred fifty feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred fifty feet in height;~~
- ~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred seventy-five feet, which shall include the height of the facility structure;~~
- ~~d. Camouflage and Screening;~~
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of~~

~~this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.~~

~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light-reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~

~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~

~~e. Other Requirements. The following must accompany a request for a building permit:~~

~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~

~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~

~~iii. The applicant shall provide documentation to the development services department that the applicant has the permission from the structure owner to install the antennas(s) on the structure.~~

~~f. Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

~~H. PWSF located in the NOS zoning district is prohibited.~~

D. Proposed PWSF Siting and location Hierarchy Preferences.

1. The following list indicates the City's preferences for facility locations, in descending order of preference. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

a. Antennae Co-location on existing camouflaged PWSF

i. Facility

ii. Roof

iii. Ground-Mounted

b. Antennae Co-location on existing PWSF

i. Facility

ii. Roof

iii. Ground-Mounted

c. New Facility-Mounted PWSF, meeting applicable camouflaging and screening requirements

d. New Roof-Mounted PWSF, meeting applicable camouflaging and

screening requirements

e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

a. Heavy commercial and manufacturing zoning districts

b. Light commercial and special purpose zoning districts.

c. Residential and apartment zoning districts.

E. PWSF located in the NOS zoning district is prohibited.

F.

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF				
1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
1.2	Setbacks	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards
	1.2.1	Additional Setback Standards for Ground Mounted PWSF			
	If abutting ROW or easement, the width of the ROW or easement may be included in the setback measurement				
1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	N/A	N/A
	1.3.1	Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF			
	Modifications to Required Setbacks must meet the following criteria:				
	i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;				
	ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and				
	iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas				
1.4	Minimum separation (measured base of existing to base of proposed)	One-half mile			
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)	Minimum separation may be reduced with a special permit (see Section 1.5.1)
	1.5.1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF			
	Modifications to Required Minimum Separation must meet the following criteria:				
	i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;				
	ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;				
	iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;				
	iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and				
	v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.				
1.6	Maximum Height Permitted (measured to top of steel)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.			
1.7	Allowable Increases in Maximum Height Permitted	15' of additional height if the applicant is collocating a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.			
1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1 below)	Permitted (see Section 1.8.1 below)
	1.8.1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF			
	Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15', when providing contracts or agreements and space for a total of three (3) carriers or agencies, when the following criteria are met:				
	i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;				
	ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;				
	iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and				
	iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.				
1.9	Camouflage and Screening	i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility.			
	ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area.				
	iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.				
	iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.				
	v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure.				
	vi. Landscaping shall comply with all code requirements for landscaping.				
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.			
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official			
1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.			
1.13	Other Requirements Applicable to Ground Mounted PWSF	The following must accompany a request for a special permit or building permit:			
	i. All towers located within two hundred (200) feet of a recognized federal, state or local historic district are subject to review and approval by the Historic Preservation Officer.				
	ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;				
	iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and				
	iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.				
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.			
1.15	Existing non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.			

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF				
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline			
2.3	Allowable Increases in Maximum Height Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)
2.3.1	Additional Standards Applicable to permitted Increases in Height for Roof-mounted PWSF	<p>i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and</p> <p>iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.</p>			
2.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>			
2.5	Other Requirements	<p>The following must accompany a request for a special permit or building permit:</p> <p>i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;</p> <p>ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p> <p>iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.</p>			
2.6	Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.			

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure			
3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20			
3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas			
3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>			
3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <p>i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;</p> <p>ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p> <p>iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.</p>			
3.6	Collocation	Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.			

20.22.100 - Nonconforming PWSF.

- A. A personal wireless service facility (PWSF) that was built in compliance with the city's zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:
1. A modified or rebuilt PWSF ~~must should propose to~~ must propose to have at least one additional antenna ~~no larger in size than the antennas than that on of~~ the existing or pre-existing facility. If the PWSF ~~has been rebuilt is to be rebuilt~~, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;
 2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility ~~by more than 10%~~ or the height limitation of Section 20.0810.455 (Personal wireless service facilities), whichever is greater;
 3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility ~~if a tower and must meet the minimum setback standards for the zoning district in which it is located~~;
 4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;
 5. All rebuilt ground-mounted PWSF ~~located in and/or abutting residential and apartment zoning districts shall be camouflaged~~ shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;
 6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing ~~or pre-existing~~ facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;
 7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and
 8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

- B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.
- C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).
- D. Abandonment and Termination of a Nonconforming PWSF.
 - 1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:
 - a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;
 - b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
 - c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.

2. The owner of a ground-mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.

E. Property affected by right-of-way acquisition

- a. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:
 - i. The PWSF must have been legally permitted at the time of the initial placement; and
 - ii. Must be located to the remainder of the property or remain in its existing location; and
 - iii. Cannot be altered or enlarged; and
 - iv. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

Howell, Jeffrey B.

From: CUEVAS, JO CASSANDRA <jc173h@att.com>
Sent: Monday, July 22, 2019 10:55 AM
To: Howell, Jeffrey B.
Cc: Smith, Kevin W.
Subject: RE: Personal Wireless Service Facility (PWSF) ordinance update

Hi Jeff:

Just to clarify – is this ordinance for nodes such as in chapter 284 or is this solely for macro towers?

Thank you!

[Jo Cassandra Cuevas](#)

Texas External & Legislative Affairs

AT&T

816 Congress Avenue, Suite 1100, Austin, Texas 78701
m 512.217.3193 | o 512.457.2266 | jc173h@att.com

MOBILIZING YOUR WORLD

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From: Howell, Jeffrey B. <HowellJB@elpasotexas.gov>
Sent: Friday, July 19, 2019 4:58 PM
To: CUEVAS, JO CASSANDRA <jc173h@att.com>
Cc: Smith, Kevin W. <SmithKW@elpasotexas.gov>
Subject: Personal Wireless Service Facility (PWSF) ordinance update

Good afternoon,

This email is to inform you that the ordinance with proposed modifications to the Personal Wireless Service Facilities (PWSF) regulations is moving forward and is scheduled for a public hearing next month. Below is a timeline of the scheduled upcoming City Council meetings:

- City Council (Introduction): July 23, 2019 (ITEM 14.2)
 - Typically no public comment or discussion
- City Council (Final Hearing): August 20, 2019
 - Public comments, discussion and action

Below is a link to the meeting information, which will have the item detail and backup documents as well.

<http://agenda.elpasotexas.gov/sirepub/meetresults.aspx>

<http://agenda.elpasotexas.gov/sirepub/mtgviewer.aspx?meetid=596&doctype=AGENDA>

<http://agenda.elpasotexas.gov/sirepub/cache/2/rgbeo3e3pi0dwoknqjcgmw3f/3308900718201902472178.PDF>

Please let me know if you have any questions or comments. Thanks.

Jeff Howell
Capital Improvement Department
915-212-1810

Howell, Jeffrey B.

From: Nicholas Romano <nromano@romanoassociatesllc.com>
Sent: Thursday, July 18, 2019 10:13 PM
To: Howell, Jeffrey B.
Subject: Re: Personal Wireless Service Facility (PWSF) ordinance update

Hi Jeff, can you explain the height limitations to me?

It seems to say height is limited to max height in underlying zoning district, but then it says "When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less."

I am not sure what that is referring to. It talks about 15' increases but then it says only for additional carriers, etc... it is hard to follow.

Thanks,

Nicholas Romano
Romano & Associates, LLC
505-750-0735
nromano@romanoassociatesllc.com

NOTE NEW MAILING ADDRESS:

8100 Wyoming Blvd NE #M4-167
Albuquerque, NM 87113

On Thu, Jul 18, 2019 at 5:57 PM Howell, Jeffrey B. <HowellJB@elpasotexas.gov> wrote:

Good afternoon,

This email is to inform you that the ordinance with proposed modifications to the Personal Wireless Service Facilities (PWSF) regulations is moving forward and is scheduled for a public hearing next month. Below is a timeline of the scheduled upcoming City Council meetings:

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<http://agenda.elpasotexas.gov/sirepub/cache/2/rgbeo3e3pi0dwoknqjcgmw3f/3308900718201902472178.PDF>

Please let me know if you have any questions or comments. Thanks.

Jeff Howell

Capital Improvement Department

915-212-1810

Howell, Jeffrey B.

From: Nefi Garcia <NGarcia@apctowers.com>
Sent: Friday, July 19, 2019 2:33 PM
To: Howell, Jeffrey B.; Salloum, Andrew M.
Cc: Nicholas Romano; Madison Lee; Mark Cravens
Subject: FW: Personal Wireless Service Facility (PWSF) ordinance update

Hi Jeff and Andy:

Jeff—I'm hoping that with my new employer that my work emails will come thru to you. I joined APC Towers back in April and we are a tower developer that builds towers for the carriers. For example we will be constructing a tower in the county and it will be anchored by a major carrier. We actually have one in the city that goes in front of City Council next week. It's on track to be approved.

I was forwarded your email below that talks about a new code. Looks like it's been in the works for years and is now gathering momentum.

I've been involved in a lot of code rewrites and I'm sure that you've received input and have had meetings with the industry.

APC is pursuing a few "search rings" in El Paso City that are in the Upper West side of the valley. Our search areas are predominately residential.

The carriers try not to go in residential zones but sometimes it has to be done. When that does happen we try to find land that is not being used as residential, such as a church, school or park.

My concern with the proposed code is that the maximum allowed height in a zone is capped at the maximum height for that zone. An R zone is capped at 35'. That height has very little value to the carriers because it is so short. The signal will be blocked by the surrounding elements, especially the foliage/trees. It cannot see over the "clutter" as we call it. The new code says that we can have 15' more feet if we have a signed agreement with another carrier. If and when that happens it could be years for a second carrier to join. More importantly the new code is pushing almost all sites to be stealth (preferably not trees) and it's almost next to impossible to add an extension onto a stealth site that has been built.

Maybe a solution is to allow more height if it is stealth.

The way the new code is written will greatly hinder the carriers network development and deployment. What can be done to the proposed code that will allow carriers to meet customers needs while balancing the desires of El Paso City?

Looking forward to hearing from you and thanks for your time.

Nefi Garcia
APC Towers
Business Development
702-429-0410 (cell)

----- Forwarded message -----

From: **Howell, Jeffrey B.** <HowellJB@elpasotexas.gov>

Date: Thu, Jul 18, 2019, 5:57 PM
Subject: Personal Wireless Service Facility (PWSF) ordinance update
To:

Good afternoon,

This email is to inform you that the ordinance with proposed modifications to the Personal Wireless Service Facilities (PWSF) regulations is moving forward and is scheduled for a public hearing next month. Below is a timeline of the scheduled upcoming City Council meetings:

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<http://agenda.elpasotexas.gov/sirepub/cache/2/rgbeo3e3pi0dwoknqjcgmw3f/3308900718201902472178.PDF>

Please let me know if you have any questions or comments. Thanks.

Jeff Howell

Capital Improvement Department

915-212-1810

From: +19158675373@tmomail.net <+19158675373@tmomail.net>

Sent: Wednesday, August 14, 2019 8:52 AM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Subject:

Col-I was on the campaign trail back in Nov 2018 when Verizon and other industry reps met to discuss the upcoming proposed ordinance for cell towers. For whatever reason until 2 weeks ago Verizon specifically and to my knowledge the industry itself had made no major concerns with the ordinance. Verizon legal had made comments and some of them were incorporated into the current proposed ordinance but now I'm being told we have more concerns and naturally other members of the industry such as ATT have not joined in voicing their concerns in unison, which is typical. I have been for updated comments for two weeks-should have had them first week of Aug but thats not the case. As the ordinance stands even with our comments, it simply makes deploying 5G more difficult, tower location, height, still need towers even with small cells. My question is their an opportunity to postpone for 30 days so we can achieve the best possible scenario for the community and the industry and since I haven't heard from our peers Im speaking specifically on behalf of Verizon. please let me know I hope to have our comments today. Thank you. Mark From Mark Smith



This message was sent to you by a T-Mobile wireless phone.

From: mark marksmithpublicaffairs.com <mark@marksmithpublicaffairs.com>

Sent: Monday, August 12, 2019 8:19 AM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Subject: 190731 COMMENTS City of El Paso Agenda, Ordinance (50468169v1) (2).docx

Phillip: on behalf of Verizon I was trying to verify if this item was still set for City Council Agenda Tuesday, August 20, 2019? We have numerous comments concerning the proposed ordinance. Thank you. Mark

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

CITY OF EL PASO, TEXAS AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction - July 23, 2019

PUBLIC HEARING DATE: August 20, 2019

CONTACT PERSON NAME AND PHONE NUMBER:

Philip Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov
Sam Rodriguez, (915) 212-1845, rodriguez3@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice); Title 20 (Zoning), Appendix A (Table Of Permissible Uses); Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection E; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection F; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection G; And Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code to update notification requirements, update the Table Of Permissible Uses; Require compliance with a Policy Guide; to establish location preferences, clarify organization of the Title; and provide for Non Conforming Situations. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. (All Districts)

BACKGROUND/ DISCUSSION:

On April 6, 2017, the CPC reviewed and recommended approval of the proposed code amendment.

PRIOR COUNCIL ACTION:

This item was previously brought forward to City Council on October 3, 2017, however there was no City Council action on this proposed code amendment at that time to allow staff to do additional outreach.

Additionally this item was presented as a Work Session item on May 13, 2019, to provide a general introduction prior to it being placed on a City Council Agenda and no action was taken.

**Comments recieved 8-12-2019 from Marksmithpublicaffairs
on behalf of Verizon**

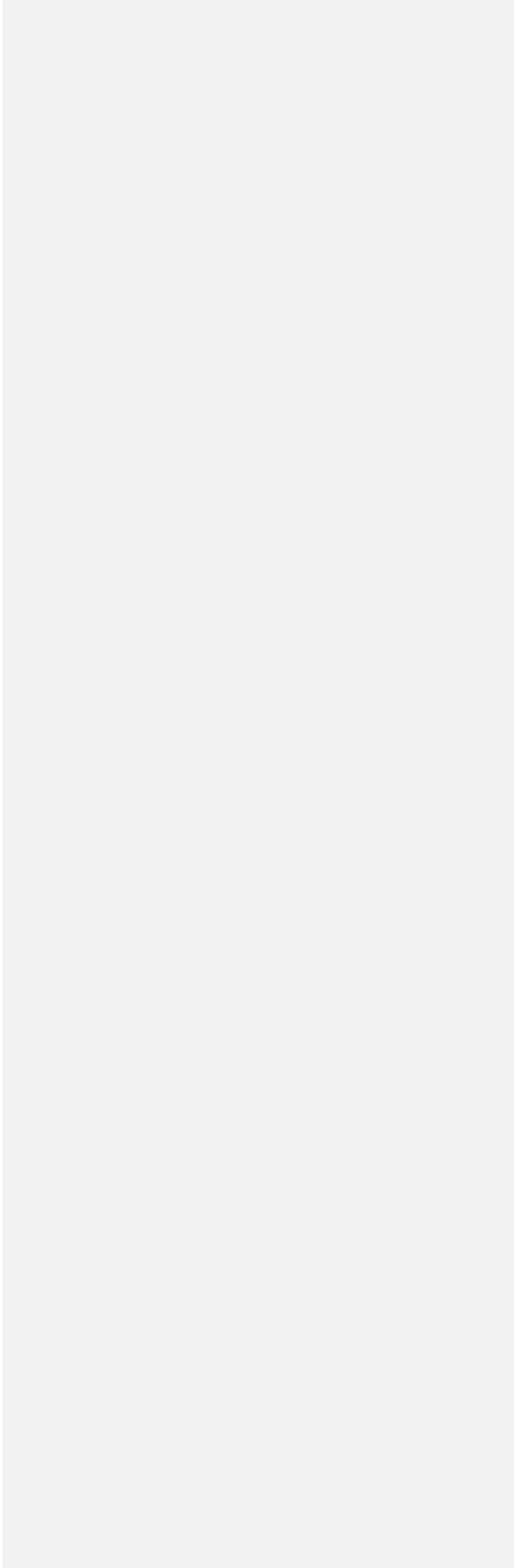
AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip F. Etiwe, Director
Planning and Inspections Department



Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), ARTICLE VII (PUBLIC HEARINGS), SECTION 20.04.520 (NOTICE); TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES); TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION A; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION D; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION E; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION F; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION G; AND TITLE 20 (ZONING), CHAPTER 20.22 (NONCONFORMING SITUATIONS), SECTION 20.22.100 (NONCONFORMING PWSF) OF THE EL PASO CITY CODE TO MODIFY EXISTING STANDARDS, UPDATE NOTIFICATION REQUIREMENTS, UPDATE THE TABLE OF PERMISSIBLE USES; REQUIRE COMPLIANCE WITH A POLICY GUIDE; TO ESTABLISH LOCATION PREFERENCES, CLARIFY ORGANIZATION OF THE TITLE; AND PROVIDE FOR NON CONFORMING SITUATIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code, Chapter 20.10 regulates personal wireless service facilities; and,

WHEREAS, City Council directed the Planning department to update and amend the current standards and regulations for personal wireless service facilities to create new standards and regulations to require better camouflaging of new facilities, encourage colocations, and mitigate the impact of new facilities to the surrounding environment; and

WHEREAS, the Planning Department communicated with various representatives of the wireless industry who were given an opportunity to comment and provide recommendations to the proposed revisions; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety and welfare of the City;

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice), subsection B, paragraph 2, subparagraph b, of the El Paso City Code is amended in its entirety to read as follows:

- b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF)

We presume that these rules will apply only to “macro” facilities, as Network nodes (small cells) are governed by separate Texas laws.

or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within five hundred feet of the lot line of the subject property.

SECTION 2. Title 20 (Zoning), appendix A (Table of Permissible Uses) table 17.00 (Towers & related structures) of the El Paso City Code is replaced in its entirety with the table attached to this ordinance as Exhibit “A”:

SECTION 3. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A of the El Paso City Code is amended in its entirety to read as follows:

- A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be constructed and operated in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.

SECTION 4. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D through H of the El Paso City Code are deleted in their entirety.

SECTION 5. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection D that reads as follows:

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D. Proposed PWSF Siting and location Hierarchy Preferences.

1. The following list indicates the City's preferences for facility locations, in descending order of preference. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

Verizon Wireless understands the City's desire to provide a hierarchy of locations. However, increasing demand for wireless services by the citizens of El Paso necessitates PWSF's in locations nearer to citizens and businesses in order to meet that increasing demand. Statistics show that demand for mobile data and voice services will increase five-fold between 2018 and 2024, and growing faster (Q3/18 showed mobile traffic grow at 79% year-on-year) – indeed, 90% of U.S. households have wireless service. The number of “wireless only” homes was 55% in 2018, with a greater number in younger demographics. Mobile technology allows for increased business for small businesses and home-based businesses. And more than 75% of prospective home buyers said a good cellular connection was important to them. This data demonstrates that facilities needed to meet citizen demand and need to be near where they live and work.

As such, the hierarchy preferences will not always be available in order to meet the demand, and we recommend that the City's staff be given administrative ability to allow facilities in any zone when demonstrated by the provider. Doing so will be important so that the city does not run afoul of the Federal statutory requirement not to effectively prohibit the provision of persona wireless services. 47 U.S.C. § 332 (c)(7)(B)(II). In that regard, we ask that the hierarchy in this paragraph 1 be reordered to the following: b, e, d, c, a

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- b. Antennae Co-location on existing PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted

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- c. New Facility-Mounted PWSF, meeting applicable camouflaging and screening requirements
- d. New Roof-Mounted PWSF, meeting applicable camouflaging and screening requirements
- e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

For the reasons described above, and because most households have 13 connected devices, with smartphones outnumbering tablets 6 to 1 PWSFs need to be near the citizens who most demand them in residential and apartment districts. As such, we ask that the following sections be reversed and placed in this order: c, b, a.

- a. Heavy commercial and manufacturing zoning districts
- b. Light commercial and special purpose zoning districts.
- c. Residential and apartment zoning districts.

SECTION 6. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection E that reads as follows:

E. PWSF located in the NOS zoning district is prohibited.

SECTION 7. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection F that shows the table attached to this ordinance as Exhibit "B":

SECTION 8. Title 20 (zoning), chapter 20.22 (Nonconforming situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code is amended in its entirety to read as follows:

20.22.100 - Nonconforming PWSF.

A. A personal wireless service facility (PWSF) that was built in compliance with the city's zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:

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1. A modified or rebuilt PWSF must propose to have at least one additional antenna than that of the existing or pre-existing facility. If the PWSF is to be rebuilt, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;

2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility by more than 10% or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater;

The height should be allowed to be increased up to 25 feet further as allowed in 20. 10. 455 D.1.e.f.; 2.c.; and 3.c., as well as others set forth in that section, or to the height allowed by Federal law, whichever is greater. Allowing such facilities will allow greater signal propagation, thus reducing the overall number of facilities required to be built in the future.

3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility and must meet the minimum setback standards for the zoning district in which it is located;

4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;

5. All rebuilt ground-mounted PWSF shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;

6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;

7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW

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must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and

8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.

Respectfully, we do not understand this section. If the construction were allowed to rebuild a non-conforming use, the re-built facilities should also be permitted.

C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).

D. Abandonment and Termination of a Nonconforming PWSF.

1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:

- a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;

This should be 365 days – there may be technical, maintenance, casualty, or other reasons a PWSF may not be in use. A year is a more reasonable amount of time to allow for non-use, unless requested to be longer.

- b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
- c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.

This period should also be 365 days. There may be legitimate regulatory, code, or technical reasons for the condition of the

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facility, and providers should be given a fair opportunity to correct such issues.

2. The owner of a ground-mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.

E. Property affected by right-of-way acquisition

3. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:

- a. The PWSF must have been legally permitted at the time of the initial placement; and
- b. Must be located to the remainder of the property or remain in its existing location; and
- c. Cannot be altered or enlarged; and
- d. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

SECTION 9. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED This ____ day of _____, 2019.

CITY OF EL PASO:

ATTEST:

Dee Margo, Mayor

Laura Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Omar A. De La Rosa
Assistant City Attorney

Philip Etiwe, Director
Planning and Inspections

**Comments recieved 8-12-2019 from Marksmithpublicaffairs
on behalf of Verizon**

EXHIBIT A

Appendix A - TABLE OF PERMISSIBLE USES

Use	Residential												Commercial				Manufacturing					Special Purpose												Supplemental Standards	Accessory Uses Permitted to Specific Use																														
	R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PM D***	S-D*	U-P**	P-RI*	P-RII**	P-C**	P-I**			SRR**	R-MU*	G-MU*	I-MU**	NO S	UR D																								
17.00 Towers & related structures																																																																	
17.01	Amateur & CB radio stations (federally licensed)																											A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; §20.10.020; § 20.10.070		
17.02	Personal Wireless Service Facility (PWSF), facility-mounted																											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	§ 20.10.010; § 20.10.020; § 20.10.455		
17.03	PWSF, ground-mounted																											S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	S	S	S	S	S	S	D	S	Z*	Z*	Z*	X	§ 20.10.010; § 20.10.020; § 20.10.455	
17.04	PWSF, roof-mounted																											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	D	D	D	D	D	D	D	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.455
17.05	Radio broadcasting antenna																											S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	D	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.700
17.06	Radio receiving station (residential-type)																											A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710	

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17.07	Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.590	
17.08	Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.200		
17.09	Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	S	S	S	D	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.700
17.10	Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710	
17.11	Wind-driven electrical generator, pump	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.200

* In addition to the use being permitted through a Master Zoning Plan, the use is only allowed by an additional Special Permit with a detailed site plan approval in the respective zoning district obtained from the city council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.

- P = Use by right*
- D = Special purpose district*
- Z = Mixed use district*
- X = Not allowed*
- S = Use by special permit*
- A = Allowed by right when incidental to the use*

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Exhibit B

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF				
1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
1.2	Setbacks	1' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	1' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards <i>Reducing the setbacks reduces the number of compatible places to site a PWSF, particularly in more dense apartment districts. No safety reasons exists to have more than a 1 x 1 setback in any zone.</i>
	1.2.1	Additional Setback Standards for Ground Mounted PWSF	If abutting ROW or easement, the width of the ROW or easement may include in the setback measurement		
1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following: 1' of	Setbacks may be reduced with a special permit but not below the following: 1' of	N/A	N/A

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		setback per 1' of tower height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below) <i>Please see comment to 1.2.</i>	setback per 1' of tower height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	<u>When height is proposed below height permitted in Section 1.6 below, setbacks may be reduced with a special permit but not below the following: the base zoning setback standards as permitted in Appendix B (Density and Dimensional Standards).</u>	<u>When height is proposed below height permitted in Section 1.6 below, setbacks may be reduced with a special permit but not below the following: the base zoning setback standards as permitted in Appendix B (Density and Dimensional Standards).</u>
	1.3 .1	Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF	<p>Modifications to Required Setbacks must meet the following criteria:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas 		
1.4	Minimum separation (measured base of existing to base of proposed)	<u>1500'</u>	<u>1320'</u>	<u>1000'</u>	<u>1000'</u>
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)	Minimum separation may be reduced with a special permit (see Section 1.5.1) <i>See comment above.</i>

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Please see comments in Ordinance. The massive demand from citizens will require PWSFs to be closer together. Physics will simply not allow greater distances in order to meet the demand.

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		1.5 .1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF	N/A	N/A	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; <u>N/A</u></p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit</p>	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and</p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application: <u>N/A</u></p> <p style="text-align: center; color: blue;"><i>Please see comments above.</i></p>
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					application-	
1.6	Maximum Height Permitted <u>by right with administrative approval by City Staff</u> (measured to top of steel)	<p>Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.</p> <p>Residential; average height of structures within 300', plus 25', except if the property on which the facility is to be placed is a non-residential use, then the height may be the maximum height allowed in the zone where the facility is to be placed, plus 25';</p> <p>Multi-family and residential apartment areas: The average maximum height of the multi-family residential and apartment area structures within 300' of the facility, plus 25';</p> <p>All other zoning areas: The greater of the maximum allowable height of the zone or the average maximum height of the structure within 300' of the facility, plus 25'.</p> <p><i>See comments above. The City's staff is very capable of determining height variances. Allowing staff to do so will allow the City to move efficiently and effectively meet federal "shot clock" rules – which require final decisions within 150 days of application.</i></p>				
1.7	Allowable Increases in Maximum Height Permitted	<p>15' of additional height if the structure is able to provide for collocation applicant is collocating a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.</p>				

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1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1. below)	Permitted (see Section 1.8.1. below)
1.8 .1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF	<p>Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15', when providing contracts or agreements and <u>designed and structurally engineered to accommodate</u> space for a total of three (3) carriers or agencies, when the following criteria are met:</p> <p style="text-align: center;"><i>We submit that the most important determination in this instance is the design and structural integrity of the facility. The contract/agreement is irrelevant to the public's analysis.</i></p> <p>i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and</p> <p>iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.</p>			

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1.9	Camouflage and Screening	<p>i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man- made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility.</p> <p>ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area.</p> <p>iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.</p> <p>iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.</p> <p>vi. Landscaping shall comply with all code requirements for landscaping.</p>
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official

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1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Seciton 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Secion 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.13	Other Requirements Applicable to Ground Mounted PWSF	<p>The following must accompany a request for a special permit or building permit:</p> <ul style="list-style-type: none"> i. All towers located within two hundred (200) feet of a recognized federal, statel or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Secion 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.15	Existing Existing non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.

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		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF				
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline			
2.3	Allowable Increases in Maximum Height Permitted Permitted	N/AAs allocated in 1.6	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)
2.3.1	Additional Standards Applicable to permitted increases	<ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and 			

Please see comments to 1.6.

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		in Height for Roof-mounted PWSF	commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
2.4		Camouflage and Screening	i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.
2.5		Other Requirements	The following must accompany a request for a special permit or building permit: i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
2.6		Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure			
3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20			
3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas			
3.4	Camouflage and Screening	<ul style="list-style-type: none"> i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure. ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen. 			
3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <ul style="list-style-type: none"> i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street; ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and 			

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		nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.
3.6	Collocation	Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

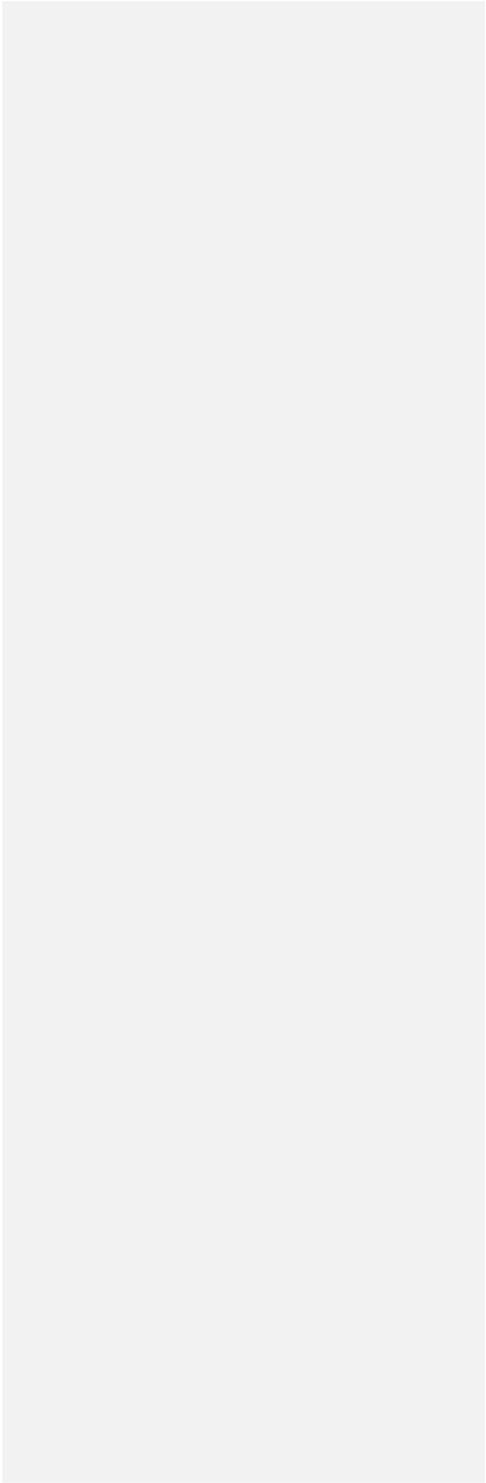
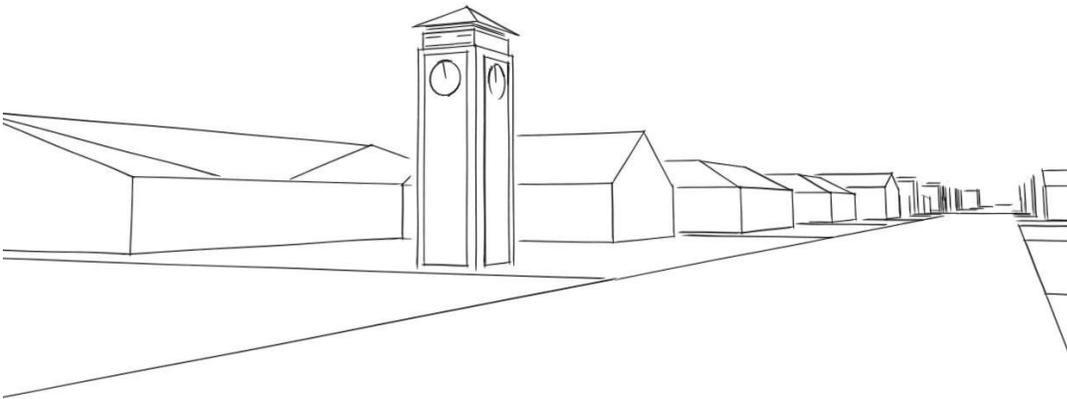
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on behalf of Verizon***

City of El Paso | 2019

PERSONAL WIRELESS
SERVICE FACILITY
(PWSF)

Policy Guide

**Comments recieved 8-12-2019 from Marksmithpublicaffairs
on behalf of Verizon**



Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

1. Applicability

This document is to serve as a supplement to be used in conjunction with the applicable provisions of the City Code.

This document includes various depictions of acceptable designs, but does not encompass all potential alternatives which could be submitted. The guidelines are intended to provide the applicant, reviewing departments, advisory boards, and City Council with a basis for determining whether a proposed Personal Wireless Service Facility (PWSF) complies with the intent of the applicable code provisions.

2. Introduction

This document includes design guidelines which are intended to encourage co-location of personal wireless service facilities to minimize the visual impact on the City's landscape. The design guidelines contained in this document are intended to provide additional reference in support of 20.10.455, Personal Wireless Service Facilities, and may be amended by the Planning and Inspections Director or City Manager Designee.

3. Purpose

The purposes of these design guidelines are to assure a degree of predictability and consistency in the review process. These guidelines provide direction to service providers and their consultants in regard to the types of facilities that are encouraged and discouraged within the City of El Paso. Inclusive within these guidelines are various illustrations and depictions which are intended for illustrative purposes and are not intended to be reflective of all potential designs, solutions, or scenarios but rather a guide to use in the review process of applications for new facilities. The City recognizes the complexity and uniqueness inherent to these types of facilities and not all design guidelines will be applicable on all projects, and the guidelines are suggestive versus restrictive.

4. How to use the Policy Guide

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

This guide is to be used as a supplement for Staff, City Plan Commission, and City Council to formulate recommendations and make decisions on new PWSF applications. It is also meant to be used to provide more information to applicants to help them select the best location/ type of facility for their proposal. Section

20.10.455 of the El Paso City Code identifies the requirements that need to be followed in order to meet the zoning regulations, while the Policy Guide indicates the City's preferences on new facilities. When reviewing applications for new facilities, the following is a list of factors to be considered for approval of the request:

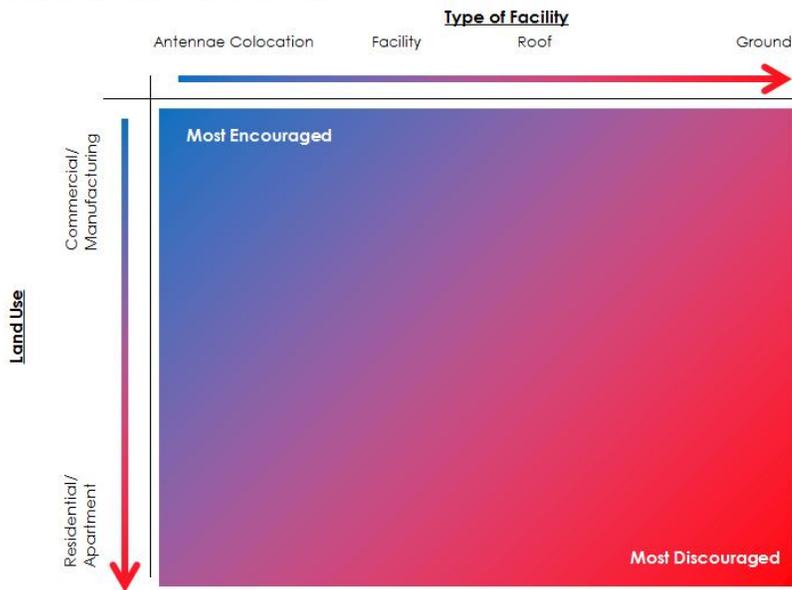
- **Location**
 - Preferred vs Not Preferred
- **Type**
 - Preferred vs Not Preferred
- **Scale and Context**
 - Appropriate vs. Inappropriate
- **Camouflaging**
 - Encouraged vs Discouraged

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Location and Type Policies

Preference Matrix

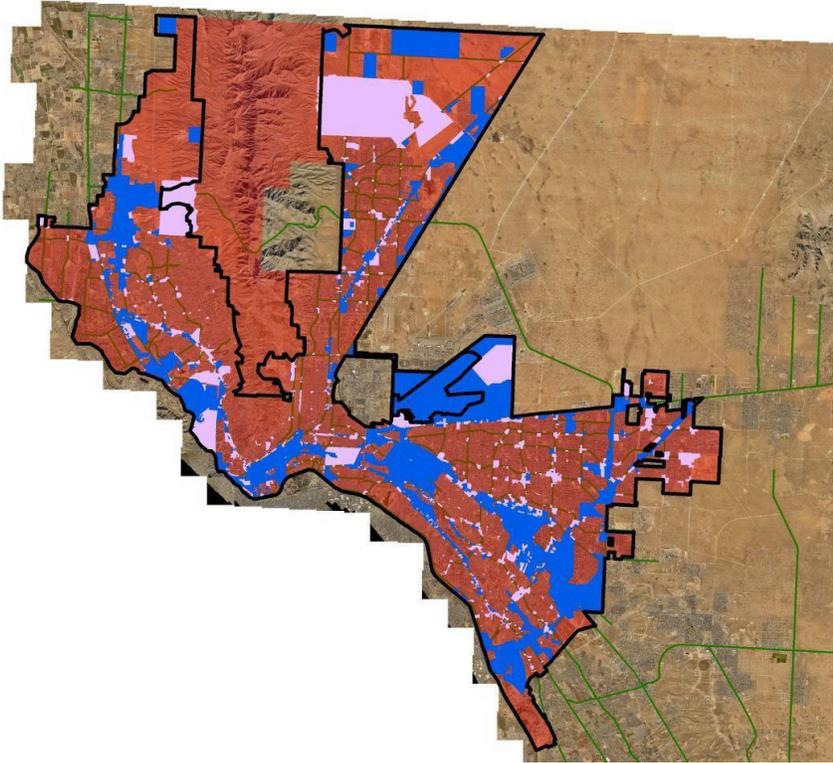
Please see comments to page 3 of 6 of the Ordinance.



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Location Policies *Please see comments to page 3 of 6 of the Ordinance.*

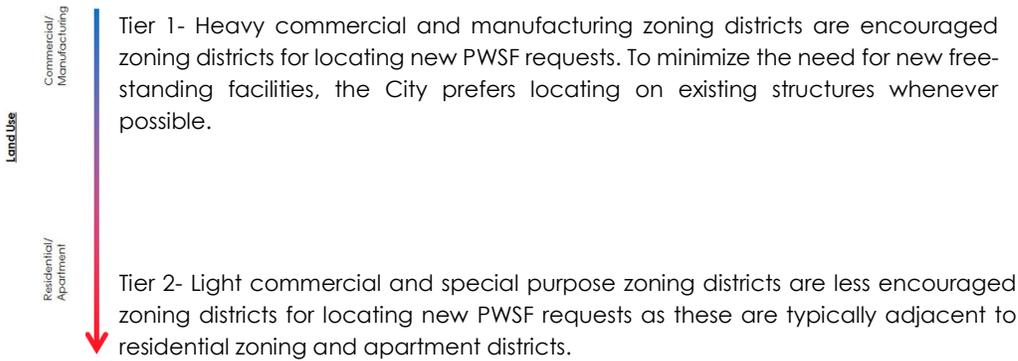
The location guidelines establish a location siting hierarchy for new proposed personal wireless service facility (PSWF) requests.



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*This map is for illustrative purposes only and are not regulatory.



Tier 3- Residential and apartment zoning districts are locations that are not preferred by the City of El Paso and discouraged for new PWSF requests.

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Type Policies

*Please see comments to p. 3 of 6
of the Ordinance.*

In addition and in-line with the location preferences, in descending order (from encouraged to discouraged) are the City's preferences for PWSF types are shown below:

1. Antennae Co-location on existing camouflaged PWSF (Facility, Roof, Ground-Mounted)
2. Antennae Co-location on existing PWSF (Facility, Roof, Ground-Mounted)
3. New Facility-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements
4. New Roof-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements

In all instances, a new ground-mounted facility is a discouraged type of PSWF and should be seen as a last resort for new requests.

5. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements

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In accordance with 20.10.455, a new ground-mounted facility should only be used when the following evidence has been provided by the applicant:

- An inventory of existing facilities within the area sought to be used which depicts the structures on which the facility may be able to locate (either facility or roof mounted) and an explanation on why these locations are not feasible.

This requirement will be burdensome to fulfill because a provider will not know all facilities in the area and should not be required to determine them. Further, the City will have this information in its own records by which it can analyze this issue.

Evidence that would support why an existing facility cannot be used is as follows:

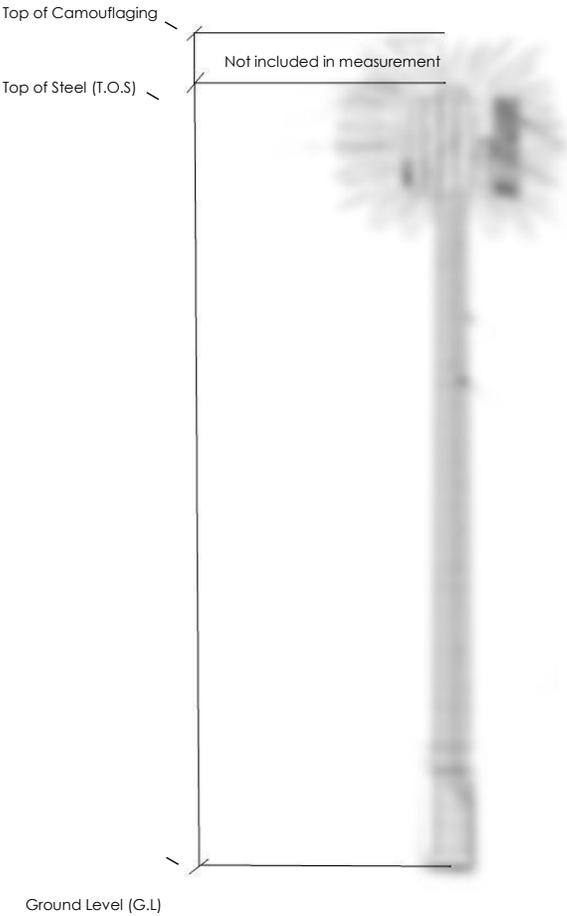
- The current structure cannot support additional facilities.
- The location will cause interference with existing facilities
- An existing ground mounted PWSF does not have the capacity for additional antenna and/or does not provide the required coverage needed.



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Measurements

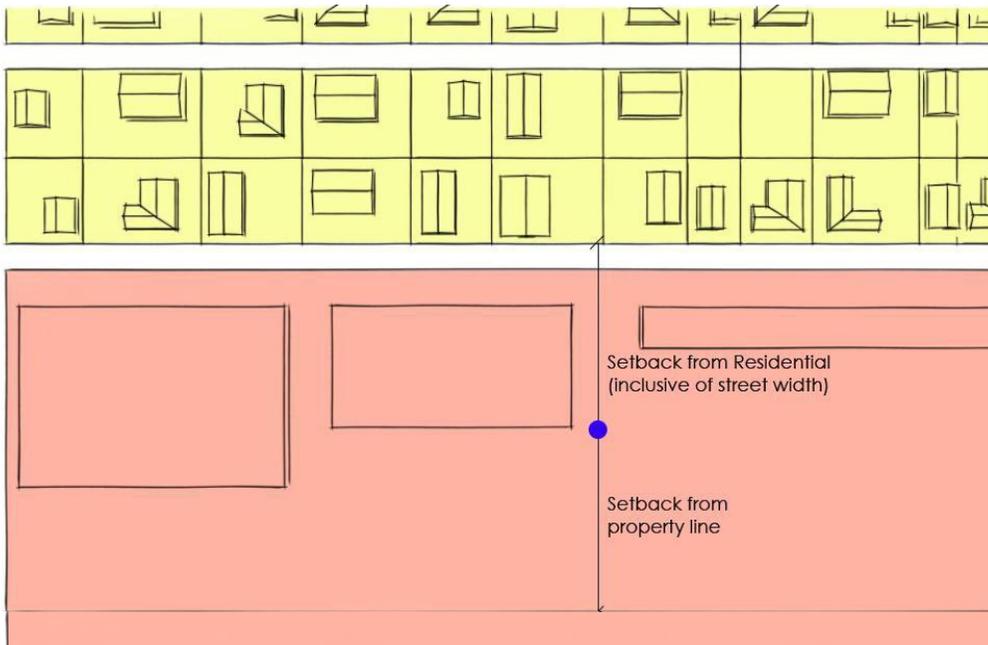
- In order to determine height and setback requirements a PWSF will be measured from the ground level (G.L.) to the top of steel (T.O.S.). The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging.



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- The setbacks of the PWSF shall be measured from the center point of the proposed tower. The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging. If abutting ROW or easement, the depth/width of the ROW or easement may be included in the setback measurement.

Setbacks should be allowed at 1:1 because desirable locations – by both the City and providers – may dictate such a setback. The City’s staff should be provided the authority to allow such setbacks in ay zone, and in any instance in order to make most efficient use of mutually desirable locations.



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- In order to verify if a special permit is required, the radius for PWSF separation shall be measured from the center point of the facility. This is to be verified with the database of PWSF from the City of El Paso and only applies to ground mounted facilities.

Is there a required radius? If so, we kindly ask to explain why.

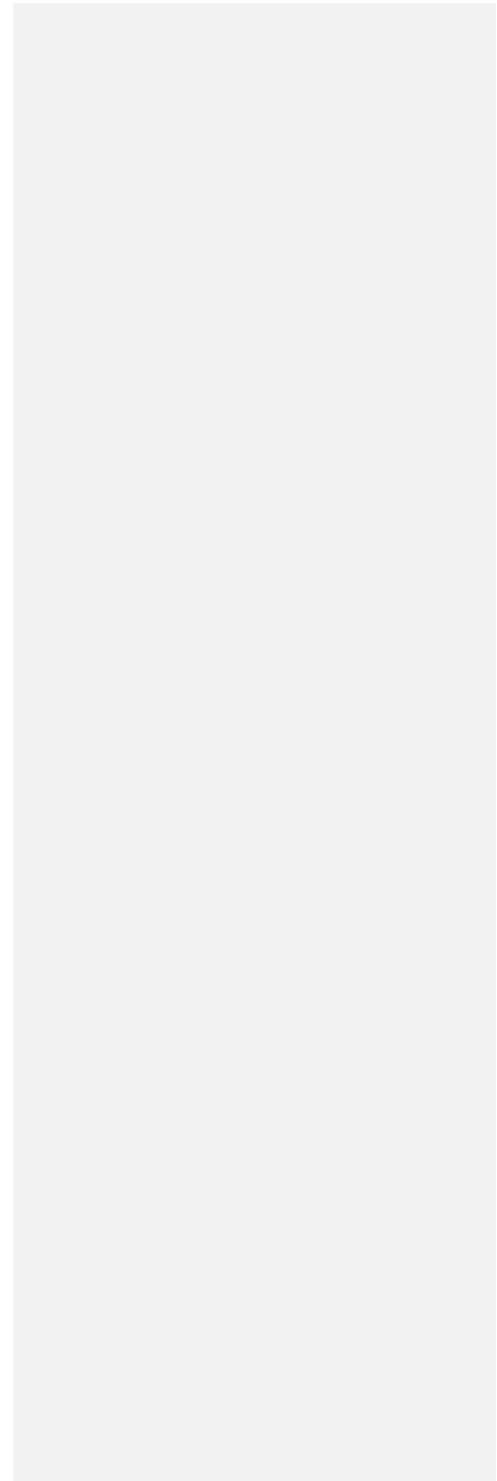


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Camouflaging and Screening Guidelines

When reviewing new PWSF applications, items that will be taken into consideration, in addition to the location of the proposed facility, as it relates to camouflaging include:

- Scale and Context
- Visibility classification of facilities
- Types
 - Ground-Mounted
 - Roof Mounted
 - Facility Mounted
- Landscaping
- Screening



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Scale and Context

A reasonableness standard should be inserted. There are circumstances where technical, topography, cost, or other considerations will require compromise on the design to place the facility such that there is no effective prohibition to the provision of personal wireless services. 47 U.S.C. § 332. This comment applies to all scenarios in this section.

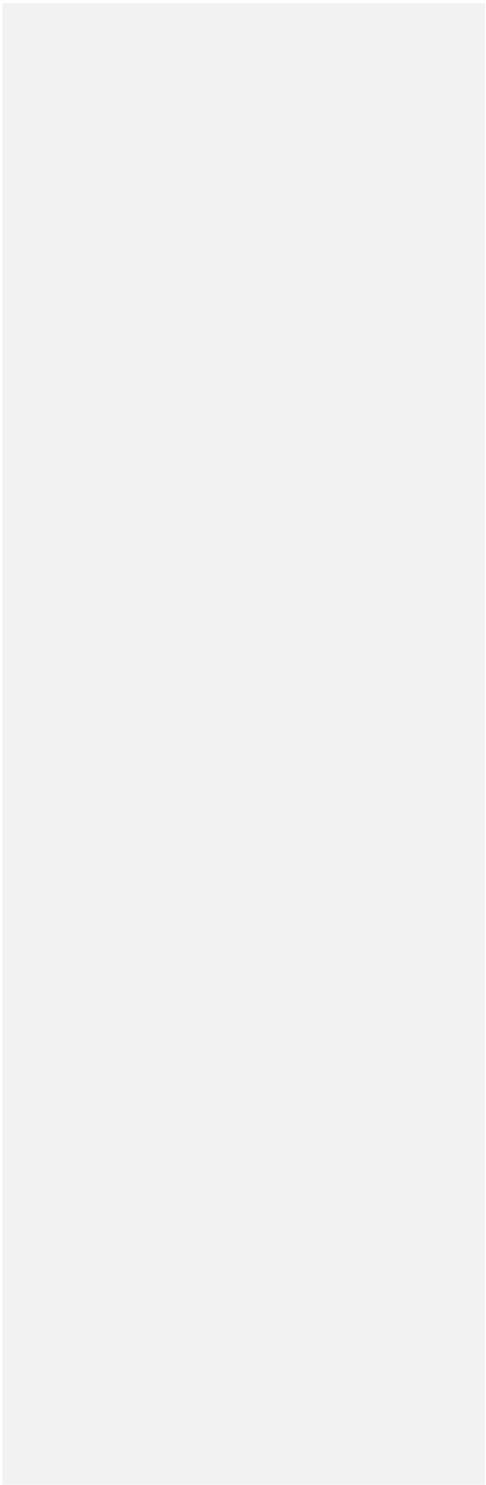
All ground-mounted PWSF should be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible.

Before

After

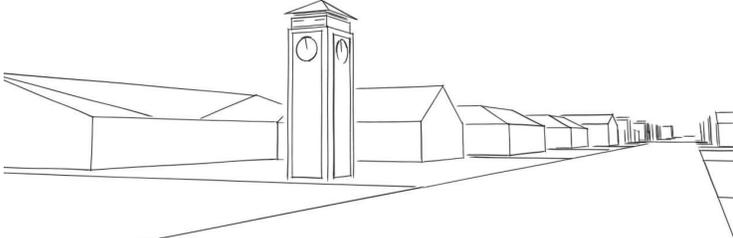


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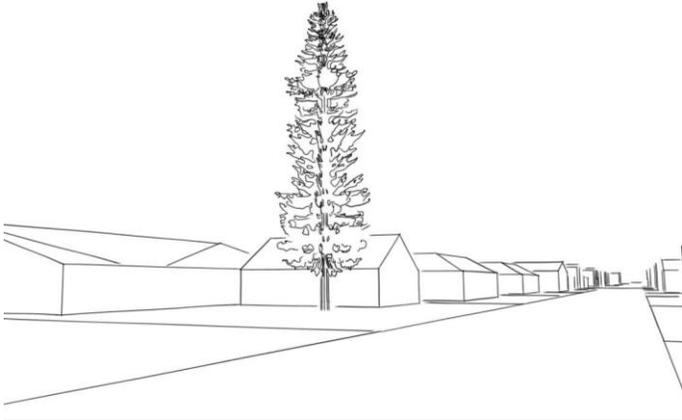


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Preferred (Residential scale)

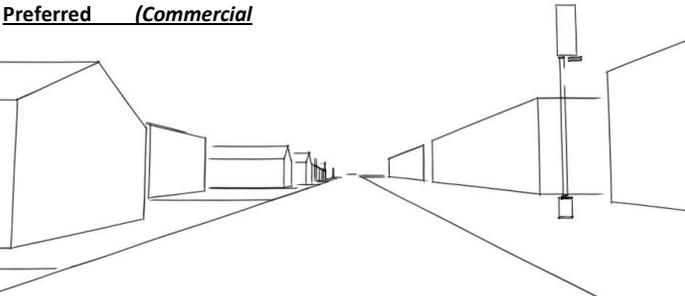


Not Preferred (Residential scale)

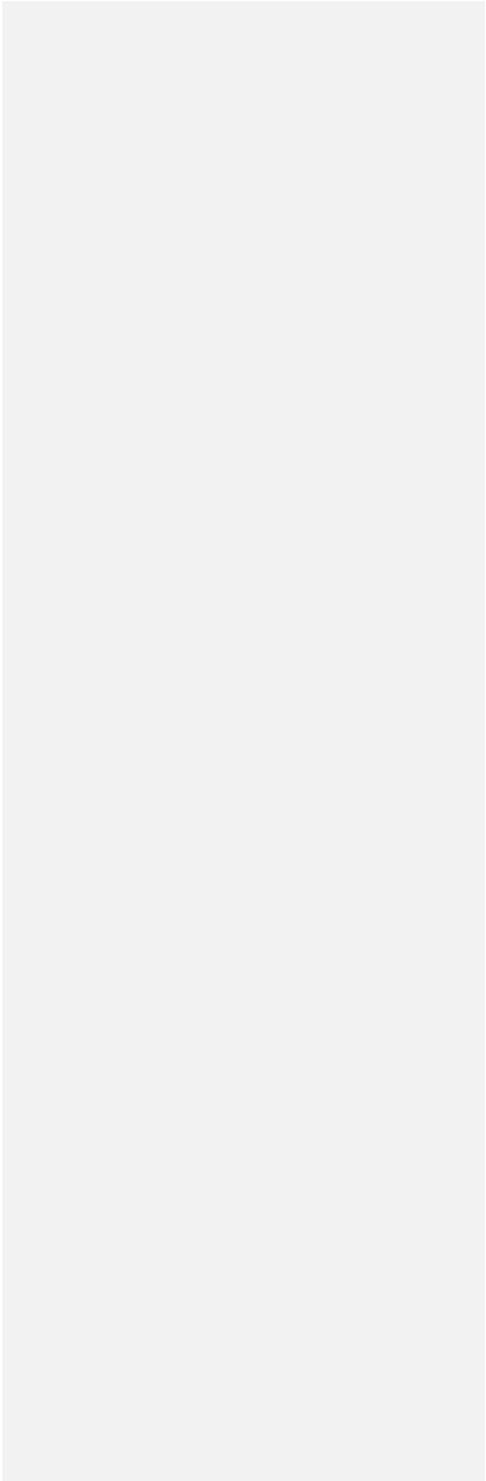
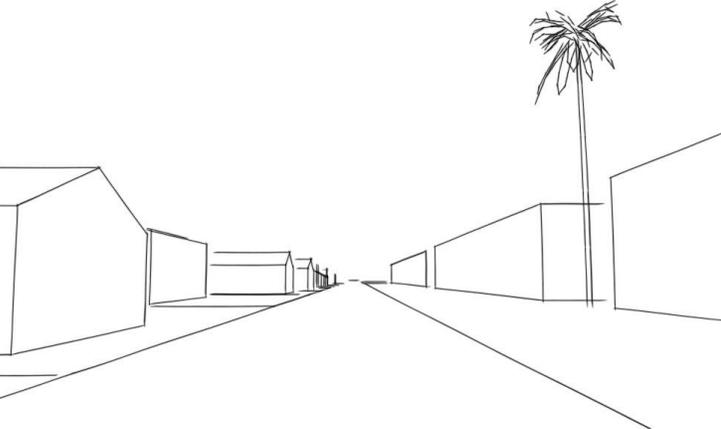


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Preferred (Commercial)



Not Preferred (Commercial scale)



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(i) High Visibility



These examples are high visibility as they tend to be less compatible more and are encouraged for existing open space or parkland areas where they may blend more easily.

(ii) Low Visibility



These examples are low visibility as they tend to resemble permitted uses, are consistent with existing development and able to mimic community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.

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Ground-Mounted Facilities

Ground-Mounted PWSF: man-made trees

- For locations where there is existing similar vegetation at or near the proposed site, camouflaging methods such as man-made palm trees or pine trees may be more appropriate. This would also be applicable to existing parks or open space where a tree will blend in more.

Discouraged



These examples are placed in a context where there is no existing vegetation around to assist in minimizing the visual impact of a new PWSF.

(b) Encouraged



These examples blend in well with existing vegetation not only in material, but also in scale to the natural vegetation that already exists..

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Ground-Mounted PWSE: within Residential areas

- For locations within or adjacent to residential neighborhoods, camouflaging methods such as bell towers, clock towers or water towers may be more appropriate to lessen the impact on nearby residents. These should resemble structures associated with uses that are already permitted in the underlying zoning districts (i.e. churches, schools, etc.) to better blend into existing and future development.

Discouraged



These facilities, while appropriate in the right context, appear to stand out and are not consistent with the scale and development of area.

Encouraged



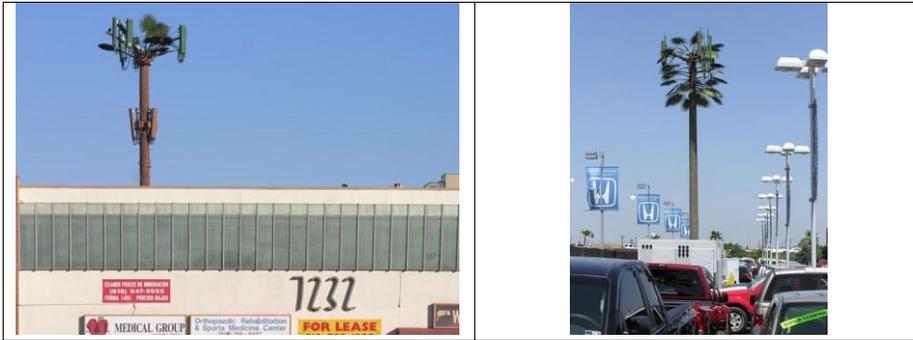
The facilities above blend in more naturally with the adjacent development and do not appear drastically out of place with the existing permitted uses of the underlying zoning district.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

Ground-Mounted PWSF: within Commercial areas

- For locations within commercial or manufacturing areas, camouflaging methods such as light poles, flag poles, public art, or structures similar to existing buildings may be more appropriate. These should resemble existing uses, structures, and amenities found in commercial developments.

Discouraged



The facilities although camouflaged do not blend in to the surrounding landscape and are placed in commercial areas where no other trees around to assist in blending them into their surroundings. Other designs may have been more appropriate given their context.

Encouraged



The facilities above blend in more naturally with a commercial setting and serve a purpose other than just a PWSF and resemble amenities typically found with commercial uses.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

Roof Mounted Facilities

- Roof mounted PWSF are to be designed to blend in with the existing structure to which it is attached when the roof of the main structure is 35' or below. This can be achieved by shielding it with a sheath to disguise it as a chimney or vent, adding a new parapet to the existing structure, or changing its color to match existing structural projections.

Discouraged



The roof mounted facilities above should be located behind the parapet to completely screen them from below or screened by a different method when possible.

Encouraged



The roof mounted facilities above added screening to make them blend in to the structure in which they are attached to make them appear they have always been a part of the structure.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

Facility Mounted Facilities

- Facility mounted PWSF are to be designed to blend in with the existing structure to which it is attached. This can be achieved by changing its color, shielding it with a sheath to disguise it as an architectural accent or placing it behind existing structural projections.

Discouraged



The facilities above are not located behind any structure or façade nor are they painted to blend in with the structure to which it is attached.

Encouraged



The facilities above are painted and enclosed within sheaths which match the structures to which they are attached and only project a small distance from the structure.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

Landscaping

- Additional landscaping may be required in areas where there is an opportunity to camouflage equipment or assist in the camouflaging method chosen.

Discouraged



The placements of these facilities do not lend themselves to the placement of additional landscaping to screen equipment.

Encouraged



The locations of these facilities allow them to be placed in the context of existing vegetation while also allowing new landscaping to be added.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

Screening

- Screening and fencing is required around all ground equipment. This may be provided around both the freestanding structure, or just around the equipment, depending on the location and camouflaging method chosen.

Discouraged



The ground equipment is not screened with a rockwall or wrought-iron fence and no additional landscaping is provided to screen the equipment.

Encouraged



The equipment is move to the edge of the property and screened to blend into the surroundings, as well as another screening example where it is incorporated into the design to blend in.

ADOPTED This _____ day of _____ 2019.

APPROVED: _____
Philip F. Etiwe, Director
Planning and Inspections

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

20.04.520 – Notice

Where a public hearing is required by State law, notice shall be given in the manner specified below:

- A. Content of Notice. Required mailed notices and notices by publication shall include the date, time, and place of the hearing, a description of the subject matter of the hearing and the body holding the hearing. The mailed notices shall be in the form of a standard letter or a postcard and shall include the information in both English and Spanish. The postcard shall be a minimum size of 5.5 inches by 8.5 inches. Required on-site posting of notice shall be as specified in subsection B.2.d. of this section.
- B. Provision of Notice. Notice will be given in the following manner and as per Chapter 2.102 of this Code, as applicable:
 1. In all cases, by mail to the applicant, or owner of the property that is subject of the application, if different;
 2. On applications for special permits, amendments to zoning conditions and amendments to the district map, additional notice shall be given as follows:
 - a. Notice of hearing before the city plan commission shall be given to all owners of real property by mail, as indicated by the most recently approved municipal tax roll within three hundred feet of the lot line of the subject property.
 - i. In addition to notice given to the owners of the real property within three hundred feet of the lot line of the subject property, if a multifamily dwelling is located on any parcel of real property within the three hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within five hundred feet of the lot line of the subject property.

Verizon Wireless asks that the notice requirement be to a radius of 300 feet from the proposed facility. No basis is articulated as to why there is a separate 500 foot notice, or why there is a distinction between 300 and 500 feet. The cost of notice more than doubles when the radius is increased, and is unreasonable.

- i. In addition to notice given to the owners of the real property within five hundred feet of the lot line of the subject property, if a multifamily dwelling unit is located on any parcel of real property within the five hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - ii. The applicant for a special permit, an amendment to zoning conditions, or an amendment to the district map involving a public utility facility is responsible for providing the required notice and for all costs of providing the required notice. The applicant shall provide written documentation to the city that the required notices have been provided unless the applicant has requested that the city provide the notices of the hearing and reimburses the city for all its expenses upon receipt of a city invoice.
 - c. Notice of hearing before the city council shall be given as follows:
 - i. On first reading—by publication in a newspaper of general circulation in the city not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).
 - ii. The published notice shall contain:
 1. The name of the property owner(s) requesting the special permits, amendments to zoning conditions, or amendments to the district map;

Comments received 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

Use	Residential															Commercial					Manufacturing			Special Purpose										Supplemental Standards																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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-850	R-851	R-852	R-853	R-854	R-855	R-856	R-857	R-858	R-859	R-860	R-861	R-862	R-863	R-864	R-865	R-866	R-867	R-868	R-869	R-870	R-871	R-872	R-873	R-874	R-875	R-876	R-877	R-878	R-879	R-880	R-881	R-882	R-883	R-884	R-885	R-886	R-887	R-888	R-889	R-890	R-891	R-892	R-893	R-894	R-895	R-896	R-897	R-898	R-899	R-900	R-901	R-902	R-903	R-904	R-905	R-906	R-907	R-908	R-909	R-910	R-911	R-912	R-913	R-914	R-915	R-916	R-917	R-918	R-919	R-920	R-921	R-922	R-923	R-924	R-925	R-926	R-927	R-928	R-929	R-930	R-931	R-932	R-933	R-934	R-935	R-936	R-937	R-938	R-939	R-940	R-941	R-942	R-943	R-944	R-945	R-946	R-947	R-948	R-949	R-950	R-951	R-952	R-953	R-954	R-955	R-956	R-957	R-958	R-959	R-960	R-961	R-962	R-963	R-964	R-965	R-966	R-967	R-968	R-969	R-970	R-971	R-972	R-973	R-974	R-975	R-976	R-977	R-978	R-979	R-980	R-981	R-982	R-983	R-984	R-985	R-986	R-987	R-988	R-989	R-990	R-991	R-992	R-993	R-994	R-995	R-996	R-997	R-998	R-999	R-1000	R-1001	R-1002	R-1003	R-1004	R-1005	R-1006	R-1007	R-1008	R-1009	R-1010	R-1011	R-1012	R-1013	R-1014	R-1015	R-1016	R-1017	R-1018	R-1019	R-1020	R-1021	R-1022	R-1023	R-1024	R-1025	R-1026	R-1027	R-1028	R-1029	R-1030	R-1031	R-1032	R-1033	R-1034	R-1035	R-1036	R-1037	R-1038	R-1039	R-1040	R-1041	R-1042	R-1043	R-1044	R-1045	R-1046	R-1047	R-1048	R-1049	R-1050	R-1051	R-1052	R-1053	R-1054	R-1055	R-1056	R-1057	R-1058	R-1059	R-1060	R-1061	R-1062	R-1063	R-1064	R-1065	R-1066	R-1067	R-1068	R-1069	R-1070	R-1071	R-1072	R-1073	R-1074	R-1075	R-1076	R-1077	R-1078	R-1079	R-1080	R-1081	R-1082	R-1083	R-1084	R-1085	R-1086	R-1087	R-1088	R-1089	R-1090	R-1091	R-1092	R-1093	R-1094	R-1095	R-1096	R-1097	R-1098	R-1099	R-1100	R-1101	R-1102	R-1103	R-1104	R-1105	R-1106	R-1107	R-1108	R-1109	R-1110	R-1111	R-1112	R-1113	R-1114	R-1115	R-1116	R-1117	R-1118	R-1119	R-1120	R-1121	R-1122	R-1123	R-1124	R-1125	R-1126	R-1127	R-1128	R-1129	R-1130	R-1131	R-1132	R-1133	R-1134	R-1135	R-1136	R-1137	R-1138	R-1139	R-1140	R-1141	R-1142	R-1143	R-1144	R-1145	R-1146	R-1147	R-1148	R-1149	R-1150	R-1151	R-1152	R-1153	R-1154	R-1155	R-1156	R-1157	R-1158	R-1159	R-1160	R-1161	R-1162	R-1163	R-1164	R-1165	R-1166	R-1167	R-1168	R-1169	R-1170	R-1171	R-1172	R-1173	R-1174	R-1175	R-1176	R-1177	R-1178	R-1179	R-1180	R-1181	R-1182	R-1183	R-1184	R-1185	R-1186	R-1187	R-1188	R-1189	R-1190	R-1191	R-1192	R-1193	R-1194	R-1195	R-1196	R-1197	R-1198	R-1199	R-1200	R-1201	R-1202	R-1203	R-1204	R-1205	R-1206	R-1207	R-1208	R-1209	R-1210	R-1211	R-1212	R-1213	R-1214	R-1215	R-1216	R-1217	R-1218	R-1219	R-1220	R-1221	R-1222	R-1223	R-1224	R-1225	R-1226	R-1227	R-1228	R-1229	R-1230	R-1231	R-1232	R-1233	R-1234	R-1235	R-1236	R-1237	R-1238	R-1239	R-1240	R-1241	R-1242	R-1243	R-1244	R-1245	R-1246	R-1247	R-1248	R-1249	R-1250	R-1251	R-1252	R-1253	R-1254	R-1255	R-1256	R-1257	R-1258	R-1259	R-1260	R-1261	R-1262	R-1263	R-1264	R-1265	R-1266	R-1267	R-1268	R-1269	R-1270	R-1271	R-1272	R-1273	R-1274	R-1275	R-1276	R-1277	R-1278	R-1279	R-1280	R-1281	R-1282	R-1283	R-1284	R-1285	R-1286	R-1287	R-1288	R-1289	R-1290	R-1291	R-1292	R-1293	R-1294	R-1295	R-1296	R-1297	R-1298	R-1299	R-1300	R-1301	R-1302	R-1303	R-1304	R-1305	R-1306	R-1307	R-1308	R-1309	R-1310	R-1311	R-1312	R-1313	R-1314	R-1315	R-1316	R-1317

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

20.10.455 - Personal wireless service facilities.

- A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be operable in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.
- B. Certification. All owners of PWSF currently in existence as of the date of the passage of the ordinance codified in this chapter shall certify in writing, no later than thirty days after the passage of the ordinance codified in this chapter, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of each PWSF and any other pertinent information, excluding proprietary information, required on the form prescribed by the development services department.

This requirement is, respectfully, an unnecessary burden as each PWSF already constructed was built in accordance with City guidelines and permits, and the provider must already continue to ensure the PWSF complies and is safe. Adding continuous costs creates a regulatory structure which disincentivises deployment of PWSF and becomes an effective prohibition of personal wireless services in violation of 47 U.S.C. § 332(c)(7)(B)(II).

Thereafter, for all such PWSF and additionally for all new PWSF installed and constructed after the date of passage by the ordinance codified and permitted in accordance with this chapter, the owner shall certify in writing, annually no later than January 31, beginning in 2008, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of the PWSF, and any other pertinent information, excluding proprietary information, required on the form prescribed by the building official.

The person who constructed the PWSF, the person who operated the PWSF or the owner of record must notify the zoning administrator of any change in the information or status of the PWSF as stated in the certification within thirty days after such change.

Please see comment above.

- C. Removal. For any PWSF constructed after the date of this chapter, if the PWSF is not used to transmit, receive or relay voice and data signals to or from wireless communication devices for a period of six months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility or by the property owner within eighteen months from the time the PWSF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

Please see comment on page 5 of 6 of the Ordinance. The six months should be increased to 12 months as there are good reasons a facility may not be operable.

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If the use of the PWSF has not been restored within an eighteen-month period from the time the PWSF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the PWSF must be removed and the PWSF site restored to its original or better condition, at the property owner's expense.

For any PWSF in existence but not listed as operable on the certification form as of the date of the passage of the ordinance codified in this chapter, the owner shall have eighteen months from the date of certification in which the PWSF must be made operable. If the PWSF is not operable within eighteen months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be removed by the person who constructed the facility, by the person who operated the facility or by the property owner within six months after the aforementioned time period expires. The PWSF site must be restored to its original or better condition, at the property owner's expense.

- D. ~~PWSF located in residential and apartment districts (including RF, SRR, PR-1, PR-2, & PMD) shall comply with the following:~~
 - 4. ~~Ground-mounted PWSF antenna support structures and appurtenant equipment storage facilities are permitted by special permit with the following restrictions:~~
 - a. ~~Setbacks.~~

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- ~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PWSF antenna support structure base.~~
- ~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~
- ~~b. Modified Setbacks. The setback set forth in subsection (D)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy five feet; if the city council, based on written evidence provided by the applicant, finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~~~
- ~~c. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (D)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~d. Modified Separation Between PWSF Antenna Support Structures. The separation distance between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~~~

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- iv. ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- v. ~~The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- e. ~~Height Restriction. PWSF antenna support structures and appurtenant antennas shall not exceed seventy-five feet in height, except as provided in subsection (D)(1)(f).~~
- f. ~~Modified Height Restriction. If the applicant is collocating two or more antennas on a structure, then the maximum height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred feet.~~
- g. ~~Camouflage and Screening.~~
 - i. ~~All ground-mounted PWSF located in residential and apartment zoning districts shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ii. ~~Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - iii. ~~Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure.~~
 - iv. ~~Landscaping shall comply with all code requirements for landscaping.~~
- h. ~~Other Requirements. The following must accompany a request for a special permit:~~
 - i. ~~A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;~~
 - ii. ~~Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iii. ~~The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to-scale.~~

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- ~~i. Screening Fence. A six-foot high screening wall or fence of other than chain link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
- ~~j. Access Driveway. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
- ~~k. Increase in Elevation on Existing PWSF Antenna Support Structure. An increase in elevation, not to exceed a maximum height of one hundred feet, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- 2. Roof-mounted PWSF antenna support structures with appurtenant antennas and equipment storage facilities are permitted with the following restrictions:
 - a. ~~Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on those residential structures consisting of five or more units or on nonresidential structures;~~
 - b. ~~Height Restriction. Roof-mounted PWSF antenna support structures and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property on which the PWSF is located abuts a residential zoning district the PWSF shall not exceed ten feet in height above the existing roofline.~~
 - e. ~~Modified Height Restriction. The height of a roof-mounted PWSF antenna support structure on property abutting a residential zoning district may be increased by special permit application, but not above thirty feet measured from the existing roofline, if the city council finds that:
 - i. ~~The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ii. ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - iii. ~~The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - iv. ~~Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
 - d. ~~Camouflage and Screening:
 - i. ~~Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~~~

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- ii. ~~Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- iii. ~~Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- e. ~~Other Requirements. The following must accompany a request for a building permit or special permit:~~
 - i. ~~A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;~~
 - ii. ~~Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iii. ~~Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
- f. ~~Increases in Elevation on Existing PWSF Antenna Support Structure. Increases in elevation, not to exceed thirty feet measured from the existing roofline, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- 3. ~~Facility-mounted PWSF antennas and appurtenant equipment storage facilities are permitted subject to the following restrictions:~~
 - a. ~~Where Permitted. Antennas may only be mounted on a functioning facility structure whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~
 - b. ~~Height Restriction. Facility-mounted PWSF shall not exceed one hundred feet in height, which shall include the height of the facility structure. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use and the new facility structure shall not exceed the greater of the existing facility structure's height or one hundred feet in height.~~
 - c. ~~Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five additional feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty-five feet, which shall include the height of the facility structure.~~

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- d. ~~Facility-mounted PWSF shall be painted to integrate and blend with the facility structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- e. ~~Other Requirements. The following must accompany a request for a building permit:~~
 - i. ~~A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;~~
 - ii. ~~Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iii. ~~The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~
- f. ~~Collocation. Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

E. C-1, C-2 and P-C Commercial Districts, S-D Special Development.

- 4. ~~Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
 - a. ~~Setbacks.~~
 - i. ~~A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PWSF antenna support structure base.~~
 - ii. ~~When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~
 - b. ~~Modified Setbacks. The setback set forth in subsection (E)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:~~
 - i. ~~The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ii. ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the~~

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- ~~applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~
 - ~~e. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (E)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
 - ~~d. Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
 - ~~e. Height Restriction. Ground-mounted PWSF antenna support structures shall not exceed seventy-five feet in height, except as provided in subsection (E)(1)(f).~~
 - ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure shall not exceed one hundred feet.~~
 - ~~g. Camouflage and Screening.
 - ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty~~~~

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- percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.
- iii. ~~Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure.~~
 - iv. ~~Landscaping shall comply with all code requirements for landscaping.~~
 - h. ~~Other Requirements. The following must accompany a request for a building permit:~~
 - i. ~~A detailed plan showing the PWSF antenna support structure, antennas and equipment in relation to the surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available upon request;~~
 - iii. ~~Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iv. ~~The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three-hundred-sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~
 - i. ~~A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
 - j. ~~The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
 - k. ~~Increase in Elevation on Existing PWSF Antenna Support Structure. Increase in elevation, not to exceed one hundred feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
2. ~~Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
- a. ~~Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~

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- b. ~~Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that, when abutting a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (E)(2)(c).~~
- e. ~~Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure may be increased as follows:~~
 - i. ~~Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ii. ~~Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:~~
 - (A) ~~The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - (B) ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - (C) ~~The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - (D) ~~Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- d. ~~Camouflage and Screening.~~
 - i. ~~Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ii. ~~Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - iii. ~~Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- e. ~~Other Requirements. The following must accompany a request for a building permit:~~

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- a. ~~Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
- b. ~~Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (F)(1)(c). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- c. ~~Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - i. ~~The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ii. ~~The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - iii. ~~The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - iv. ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - v. ~~The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- d. ~~Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred twenty-five feet in height, except as provided in subsection (F)(1)(e) or (F)(1)(f).~~
- e. ~~Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet.~~
- f. ~~Special Permit for Additional Height in C-3 and C-4 Commercial Districts Only. The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - i. ~~The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~~~

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- ii. ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - iii. ~~The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - iv. ~~Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- g. ~~Camouflage and Screening:~~
- i. ~~All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ii. ~~Metallic Surfaces Shall be Painted to Reduce Glare and Reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - iii. ~~Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - iv. ~~Landscaping shall comply with all code requirements for landscaping.~~
- h. ~~Other Requirements. The following must accompany a request for a building permit or special permit:~~
- i. ~~A detailed plan showing the PWSF antennas support, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant;~~
 - iii. ~~Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iv. ~~The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall~~

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~~review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~

- ~~i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the building official of a structural recertification report prepared and sealed by a licensed professional engineer.~~
- ~~j. The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the building official.~~
- ~~k. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
 - ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~
 - ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property abuts a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (F)(2)(c).~~
 - ~~e. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure and appurtenant antennas may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~~~~~

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- ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~d. Camouflage and Screening.~~
- ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
- ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:~~
- ~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~
- ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
- ~~f. Increase in Elevation. Increase in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~3. Facility mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~
- ~~a. Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~
- ~~b. Height Restriction. New facility mounted PWSF shall not exceed one hundred twenty five feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred twenty five feet in height.~~
- ~~e. Modified Height Restriction. The height for a facility mounted PWSF antenna support structure may be increased up to twenty five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty five feet, which shall include the height of the facility structure.~~

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- d. ~~Facility-Mounted PWSF Shall be Painted to Integrate and Blend with the Facility Structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - e. ~~Other Requirements. The following must accompany a request for a building permit:
 - i. ~~A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iii. ~~The applicant shall provide documentation to the building permits and inspections division that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
 - f. ~~Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- G. ~~M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts):~~
- 4. ~~Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - a. ~~Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
 - b. ~~Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (G)(1)(c) of this section. Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
 - e. ~~Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - i. ~~The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ii. ~~The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - iii. ~~The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on~~~~~~

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- ~~the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
 - ~~d. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet in height, except as provided in subsection (G)(1)(e) or (G)(1)(f) of this section.~~
 - ~~e. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred seventy-five feet.~~
 - ~~f. Special Permit for Additional Height. The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
 - ~~g. Camouflage and Screening:
 - ~~i. Camouflage is required for any ground-mounted PWSF. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~~~

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- iii. ~~Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure.~~
- iv. ~~Landscaping shall comply with all code requirements for landscaping.~~
- h. ~~Other Requirements. The following must accompany a request for a building permit or special permit:~~
 - i. ~~A detailed plan showing the PWSF antenna support, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street; and,~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
- i. ~~The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~
- j. ~~A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel.~~
- k. ~~The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the building official.~~
- l. ~~Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- 2. ~~Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
 - a. ~~Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~
 - b. ~~Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when abutting a residential zoning district it shall not exceed ten feet in height above the existing roofline.~~
 - e. ~~Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure and appurtenant antennas may be increased as follows:~~
 - i. ~~Up to ten additional feet if the building exceeds forty-five feet in height or three stories; and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ii. ~~Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:~~

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- (A) ~~The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - (B) ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - (C) ~~The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - (D) ~~Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- d. ~~Other Requirements. The following must accompany a request for a building permit:~~
- i. ~~A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
- e. ~~Increases in Elevation on Existing PWSF Antennae Support Structure. Increases in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
3. ~~Facility mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~
- a. ~~Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as an PWSF antenna support structure;~~
 - b. ~~Height Restriction. New facility-mounted PWSF shall not exceed one hundred fifty feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred fifty feet in height;~~
 - e. ~~Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred seventy-five feet, which shall include the height of the facility structure;~~
 - d. ~~Camouflage and Screening;~~
 - i. ~~Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of~~

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~~this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~

- ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the development services department that the applicant has the permission from the structure owner to install the antennas(s) on the structure.~~~~
- ~~f. Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

H. PWSF located in the NOS zoning district is prohibited.

D. Proposed PWSF Siting and location Hierarchy Preferences.

Please see comments on page 3 of 6 to the Ordinance.

1. The following list indicates the City's preferences for facility locations, in descending order of preference. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- b. Antennae Co-location on existing PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- c. New Facility-Mounted PWSF, meeting applicable camouflaging

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and screening requirements
d. New Roof-Mounted PWSF, meeting applicable camouflaging and

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screening requirements

e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

a. Heavy commercial and manufacturing zoning districts

b. Light commercial and special purpose zoning districts.

c. Residential and apartment zoning districts.

E. PWSF located in the NOS zoning district is prohibited.

F.

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This is a duplicate. Please see comments on other chart.

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF				
1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
1.2	Setbacks	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards
	1.2.1	Additional Setback Standards for Ground Mounted PWSF	If abutting ROW or easement, the width of the ROW or easement may included in the setback measurement		
1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower	N/A	N/A

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		height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)		
	1.3 .1	Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF	<p>Modifications to Required Setbacks must meet the following criteria:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas 		
	1.4	Minimum separation (measured base of existing to base of proposed)	One-half mile		
	1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)

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		1.5 .1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF	N/A	N/A	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to</p>	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and</p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.</p>
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on behalf of Verizon**

					reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and	
					v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.	
1.6	Maximum Height Permitted (measured to top of steel)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.				
1.7	Allowable Increases in Maximum Height Permitted	15' of additional height if the applicant is collocating a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.				
1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1. below)	Permitted (see Section 1.8.1. below)	

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

	1.8 .1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF	<p>Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15', when providing contracts or agreements and space for a total of three (3) carriers or agencies, when the following criteria are met:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
1.9		Camouflage and Screening	<ul style="list-style-type: none"> i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man- made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility. ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area. iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact. iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

**Comments recieved 8-12-2019 from Marksmithpublicaffairs
on behalf of Verizon**

		<p>v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.</p> <p>vi. Landscaping shall comply with all code requirements for landscaping.</p>
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official
1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

1.13	Other Requirements Applicable to Ground Mounted PWSF	<p>The following must accompany a request for a special permit or building permit:</p> <ul style="list-style-type: none"> i. All towers located within two hundred (200) feet of a recognized federal, state or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Secion 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.15	Exisiting non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF				
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline			
2.3	Allowable Increases in Maximum Height Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)
2.3.1	Additional Standards Applicable to	<ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and 			

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

	permitted increases in Height for Roof-mounted PWSF	commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
2.4	Camouflage and Screening	i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.
2.5	Other Requirements	The following must accompany a request for a special permit or building permit: i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
2.6	Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure			
3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20			
3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas			
3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>			
3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <p>i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;</p> <p>ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p>			

**Comments recieved 8-12-2019 from Marksmithpublicaffairs
on behalf of Verizon**

		iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.
3.6	Collocation	Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

20.22.100 - Nonconforming PWSF.

- A. A personal wireless service facility (PWSF) that was built in compliance with the city's zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:
1. A modified or rebuilt PWSF ~~must should propose to~~ must propose to have at least one additional antenna ~~no larger in size than the antennas than that on of~~ the existing or pre-existing facility. If the PWSF ~~has been rebuilt is to be rebuilt~~, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;
 2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility by more than 10% or the height limitation of Section 20.0810.455 (Personal wireless service facilities), whichever is greater;
 3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility. ~~If a tower and must meet the minimum setback standards for the zoning district in which it is located;~~
 4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;
 5. All rebuilt ground-mounted PWSF ~~located in and/or abutting residential and apartment zoning districts shall be camouflaged shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage).~~ Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;
 6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing ~~or pre-existing~~ facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;
 7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and
 8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

Comments recieved 8-12-2019 from Marksmithpublicaffairs on behalf of Verizon

- B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.
- C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).
- D. Abandonment and Termination of a Nonconforming PWSF.
1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:
 - a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;
 - b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
 - c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.
 2. The owner of a ground- mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.
- E. Property affected by right-of-way acquisition
- a. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:
 - i. The PWSF must have been legally permitted at the time of the initial placement; and
 - ii. Must be located to the remainder of the property or remain in its existing location; and

or enlarged; and
 - iv. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

(Ord. 16653 § 2 (part), 2007)



Danielle C. Agee
General Counsel
South Central Market
Phone: (972) 444-5480
danielle.agee@verizonwireless.com

August 15, 2019

Via Hand Delivery

Dee Margo
Mayor
City of El Paso
300 N. Campbell
El Paso, TX 79901

Dear Mayor Margo:

We appreciate all of the time that the City of El Paso has taken to consider the industry's concerns regarding the Ordinance amending Title 20 (Zoning) relating to personal wireless service facilities (PWSFs). Verizon has actively engaged with the City on this issue since last year because these Code provisions will have a significant impact on our ability to deploy network infrastructure necessary to bring advanced technologies to the citizens, businesses and first responders of El Paso. There is still some work left to do. To that end, Verizon respectfully requests that the City postpone its vote on the Ordinance for 30 days to give Verizon and City staff an opportunity to discuss our suggested comments (enclosed) and finalize the Ordinance. Your citizens demand more and more services from wireless providers and desire the latest technology. In order to serve that increasing demand, wireless facilities should be placed closest to those who demand the service, and in those areas where they will be utilizing the services. A few of our most pressing concerns are noted below:

1. The requirement for applicants to show why they cannot use any of the City's preferred facility location methods is an excessive burden. This provision would require an applicant to allocate resources to explore six different scenarios that may not be the optimal location to meet the needs of our customers. We request that this provision be revised to allow the applicant to determine which location method best satisfies its network needs, from the City-approved list of location methods.
2. The Code currently provides the maximum allowable heights for PWSFs in the various zoning districts. The proposed amendment, however, simply refers applicants to Appendix B of Title 20 to find allowable heights for PWSFs. The allowable heights for PWSFs are not clearly stated in that Appendix.
3. The 3:1 setback requirement is excessive and will significantly our ability to deploy in certain areas. We believe a 1:1 setback from abutting property lines should be sufficient in all instances.
4. The requirement to annually certify that existing PWSFs are not a safety hazard is excessive and unnecessary. Instead, we suggest that applicants be required to certify in their application that each PWSF will be constructed and maintained in a safe manner.
5. The requirement to notify all property owners within 500 feet of a proposed PWSF is excessive. This requirement is much more manageable with a 300 foot requirement.

Thank you for considering our request to defer the vote on this Ordinance for 30 days. We would welcome and appreciate the opportunity to work with City staff to finalize the Ordinance for implementation this fall.

Very truly yours,

Danielle C. Agee

Howell, Jeffrey B.

From: Magnone, Nicholas L <nick.magnone@verizonwireless.com>
Sent: Monday, August 19, 2019 11:45 AM
To: Howell, Jeffrey B.
Subject: Fwd: Verizon Comments to Ordinance Amending Title 20 (Zoning)
Attachments: Ltr to El Paso re Ordinance Amending Title 20- Zoning.pdf

Hi Jeff,
FYI. Can you please forward to anyone else in Planning and Engineering for sharing our feedback?
Thank you,
Nick

----- Forwarded message -----

From: Agee, Danielle <danielle.agee@verizonwireless.com>
Date: Fri, Aug 16, 2019 at 12:29 PM
Subject: Verizon Comments to Ordinance Amending Title 20 (Zoning)
To: <niemankm@elpasotexas.gov>
CC: mark marksmithpublicaffairs.com <mark@marksmithpublicaffairs.com>, Williams, Mark W. <mwilliams@shermanhoward.com>, Nicholas L Magnone <Nick.Magnone@verizonwireless.com>

Hi Karla,

This message follows the voicemail message that I left for you yesterday on this matter.

I've attached a copy of our letter to Mayor Margo explaining our high level concerns with the Ordinance Amending Title 20 (Zoning), and respectfully requesting a 30-day postponement on the vote for this Ordinance to give Verizon and City staff an opportunity to discuss these concerns and together draft revisions that would support deployment of our network infrastructure in El Paso for the benefit of residents, visitors and first responders. Following the letter, we've included a more detailed discussion of each of our concerns.

We would greatly appreciate the opportunity to answer any questions you might have after reviewing the attached comments. Thank you.

Danielle

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Danielle C. Agee

General Counsel

South Central Market

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August 15, 2019

Via Hand Delivery

Dee Margo
Mayor
City of El Paso
300 N. Campbell
El Paso, TX 79901

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We appreciate all of the time that the City of El Paso has taken to consider the industry's concerns regarding the Ordinance amending Title 20 (Zoning) relating to personal wireless service facilities (PWSFs). Verizon has actively engaged with the City on this issue since last year because these Code provisions will have a significant impact on our ability to deploy network infrastructure necessary to bring advanced technologies to the citizens, businesses and first responders of El Paso. There is still some work left to do. To that end, Verizon respectfully requests that the City postpone its vote on the Ordinance for 30 days to give Verizon and City staff an opportunity to discuss our suggested comments (enclosed) and finalize the Ordinance. Your citizens demand more and more services from wireless providers and desire the latest technology. In order to serve that increasing demand, wireless facilities should be placed closest to those who demand the service, and in those areas where they will be utilizing the services. A few of our most pressing concerns are noted below:

1. The requirement for applicants to show why they cannot use any of the City's preferred facility location methods is an excessive burden. This provision would require an applicant to allocate resources to explore six different scenarios that may not be the optimal location to meet the needs of our customers. We request that this provision be revised to allow the applicant to determine which location method best satisfies its network needs, from the City-approved list of location methods.
2. The Code currently provides the maximum allowable heights for PWSFs in the various zoning districts. The proposed amendment, however, simply refers applicants to Appendix B of Title 20 to find allowable heights for PWSFs. The allowable heights for PWSFs are not clearly stated in that Appendix.
3. The 3:1 setback requirement is excessive and will significantly our ability to deploy in certain areas. We believe a 1:1 setback from abutting property lines should be sufficient in all instances.
4. The requirement to annually certify that existing PWSFs are not a safety hazard is excessive and unnecessary. Instead, we suggest that applicants be required to certify in their application that each PWSF will be constructed and maintained in a safe manner.
5. The requirement to notify all property owners within 500 feet of a proposed PWSF is excessive. This requirement is much more manageable with a 300 foot requirement.

Thank you for considering our request to defer the vote on this Ordinance for 30 days. We would welcome and appreciate the opportunity to work with City staff to finalize the Ordinance for implementation this fall.

Very truly yours,

Danielle C. Agee

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction - July 23, 2019

PUBLIC HEARING DATE: August 20, 2019

CONTACT PERSON NAME AND PHONE NUMBER:

Philip Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov

Sam Rodriguez, (915) 212-1845, rodriguez3@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice); Title 20 (Zoning), Appendix A (Table Of Permissible Uses); Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection E; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection F; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection G; And Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code to update notification requirements, update the Table Of Permissible Uses; Require compliance with a Policy Guide; to establish location preferences, clarify organization of the Title; and provide for Non Conforming Situations. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. (All Districts)

BACKGROUND/ DISCUSSION:

On April 6, 2017, the CPC reviewed and recommended approval of the proposed code amendment.

PRIOR COUNCIL ACTION:

This item was previously brought forward to City Council on October 3, 2017, however there was no City Council action on this proposed code amendment at that time to allow staff to do additional outreach.

Additionally this item was presented as a Work Session item on May 13, 2019, to provide a general introduction prior to it being placed on a City Council Agenda and no action was taken.

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip F. Etiwe, Director
Planning and Inspections Department

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), ARTICLE VII (PUBLIC HEARINGS), SECTION 20.04.520 (NOTICE); TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES); TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION A; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION D; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION E; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION F; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION G; AND TITLE 20 (ZONING), CHAPTER 20.22 (NONCONFORMING SITUATIONS), SECTION 20.22.100 (NONCONFORMING PWSF) OF THE EL PASO CITY CODE TO MODIFY EXISTING STANDARDS, UPDATE NOTIFICATION REQUIREMENTS, UPDATE THE TABLE OF PERMISSIBLE USES; REQUIRE COMPLIANCE WITH A POLICY GUIDE; TO ESTABLISH LOCATION PREFERENCES, CLARIFY ORGANIZATION OF THE TITLE; AND PROVIDE FOR NON CONFORMING SITUATIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code, Chapter 20.10 regulates personal wireless service facilities; and,

WHEREAS, City Council directed the Planning department to update and amend the current standards and regulations for personal wireless service facilities to create new standards and regulations to require better camouflaging of new facilities, encourage colocations, and mitigate the impact of new facilities to the surrounding environment; and

WHEREAS, the Planning Department communicated with various representatives of the wireless industry who were given an opportunity to comment and provide recommendations to the proposed revisions; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety and welfare of the City;

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice), subsection B, paragraph 2, subparagraph b, of the El Paso City Code is amended in its entirety to read as follows:

- b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within five hundred feet of the lot line of the subject property.

We presume that these rules will apply only to “macro” facilities, as Network nodes (small cells) are governed by separate Texas laws.

For ground-mounted "macro" wireless facilities, this ordinance requires eight descending types of facility locations be chosen before a new ground-mounted tower can be considered. In six of the eight facility choices, buildings or roof mounted facilities must be chosen before a new ground-mounted facility. However, licensed personal wireless services facilities (“PWSF”) on buildings and roof tops are required to adhere to additional compliance of the FCC and their rules from environmental review including Section 106.

In addition to the extra Federal regulations for "macro" PWSFs on buildings and roof tops, there are network operational considerations with regards to ground-mounted facilities. Ground-mounted PWSFs allow for the use of battery and/or generator power backup in the event of an emergency. Building and roof top mounted facilities may not allow for battery and/or generator power backup.

SECTION 2. Title 20 (Zoning), appendix A (Table of Permissible Uses) table 17.00 (Towers & related structures) of the El Paso City Code is replaced in its entirety with the table attached to this ordinance as Exhibit “A”:

SECTION 3. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A of the El Paso City Code is amended in its entirety to read as follows:

Comments provided with letter dated August 15, 2019 from Verizon Wireless

A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be constructed and operated in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.

SECTION 4. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D through H of the El Paso City Code are deleted in their entirety.

SECTION 5. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection D that reads as follows:

D. Proposed PWSF Siting and location Hierarchy Preferences.

1. The following list indicates the City's preferences for facility locations, in descending order of preference. ~~Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:~~

Verizon Wireless understands the City's desire to provide a hierarchy of locations. However, increasing demand for wireless services by the citizens of El Paso necessitates PWSF's in locations nearer to citizens and businesses in order to meet that increasing demand. Statistics show that demand for mobile data and voice services will increase five-fold between 2018 and 2024, and growing faster (Q3/18 showed mobile traffic grow at 79% year-on-year) – indeed, 90% of U.S. households have wireless service. The number of “wireless only” homes was 55% in 2018, with a greater number in younger demographics. Mobile technology allows for increased business for small businesses and home-based businesses. And more than 75% of prospective home buyers said a good cellular connection was important to them. This data demonstrates that facilities needed to meet citizen demand and need to be near where they live and work.

As such, the hierarchy preferences will not always be available in order to meet the demand, and we recommend that the City's staff

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be given administrative ability to allow facilities in any zone when demonstrated by the provider. Doing so will be important so that the city does not run afoul of the Federal statutory requirement not to effectively prohibit the provision of persona wireless services. 47 U.S.C. § 332 (c)(7)(B)(II).

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- b. Antennae Co-location on existing PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- c. New Facility-Mounted PWSF, meeting applicable camouflaging and screening requirements
- d. New Roof-Mounted PWSF, meeting applicable camouflaging and screening requirements
- e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. ~~Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:~~

For the reasons described above, and because most households have 13 connected devices, with smartphones outnumbering tablets 6 to 1 PWSFs need to be near the citizens who most demand them in residential and apartment districts.

- a. Heavy commercial and manufacturing zoning districts
- b. Light commercial and special purpose zoning districts.
- c. Residential and apartment zoning districts.

SECTION 6. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection E that reads as follows:

- E. PWSF located in the NOS zoning district is prohibited.

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SECTION 7. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection F that shows the table attached to this ordinance as Exhibit “B”:

SECTION 8. Title 20 (zoning), chapter 20.22 (Nonconforming situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code is amended in its entirety to read as follows:

20.22.100 - Nonconforming PWSF.

A. A personal wireless service facility (PWSF) that was built in compliance with the city’s zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:

1. A modified or rebuilt PWSF must propose to have at least one additional antenna than that of the existing or pre-existing facility. If the PWSF is to be rebuilt, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;

2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility by more than 10% or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater;

The height should be allowed to be increased up to 25 feet further as allowed in 20. 10. 455 D.1.e.f.; 2.c.; and 3.c., as well as others set forth in that section, or to the height allowed by Federal law, whichever is greater. Allowing such facilities will allow greater signal propagation, thus reducing the overall number of facilities required to be built in the future.

3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility and must meet the minimum setback standards for the zoning district in which it is located;

4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;

5. All rebuilt ground-mounted PWSF shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color,

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modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;

6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;

7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and

8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.

C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).

D. Abandonment and Termination of a Nonconforming PWSF.

1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:

a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;

This should be 365 days – there may be technical, maintenance, casualty, or other reasons a PWSF may not be in use. A year is a

Comments provided with letter dated August 15, 2019 from Verizon Wireless

more reasonable amount of time to allow for non-use, unless requested to be longer.

- b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
- c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.

This period should also be 365 days. There may be legitimate regulatory, code, or technical reasons for the condition of the facility, and providers should be given a fair opportunity to correct such issues.

2. The owner of a ground-mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.

E. Property affected by right-of-way acquisition

3. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:

- a. The PWSF must have been legally permitted at the time of the initial placement; and
- b. Must be located to the remainder of the property or remain in its existing location; and
- c. Cannot be altered or enlarged; and
- d. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

SECTION 9. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED This ____ day of _____, 2019.

CITY OF EL PASO:

ATTEST:

Dee Margo, Mayor

***Comments provided with letter dated August 15, 2019
from Verizon Wireless***

Laura Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Omar A. De La Rosa
Assistant City Attorney

Philip Etiwe, Director
Planning and Inspections

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

EXHIBIT A

Appendix A - TABLE OF PERMISSIBLE USES

	Use	Residential													Commercial				Manufacturing					Special Purpose													Supplemental Standards	Accessory Uses Permitted to Specific Use			
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PM D***	S-D*	U-P**	P-RI*	P-RII**	P-C**	P-I**	SRR**	R-MU*			G-MU*	I-MU**	NO S
17.00 Towers & related structures																																									
17.01	Amateur & CB radio stations (federally licensed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; §20.10.020; § 20.10.070	
17.02	Personal Wireless Service Facility (PWSF), facility-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	D	D	D	D	D	D	D	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.455		
17.03	PWSF, ground-mounted	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	S	S	S	S	S	S	D	S	Z*	Z*	Z*	X	§ 20.10.010; § 20.10.020; § 20.10.455				
17.04	PWSF, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	D	D	D	D	D	D	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.455				
17.05	Radio broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	D	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.700			
17.06	Radio receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710		

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17.07	Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.590	
17.08	Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.200	
17.09	Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	D	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.700		
17.10	Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710	
17.11	Wind-driven electrical generator, pump	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.200

* In addition to the use being permitted through a Master Zoning Plan, the use is only allowed by an additional Special Permit with a detailed site plan approval in the respective zoning district obtained from the city council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.

- P = Use by right*
- D = Special purpose district*
- Z = Mixed use district*
- X = Not allowed*
- S = Use by special permit*
- A = Allowed by right when incidental to the use*

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

Exhibit B

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF				
1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
1.2	Setbacks	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards
	1.2.1	Additional Setback Standards for Ground Mounted PWSF	If abutting ROW or easement, the width of the ROW or easement may include in the setback measurement		
1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following: 1' of	Setbacks may be reduced with a special permit but not below the following: 1' of	N/A	N/A

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Increasing the setbacks reduces the number of compatible places to site a PWSF, particularly in more dense apartment districts. No safety reasons exists to have more than a 1 x 1 setback in any zone.

		setback per 1' of tower height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	setback per 1' of tower height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	<u>When height is proposed below height permitted in Section 1.6 below, setbacks may be reduced with a special permit but not below the following: the base zoning setback standards as permitted in Appendix B (Density and Dimensional Standards).</u>	<u>When height is proposed below height permitted in Section 1.6 below, setbacks may be reduced with a special permit but not below the following: the base zoning setback standards as permitted in Appendix B (Density and Dimensional Standards)</u>	
	1.3 .1	Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF	<p>Modifications to Required Setbacks must meet the following criteria:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas 			
1.4	Minimum separation (measured base of existing to base of proposed)	<u>1500'</u>	<u>1320'</u>	<u>1000'</u>	<u>1000'</u>	
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)	Minimum separation may be reduced with a special permit (see Section 1.5.1)	

Please see comments in Ordinance. The massive demand from citizens will require PWSFs to be closer together. Physics will simply not allow greater distances in order to meet the demand.

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from Verizon Wireless**

						<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; an <u>N/A</u></p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit</p>	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and</p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application. <u>N/A</u></p> <p style="text-align: center;"><i>Please see comments above.</i></p>
	1.5 .1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF	N/A	N/A			

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from Verizon Wireless**

					application.	
1.6	Maximum Height Permitted <u>by right with administrative approval by City Staff</u> (measured to top of steel)	<p>Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.</p> <p><u>Residential; average height of structures within 300', plus 25', except if the property on which the facility is to be placed is a non-residential use, then the height may be the maximum height allowed in the zone where the facility is to be placed, plus 25';</u></p> <p><u>Multi-family and residential apartment areas: The average maximum height of the multi-family residential and apartment area structures within 300' of the facility, plus 25';</u></p> <p><u>All other zoning areas: The greater of the maximum allowable height of the zone or the average maximum height of the structure within 300' of the facility, plus 25'.</u></p> <p><i>See comments above. The City's staff is very capable of determining height variances. Allowing staff to do so will allow the City to move efficiently and effectively meet federal "shot clock" rules – which require final decisions within 150 days of application.</i></p>				
1.7	Allowable Increases in Maximum Height Permitted	<p>15' 25' of additional height if the <u>structure is able to provide for collocation</u> applicant is collocating <u>of</u> a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.</p>				

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1. below)	Permitted (see Section 1.8.1. below)
1.8 .1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF	<p>Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15'^{25'}, when providing contracts or agreements and <u>designed and structurally engineered to accommodate</u> space for a total of three (3) carriers or agencies, when the following criteria are met:</p> <p style="text-align: center;"><i>We submit that the most important determination in this instance is the design and structural integrity of the facility. The contract/agreement is irrelevant to the public's analysis.</i></p> <p>i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and</p> <p>iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.</p>			

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

1.9	Camouflage and Screening	<p>i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man- made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility.</p> <p>ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area.</p> <p>iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.</p> <p>iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.</p> <p>vi. Landscaping shall comply with all code requirements for landscaping.</p>
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section <u>Section</u> 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section <u>Section</u> 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.13	Other Requirements Applicable to Ground Mounted PWSF	<p>The following must accompany a request for a special permit or building permit:</p> <ul style="list-style-type: none"> i. All towers located within two hundred (200) feet of a recognized federal, state<u>state</u> or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Section <u>Section</u> 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.15	Existing <u>Existing</u> non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF					
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline				
2.3	Allowable Increases in Maximum Height Permitted Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)
2.3.1	Additional Standards Applicable to permitted increases	<ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and 				



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		in Height for Roof-mounted PWSF	commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
2.4		Camouflage and Screening	i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.
2.5		Other Requirements	The following must accompany a request for a special permit or building permit: i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
2.6		Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
	3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure		
	3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20		
	3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas		
	3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>		
	3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <p>i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;</p> <p>ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and</p>		

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		<p>nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p> <p>iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.</p>
3.6	Collocation	<p>Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.</p>

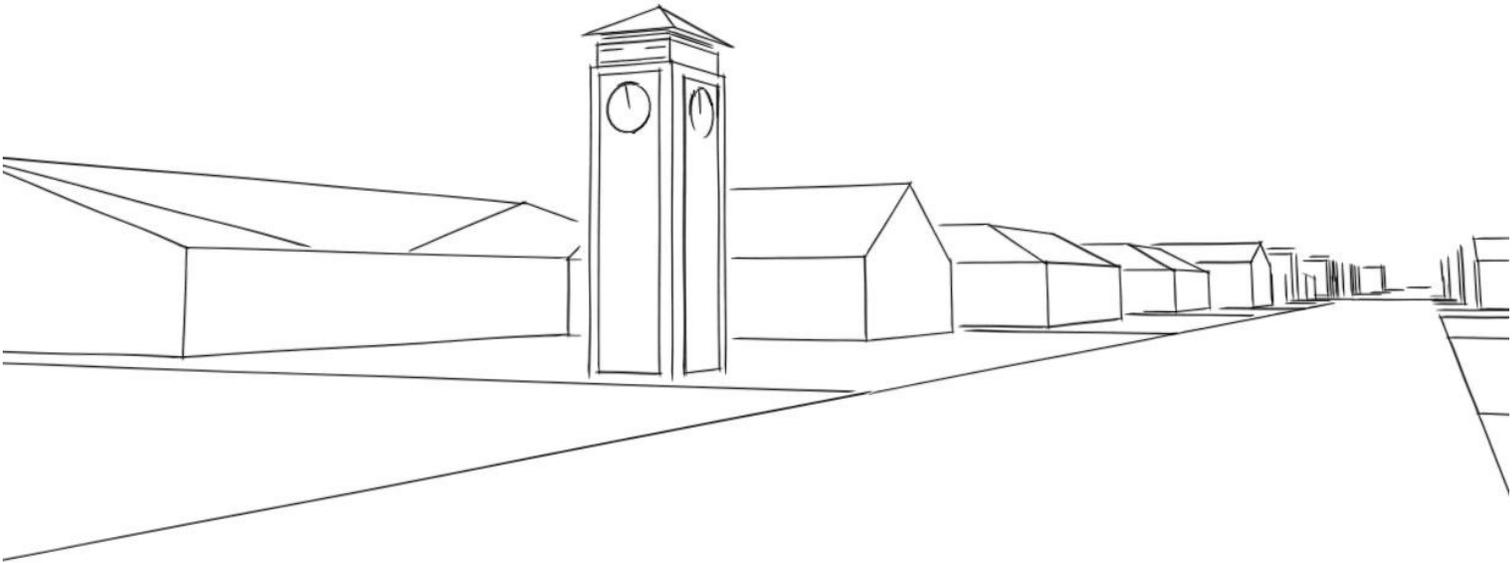
***Comments provided with letter dated August 15, 2019
from Verizon Wireless***

City of El Paso | 2019

PERSONAL WIRELESS SERVICE FACILITY (PWSF)

Policy Guide

***Comments provided with letter dated August 15, 2019
from Verizon Wireless***



Comments provided with letter dated August 15, 2019 from Verizon Wireless

1. Applicability

This document is to serve as a supplement to be used in conjunction with the applicable provisions of the City Code.

This document includes various depictions of acceptable designs, but does not encompass all potential alternatives which could be submitted. The guidelines are intended to provide the applicant, reviewing departments, advisory boards, and City Council with a basis for determining whether a proposed Personal Wireless Service Facility (PWSF) complies with the intent of the applicable code provisions.

2. Introduction

This document includes design guidelines which are intended to encourage co-location of personal wireless service facilities to minimize the visual impact on the City's landscape. The design guidelines contained in this document are intended to provide additional reference in support of 20.10.455, Personal Wireless Service Facilities, and may be amended by the Planning and Inspections Director or City Manager Designee.

3. Purpose

The purposes of these design guidelines are to assure a degree of predictability and consistency in the review process. These guidelines provide direction to service providers and their consultants in regard to the types of facilities that are encouraged and discouraged within the City of El Paso. Inclusive within these guidelines are various illustrations and depictions which are intended for illustrative purposes and are not intended to be reflective of all potential designs, solutions, or scenarios but rather a guide to use in the review process of applications for new facilities. The City recognizes the complexity and uniqueness inherent to these types of facilities and not all design guidelines will be applicable on all projects, and the guidelines are suggestive versus restrictive.

4. How to use the Policy Guide

Comments provided with letter dated August 15, 2019 from Verizon Wireless

This guide is to be used as a supplement for Staff, City Plan Commission, and City Council to formulate recommendations and make decisions on new PWSF applications. It is also meant to be used to provide more information to applicants to help them select the best location/ type of facility for their proposal. Section

20.10.455 of the El Paso City Code identifies the requirements that need to be followed in order to meet the zoning regulations, while the Policy Guide indicates the City's preferences on new facilities. When reviewing applications for new facilities, the following is a list of factors to be considered for approval of the request:

- **Location**
 - Preferred vs Not Preferred
- **Type**
 - Preferred vs Not Preferred
- **Scale and Context**
 - Appropriate vs. Inappropriate
- **Camouflaging**
 - Encouraged vs Discouraged

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

Location and Type Policies

*Please see comments to page 3 of 6 of
the Ordinance.*

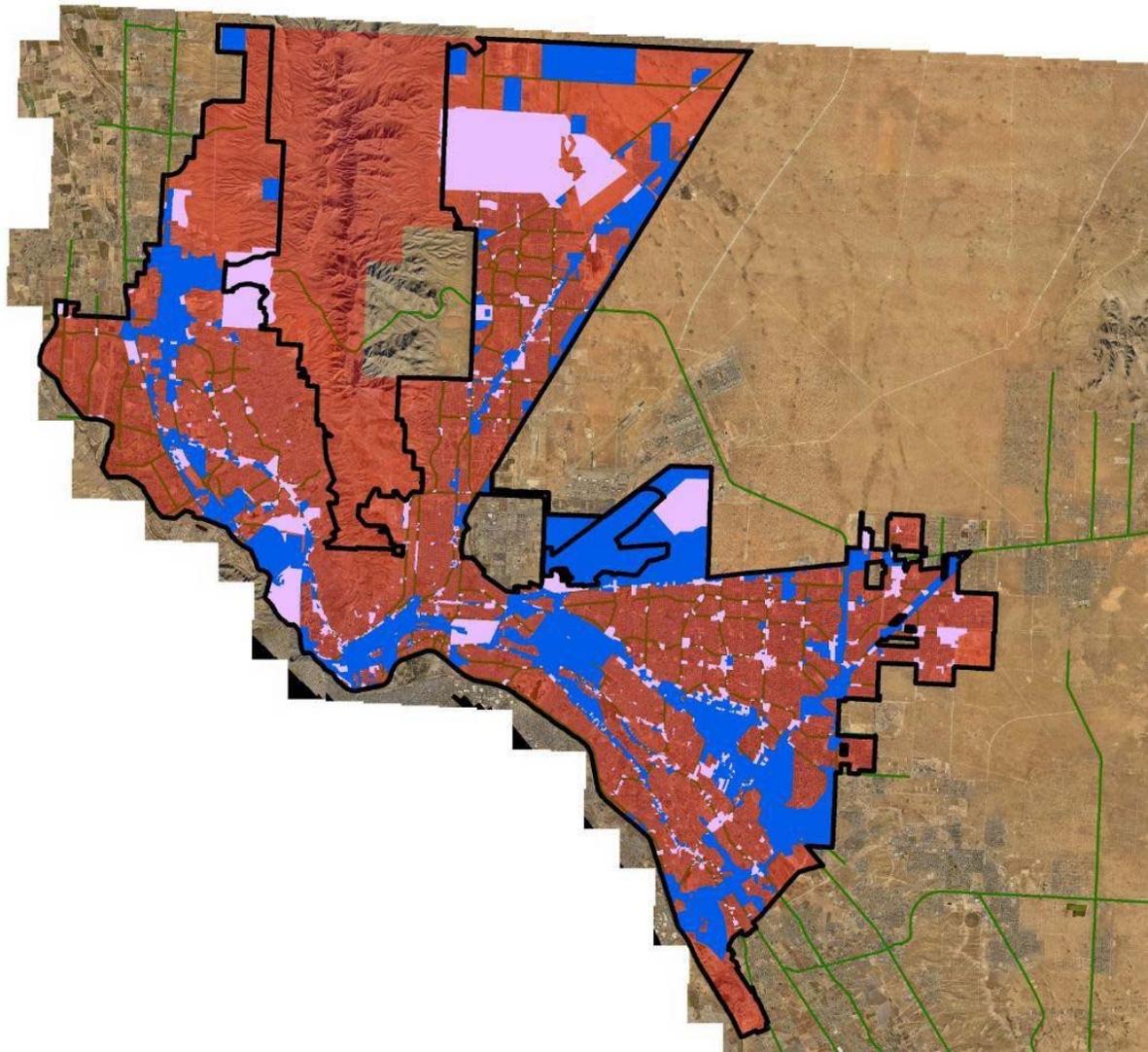
Preference Matrix



**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

Location Policies *Please see comments to page 3 of 6 of the Ordinance.*

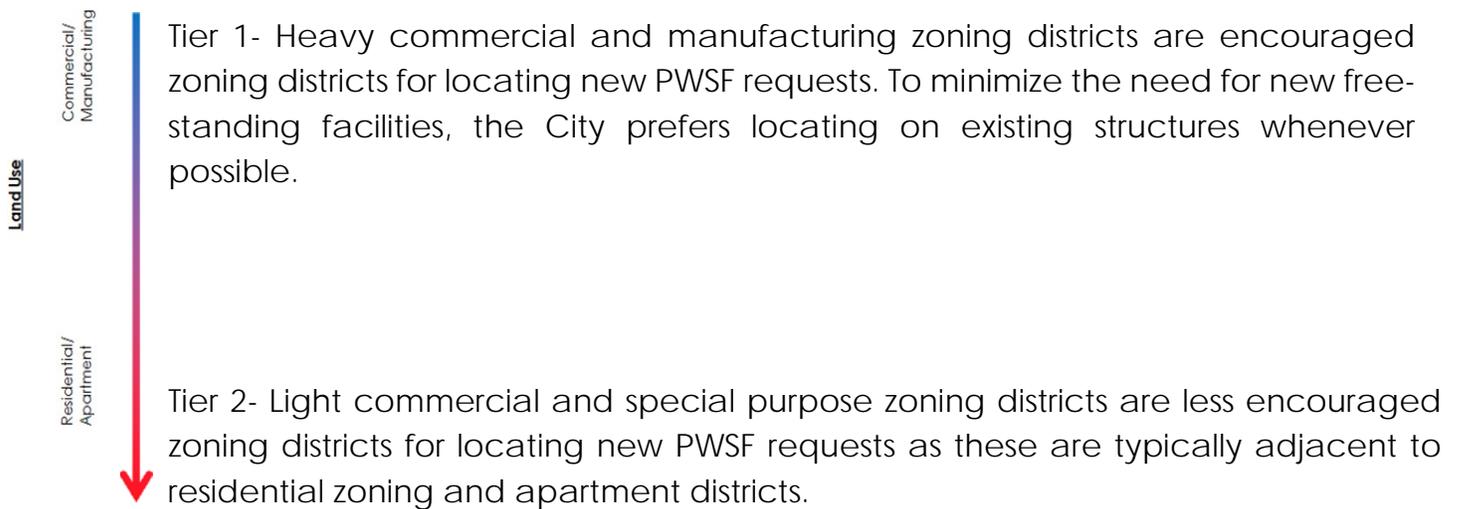
The location guidelines establish a location siting hierarchy for new proposed personal wireless service facility (PSWF) requests.



Comments provided with letter dated August 15, 2019 from Verizon Wireless



*This map is for illustrative purposes only and are not regulatory.



Tier 3- Residential and apartment zoning districts are locations that are not preferred by the City of El Paso and discouraged for new PWSF requests.

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from Verizon Wireless**

Type Policies

*Please see comments to p. 3 of 6
of the Ordinance.*

In addition and in-line with the location preferences, in descending order (from encouraged to discouraged) are the City's preferences for PWSF types are shown below:

1. Antennae Co-location on existing camouflaged PWSF (Facility, Roof, Ground-Mounted)
2. Antennae Co-location on existing PWSF (Facility, Roof, Ground-Mounted)
3. New Facility-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements
4. New Roof-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements

In all instances, a new ground-mounted facility is a discouraged type of PWSF and should be seen as a last resort for new requests.

5. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements

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In accordance with 20.10.455, a new ground-mounted facility should only be used when the following evidence has been provided by the applicant:

- An inventory of existing facilities within the area sought to be used which depicts the structures on which the facility may be able to locate (either facility or roof mounted) and an explanation on why these locations are not feasible.

This requirement will be burdensome to fulfill because a provider will not know all facilities in the area and should not be required to determine them. Further, the City will have this information in its own records by which it can analyze this issue.

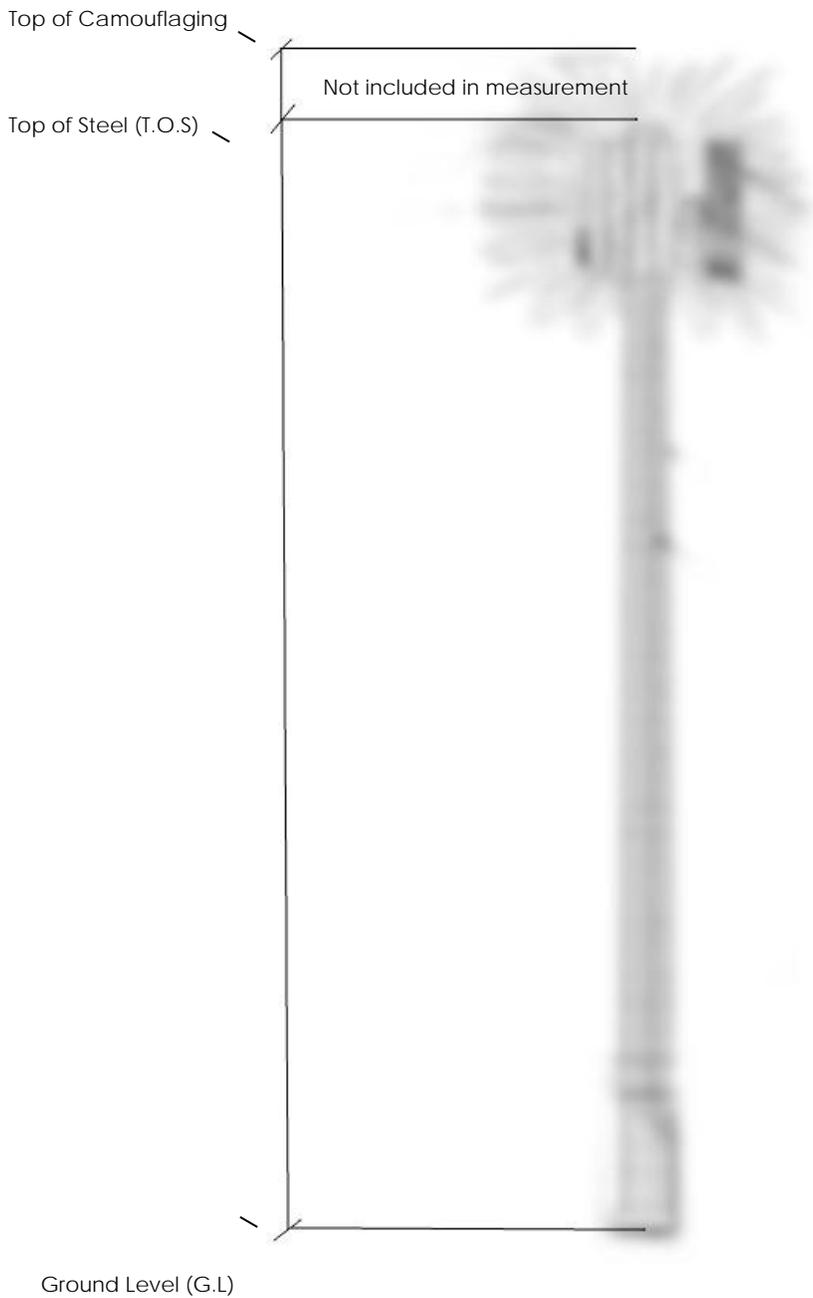
Evidence that would support why an existing facility cannot be used is as follows:

- The current structure cannot support additional facilities.
- The location will cause interference with existing facilities
- An existing ground mounted PWSF does not have the capacity for additional antenna and/or does not provide the required coverage needed.

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from Verizon Wireless**

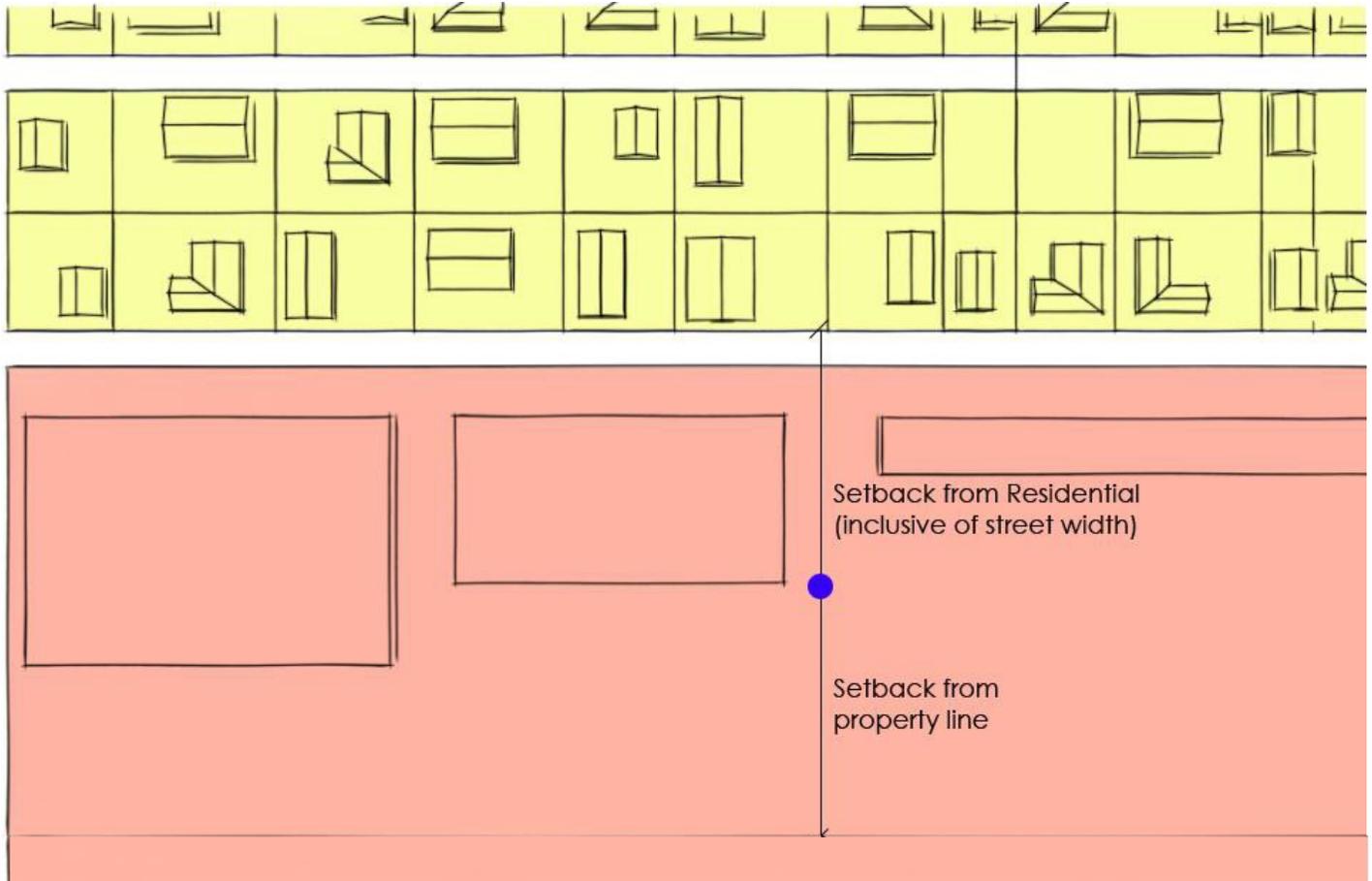
Measurements

- In order to determine height and setback requirements a PWSF will be measured from the ground level (G.L.) to the top of steel (T.O.S.). The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging.



Comments provided with letter dated August 15, 2019 from Verizon Wireless

- The setbacks of the PWSF shall be measured from the center point of the proposed tower. The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging. If abutting ROW or easement, the depth/width of the ROW or easement may be included in the setback measurement.



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- In order to verify if a special permit is required, the radius for PWSF separation shall be measured from the center point of the facility. This is to be verified with the database of PWSF from the City of El Paso and only applies to ground mounted facilities.



***Comments provided with letter dated August 15, 2019
from Verizon Wireless***
Camouflaging and Screening Guidelines

When reviewing new PWSF applications, items that will be taken into consideration, in addition to the location of the proposed facility, as it relates to camouflaging include:

- Scale and Context

- Visibility classification of facilities

- Types
 - Ground-Mounted
 - Roof Mounted
 - Facility Mounted

- Landscaping

- Screening

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

Scale and Context

A reasonableness standard should be inserted. There are circumstances where technical, topography, cost, or other considerations will require compromise on the design to place the facility such that there is no effective prohibition to the provision of personal wireless services. 47 U.S.C. § 332. This comment applies to all scenarios in this section.

All ground-mounted PWSF should be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible.

Before

After

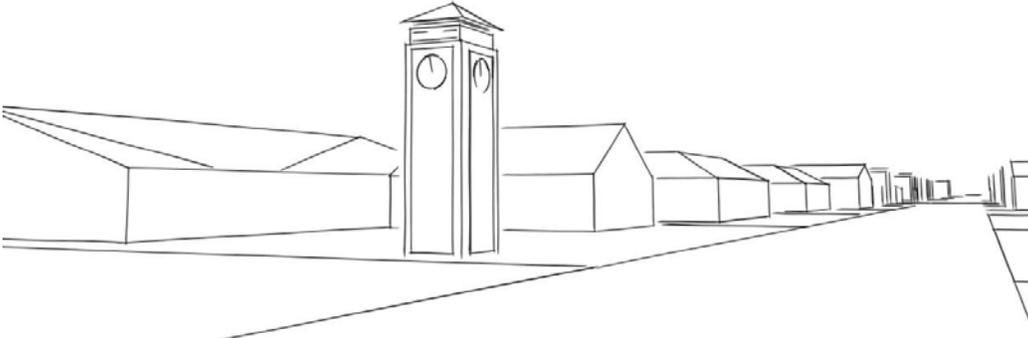


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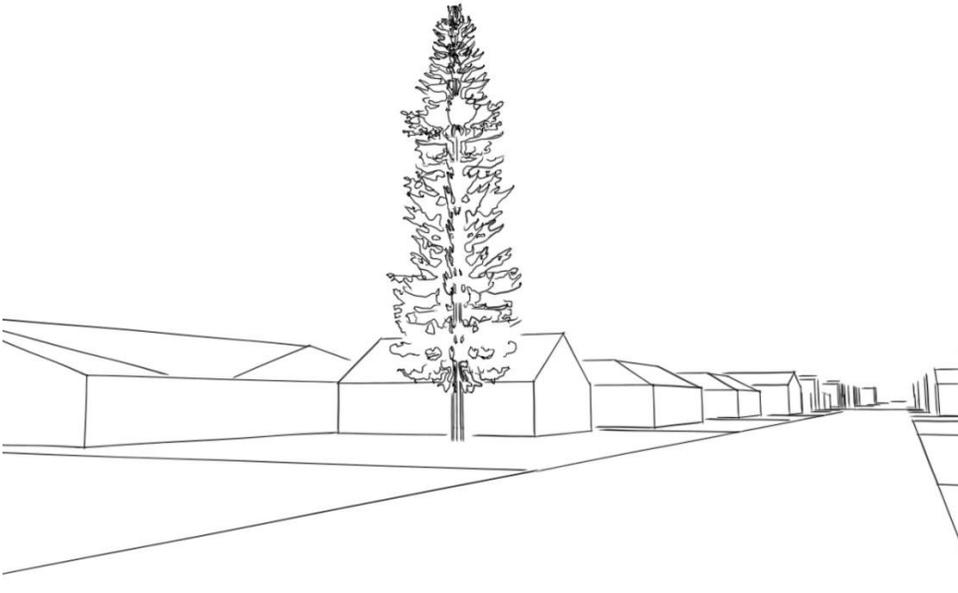


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Preferred (Residential scale)

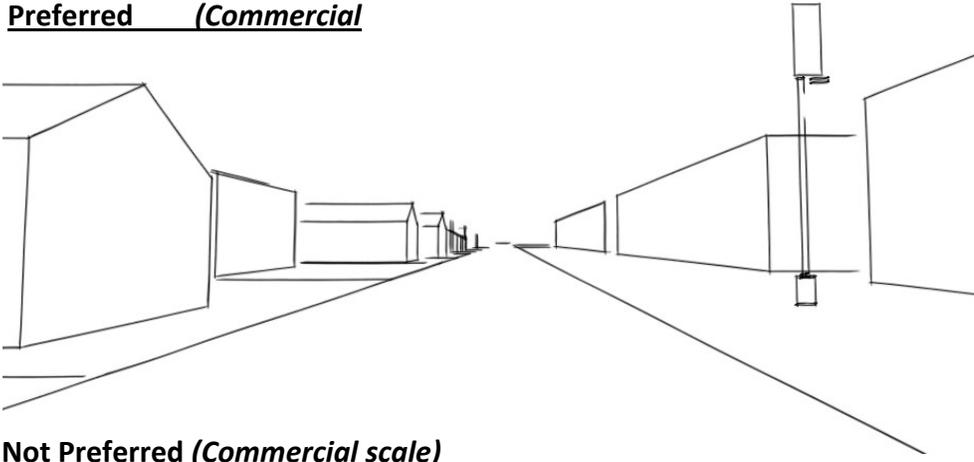


Not Preferred (Residential scale)

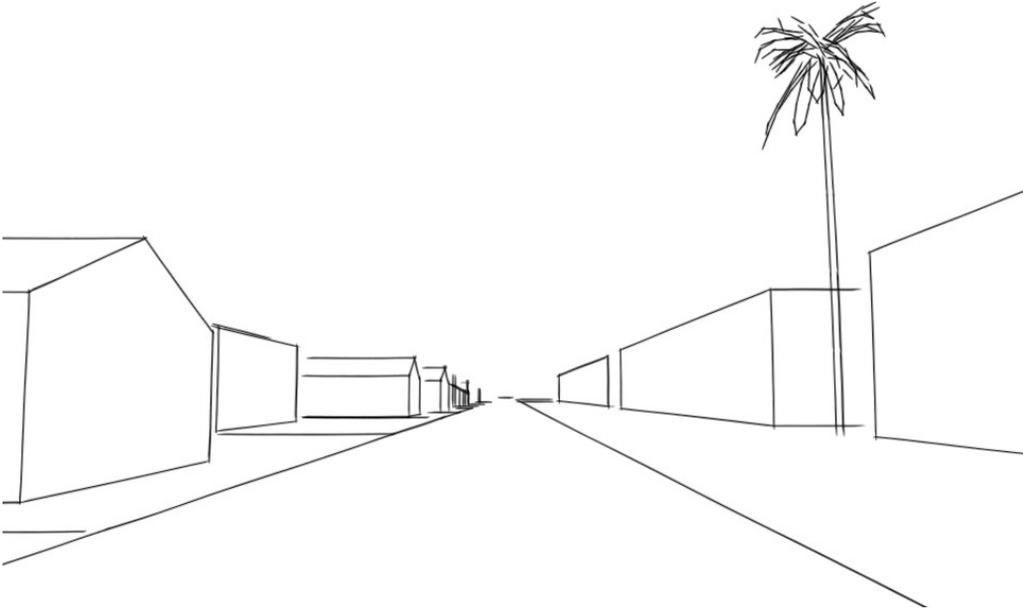


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Preferred (Commercial)



Not Preferred (Commercial scale)



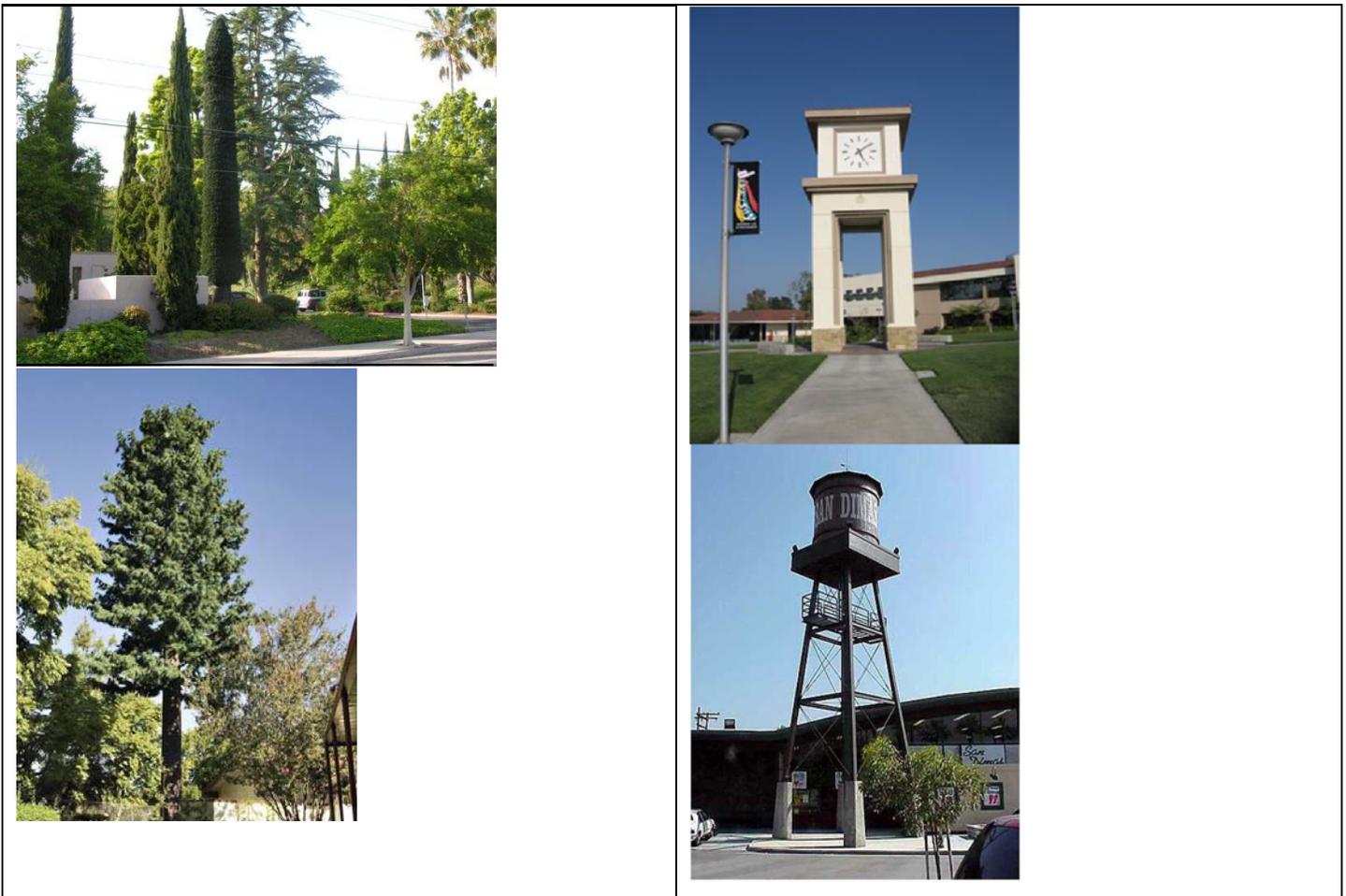
**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

(i) High Visibility



These examples are high visibility as they tend to be less compatible more and are encouraged for existing open space or parkland areas where they may blend more easily.

(ii) Low Visibility



These examples are low visibility as they tend to resemble permitted uses, are consistent with existing development and able to mimic community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.

**Comments provided with letter dated August 15, 2019
from Verizon Wireless
Ground-Mounted Facilities**

Ground-Mounted PWSF: man-made trees

- For locations where there is existing similar vegetation at or near the proposed site, camouflaging methods such as man-made palm trees or pine trees may be more appropriate. This would also be applicable to existing parks or open space where a tree will blend in more.

Discouraged



These examples are placed in a context where there is no existing vegetation around to assist in minimizing the visual impact of a new PWSF.

(b) Encouraged



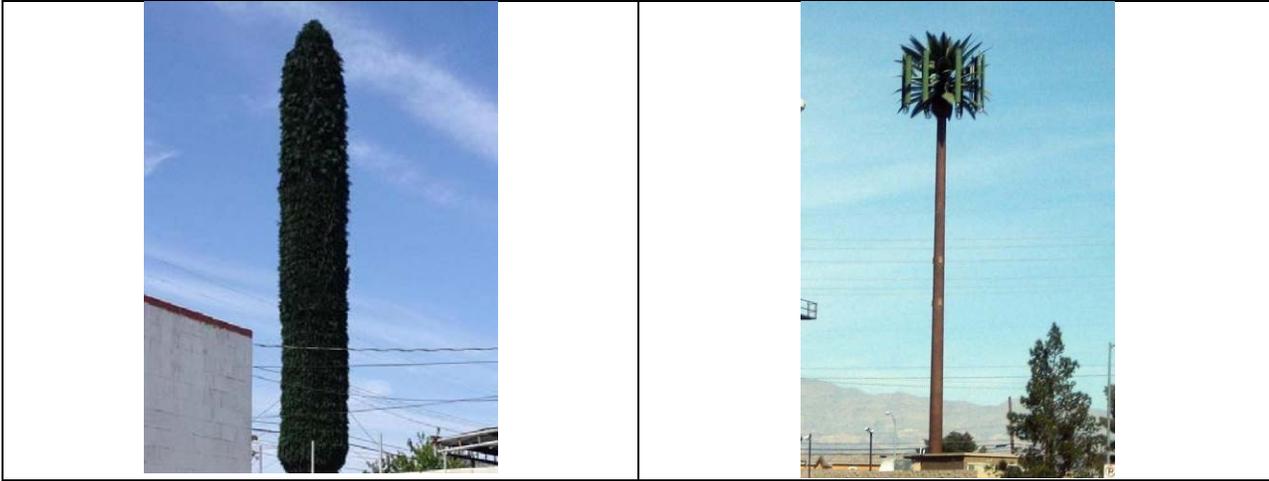
These examples blend in well with existing vegetation not only in material, but also in scale to the natural vegetation that already exists..

Comments provided with letter dated August 15, 2019 from Verizon Wireless

Ground-Mounted PWSF: within Residential areas

- For locations within or adjacent to residential neighborhoods, camouflaging methods such as bell towers, clock towers or water towers may be more appropriate to lessen the impact on nearby residents. These should resemble structures associated with uses that are already permitted in the underlying zoning districts (i.e. churches, schools, etc.) to better blend into existing and future development.

Discouraged



These facilities, while appropriate in the right context, appear to stand out and are not consistent with the scale and development of area.

Encouraged



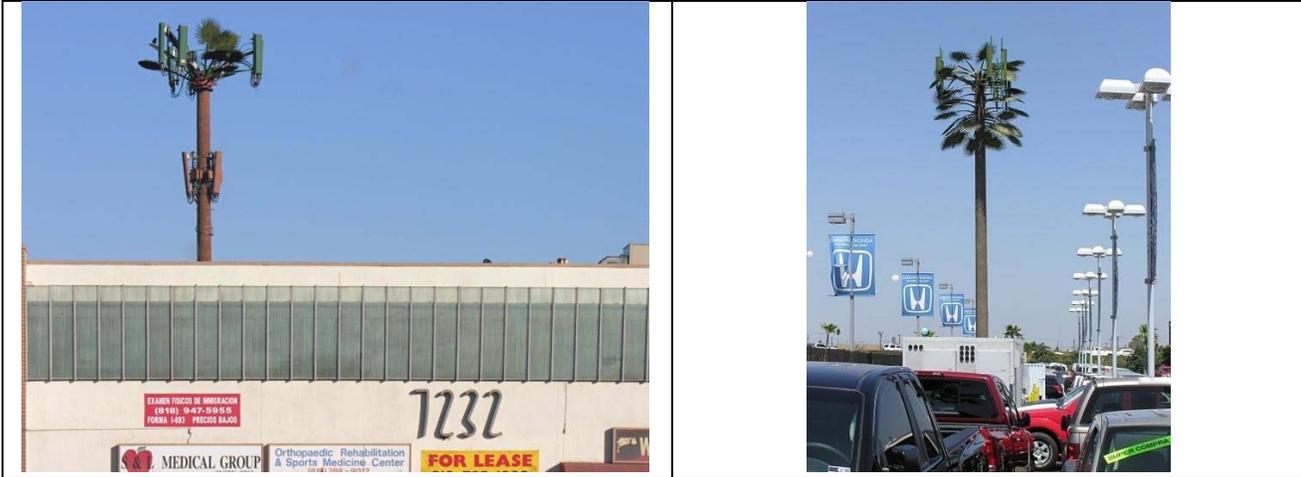
The facilities above blend in more naturally with the adjacent development and do not appear drastically out of place with the existing permitted uses of the underlying zoning district.

Comments provided with letter dated August 15, 2019 from Verizon Wireless

Ground-Mounted PWSF: within Commercial areas

- For locations within commercial or manufacturing areas, camouflaging methods such as light poles, flag poles, public art, or structures similar to existing buildings may be more appropriate. These should resemble existing uses, structures, and amenities found in commercial developments.

Discouraged



The facilities although camouflaged do not blend in to the surrounding landscape and are placed in commercial areas where no other trees around to assist in blending them into their surroundings. Other designs may have been more appropriate given their context.

Encouraged



The facilities above blend in more naturally with a commercial setting and serve a purpose other than just a PWSF and resemble amenities typically found with commercial uses.

**Comments provided with letter dated August 15, 2019
from Verizon Wireless
Roof Mounted Facilities**

- Roof mounted PWSF are to be designed to blend in with the existing structure to which it is attached when the roof of the main structure is 35' or below. This can be achieved by shielding it with a sheath to disguise it as a chimney or vent, adding a new parapet to the existing structure, or changing its color to match existing structural projections.

Discouraged



The roof mounted facilities above should be located behind the parapet to completely screen them from below or screened by a different method when possible.

Encouraged



The roof mounted facilities above added screening to make them blend in to the structure in which they are attached to make them appear they have always been a part of the structure.

Comments provided with letter dated August 15, 2019
from Verizon Wireless
Facility Mounted Facilities

- Facility mounted PWSF are to be designed to blend in with the existing structure to which it is attached. This can be achieved by changing its color, shielding it with a sheath to disguise it as an architectural accent or placing it behind existing structural projections.

Discouraged



The facilities above are not located behind any structure or façade nor are they painted to blend in with the structure to which it is attached.

Encouraged



The facilities above are painted and enclosed within sheaths which match the structures to which they are attached and only project a small distance from the structure.

Landscaping

- Additional landscaping may be required in areas where there is an opportunity to camouflage equipment or assist in the camouflaging method chosen.

Discouraged



The placements of these facilities do not lend themselves to the placement of additional landscaping to screen equipment.

Encouraged



The locations of these facilities allow them to be placed in the context of existing vegetation while also allowing new landscaping to be added.

Comments provided with letter dated August 15, 2019 from Verizon Wireless

Screening

- Screening and fencing is required around all ground equipment. This may be provided around both the freestanding structure, or just around the equipment, depending on the location and camouflaging method chosen.

Discouraged



The ground equipment is not screened with a rockwall or wrought-iron fence and no additional landscaping is provided to screen the equipment.

Encouraged



The equipment is move to the edge of the property and screened to blend into the surroundings, as well as another screening example where it is incorporated into the design to blend in.

ADOPTED This _____ day of _____ 2019.

APPROVED: _____

Philip F. Etiwe, Director
Planning and Inspections

Comments provided with letter dated August 15, 2019 from Verizon Wireless

20.04.520 – Notice

Where a public hearing is required by State law, notice shall be given in the manner specified below:

- A. Content of Notice. Required mailed notices and notices by publication shall include the date, time, and place of the hearing, a description of the subject matter of the hearing and the body holding the hearing. The mailed notices shall be in the form of a standard letter or a postcard and shall include the information in both English and Spanish. The postcard shall be a minimum size of 5.5 inches by 8.5 inches. Required on-site posting of notice shall be as specified in subsection B.2.d. of this section.
- B. Provision of Notice. Notice will be given in the following manner and as per Chapter 2.102 of this Code, as applicable:
 1. In all cases, by mail to the applicant, or owner of the property that is subject of the application, if different;
 2. On applications for special permits, amendments to zoning conditions and amendments to the district map, additional notice shall be given as follows:
 - a. Notice of hearing before the city plan commission shall be given to all owners of real property by mail, as indicated by the most recently approved municipal tax roll within three hundred feet of the lot line of the subject property.
 - i. In addition to notice given to the owners of the real property within three hundred feet of the lot line of the subject property, if a multifamily dwelling is located on any parcel of real property within the three hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within five hundred feet of the lot line of the subject property.

Verizon Wireless asks that the notice requirement be to a radius of 300 feet from the proposed facility. No basis is articulated as to why there is a separate 500 foot notice, or why there is a distinction between 300 and 500 feet. The cost of notice more than doubles when the radius is increased, and is unreasonable.

- i. In addition to notice given to the owners of the real property within five hundred feet of the lot line of the subject property, if a multifamily dwelling unit is located on any parcel of real property within the five hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - ii. The applicant for a special permit, an amendment to zoning conditions, or an amendment to the district map involving a public utility facility is responsible for providing the required notice and for all costs of providing the required notice. The applicant shall provide written documentation to the city that the required notices have been provided unless the applicant has requested that the city provide the notices of the hearing and reimburses the city for all its expenses upon receipt of a city invoice.
 - c. Notice of hearing before the city council shall be given as follows:
 - i. On first reading—by publication in a newspaper of general circulation in the city not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).
 - ii. The published notice shall contain:
 1. The name of the property owner(s) requesting the special permits, amendments to zoning conditions, or amendments to the district map;

from Verizon Wireless

Use	Residential																Commercial					Manufacturing			Special Purpose											Supplemental Standards					
	R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PMD****	S-D**	U-P**	P-R I**	P-R II**	P-C**	P-I**	SRR**	R-MU**		G-MU**	I-MU**	NOS	URD	
17.00 Towers & related structures																																									
17.01 Amateur & CB radio stations (federally licensed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.070
17.02 Personal Wireless Service Facility (PWSF), facility-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455	
17.03 PWSF, ground-mounted	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	PS	PS	PS	P	P	P	P	P	P	P	S	S	DS	S	S	S	DS	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455	
17.04 PWSF, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455		
17.05 Radio broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700		
17.06 Radio receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.710
17.07 Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.590
17.08 Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.200
17.09 Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700			
17.10 Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.710	

Comments provided with letter dated August 15, 2019 from Verizon Wireless

20.10.455 - Personal wireless service facilities.

- A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be operable in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.
- B. Certification. All owners of PWSF currently in existence as of the date of the passage of the ordinance codified in this chapter shall certify in writing, no later than thirty days after the passage of the ordinance codified in this chapter, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of each PWSF and any other pertinent information, excluding proprietary information, required on the form prescribed by the development services department.

This requirement is, respectfully, an unnecessary burden as each PWSF already constructed was built in accordance with City guidelines and permits, and the provider must already continue to ensure the PWSF complies and is safe. Adding continuous costs creates a regulatory structure which disincentivises deployment of PWSF and becomes an effective prohibition of personal wireless services in violation of 47 U.S.C. § 332(c)(7)(B)(II).

Thereafter, for all such PWSF and additionally for all new PWSF installed and constructed after the date of passage by the ordinance codified and permitted in accordance with this chapter, the owner shall certify in writing, annually no later than January 31, beginning in 2008, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of the PWSF, and any other pertinent information, excluding proprietary information, required on the form prescribed by the building official.

The person who constructed the PWSF, the person who operated the PWSF or the owner of record must notify the zoning administrator of any change in the information or status of the PWSF as stated in the certification within thirty days after such change.

Please see comment above.

- C. Removal. For any PWSF constructed after the date of this chapter, if the PWSF is not used to transmit, receive or relay voice and data signals to or from wireless communication devices for a period of six months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility or by the property owner within eighteen months from the time the PWSF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

Please see comment on page 5 of 6 of the Ordinance. The six months should be increased to 12 months as there are good reasons a facility may not be operable.

Comments provided with letter dated August 15, 2019 from Verizon Wireless

If the use of the PWSF has not been restored within an eighteen-month period from the time the PWSF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the PWSF must be removed and the PWSF site restored to its original or better condition, at the property owner's expense.

For any PWSF in existence but not listed as operable on the certification form as of the date of the passage of the ordinance codified in this chapter, the owner shall have eighteen months from the date of certification in which the PWSF must be made operable. If the PWSF is not operable within eighteen months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be removed by the person who constructed the facility, by the person who operated the facility or by the property owner within six months after the aforementioned time period expires. The PWSF site must be restored to its original or better condition, at the property owner's expense.

- ~~D. PWSF located in residential and apartment districts (including RF, SRR, PR-1, PR-2, & PMD) shall comply with the following:~~
- ~~1. Ground-mounted PWSF antenna support structures and appurtenant equipment storage facilities are permitted by special permit with the following restrictions:~~
 - ~~a. Setbacks.~~

Comments provided with letter dated August 15, 2019 from Verizon Wireless

- ~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PWSF antenna support structure base.~~
- ~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~
- ~~b. Modified Setbacks. The setback set forth in subsection (D)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~~~
- ~~e. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (D)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~d. Modified Separation Between PWSF Antenna Support Structures. The separation distance between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~~~

Comments provided with letter dated August 15, 2019 from Verizon Wireless

- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- ~~e. Height Restriction. PWSF antenna support structures and appurtenant antennas shall not exceed seventy five feet in height, except as provided in subsection (D)(1)(f).~~
- ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure, then the maximum height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred feet.~~
- ~~g. Camouflage and Screening.
 - ~~i. All ground-mounted PWSF located in residential and apartment zoning districts shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~~~
- ~~h. Other Requirements. The following must accompany a request for a special permit:
 - ~~i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;~~
 - ~~ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety degree angles for a full three hundred sixty degree radius, shown to scale.~~~~

Comments provided with letter dated August 15, 2019 from Verizon Wireless

- ~~i. Screening Fence. A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
- ~~j. Access Driveway. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
- ~~k. Increase in Elevation on Existing PWSF Antenna Support Structure. An increase in elevation, not to exceed a maximum height of one hundred feet, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
2. ~~Roof-mounted PWSF antenna support structures with appurtenant antennas and equipment storage facilities are permitted with the following restrictions:~~
 - ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on those residential structures consisting of five or more units or on nonresidential structures;~~
 - ~~b. Height Restriction. Roof-mounted PWSF antenna support structures and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property on which the PWSF is located abuts a residential zoning district the PWSF shall not exceed ten feet in height above the existing roofline.~~
 - ~~c. Modified Height Restriction. The height of a roof-mounted PWSF antenna support structure on property abutting a residential zoning district may be increased by special permit application, but not above thirty feet measured from the existing roofline, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
 - ~~d. Camouflage and Screening.
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~~~

Comments provided with letter dated August 15, 2019 from Verizon Wireless

- ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit or special permit:
 - ~~i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;~~
 - ~~ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~~~
- ~~f. Increases in Elevation on Existing PWSF Antenna Support Structure. Increases in elevation, not to exceed thirty feet measured from the existing roofline, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~3. Facility-mounted PWSF antennas and appurtenant equipment storage facilities are permitted subject to the following restrictions:
 - ~~a. Where Permitted. Antennas may only be mounted on a functioning facility structure whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~
 - ~~b. Height Restriction. Facility-mounted PWSF shall not exceed one hundred feet in height, which shall include the height of the facility structure. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use and the new facility structure shall not exceed the greater of the existing facility structure's height or one hundred feet in height.~~
 - ~~e. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five additional feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty-five feet, which shall include the height of the facility structure.~~~~

Comments provided with letter dated August 15, 2019 from Verizon Wireless

- ~~d. Facility-mounted PWSF shall be painted to integrate and blend with the facility structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~
 - ~~f. Collocation. Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~~~
- ~~E. C-1, C-2 and P-C Commercial Districts, S-D Special Development.
 - ~~1. Ground mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - ~~a. Setbacks.
 - ~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PSWF antenna support structure base.~~
 - ~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~~~
 - ~~b. Modified Setbacks. The setback set forth in subsection (E)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the~~~~~~~~

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~~applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~

- ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~
- ~~e. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (E)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~d. Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- ~~e. Height Restriction. Ground-mounted PWSF antenna support structures shall not exceed seventy-five feet in height, except as provided in subsection (E)(1)(f).~~
- ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure shall not exceed one hundred feet.~~
- ~~g. Camouflage and Screening.
 - ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty~~~~

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percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

- ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~
 - ~~h. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the PWSF antenna support structure, antennas and equipment in relation to the surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available upon request;~~
 - ~~iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iv. The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
 - ~~i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
 - ~~j. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
 - ~~k. Increase in Elevation on Existing PWSF Antenna Support Structure. Increase in elevation, not to exceed one hundred feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~~~~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
- ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~

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- ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that, when abutting a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (E)(2)(c).~~
 - ~~e. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~~~
- ~~d. Camouflage and Screening.
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:~~

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- ~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including fencing, screening and camouflage; and~~
- ~~ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
- ~~f. Collocation. Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~3. Facility mounted PWSF antenna and equipment storage facilities are permitted subject to the following restrictions:~~
 - ~~a. Where Permitted. PWSF may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~
 - ~~b. Height Restriction. Facility-mounted PWSF shall not exceed one hundred feet in height, which shall include the height of the facility structure. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred feet in height.~~
 - ~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty-five feet, which shall include the height of the facility structure.~~
 - ~~d. Facility-mounted PWSF shall be painted to integrate and blend with the existing facility structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
 - ~~f. Collocation. Collocation or installation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~F. C-3, C-4 and C-5 Commercial Districts:~~
 - ~~1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~

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- a. ~~Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
- b. ~~Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (F)(1)(c). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- c. ~~Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - i. ~~The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ii. ~~The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - iii. ~~The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - iv. ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - v. ~~The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- d. ~~Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred twenty-five feet in height, except as provided in subsection (F)(1)(e) or (F)(1)(f).~~
- e. ~~Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet.~~
- f. ~~Special Permit for Additional Height in C-3 and C-4 Commercial Districts Only. The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - i. ~~The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~~~

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- ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
- ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
- ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~g. Camouflage and Screening.~~
 - ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic Surfaces Shall be Painted to Reduce Glare and Reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~
- ~~h. Other Requirements. The following must accompany a request for a building permit or special permit:~~
 - ~~i. A detailed plan showing the PWSF antennas support, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant;~~
 - ~~iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iv. The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall~~

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~~review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~

- ~~i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the building official of a structural recertification report prepared and sealed by a licensed professional engineer.~~
 - ~~j. The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the building official.~~
 - ~~k. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
- ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~
 - ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property abuts a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (F)(2)(c).~~
 - ~~c. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure and appurtenant antennas may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~~~~~

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- ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~d. Camouflage and Screening.~~
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:~~
 - ~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
- ~~f. Increase in Elevation. Increase in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~3. Facility mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~
 - ~~a. Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~
 - ~~b. Height Restriction. New facility-mounted PWSF shall not exceed one hundred twenty-five feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred twenty-five feet in height.~~
 - ~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty-five feet, which shall include the height of the facility structure.~~

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- ~~d. Facility Mounted PWSF Shall be Painted to Integrate and Blend with the Facility Structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the building permits and inspections division that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
 - ~~f. Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- G. ~~M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts).~~
- ~~1. Ground mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - ~~a. Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
 - ~~b. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (G)(1)(c) of this section. Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
 - ~~c. Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on~~~~~~

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~~the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~

- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- ~~d. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet in height, except as provided in subsection (G)(1)(e) or (G)(1)(f) of this section.~~
- ~~e. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred seventy-five feet.~~
- ~~f. Special Permit for Additional Height. The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
- ~~g. Camouflage and Screening.
 - ~~i. Camouflage is required for any ground-mounted PWSF. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~~~

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- ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
- ~~iv. Landscaping shall comply with all code requirements for landscaping.~~
- ~~h. Other Requirements. The following must accompany a request for a building permit or special permit:
 - ~~i. A detailed plan showing the PWSF antenna support, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street; and,~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~~~
- ~~i. The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~
- ~~j. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel.~~
- ~~k. The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the building official.~~
- ~~l. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~
 - ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when abutting a residential zoning district it shall not exceed ten feet in height above the existing roofline.~~
 - ~~c. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure and appurtenant antennas may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:~~~~~~

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- ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~d. Other Requirements. The following must accompany a request for a building permit:~~
- ~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
- ~~e. Increases in Elevation on Existing PWSF Antennae Support Structure. Increases in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~3. Facility-mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~
- ~~a. Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as an PWSF antenna support structure;~~
 - ~~b. Height Restriction. New facility-mounted PWSF shall not exceed one hundred fifty feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred fifty feet in height;~~
 - ~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred seventy-five feet, which shall include the height of the facility structure;~~
 - ~~d. Camouflage and Screening;~~
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of~~

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~~this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~

- ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the development services department that the applicant has the permission from the structure owner to install the antennas(s) on the structure.~~~~
- ~~f. Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

H. PWSF located in the NOS zoning district is prohibited.

D. Proposed PWSF Siting and location Hierarchy Preferences.

Please see comments on page 3 of 6 to the Ordinance.

1. The following list indicates the City's preferences for facility locations, in descending order of preference. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- b. Antennae Co-location on existing PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- c. New Facility-Mounted PWSF, meeting applicable camouflaging

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and screening requirements

d. New Roof-Mounted PWSF, meeting applicable camouflaging and

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screening requirements

e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

a. Heavy commercial and manufacturing zoning districts

b. Light commercial and special purpose zoning districts.

c. Residential and apartment zoning districts.

E. PWSF located in the NOS zoning district is prohibited.

F.

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This is a duplicate. Please see comments on other chart.

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF					
	1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
	1.2	Setbacks	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards
	1.2.1	Additional Setback Standards for Ground Mounted PWSF	If abutting ROW or easement, the width of the ROW or easement may included in the setback measurement			
	1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower	N/A	N/A

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		height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)		
	1.3 .1	Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF	<p>Modifications to Required Setbacks must meet the following criteria:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas 		
1.4	Minimum separation (measured base of existing to base of proposed)		One-half mile		
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)	Minimum separation may be reduced with a special permit (see Section 1.5.1)

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					<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <ul style="list-style-type: none"> i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to 	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <ul style="list-style-type: none"> i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.
	1.5 .1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF	N/A	N/A		

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					<p>reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and</p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.</p>	
1.6	Maximum Height Permitted (measured to top of steel)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.				
1.7	Allowable Increases in Maximum Height Permitted	15' of additional height if the applicant is collocating a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.				
1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1. below)	Permitted (see Section 1.8.1. below)	

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	1.8 .1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF	<p>Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15', when providing contracts or agreements and space for a total of three (3) carriers or agencies, when the following criteria are met:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
1.9		Camouflage and Screening	<ul style="list-style-type: none"> i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man- made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility. ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area. iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact. iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

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		<p>v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.</p> <p>vi. Landscaping shall comply with all code requirements for landscaping.</p>
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official
1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

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1.13	Other Requirements Applicable to Ground Mounted PWSF	<p>The following must accompany a request for a special permit or building permit:</p> <ul style="list-style-type: none"> i. All towers located within two hundred (200) feet of a recognized federal, state or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.15	Existing non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.

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			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF					
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline				
2.3	Allowable Increases in Maximum Height Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	
2.3.1	Additional Standards Applicable to	<ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and 				

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		permitted increases in Height for Roof-mounted PWSF	commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
2.4		Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>
2.5		Other Requirements	<p>The following must accompany a request for a special permit or building permit:</p> <p>i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;</p> <p>ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p> <p>iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.</p>
2.6		Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

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		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
	3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure		
	3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20		
	3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas		
	3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>		
	3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <p>i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;</p> <p>ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p>		

**Comments provided with letter dated August 15, 2019
from Verizon Wireless**

		iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.
3.6	Collocation	Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

Comments provided with letter dated August 15, 2019 from Verizon Wireless

20.22.100 - Nonconforming PWSF.

- A. A personal wireless service facility (PWSF) that was built in compliance with the city's zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:
1. A modified or rebuilt PWSF ~~must should propose to~~ must propose to have at least one additional antenna ~~no larger in size than the antennas than that on of~~ on or of the existing or pre-existing facility. If the PWSF ~~has been rebuilt is to be rebuilt~~, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;
 2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility by more than 10% or the height limitation of Section 20.0810.455 (Personal wireless service facilities), whichever is greater;
 3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility. ~~If a tower and must meet the minimum setback standards for the zoning district in which it is located;~~
 4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;
 5. All rebuilt ground-mounted PWSF ~~located in and/or abutting residential and apartment zoning districts shall be camouflaged~~ shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;
 6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing ~~or pre-existing~~ facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;
 7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and
 8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

Comments provided with letter dated August 15, 2019 from Verizon Wireless

- B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.
- C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).
- D. Abandonment and Termination of a Nonconforming PWSF.
 - 1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:
 - a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;
 - b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
 - c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.
 - 2. The owner of a ground-mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.
- E. Property affected by right-of-way acquisition
 - a. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:
 - i. The PWSF must have been legally permitted at the time of the initial placement; and
 - ii. Must be located to the remainder of the property or remain in its existing location; and

or enlarged; and
 - iv. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

(Ord. 16653 § 2 (part), 2007)

Howell, Jeffrey B.

From: Flake, Kent <Kent.Flake@crowncastle.com>
Sent: Monday, August 19, 2019 4:32 PM
To: Howell, Jeffrey B.; Hoffman, Alex P.; District #1; District #2; District #3; District #4; District #5; District #6; District #7; District #8; Mayor; City Attorney; Etiwe, Philip F.; Smith, Kevin W.
Cc: 'mwilliams@shermanhoward.com'; Bebb Francis; 'john.tyke2@vzw.com'; Schenk, Travis; September, Scott; Dale Shumaker; Adam.Fink@VerizonWireless.com; Nicholas Caezza; Ramirez, Ricardo; nick.magnone@verizonwireless.com; Stannard, Richard; mark@marksmithpublicaffairs.com; Harry, Scott
Subject: Letter to El Paso Mayor and City Council - Against the Proposed Amendment to the Wireless Ordinance
Attachments: El Paso Wireless Ordinance_A Letter From Crown Castle_08.19.19.pdf

Good Afternoon,

Please see the attached letter which expresses Crown Castle's concerns regarding the proposed amendment to the wireless ordinance which will be presented to the El Paso City Council, tomorrow, August 20, 2019.

Thanks you,

Kent Flake

Real Estate Specialist

T: 480-735-6951 | M: 480-202-1669

Crown Castle

2055 S. Stearman Drive Chandler, AZ 85286

CrownCastle.com

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Chandler, AZ 85286

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Fax Fax#

www.crowncastle.com

August 19, 2019

Honorable Mayor Dee Margo
Members of City Council
300 N. Campbell
El Paso, Texas 79901

Dear Mayor and Council,

Nearly two years ago on October 3, 2017, a colleague and I traveled to El Paso to speak before the City Council. We found out late in the game that an amendment to El Paso's wireless ordinance was coming before the council on that date, so we appeared to ask for the amendment to be tabled to allow for industry input into the amendment. The council took no action that day and asked staff to conduct additional outreach.

Over the next several months we arranged and attended a couple of meetings between industry professionals and planning staff. Representatives from Crown Castle, the Texas Wireless Association, T-Mobile, and Verizon were present at each meeting. Industry professionals were particularly concerned about height restrictions, tower separation requirements, setback requirements, and parcel size restrictions, and how each of these would affect siting of towers in the future. We passed around various iterations of the proposed ordinance and were able to come up with language that more appropriately recognized the science of radio frequency waves and balanced the City's need to protect the aesthetics of El Paso. Neither side was completely satisfied with the resulting document, but we felt the proposed changes were a fair compromise and would be beneficial to the City, its citizens, and the wireless industry.

All of that changed on November 7, 2018 when industry professionals were summoned to El Paso to meet with Mayor Margo, the City Attorney, and members of the planning staff. At considerable cost and effort by all involved, we put together what may be the largest contingent of industry professionals that had ever been assembled in El Paso. We thought this would be a great opportunity to share some of our concerns with the Mayor and make further inroads into making the proposed amendment more wireless friendly. Imagine our surprise when the Mayor informed us that El Paso had decided to scrap the results of 13 months of collaboration between the wireless industry and planning staff and go back to the original proposed amendment from October 2017. It remains a mystery as to why the Mayor took that approach and why the collaborative effort up to that date was being discarded.

The proposed amendment is an amalgamation of portions of wireless code from many other jurisdictions. While we deal with these kinds of restrictions in many of the jurisdictions in which we work, no one city has all the restrictions combined into one ordinance. For example, a city that has the height restrictions being proposed by El Paso doesn't have the tower separation

requirements. Conversely, a city that has the tower separation requirements proposed by El Paso's ordinance doesn't have the height restrictions, or minimum parcel size requirements. A city ordinance that has stealthing requirements doesn't have the tower separation requirements, etc. Combining all these restrictions into one wireless ordinance will effectively limit the infrastructure available to serve the residents of El Paso.

When we met on November 7, 2018 Mayor Margo asked whether the infrastructure in El Paso was adequate for the current demand. Whether it is adequate today or not, one thing is certain, the wireless infrastructure in place is not adequate for tomorrow's demand. El Paso is currently experiencing large population growth and significant real estate and business investment. The cumulative effects of the proposed wireless amendment could limit the number of new towers that can be effectively deployed, or increase the number of shorter, less useful towers in the city. Ultimately, this will result in coverage gaps, areas of insufficient capacity or greater visual impact as the industry moves towards future wireless technologies. With deployment of new technologies, carriers create priority lists for deployment of capital for new equipment and network upgrades. El Paso may be compromising its future growth and job creation because of this amendment. Carriers will first deploy capital in markets that foster infrastructure improvements and deliver a faster return on investment. Ultimately, this code in its current form will make El Paso less attractive for business as more and more businesses rely on a robust wireless broadband network with solid coverage and adequate capacity.

We all need wireless infrastructure to provide the kind of coverage and convenience we all want and expect from our wireless devices. Crown Castle is committed to doing all we can to hasten deployment of new wireless infrastructure to meet customers' demands. We stand ready to assist El Paso in creating a more user-friendly wireless policy that allows the private sector to deploy the latest technology that supports business development and job creation while continuing to protect the visual fabric of the community.

Sincerely,



Kent Flake
Real Estate Specialist

Howell, Jeffrey B.

From: Williams, Mark W. <Mwilliams@shermanhoward.com>
Sent: Tuesday, September 17, 2019 3:53 PM
To: Nieman, Karla Mariana; Westin, Cary S.; Howell, Jeffrey B.
Cc: Danielle.Agee@VerizonWireless.com; 'Jackson, Sean M'; Brugnoli, Darlene; Magnone, Nicholas L; Mark A. Smith; SORENSEN, SARAH A (Legal); 'Flake, Kent'; Brown Jr., Thomas; Harry, Scott; CUEVAS, JO CASSANDRA; SWALLER, KATHERINE C (Legal); Delarosa, Rod; rick@formagroup.net; Huggard, Damien; Fuge, Dylan
Subject: Comments of Wireless Carriers to Proposed Changes to the El Paso PWSF Ordinance
Attachments: 190910 MWW COMMENTS of VZW_Sean Jackson (City of El Paso Agenda Ordinanc....docx; 12877992 - Steeple.png; 12877992 - Compound.png; Wooden Fence.png
Importance: High

Dear Ms. Neiman, Col. Westin, and the El Paso Team:

We thank you for the meeting last Monday. It was very productive, and we feel helped all of us – your team and the industry teams – become more aligned. We appreciate the collaborative nature of our work with you to create an Ordinance which will have the effect of providing the best service to the citizens of El Paso, as we all have the same ultimate goal: serve the citizens, businesses, and first responders of El Paso. Attached (in a redline form to the Ordinance from the August 20 agenda) and below are the collective comments of the industry teams, and Verizon Wireless (through me as its outside counsel) is authorized to say that all (and are copied on this email) agree and support this submission to you. We also attach a propagation map below showing an existing site in El Paso (near Hueco Elementary School) which shows (on the left) the coverage if the facility at 65', and on the right the same facility if it were 35' high. We provide these to you because it is important to see – scientifically – the effects of lower heights of facilities. At lower heights, there will be a need for many more in order to meet even the current demands for service by the citizens of El Paso. We also attach photos of an actual stealth facility, an example of a compound, and an example of fencing around equipment which is helpful for you to visualize how some facilities may be built – we trust these are helpful. Our comments to the Ordinance are few and can be summarized as follows:

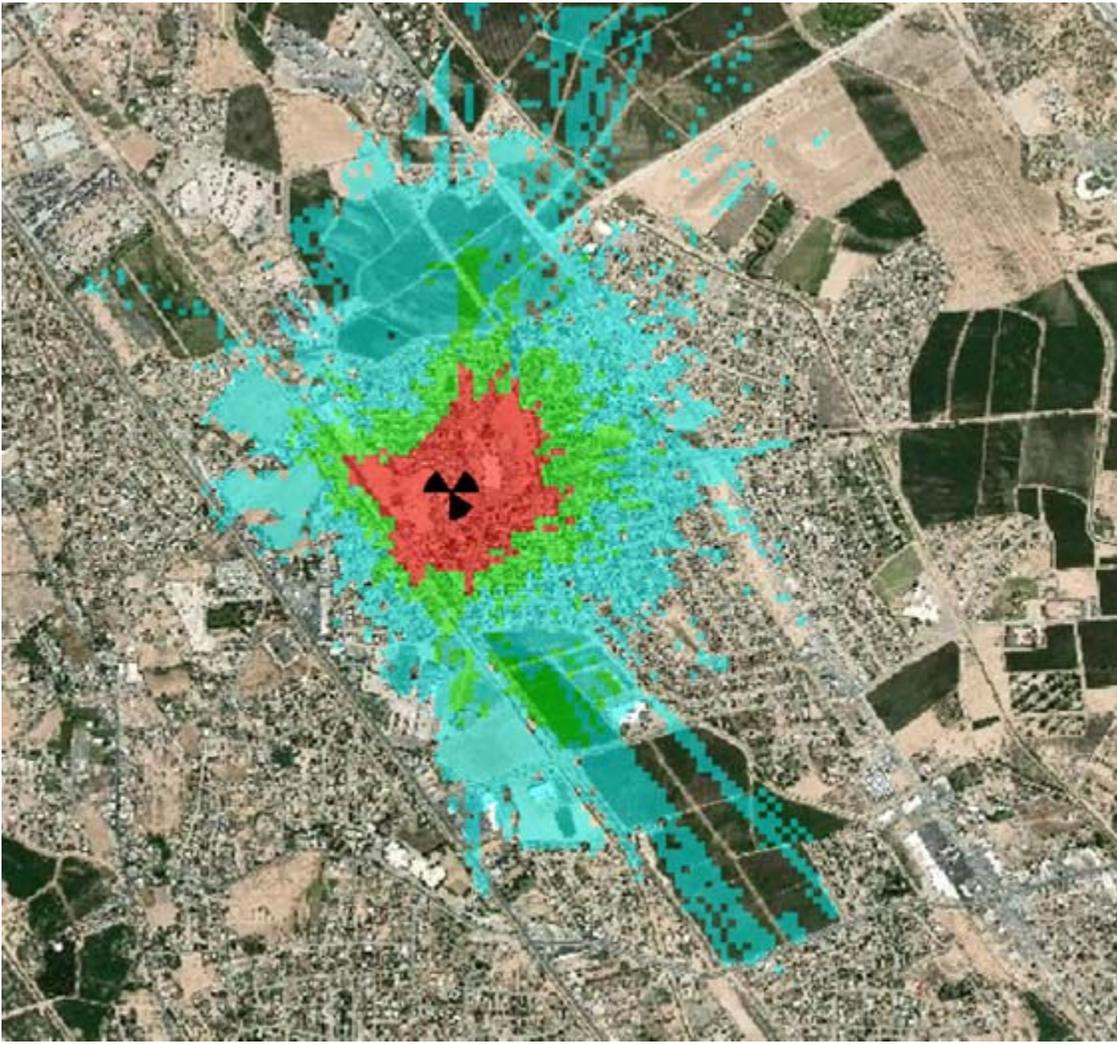
- Ordinance, Section 5.D.1 and 2, Site preference location: Ms. Neiman and City Staff made clear on Monday that the preference list regarding facilities remains important. To address that point, we specifically note that the facilities are not prohibited in any zone, that applicants will provide a *short* narrative of why locations on the higher side of the list cannot be used, and that if applicants meet those criteria, the site will be approved administratively without hearing, as we understood is the interpretation of this section by Staff. These modifications make clear what we heard last Monday that the City wants the applicant to work through the options available before a ground mount is proposed.
- Ordinance, Ex. B., Section 1.2, Setbacks: We modified the setbacks to be at 1:1 in all zones, because looking holistically at the modifications proposed (height, separation, and setbacks), having a 1:1 setback ratio will actually allow the City Staff and the applicant more flexibility in placement of a facility on a particular property. This will be important in all zones, but especially in residential zones where facilities may well be on public property (e.g. schools, fire stations, other public properties) and to best place a facility, lesser setbacks should be allowed for optimal siting for all concerned.
- Ordinance, Ex. B., Section 1.4, Minimum Separation: Ms. Neiman and City Staff made clear on Monday that separation between a carrier's facilities remains important. To address that point, we chose a tiered approach to separation between facilities of an applicant, by first allowing a greater height of 60' for a facility at a maximum of

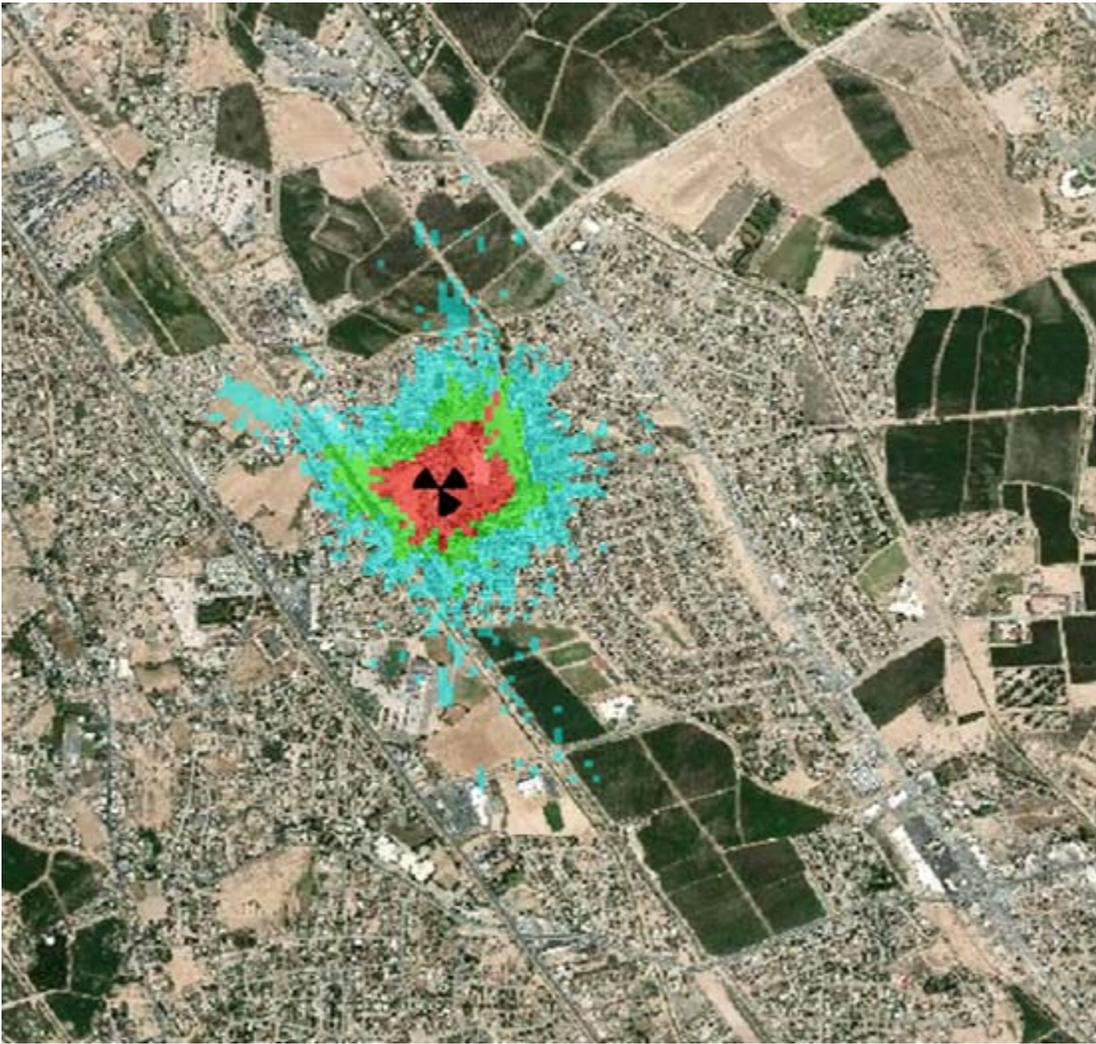
½ mile; if a facility is 50', then 1000'; and if 35' then 500'. We feel this approach gives all (the City and applicants) some flexibility in location, separation, and height (especially when trying to provide coverage as demonstrated on the propagation maps).

- Ordinance, Ex. B., Section 1.6, Height: it is drafted to allow 60' – the maximum height in a zone (all are at least 35') plus 25'. Again, viewing the ordinance holistically with separation and setback requirements, along with the location preference analysis, allowing this height will allow the best deployment of macro facilities and also permit improved service for small cell facilities to provide advanced technologies in a manner which best meets the demand of the citizens of El Paso.
- Revision to Section 20.04.520 – Notice [placed in the same order the City has it in its proposed Ordinance, first in Section 1b, then after the guideline manual, and closer to the back of the attached document]: we changed the measurement from which the radius of citizens to be noticed is determined from the lot line of the property to begin at the centerline of the tower. We think this is a fair request, and gives a more realistic cross section of citizens who will see the facility. We also limited the radius to 300' in all instances order to keep the section consistent. This level of notice will provide notice to the citizens most interested in the application.

These modifications to the ordinance will allow carriers to provide better data and voice communications for citizens, first responders (who rely on wireless services to coordinate efforts with other agencies and to transmit vital information in emergency situations), business, and educators. Importantly, having a full ecosystem of ground mounted macro, rooftop, and small cell (in the ROW) facilities will best allow the deployment of advanced technologies going into the future. This concept is important as the facilities do not act in isolation; rather, they work together as an ecosystem -- small cells cannot work to their potential and deploy advanced technology unless macro facilities (as this ordinance addresses) are also in place. And in this regard, the City Staff and carriers should have the flexibility – as the modifications to the Ordinance we propose do – not restrictions, to place facilities in the locations and at the heights which will best provide the services demanded by El Paso's citizens. This is the holistic approach we discussed at the meeting. Without this ecosystem of facilities to propagate wireless communications and technologies, there is and will be shortages in capacity and gaps in coverage. Because use of wireless devices is becoming so ubiquitous, with most homes "cutting the cord," wireless infrastructure has become much like that required to bring electricity to every home in the City. Wireless services are services that the citizens of El Paso rely on to function in today's society. The few modifications we propose will help citizens to receive the wireless services they expect.

We feel that either a meeting or a call within the week would be helpful to discuss these with you and reach consensus. If you are in agreement, kindly propose times. Thank you and we look forward to concluding this important work with you.





Mark W. Williams - Attorney

633 Seventeenth Street, Suite 3000, Denver, Colorado 80202

Direct: 303.299.8211 | Facsimile: 303.298.0940

mwilliams@shermanhoward.com | www.shermanhoward.com | [Mark's Biography](#)

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WILLOW BEND COURSE

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**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction - July 23, 2019

PUBLIC HEARING DATE: August 20, 2019

CONTACT PERSON NAME AND PHONE NUMBER:

Philip Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov

Sam Rodriguez, (915) 212-1845, rodriguez3@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice); Title 20 (Zoning), Appendix A (Table Of Permissible Uses); Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection E; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection F; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection G; And Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code to update notification requirements, update the Table Of Permissible Uses; Require compliance with a Policy Guide; to establish location preferences, clarify organization of the Title; and provide for Non Conforming Situations. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. (All Districts)

BACKGROUND/ DISCUSSION:

On April 6, 2017, the CPC reviewed and recommended approval of the proposed code amendment.

PRIOR COUNCIL ACTION:

This item was previously brought forward to City Council on October 3, 2017, however there was no City Council action on this proposed code amendment at that time to allow staff to do additional outreach.

Additionally this item was presented as a Work Session item on May 13, 2019, to provide a general introduction prior to it being placed on a City Council Agenda and no action was taken.

[Active/50646029.2](#)

[Active/50646029.2](#)

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip F. Etiwe, Director
Planning and Inspections Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), ARTICLE VII (PUBLIC HEARINGS), SECTION 20.04.520 (NOTICE); TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES); TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION A; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION D; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION E; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION F; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION G; AND TITLE 20 (ZONING), CHAPTER 20.22 (NONCONFORMING SITUATIONS), SECTION 20.22.100 (NONCONFORMING PWSF) OF THE EL PASO CITY CODE TO MODIFY EXISTING STANDARDS, UPDATE NOTIFICATION REQUIREMENTS, UPDATE THE TABLE OF PERMISSIBLE USES; REQUIRE COMPLIANCE WITH A POLICY GUIDE; TO ESTABLISH LOCATION PREFERENCES, CLARIFY ORGANIZATION OF THE TITLE; AND PROVIDE FOR NON CONFORMING SITUATIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code, Chapter 20.10 regulates personal wireless service facilities; and,

WHEREAS, City Council directed the Planning department to update and amend the current standards and regulations for personal wireless service facilities to create new standards and regulations to require better camouflaging of new facilities, encourage colocations, and mitigate the impact of new facilities to the surrounding environment; and

WHEREAS, the Planning Department communicated with various representatives of the wireless industry who were given an opportunity to comment and provide recommendations to the proposed revisions; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety and welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice), subsection B, paragraph 2, subparagraph b, of the El Paso City Code is amended in its entirety to read as follows:

- b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within ~~five-three~~ hundred feet of the center line of the tower to be built on the subject property~~lot line of the subject property~~.

SECTION 2. Title 20 (Zoning), appendix A (Table of Permissible Uses) table 17.00 (Towers & related structures) of the El Paso City Code is replaced in its entirety with the table attached to this ordinance as Exhibit “A”:

SECTION 3. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A of the El Paso City Code is amended in its entirety to read as follows:

- A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be constructed and operated in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.

SECTION 4. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D through H of the El Paso City Code are deleted in their entirety.

SECTION 5. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection D that reads as follows:

- D. Proposed PWSF Siting and location Hierarchy Preferences.
 1. The following list indicates the City’s preferences for facility locations, in descending order of preference. Applicants are not prohibited from applying for any facility site location listed below. Applications should explain, in a short

~~narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application shall be approved by City Staff without further hearing. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:~~

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- b. Antennae Co-location on existing PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- c. New Facility-Mounted PWSF, meeting applicable camouflaging and screening requirements
- d. New Roof-Mounted PWSF, meeting applicable camouflaging and screening requirements
- e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. ~~Applicants are not prohibited from applying for any facility site location listed below. Applications should explain, in a short narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application shall be approved by City Staff without further hearing. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:~~

- a. Heavy commercial and manufacturing zoning districts
- b. Light commercial and special purpose zoning districts.
- c. Residential and apartment zoning districts.

SECTION 6. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection E that reads as follows:

E. PWSF located in the NOS zoning district is prohibited.

SECTION 7. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection F that shows the table attached to this ordinance as Exhibit “B”:

SECTION 8. Title 20 (zoning), chapter 20.22 (Nonconforming situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code is amended in its entirety to read as follows:

20.22.100 - Nonconforming PWSF.

A. A personal wireless service facility (PWSF) that was built in compliance with the city’s zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:

1. A modified or rebuilt PWSF must propose to have at least one additional antenna than that of the existing or pre-existing facility. If the PWSF is to be rebuilt, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;

2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility by more than 10% or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater;

The height should be allowed to be increased up to 25 feet further as allowed in 20. 10. 455 D.1.e.f.; 2.c.; and 3.c., as well as others set forth in that section, or to the height allowed by Federal law, whichever is greater. Allowing such facilities will allow greater signal propagation, thus reducing the overall number of facilities required to be built in the future.

3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility and must meet the minimum setback standards for the zoning district in which it is located;

4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;

5. All rebuilt ground-mounted PWSF shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;

6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;

7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and

8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.

C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).

D. Abandonment and Termination of a Nonconforming PWSF.

1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:

a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;

- b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
- c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.

2. The owner of a ground-mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.

E. Property affected by right-of-way acquisition

3. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:

- a. The PWSF must have been legally permitted at the time of the initial placement; and
- b. Must be located to the remainder of the property or remain in its existing location; and
- c. Cannot be altered or enlarged; and
- d. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

SECTION 9. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED This ____ day of _____, 2019.

CITY OF EL PASO:

ATTEST:

Dee Margo, Mayor

Laura Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Omar A. De La Rosa
Assistant City Attorney

Philip Etiwe, Director
Planning and Inspections

EXHIBIT A

Appendix A - TABLE OF PERMISSIBLE USES

	Use	Residential													Commercial			Manufacturing					Special Purpose													Supplemental Standards	Accessory Uses Permitted to Specific Use					
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PM D***	S-D*	U-P**	P-RI*	P-RII**	P-C**	P-I**	SRR**			R-MU*	G-MU*	I-MU**	NO S	UR D
17.00 Towers & related structures																																										
17.01	Amateur & CB radio stations (federally licensed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; §20.10.020; § 20.10.070	
17.02	Personal Wireless Service Facility (PWSF), facility-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455		
17.03	PWSF, ground-mounted	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	S	S	S	S	S	S	D	S	Z*	Z*	Z*		X	§ 20.10.010; § 20.10.020; § 20.10.455			
17.04	PWSF, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455			
17.05	Radio broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700			
17.06	Radio receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710		

17.07	Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.590	
17.08	Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.200	
17.09	Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	D	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.700		
17.10	Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710	
17.11	Wind-driven electrical generator, pump	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.200

* In addition to the use being permitted through a Master Zoning Plan, the use is only allowed by an additional Special Permit with a detailed site plan approval in the respective zoning district obtained from the city council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.

- P = Use by right*
- D = Special purpose district*
- Z = Mixed use district*
- X = Not allowed*
- S = Use by special permit*
- A = Allowed by right when incidental to the use*

Exhibit B

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF					
	1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
	1.2	Setbacks	13' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	13' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards, <u>but no greater than 1' for every 1' of tower height.</u>	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards, <u>but no greater than 1' for every 1' of tower height.</u>
	1.2.1	Additional Setback Standards for Ground Mounted PWSF	If abutting ROW or easement, the width of the ROW or easement may include in the setback measurement			

Increasing the setbacks reduces the number of compatible places to site a PWSF, particularly in more dense apartment districts. No safety reasons exists to have more than a 1 x 1 setback in any zone.

1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following shall be as follows: 1' of setback per 1' of tower height when tower is below 50', 21' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	Setbacks may be reduced with a special permit but not below the following shall be as follows: 1' of setback per 1' of tower height when tower is below 50', 12' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	N/A	N/A
	1.3 .1 Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF	<p>Setbacks may be reduced from the above standards with a special permit. Such Modifications modifications to Required Setbacks must meet the following criteria:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas 			
1.4	Minimum separation (measured base of existing to base of proposed) <u>between the Applicant's own facilities.</u>	<u>1/2 mile if the structure is 60' high; 1,000' if the structure is at 50' high; 500' if the structure is at 35' high.</u>	<u>1/2 mile if the structure is 60' high; 1,000' if the structure is at 50' high; 500' if the structure is at 35' high.</u>	<u>1000'</u>	<u>1000'</u>
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)	Minimum separation may be reduced with a special permit (see Section 1.5.1)

						<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; an <u>N/A</u></p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit</p>	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and</p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application. <u>N/A</u></p> <p style="text-align: center;"><i>Please see comments above.</i></p>
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					application.	
1.6	Maximum Height Permitted <u>by right with administrative approval by City Staff</u> (measured to top of steel)	<p>Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.</p> <p><u>Residential: -The maximum height of the zone, plus 25', for a total of 60';</u></p> <p><u>Multi-family and residential apartment areas: The maximum height of the zone, plus 25', for a total of 60';</u></p> <p><u>All other zoning areas: The maximum allowable height of the zone, plus 25', for a total of 60'.</u></p>				
	1.7	Allowable Increases in Maximum Height Permitted	<p>15' of additional height if the <u>structure is able to provide for collocation applicant is collocating of</u> a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.</p>			

1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1. below)	Permitted (see Section 1.8.1. below)
	1.8 .1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF	<p>Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15'25', when providing contracts or agreements and <u>designed and structurally engineered to accommodate</u> space for a total of three (3) carriers or agencies, when the following criteria are met:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable. 		

1.9	Camouflage and Screening	<p>i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man- made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility.</p> <p>ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area.</p> <p>iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.</p> <p>iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.</p> <p>vi. Landscaping shall comply with all code requirements for landscaping.</p>
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official

1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section Section 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.13	Other Requirements Applicable to Ground Mounted PWSF	<p>The following must accompany a request for a special permit or building permit:</p> <ul style="list-style-type: none"> i. All towers located within two hundred (200) feet of a recognized federal, statestate or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Section Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.15	Existing Existing non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF					
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline				
2.3	Allowable Increases in Maximum Height Permitted Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	
	2.3.1	Additional Standards Applicable to permitted increases	<ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and 			



		in Height for Roof-mounted PWSF	commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
2.4		Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>
2.5		Other Requirements	<p>The following must accompany a request for a special permit or building permit:</p> <p>i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;</p> <p>ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p> <p>iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.</p>
2.6		Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

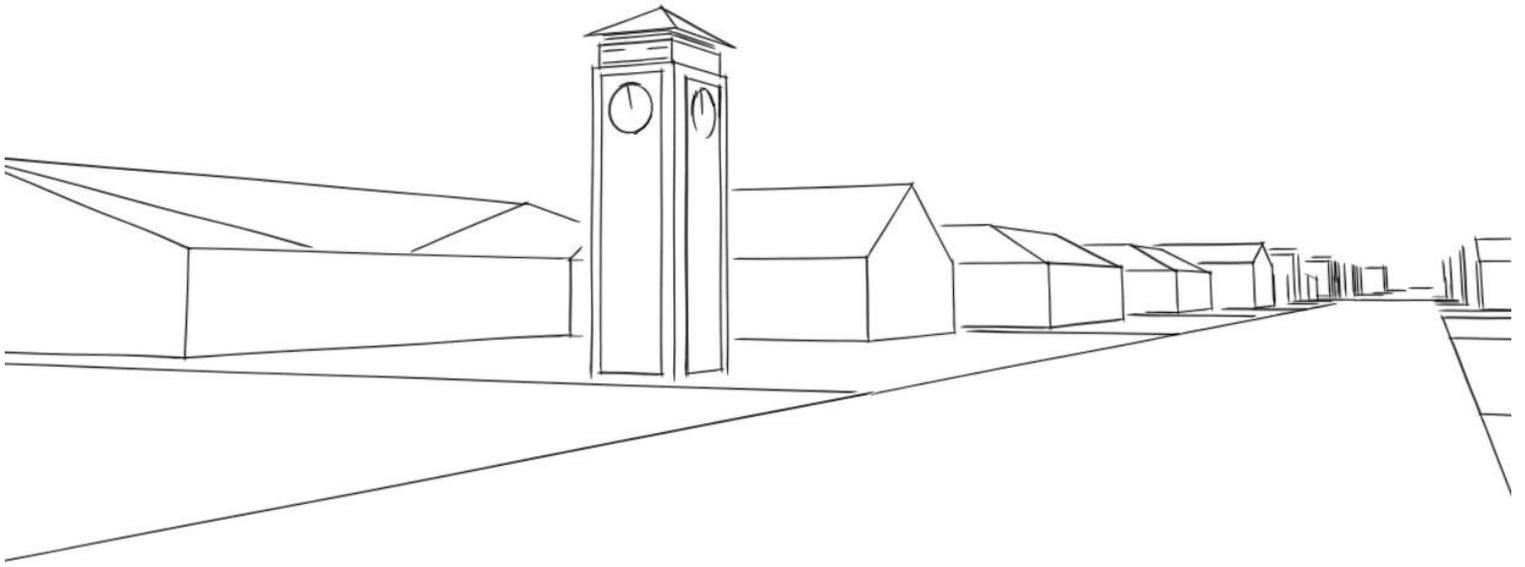
		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
	3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure		
	3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20		
	3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas		
	3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>		
	3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <p>i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;</p> <p>ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and</p>		

		<p>nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p> <p>iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.</p>
3.6	Collocation	Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

City of El Paso | 2019

PERSONAL WIRELESS SERVICE FACILITY (PWSF)

Policy Guide



1. Applicability

This document is to serve as a supplement to be used in conjunction with the applicable provisions of the City Code.

This document includes various depictions of acceptable designs, but does not encompass all potential alternatives which could be submitted. The guidelines are intended to provide the applicant, reviewing departments, advisory boards, and City Council with a basis for determining whether a proposed Personal Wireless Service Facility (PWSF) complies with the intent of the applicable code provisions.

2. Introduction

This document includes design guidelines which are intended to encourage co-location of personal wireless service facilities to minimize the visual impact on the City's landscape. The design guidelines contained in this document are intended to provide additional reference in support of 20.10.455, Personal Wireless Service Facilities, and may be amended by the Planning and Inspections Director or City Manager Designee.

3. Purpose

The purposes of these design guidelines are to assure a degree of predictability and consistency in the review process. These guidelines provide direction to service providers and their consultants in regard to the types of facilities that are encouraged and discouraged within the City of El Paso. Inclusive within these guidelines are various illustrations and depictions which are intended for illustrative purposes and are not intended to be reflective of all potential designs, solutions, or scenarios but rather a guide to use in the review process of applications for new facilities. The City recognizes the complexity and uniqueness inherent to these types of facilities and not all design guidelines will be applicable on all projects, and the guidelines are suggestive versus restrictive.

4. How to use the Policy Guide

This guide is to be used as a supplement for Staff, City Plan Commission, and City Council to formulate recommendations and make decisions on new PWSF applications. It is also meant to be used to provide more information to applicants to help them select the best location/ type of facility for their proposal. Section

20.10.455 of the El Paso City Code identifies the requirements that need to be followed in order to meet the zoning regulations, while the Policy Guide indicates the City's preferences on new facilities. When reviewing applications for new facilities, the following is a list of factors to be considered for approval of the request:

- **Location**
 - Preferred vs Not Preferred
- **Type**
 - Preferred vs Not Preferred
- **Scale and Context**
 - Appropriate vs. Inappropriate
- **Camouflaging**
 - Encouraged vs Discouraged

Location and Type Policies

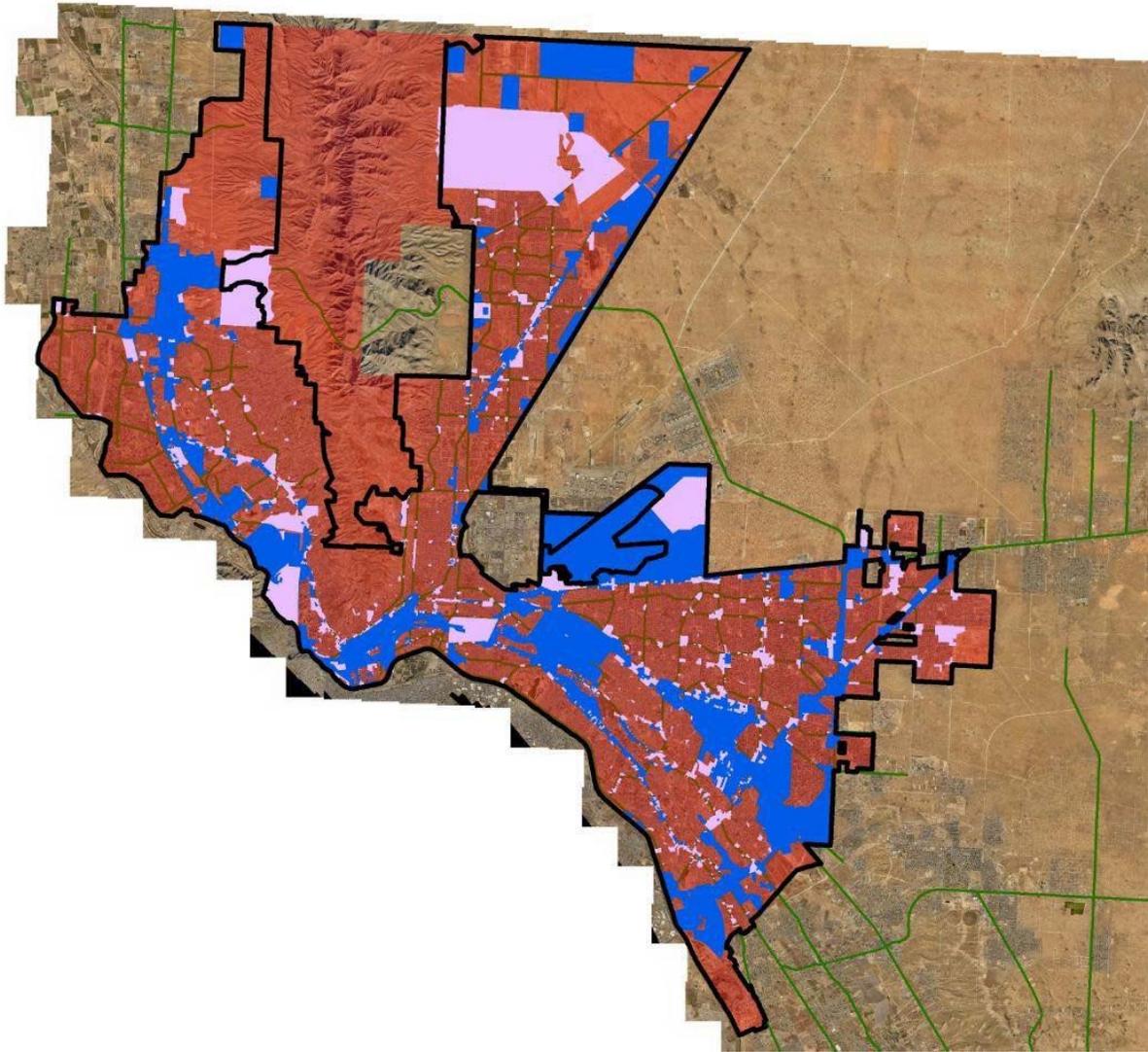
Preference Matrix

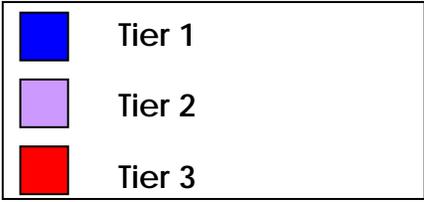
Please see comments to page 3 of 6 of the Ordinance.



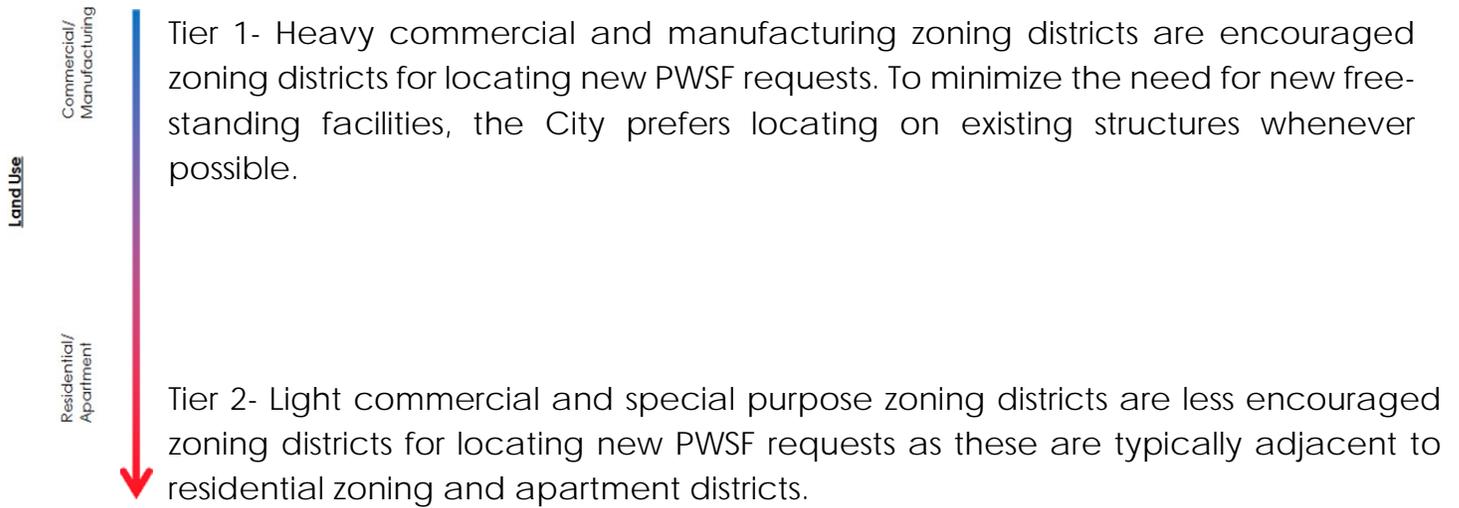
Location Policies *Please see comments to page 3 of 6 of the Ordinance.*

The location guidelines establish a location siting hierarchy for new proposed personal wireless service facility (PSWF) requests.





*This map is for illustrative purposes only and are not regulatory.



Tier 3- Residential and apartment zoning districts are locations that are not preferred by the City of El Paso and discouraged for new PWSF requests.

Type Policies

*Please see comments to p. 3 of 6
of the Ordinance.*

In addition and in-line with the location preferences, in descending order (from encouraged to discouraged) are the City's preferences for PWSF types are shown below:

1. Antennae Co-location on existing camouflaged PWSF (Facility, Roof, Ground-Mounted)
2. Antennae Co-location on existing PWSF (Facility, Roof, Ground-Mounted)
3. New Facility-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements
4. New Roof-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements

In all instances, a new ground-mounted facility is a discouraged type of PWSF and should be seen as a last resort for new requests.

5. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements

In accordance with 20.10.455, a new ground-mounted facility should only be used when the following evidence has been provided by the applicant:

- An inventory of existing facilities within the area sought to be used which depicts the structures on which the facility may be able to locate (either facility or roof mounted) and an explanation on why these locations are not feasible.

This requirement will be burdensome to fulfill because a provider will not know all facilities in the area and should not be required to determine them. Further, the City will have this information in its own records by which it can analyze this issue.

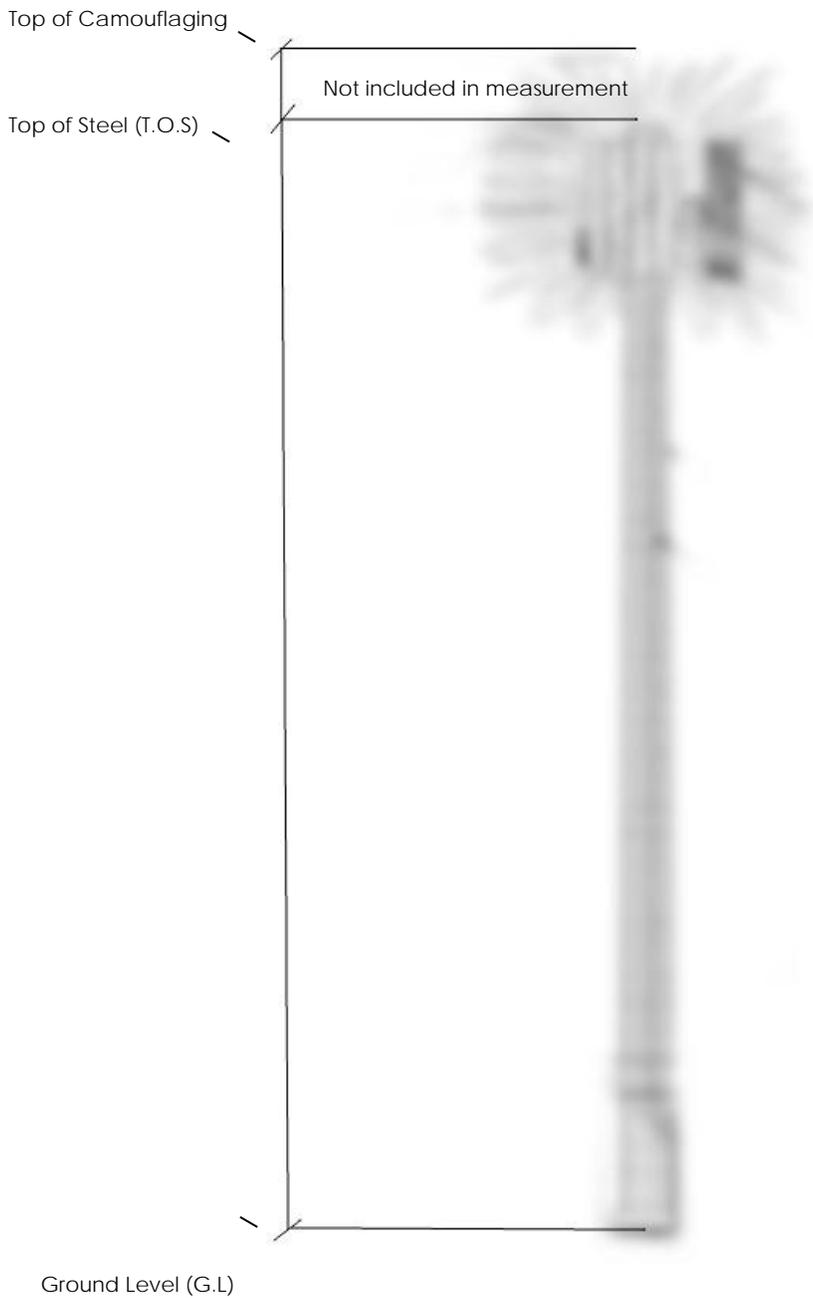
Evidence that would support why an existing facility cannot be used is as follows:

- The current structure cannot support additional facilities.
- The location will cause interference with existing facilities
- An existing ground mounted PWSF does not have the capacity for additional antenna and/or does not provide the required coverage needed.

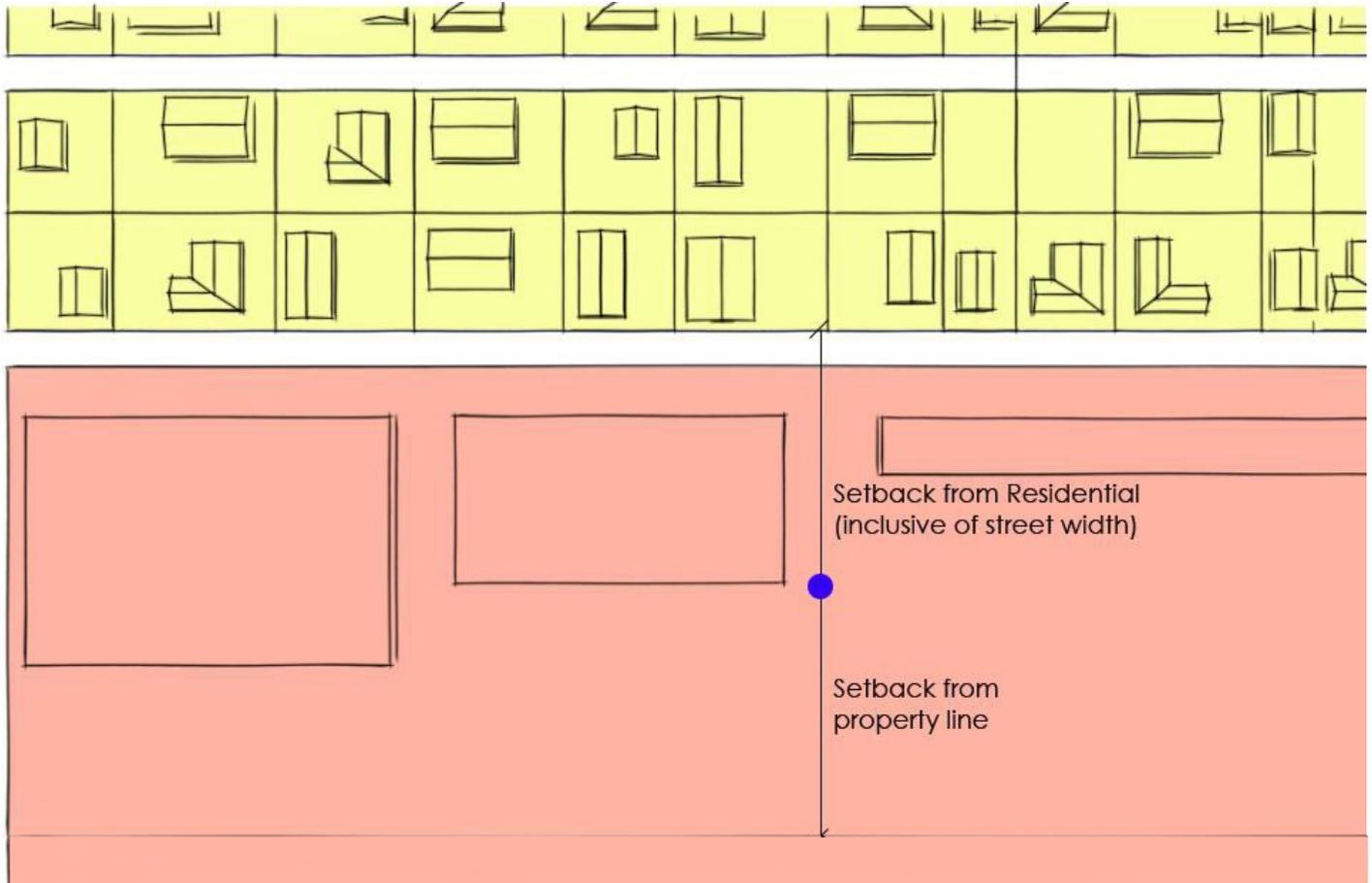


Measurements

- In order to determine height and setback requirements a PWSF will be measured from the ground level (G.L.) to the top of steel (T.O.S.). The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging.



- The setbacks of the PWSF shall be measured from the center point of the proposed tower. The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging. If abutting ROW or easement, the depth/width of the ROW or easement may be included in the setback measurement.



- In order to verify if a special permit is required, the radius for PWSF separation shall be measured from the center point of the facility. This is to be verified with the database of PWSF from the City of El Paso and only applies to ground mounted facilities.



Camouflaging and Screening Guidelines

When reviewing new PWSF applications, items that will be taken into consideration, in addition to the location of the proposed facility, as it relates to camouflaging include:

- Scale and Context
- Visibility classification of facilities
- Types
 - Ground-Mounted
 - Roof Mounted
 - Facility Mounted
- Landscaping
- Screening

Scale and Context

A reasonableness standard should be inserted. There are circumstances where technical, topography, cost, or other considerations will require compromise on the design to place the facility such that there is no effective prohibition to the provision of personal wireless services. 47 U.S.C. § 332. This comment applies to all scenarios in this section.

All ground-mounted PWSF should be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible.

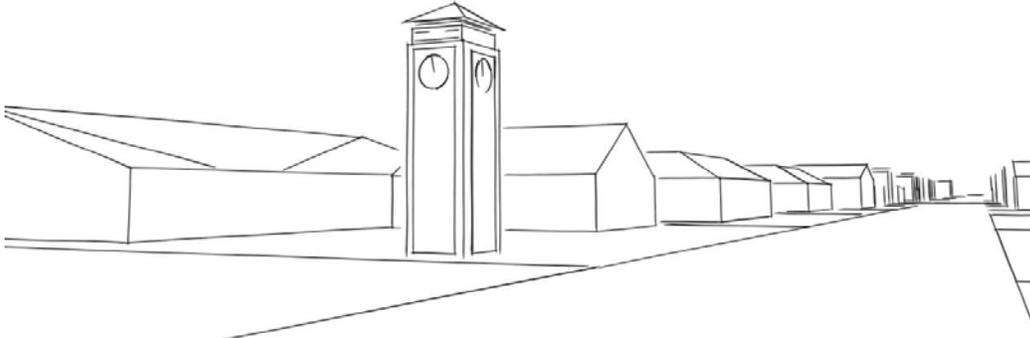
Before

After

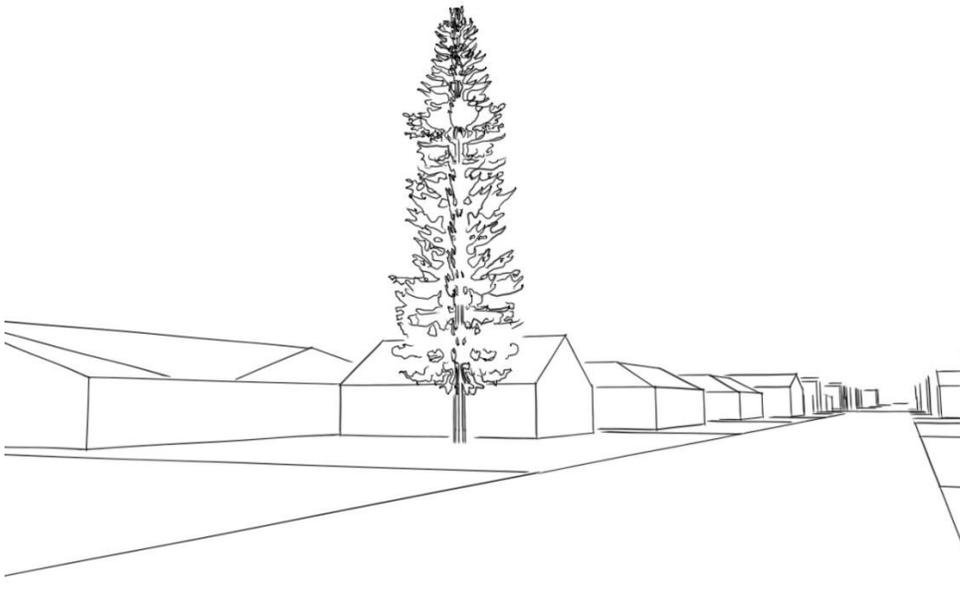




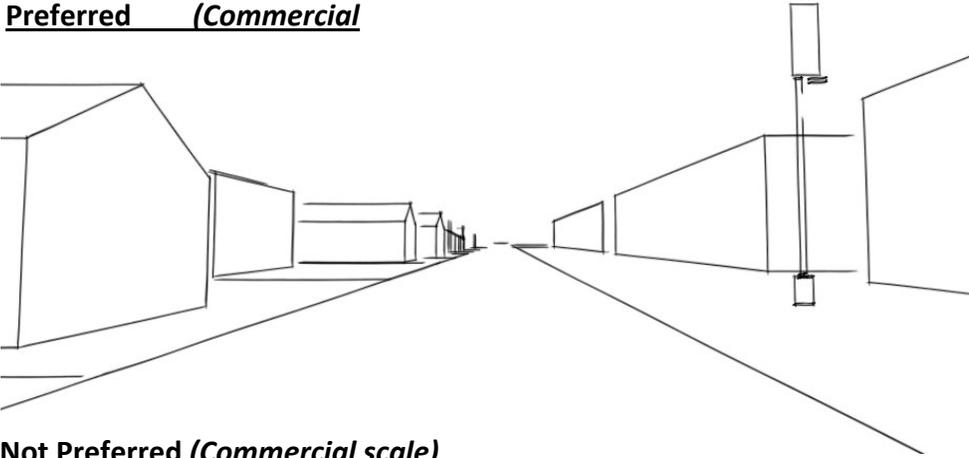
Preferred (Residential scale)



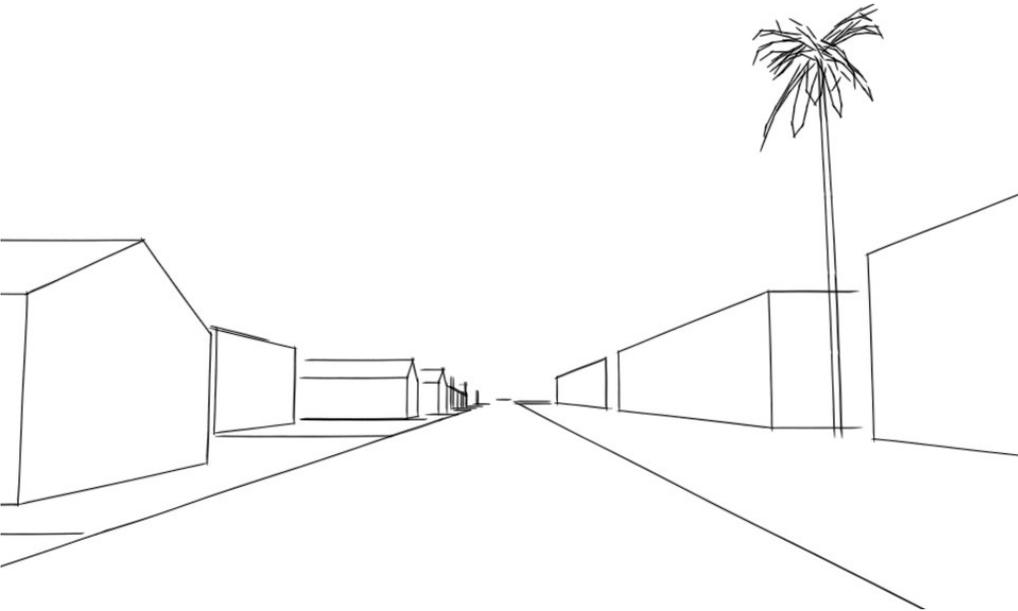
Not Preferred (Residential scale)



Preferred (Commercial)



Not Preferred (Commercial scale)

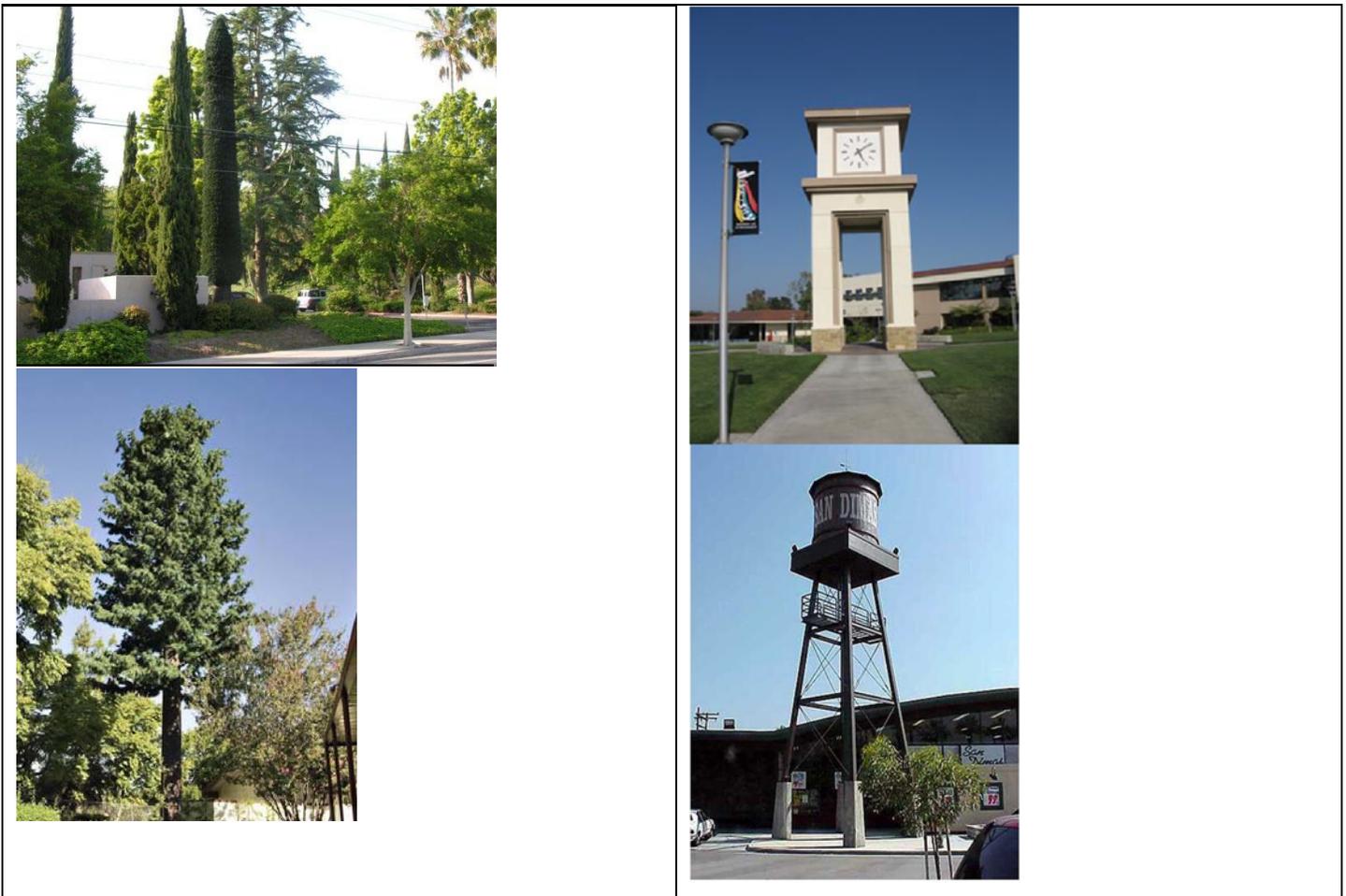


(i) High Visibility



These examples are high visibility as they tend to be less compatible more and are encouraged for existing open space or parkland areas where they may blend more easily.

(ii) Low Visibility



These examples are low visibility as they tend to resemble permitted uses, are consistent with existing development and able to mimic community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.

Ground-Mounted Facilities

Ground-Mounted PWSF: man-made trees

- For locations where there is existing similar vegetation at or near the proposed site, camouflaging methods such as man-made palm trees or pine trees may be more appropriate. This would also be applicable to existing parks or open space where a tree will blend in more.

Discouraged



These examples are placed in a context where there is no existing vegetation around to assist in minimizing the visual impact of a new PWSF.

(b) Encouraged

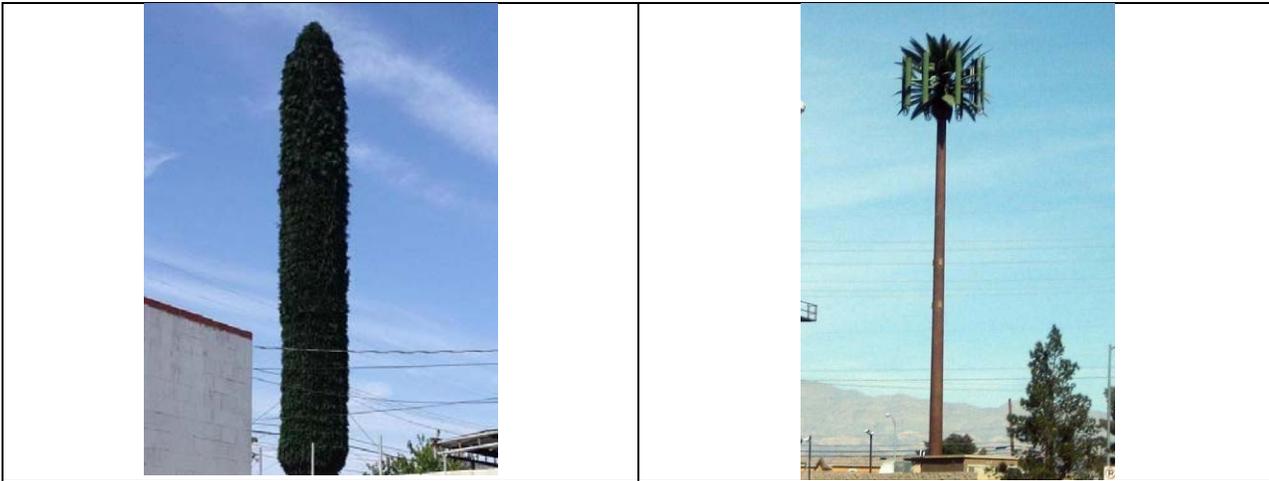


These examples blend in well with existing vegetation not only in material, but also in scale to the natural vegetation that already exists..

Ground-Mounted PWSF: within Residential areas

- For locations within or adjacent to residential neighborhoods, camouflaging methods such as bell towers, clock towers or water towers may be more appropriate to lessen the impact on nearby residents. These should resemble structures associated with uses that are already permitted in the underlying zoning districts (i.e. churches, schools, etc.) to better blend into existing and future development.

Discouraged



These facilities, while appropriate in the right context, appear to stand out and are not consistent with the scale and development of area.

Encouraged

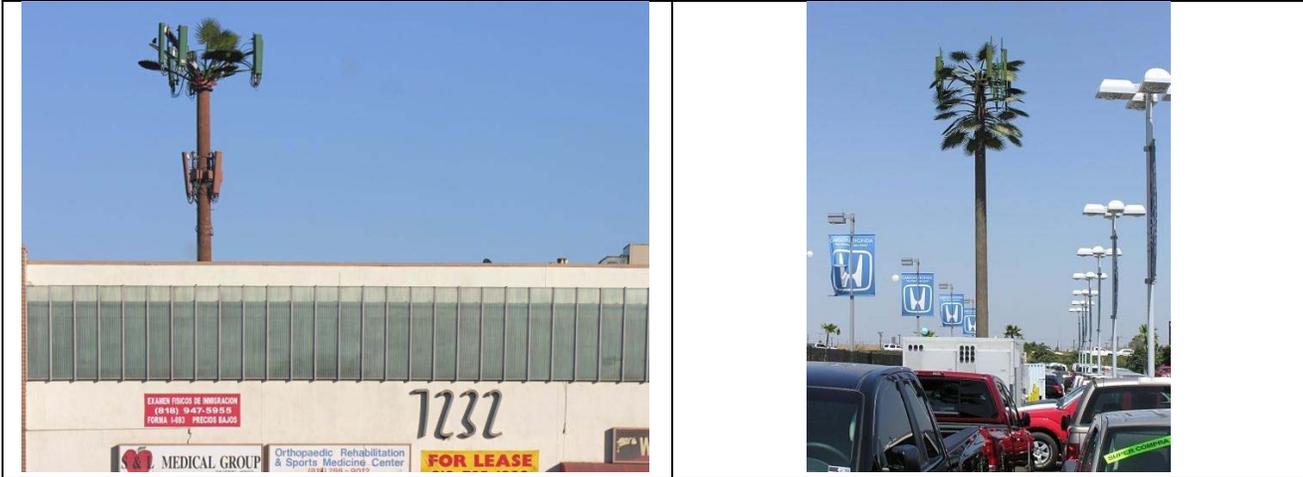


The facilities above blend in more naturally with the adjacent development and do not appear drastically out of place with the existing permitted uses of the underlying zoning district.

Ground-Mounted PWSF: within Commercial areas

- For locations within commercial or manufacturing areas, camouflaging methods such as light poles, flag poles, public art, or structures similar to existing buildings may be more appropriate. These should resemble existing uses, structures, and amenities found in commercial developments.

Discouraged



The facilities although camouflaged do not blend in to the surrounding landscape and are placed in commercial areas where no other trees around to assist in blending them into their surroundings. Other designs may have been more appropriate given their context.

Encouraged



The facilities above blend in more naturally with a commercial setting and serve a purpose other than just a PWSF and resemble amenities typically found with commercial uses.

Roof Mounted Facilities

- Roof mounted PWSF are to be designed to blend in with the existing structure to which it is attached when the roof of the main structure is 35' or below. This can be achieved by shielding it with a sheath to disguise it as a chimney or vent, adding a new parapet to the existing structure, or changing its color to match existing structural projections.

Discouraged



The roof mounted facilities above should be located behind the parapet to completely screen them from below or screened by a different method when possible.

Encouraged



The roof mounted facilities above added screening to make them blend in to the structure in which they are attached to make them appear they have always been a part of the structure.

Facility Mounted Facilities

- Facility mounted PWSF are to be designed to blend in with the existing structure to which it is attached. This can be achieved by changing its color, shielding it with a sheath to disguise it as an architectural accent or placing it behind existing structural projections.

Discouraged



The facilities above are not located behind any structure or façade nor are they painted to blend in with the structure to which it is attached.

Encouraged



The facilities above are painted and enclosed within sheaths which match the structures to which they are attached and only project a small distance from the structure.

Landscaping

- Additional landscaping may be required in areas where there is an opportunity to camouflage equipment or assist in the camouflaging method chosen.

Discouraged



The placements of these facilities do not lend themselves to the placement of additional landscaping to screen equipment.

Encouraged



The locations of these facilities allow them to be placed in the context of existing vegetation while also allowing new landscaping to be added.

Screening

- Screening and fencing is required around all ground equipment. This may be provided around both the freestanding structure, or just around the equipment, depending on the location and camouflaging method chosen.

Discouraged



The ground equipment is not screened with a rockwall or wrought-iron fence and no additional landscaping is provided to screen the equipment.

Encouraged



The equipment is move to the edge of the property and screened to blend into the surroundings, as well as another screening example where it is incorporated into the design to blend in.

ADOPTED This _____ day of ____ 2019.

APPROVED: _____
Philip F. Etiwe, Director
Planning and Inspections

20.04.520 – Notice

Where a public hearing is required by State law, notice shall be given in the manner specified below:

- A. Content of Notice. Required mailed notices and notices by publication shall include the date, time, and place of the hearing, a description of the subject matter of the hearing and the body holding the hearing. The mailed notices shall be in the form of a standard letter or a postcard and shall include the information in both English and Spanish. The postcard shall be a minimum size of 5.5 inches by 8.5 inches. Required on-site posting of notice shall be as specified in subsection B.2.d. of this section.
- B. Provision of Notice. Notice will be given in the following manner and as per Chapter 2.102 of this Code, as applicable:
1. In all cases, by mail to the applicant, or owner of the property that is subject of the application, if different;
 2. On applications for special permits, amendments to zoning conditions and amendments to the district map, additional notice shall be given as follows:
 - a. Notice of hearing before the city plan commission shall be given to all owners of real property by mail, as indicated by the most recently approved municipal tax roll within three hundred feet of the ~~lot line of the subject property~~center line of the tower to be built on the subject property.
 - i. In addition to notice given to the owners of the real property within three hundred feet of the lot line of the subject property, if a multifamily dwelling is located on any parcel of real property within the three hundred feet of the ~~lot line of the subject property~~center line of the tower to be built on the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within ~~five-three~~ hundred feet of the center line of the tower to be built on the subject property~~lot line of the subject property~~.
 - i. In addition to notice given to the owners of the real property within five hundred feet of the lot line of the subject property, if a multifamily dwelling unit is located on any parcel of real property within the five hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - ii. The applicant for a special permit, an amendment to zoning conditions, or an amendment to the district map involving a public utility facility is responsible for providing the required notice and for all costs of providing the required notice. The applicant shall provide written documentation to the city that the required notices have been provided unless the applicant has requested that the city provide the notices of the hearing and reimburses the city for all its expenses upon receipt of a city invoice.
 - c. Notice of hearing before the city council shall be given as follows:
 - i. On first reading—by publication in a newspaper of general circulation in the city not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).
 - ii. The published notice shall contain:
 1. The name of the property owner(s) requesting the special permits, amendments to zoning conditions, or amendments to the district map;

Use	Residential																Commercial					Manufacturing			Special Purpose											Supplemental Standards					
	R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PMD****	S-D**	U-P**	P-R I**	P-R II**	P-C**	P-I**	SRR**	R-MU**		G-MU**	I-MU**	NOS	URD	
17.00 Towers & related structures																																									
17.01	Amateur & CB radio stations (federally licensed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.070	
17.02	Personal Wireless Service Facility (PWSF), facility-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D		D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455
17.03	PWSF, ground-mounted	S	S	S	S	S	S	S	S	S	S	S	S	S	S	PS	PS	PS	P	P	P	P	P	P	P	S	S		DS	S	S	S	DS	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455
17.04	PWSF, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D		D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455	
17.05	Radio broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S		S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700
17.06	Radio receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.710
17.07	Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.590
17.08	Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.200
17.09	Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S		S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700
17.10	Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.710

20.10.455 - Personal wireless service facilities.

A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be operable in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.

B. Certification. All owners of PWSF currently in existence as of the date of the passage of the ordinance codified in this chapter shall certify in writing, no later than thirty days after the passage of the ordinance codified in this chapter, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of each PWSF and any other pertinent information, excluding proprietary information, required on the form prescribed by the development services department.

Thereafter, for all such PWSF and additionally for all new PWSF installed and constructed after the date of passage by the ordinance codified and permitted in accordance with this chapter, the owner shall certify in writing, annually no later than January 31, beginning in 2008, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of the PWSF, and any other pertinent information, excluding proprietary information, required on the form prescribed by the building official.

The person who constructed the PWSF, the person who operated the PWSF or the owner of record must notify the zoning administrator of any change in the information or status of the PWSF as stated in the certification within thirty days after such change.

C. Removal. For any PWSF constructed after the date of this chapter, if the PWSF is not used to transmit, receive or relay voice and data signals to or from wireless communication devices for a period of six months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility or by the property owner within eighteen months from the time the PWSF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

If the use of the PWSF has not been restored within an eighteen-month period from the time the PWSF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the PWSF must be removed and the PWSF site restored to its original or better condition, at the property owner's expense.

For any PWSF in existence but not listed as operable on the certification form as of the date of the passage of the ordinance codified in this chapter, the owner shall have eighteen months from the date of certification in which the PWSF must be made operable. If the PWSF is not operable within eighteen months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be removed by the person who constructed the facility, by the person who operated the facility or by the property owner within six months after the aforementioned time period expires. The PWSF site must be restored to its original or better condition, at the property owner's expense.

~~D. PWSF located in residential and apartment districts (including RF, SRR, PR-1, PR-2, & PMD) shall~~

~~comply with the following:~~

- ~~4. Ground-mounted PWSF antenna support structures and appurtenant equipment storage facilities are permitted by special permit with the following restrictions:~~
 - ~~a. Setbacks.~~

- ~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PWSF antenna support structure base.~~
- ~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~
- ~~b. Modified Setbacks. The setback set forth in subsection (D)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~~~
- ~~c. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (D)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~d. Modified Separation Between PWSF Antenna Support Structures. The separation distance between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~~~

- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- ~~e. Height Restriction. PWSF antenna support structures and appurtenant antennas shall not exceed seventy five feet in height, except as provided in subsection (D)(1)(f).~~
- ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure, then the maximum height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred feet.~~
- ~~g. Camouflage and Screening.
 - ~~i. All ground-mounted PWSF located in residential and apartment zoning districts shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~~~
- ~~h. Other Requirements. The following must accompany a request for a special permit:
 - ~~i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off street parking, and access from the PWSF antenna support structure to the nearest public street;~~
 - ~~ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale.~~~~

- ~~i. Screening Fence. A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
 - ~~j. Access Driveway. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
 - ~~k. Increase in Elevation on Existing PWSF Antenna Support Structure. An increase in elevation, not to exceed a maximum height of one hundred feet, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant antennas and equipment storage facilities are permitted with the following restrictions:~~
 - ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on those residential structures consisting of five or more units or on nonresidential structures;~~
 - ~~b. Height Restriction. Roof-mounted PWSF antenna support structures and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property on which the PWSF is located abuts a residential zoning district the PWSF shall not exceed ten feet in height above the existing roofline.~~
 - ~~c. Modified Height Restriction. The height of a roof-mounted PWSF antenna support structure on property abutting a residential zoning district may be increased by special permit application, but not above thirty feet measured from the existing roofline, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
 - ~~d. Camouflage and Screening.
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~~~

- ~~d. Facility-mounted PWSF shall be painted to integrate and blend with the facility structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
- ~~f. Collocation. Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

~~E. C-1, C-2 and P-C Commercial Districts, S-D Special Development.~~

- ~~1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - ~~a. Setbacks.
 - ~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PSWF antenna support structure base.~~
 - ~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~~~
 - ~~b. Modified Setbacks. The setback set forth in subsection (E)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy five feet; if the city council, based on written evidence provided by the applicant, finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the~~~~~~

~~applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~

- ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~
- ~~e. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (E)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~d. Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- ~~e. Height Restriction. Ground-mounted PWSF antenna support structures shall not exceed seventy five feet in height, except as provided in subsection (E)(1)(f).~~
- ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure shall not exceed one hundred feet.~~
- ~~g. Camouflage and Screening.
 - ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty~~~~

percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

- iii. ~~Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
- iv. ~~Landscaping shall comply with all code requirements for landscaping.~~
- h. ~~Other Requirements. The following must accompany a request for a building permit:~~
 - i. ~~A detailed plan showing the PWSF antenna support structure, antennas and equipment in relation to the surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available upon request;~~
 - iii. ~~Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iv. ~~The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~
 - i. ~~A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
 - j. ~~The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
 - k. ~~Increase in Elevation on Existing PWSF Antenna Support Structure. Increase in elevation, not to exceed one hundred feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- 2. ~~Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
 - a. ~~Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~

- ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that, when abutting a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (E)(2)(c).~~
 - ~~e. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~~~
- ~~d. Camouflage and Screening.
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:~~

- ~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including fencing, screening and camouflage; and~~
 - ~~ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
 - ~~f. Collocation. Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~3. Facility-mounted PWSF antenna and equipment storage facilities are permitted subject to the following restrictions:~~
 - ~~a. Where Permitted. PWSF may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~
 - ~~b. Height Restriction. Facility-mounted PWSF shall not exceed one hundred feet in height, which shall include the height of the facility structure. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred feet in height.~~
 - ~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty-five feet, which shall include the height of the facility structure.~~
 - ~~d. Facility-mounted PWSF shall be painted to integrate and blend with the existing facility structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
 - ~~f. Collocation. Collocation or installation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

F. ~~C-3, C-4 and C-5 Commercial Districts.~~

- ~~1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~

- a. ~~Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
- b. ~~Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (F)(1)(c). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- c. ~~Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - i. ~~The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ii. ~~The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - iii. ~~The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - iv. ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - v. ~~The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- d. ~~Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred twenty five feet in height, except as provided in subsection (F)(1)(e) or (F)(1)(f).~~
- e. ~~Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet.~~
- f. ~~Special Permit for Additional Height in C-3 and C-4 Commercial Districts Only. The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - i. ~~The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~~~

- ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
- ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
- ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~g. Camouflage and Screening.~~
 - ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic Surfaces Shall be Painted to Reduce Glare and Reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~
- ~~h. Other Requirements. The following must accompany a request for a building permit or special permit:~~
 - ~~i. A detailed plan showing the PWSF antennas support, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant;~~
 - ~~iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iv. The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post development illustrations, at ninety degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall~~

~~review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~

- ~~i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the building official of a structural recertification report prepared and sealed by a licensed professional engineer.~~
- ~~j. The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the building official.~~
- ~~k. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
 - ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~
 - ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property abuts a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (F)(2)(c):~~
 - ~~c. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure and appurtenant antennas may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~~~~~

- ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~d. Camouflage and Screening.~~
- ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
- ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:~~
- ~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~
- ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~
- ~~f. Increase in Elevation. Increase in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~3. Facility-mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~
- ~~a. Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~
- ~~b. Height Restriction. New facility-mounted PWSF shall not exceed one hundred twenty-five feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred twenty-five feet in height.~~
- ~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty-five feet, which shall include the height of the facility structure.~~

- ~~d. Facility Mounted PWSF Shall be Painted to Integrate and Blend with the Facility Structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the building permits and inspections division that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
 - ~~f. Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- G. ~~M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts).~~
- ~~1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - ~~a. Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
 - ~~b. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (G)(1)(c) of this section. Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
 - ~~c. Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on~~~~~~

~~the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~

- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- ~~d. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet in height, except as provided in subsection (G)(1)(e) or (G)(1)(f) of this section.~~
- ~~e. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred seventy-five feet.~~
- ~~f. Special Permit for Additional Height. The height for a ground mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
- ~~g. Camouflage and Screening.
 - ~~i. Camouflage is required for any ground-mounted PWSF. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~~~

~~this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.~~

- ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light-reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~
- e. ~~Other Requirements. The following must accompany a request for a building permit:~~
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the development services department that the applicant has the permission from the structure owner to install the antennas(s) on the structure.~~
- f. ~~Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

H. ~~PWSF located in the NOS zoning district is prohibited.~~

D. Proposed PWSF Siting and location Hierarchy Preferences.

Please see comments on page 3 of 6 to the Ordinance. We ask that the same changes requested by made here.

1. The following list indicates the City's preferences for facility locations, in descending order of preference. Applicants are not prohibited from applying for any facility site location listed below. Applications should explain, in a short narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application shall be approved by City Staff without further hearing. ~~Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:~~

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility

screening requirements

e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. Applicants are not prohibited from applying for any facility site location listed below. Applications should explain, in a short narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application shall be approved by City Staff without further hearing. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

a. Heavy commercial and manufacturing zoning districts

b. Light commercial and special purpose zoning districts.

c. Residential and apartment zoning districts.

E. PWSF located in the NOS zoning district is prohibited.

F.

This is a duplicate. Please see comments on other chart.

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF					
	1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
	1.2	Setbacks	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards
	1.2.1	Additional Setback Standards for Ground Mounted PWSF	If abutting ROW or easement, the width of the ROW or easement may included in the setback measurement			
	1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower	N/A	N/A

		height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)			
	1.3 .1	Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF	<p>Modifications to Required Setbacks must meet the following criteria:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas 			
1.4	Minimum separation (measured base of existing to base of proposed)		One-half mile			
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)	Minimum separation may be reduced with a special permit (see Section 1.5.1)	

						<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <ul style="list-style-type: none"> i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to 	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <ul style="list-style-type: none"> i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.
	1.5 .1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF	N/A	N/A			

					<p>reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and</p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.</p>	
1.6	Maximum Height Permitted (measured to top of steel)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.				
1.7	Allowable Increases in Maximum Height Permitted	15' of additional height if the applicant is collocating a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.				
1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1. below)	Permitted (see Section 1.8.1. below)	

	1.8 .1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF	<p>Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15', when providing contracts or agreements and space for a total of three (3) carriers or agencies, when the following criteria are met:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
1.9		Camouflage and Screening	<ul style="list-style-type: none"> i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man- made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility. ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area. iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact. iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

		<p>v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.</p> <p>vi. Landscaping shall comply with all code requirements for landscaping.</p>
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official
1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

1.13	Other Requirements Applicable to Ground Mounted PWSF	<p>The following must accompany a request for a special permit or building permit:</p> <ul style="list-style-type: none"> i. All towers located within two hundred (200) feet of a recognized federal, state or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.15	Existing non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF					
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline				
2.3	Allowable Increases in Maximum Height Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)
	2.3.1	Additional Standards Applicable to	<ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and 			

		permitted increases in Height for Roof-mounted PWSF	commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
2.4		Camouflage and Screening	i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.
2.5		Other Requirements	The following must accompany a request for a special permit or building permit: i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
2.6		Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
	3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure		
	3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20		
	3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas		
	3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>		
	3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <p>i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;</p> <p>ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p>		

		iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.
3.6	Collocation	Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

20.22.100 - Nonconforming PWSF.

- A. A personal wireless service facility (PWSF) that was built in compliance with the city's zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:
1. A modified or rebuilt PWSF ~~must should propose to~~ must propose to have at least one additional antenna ~~no larger in size than the antennas than that on of~~ the existing or pre-existing facility. If the PWSF ~~has been rebuilt to be rebuilt~~, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;
 2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility by more than 10% or the height limitation of Section 20.0810.455 (Personal wireless service facilities), whichever is greater;
 3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility. ~~If a tower and must meet the minimum setback standards for the zoning district in which it is located;~~
 4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;
 5. All rebuilt ground-mounted PWSF ~~located in and/or abutting residential and apartment zoning districts shall be camouflaged~~ shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;
 6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing ~~or pre-existing~~ facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;
 7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and
 8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

- B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.
- C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).
- D. Abandonment and Termination of a Nonconforming PWSF.
 - 1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:
 - a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;
 - b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
 - c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.
 - 2. The owner of a ground-mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.
- E. Property affected by right-of-way acquisition
 - a. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:
 - i. The PWSF must have been legally permitted at the time of the initial placement; and
 - ii. Must be located to the remainder of the property or remain in its existing location; and

or enlarged; and
 - iv. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

(Ord. 16653 § 2 (part), 2007)

From: mark marksmithpublicaffairs.com <mark@marksmithpublicaffairs.com>

Sent: Tuesday, October 22, 2019 12:18 PM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Cc: Andrew Dominguez <andrew@vertical-one.com>

Subject: PWSF Asks and Tower Aesthetics

Philip:

Thank you for your help. **I will have Andrew send you Macro Aesthetics**. Instead of the word camouflage I think we should say Standardized Designed Macro Aesthetics-maybe too much but again, hold us accountable. Again, thank you for your help. Mark

Asks from Industry for Staff to Amend PWSF Ordinance:

1. *Working with Industry and City Staff standardize all new macro facilities: to meet aesthetics and appearance as outlined in 2019 PWSF Policy Guide. (Industry agrees, We can and have to do better.)*
2. *Allow macro facility separation to be no greater than one-half mile.*
3. *Working with Industry and City Staff allow for 1:1 setbacks on a case-by-case evaluation.*
4. *Authorize macro location up to 60 ft in C1 and C2 zoned areas; through special permit process.*
5. *Allow for macro location up to 60ft in residential zoned areas; through special permit process.*

Mark

MARK A. SMITH
Founding Partner

219 E. Mills, PMB No. 334
El Paso, Texas 79943
+ 1 (915) 227-1902
marksmithpublicaffairs.com

From: Andrew Dominguez <andrew@vertical-one.com>

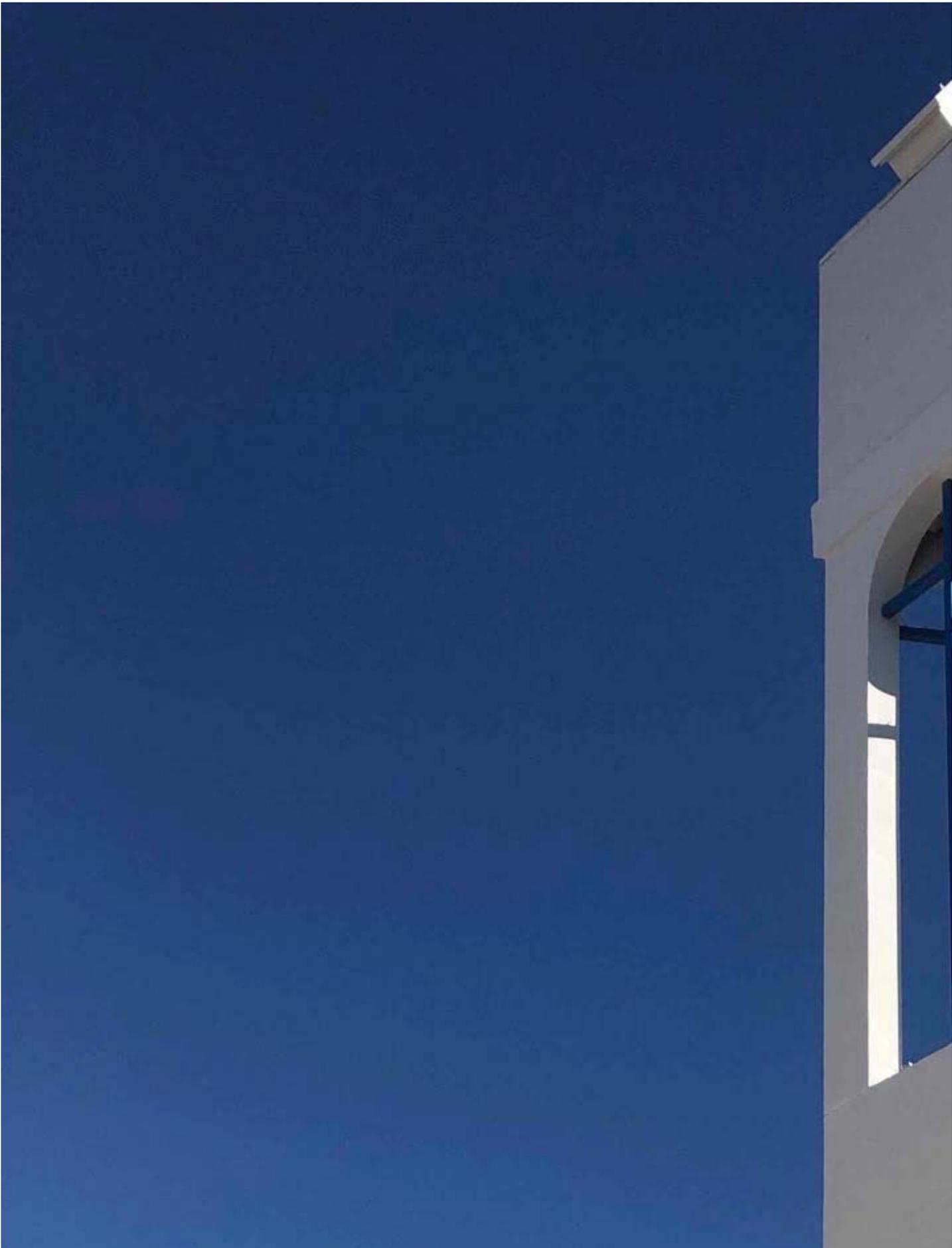
Sent: Wednesday, October 23, 2019 10:41 AM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Subject: RE: PWSF Asks and Tower Aesthetics

Yes this is from the city of PHX. Is this the photo?





Andrew Dominguez

CDO - Development

Vertical-One

C: 915.487.3832

O: 915.751.0700

E: andrew@vertical-one.com



Electronic Communications Privacy Act, 18 U.S.C. 2510-2521: This email may contain confidential or privileged material. Use or disclosure of it by anyone other than the recipient is unauthorized. If you are not an intended recipient, please notify the sender, then delete this email.

On October 23, 2019 at 10:05:35 AM, Etiwe, Philip F. (etiwepf@elpasotexas.gov) wrote:

Is this from the City of Phoenix? Do you have the tower from the other church on the Westside? Please send it to me. Thank you.

Philip F. Etiwe

City of El Paso

Planning and Inspections Department

City 3 801 Texas Avenue El Paso, TX 79901

Office: 915-212-1553

Cell: 915-867-5373

From: Andrew Dominguez <andrew@vertical-one.com>

Sent: Wednesday, October 23, 2019 9:37 AM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Subject: RE: PWSF Asks and Tower Aesthetics

Good Morning Phil,

Please see attached PHC code for design standards, minimum setbacks, and no minimum separation for any disguised/concealed facilities.

Please let me know if there is anything else you need.

Andrew Dominguez

CDO - Development

Vertical-One

C: 915.487.3832

O: 915.751.0700

E: andrew@vertical-one.com



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On October 23, 2019 at 6:41:42 AM, Etiwe, Philip F. (etiwepf@elpasotexas.gov) wrote:

Andrew,

Good morning. Thank you. I will be expecting the document this morning. Thank you.

Philip F. Etiwe

City of El Paso

Planning and Inspections Department

City 3 801 Texas Avenue El Paso, TX 79901

Office: 915-212-1553

Cell: 915-867-5373

From: Andrew Dominguez <andrew@vertical-one.com>

Sent: Wednesday, October 23, 2019 6:19 AM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Subject: RE: PWSF Asks and Tower Aesthetics

Yes sir, I'll be sure to send over the codified design standards they have as well as the rules for minimum separation and setbacks. They differ on the restrictions by considering quasi public spaces like (churches and schools) that are zoned residential and exceptions to the setback rules.

Once I get into the office I'll send it over. Thank you

Andrew Dominguez

CDO - Development

Vertical-One

C: 915.487.3832

O: 915.751.0700

E: andrew@vertical-one.com



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On October 22, 2019 at 4:21:58 PM, Etiwe, Philip F. (etiwepf@elpasotexas.gov) wrote:

Thank you. Do you have standards from Arizona and if you have any that we need to consider, please write it up and send them to me.
Thank you.

Philip F. Etiwe

City of El Paso

Planning and Inspections Department

City 3 801 Texas Avenue El Paso, TX 79901

Office: 915-212-1553

Cell: 915-867-5373

From: Andrew Dominguez <andrew@vertical-one.com>

Sent: Tuesday, October 22, 2019 4:18 PM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Cc: mark marksmithpublicaffairs.com
<mark@marksmithpublicaffairs.com>

Subject: Re: PWSF Asks and Tower Aesthetics

Andrew Dominguez

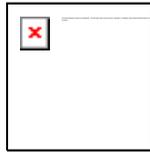
CDO - Development

Vertical-One

C: 915.487.3832

O: 915.751.0700

E: andrew@vertical-one.com



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On October 22, 2019 at 2:07:52 PM, Andrew Dominguez (andrew@vertical-one.com) wrote:

Hi Philip,

Again I would like to thank for taking the time to work with us on the matter at hand, as promised please see attached designs for macros. Mark is 100% correct on codifying the design standards to hold industry accountable.

Please let me know if there is anything else you need.

On October 22, 2019 at 12:17:52 PM, mark marksmithpublicaffairs.com (mark@marksmithpublicaffairs.com) wrote:

Hi Philip,

Again I would like to thank for taking the time to work with us on the matter at hand, as promised please see attached designs for macros. Mark is 100% correct on codifying the design standards to hold industry accountable.

Please let me know if there is anything else you need.

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Sent: Tuesday, October 22, 2019 4:17 PM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Cc: mark marksmithpublicaffairs.com <mark@marksmithpublicaffairs.com>

Subject: Re: PWSF Asks and Tower Aesthetics



Andrew Dominguez

CDO - Development

Vertical-One

C: 915.487.3832

O: 915.751.0700

E: andrew@vertical-one.com



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Please let me know if there is anything else you need.

From: mark marksmithpublicaffairs.com <mark@marksmithpublicaffairs.com>

Sent: Saturday, October 26, 2019 4:56 AM

To: Etiwe, Philip F. <EtiwePF@elpasotexas.gov>

Cc: Brugnoli Darlene <darlene.brugnoli@verizon.com>

Subject: Fwd: Industry Thank You Note and Redlines

Philip: Thank you for all your help - my Bishop Felix Orji told me to tell you hello. This is what Industry sent Karla and Omar. Let me know if you need additional information. Thank you. Mark

Mark A. Smith
Founding Partner

219 E. Mills, PMB No. 334
El Paso, Texas 79943
+ 1 (915) 227-1902
marksmithpublicaffairs.com

Begin forwarded message:

From: "Brugnoli, Darlene" <darlene.brugnoli@verizon.com>

Date: October 25, 2019 at 7:16:29 PM MDT

To: "mark marksmithpublicaffairs.com" <mark@marksmithpublicaffairs.com>, "rick@formagroup.net" <rick@formagroup.net>, "CUEVAS, JO CASSANDRA" <jc173h@att.com>, "andrew@vertical-one.com" <andrew@vertical-one.com>, Nicholas L Magnone <nick.magnone@verizonwireless.com>

Subject: Fwd: Industry Thank You Note and Redlines

Dear Karla and Omar,

Thanks for taking the time to meet with industry yesterday, and for your willingness to consider and discuss our concerns. You and your staff have spent a tremendous amount of time and energy on this project which industry acknowledges and greatly appreciates.

As discussed, we fully support the design requirements proposed by staff, and agree that El Paso deserves better aesthetic designs to match its beautiful landscape. We also agree that these designs should be determined in partnership with the city.

As also discussed, we do request the following important revisions, including addressing your very important point regarding preference locations which we address in the 4th bullet below, in order for telecommunication service providers to meet both basic and improved network requirements:

- the 60 foot height allowance on new ground mounted support structures
- a 1/1 setback requirement in all zones (requires special permit – not automatic)
- the ½ mile separation between such structures (requires special permit – not automatic)
- language addressing siting preferences (which we discussed yesterday) which requires us to explain why certain locations will not work

Attached to this email are redlines that address the above:

Section 5.D.1 and 2, Site preference. In order to address your concerns about “bad actors” we added language (see highlighted section) requiring that applicants first perform a due diligence analysis on each preference listed before applying for a location lower on the list. If after performing such analysis, the Applicant then files an Application for a location lower on the list, applications are required to explain why other sites higher on the list weren’t selected.

Ordinance, Ex. B., Section 1.2, Setback: A 1:1 setback in all zones to allow the City Staff and the applicant more flexibility in placement of a facility on a particular property.

Ordinance, Ex. B., Section 1.4, Minimum Separation: consistent with the 60’ height in all zones, the separation would be the ½ mile recommended by Staff.

Ordinance, Ex. B., Section 1.6, Height: 60’ maximum height in a zone. Policy Guide Section 20.04.520 Notice – The determination of to whom the applicant must provide would be measured from the lot line of the property to centerline of the ground mounted facility.

There are additional, much less substantive wording changes we have recommended for your consideration but the primary concerns are listed above.

I am happy to answer any questions at any time (including over the weekend) and can be reached at (512)676-9519.

Sincerely,

Darlene Brugnoli

[image.png]

Darlene Brugnoli

Vice President - State Governmental Affairs

701 Brazos, Suite 600

Austin, Texas 78701

512-676-9519

darlene.brugnoli@verizon.com<<mailto:darlene.brugnoli@verizon.com>>

www.verizon.com<<http://www.verizon.com>>

We Are VERIZON

INTEGRITY * RESPECT * PERFORMANCE EXCELLENCE * ACCOUNTABILITY

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Introduction - July 23, 2019

PUBLIC HEARING DATE: August 20, 2019

CONTACT PERSON NAME AND PHONE NUMBER:

Philip Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov

Sam Rodriguez, (915) 212-1845, rodriguez3@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

An Ordinance amending Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice); Title 20 (Zoning), Appendix A (Table Of Permissible Uses); Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection E; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection F; Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection G; And Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code to update notification requirements, update the Table Of Permissible Uses; Require compliance with a Policy Guide; to establish location preferences, clarify organization of the Title; and provide for Non Conforming Situations. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. (All Districts)

BACKGROUND/ DISCUSSION:

On April 6, 2017, the CPC reviewed and recommended approval of the proposed code amendment.

PRIOR COUNCIL ACTION:

This item was previously brought forward to City Council on October 3, 2017, however there was no City Council action on this proposed code amendment at that time to allow staff to do additional outreach.

Additionally this item was presented as a Work Session item on May 13, 2019, to provide a general introduction prior to it being placed on a City Council Agenda and no action was taken.

[Active/50646029.2](#)

[Active/50825412.1](#)

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Philip F. Etiwe, Director
Planning and Inspections Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS), ARTICLE VII (PUBLIC HEARINGS), SECTION 20.04.520 (NOTICE); TITLE 20 (ZONING), APPENDIX A (TABLE OF PERMISSIBLE USES); TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION A; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION D; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION E; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION F; TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTION 20.10.455 (PERSONAL WIRELESS SERVICE FACILITIES) SUBSECTION G; AND TITLE 20 (ZONING), CHAPTER 20.22 (NONCONFORMING SITUATIONS), SECTION 20.22.100 (NONCONFORMING PWSF) OF THE EL PASO CITY CODE TO MODIFY EXISTING STANDARDS, UPDATE NOTIFICATION REQUIREMENTS, UPDATE THE TABLE OF PERMISSIBLE USES; REQUIRE COMPLIANCE WITH A POLICY GUIDE; TO ESTABLISH LOCATION PREFERENCES, CLARIFY ORGANIZATION OF THE TITLE; AND PROVIDE FOR NON CONFORMING SITUATIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code, Chapter 20.10 regulates personal wireless service facilities; and,

WHEREAS, City Council directed the Planning department to update and amend the current standards and regulations for personal wireless service facilities to create new standards and regulations to require better camouflaging of new facilities, encourage colocations, and mitigate the impact of new facilities to the surrounding environment; and

WHEREAS, the Planning Department communicated with various representatives of the wireless industry who were given an opportunity to comment and provide recommendations to the proposed revisions; and,

WHEREAS, a public hearing regarding the proposed amendment was held before the City Plan Commission, and the Commission recommended approval of the amendment; and,

WHEREAS, the El Paso City Council has determined that this amendment is in the best interest of the public and will promote the public health, safety and welfare of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VII (Public Hearings), Section 20.04.520 (Notice), subsection B, paragraph 2, subparagraph b, of the El Paso City Code is amended in its entirety to read as follows:

- b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within ~~five-three~~ hundred feet of the center line of the tower to be built on the subject property~~lot line of the subject property~~.

SECTION 2. Title 20 (Zoning), appendix A (Table of Permissible Uses) table 17.00 (Towers & related structures) of the El Paso City Code is replaced in its entirety with the table attached to this ordinance as Exhibit “A”:

SECTION 3. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection A of the El Paso City Code is amended in its entirety to read as follows:

- A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be constructed and operated in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.

SECTION 4. Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) Subsection D through H of the El Paso City Code are deleted in their entirety.

SECTION 5. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection D that reads as follows:

- D. Proposed PWSF Siting and location Hierarchy Preferences.
 1. The following list indicates the City’s preferences for facility locations, in descending order of preference. Applicants are not prohibited from applying for any facility site location listed below. Applicants must first perform a due

diligence analysis on each preference listed below before applying for a location lower on the list. If after performing such analysis, the Applicant then files an Application for a location lower on the list, applications must explain, in a short narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application shall be approved by City Staff without further hearing. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- b. Antennae Co-location on existing PWSF
 - i. Facility
 - ii. Roof
 - iii. Ground-Mounted
- c. New Facility-Mounted PWSF, meeting applicable camouflaging and screening requirements
- d. New Roof-Mounted PWSF, meeting applicable camouflaging and screening requirements
- e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. Applicants are not prohibited from applying for any facility site location listed below. Applicants must first perform a due diligence analysis on each preference listed below before applying for a location lower on the list. If after performing such analysis, the Applicant then files an Application for a location lower on the list, applications must explain, in a short narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application shall be approved by City Staff without further hearing.~~Applicants are not prohibited from applying for any facility site location listed below. Applications should explain, in a short narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application~~

~~shall be approved by City Staff without further hearing. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:~~

- a. Heavy commercial and manufacturing zoning districts
- b. Light commercial and special purpose zoning districts.
- c. Residential and apartment zoning districts.

SECTION 6. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection E that reads as follows:

- E. PWSF located in the NOS zoning district is prohibited.

SECTION 7. Following the deletion of subsections D through H as described in Section 4 above, Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.455 (Personal Wireless Service Facilities) of the El Paso City Code is amended to add a new Subsection F that shows the table attached to this ordinance as Exhibit “B”:

SECTION 8. Title 20 (zoning), chapter 20.22 (Nonconforming situations), Section 20.22.100 (Nonconforming PWSF) of the El Paso City Code is amended in its entirety to read as follows:

20.22.100 - Nonconforming PWSF.

A. A personal wireless service facility (PWSF) that was built in compliance with the city’s zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:

1. A modified or rebuilt PWSF must propose to have at least one additional antenna than that of the existing or pre-existing facility. If the PWSF is to be rebuilt, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;
2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility by more than 10% or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater;

The height should be allowed to be increased up to 25 feet further as allowed in 20. 10. 455 D.1.e.f.; 2.c.; and 3.c., as well as others set forth in that section, or to the height allowed by Federal law, whichever is greater. Allowing such facilities will allow greater

signal propagation, thus reducing the overall number of facilities required to be built in the future.

3. A rebuilt PWSF may be relocated on the original property, but must have setbacks that are no more nonconforming than that of the pre-existing facility and must meet the minimum setback standards for the zoning district in which it is located;

4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;

5. All rebuilt ground-mounted PWSF shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;

6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;

7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and

8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.

C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).

D. Abandonment and Termination of a Nonconforming PWSF.

1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:

- a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;
- b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
- c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.

2. The owner of a ground-mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.

E. Property affected by right-of-way acquisition

3. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:

- a. The PWSF must have been legally permitted at the time of the initial placement; and
- b. Must be located to the remainder of the property or remain in its existing location; and
- c. Cannot be altered or enlarged; and
- d. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

SECTION 9. Except as expressly herein amended, Title 20, Zoning, of the El Paso City Code shall remain in full force and effect.

ADOPTED This ____ day of _____, 2019.

CITY OF EL PASO:

ATTEST:

Dee Margo, Mayor

Laura Prine, City Clerk

APPROVED AS TO FORM:

Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe, Director
Planning and Inspections

EXHIBIT A

Appendix A - TABLE OF PERMISSIBLE USES

Use	Residential															Commercial			Manufacturing					Special Purpose															Supplemental Standards	Accessory Uses Permitted to Specific Use					
	R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PM D***	S-D*	U-P**	P-RI*	P-RII**	P-C**	P-I**	SRR**	R-MU*	G-MU*	I-MU**	NO S			UR D				
17.00 Towers & related structures																																													
17.01 Amateur & CB radio stations (federally licensed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; §20.10.020; § 20.10.070		
17.02 Personal Wireless Service Facility (PWSF), facility-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	§ 20.10.010; § 20.10.020; § 20.10.455	
17.03 PWSF, ground-mounted	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	§ 20.10.010; § 20.10.020; § 20.10.455	
17.04 PWSF, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	§ 20.10.010; § 20.10.020; § 20.10.455	
17.05 Radio broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	§ 20.10.010; § 20.10.020; § 20.10.700	
17.06 Radio receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710		

17.07	Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.590	
17.08	Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.200	
17.09	Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S	S	S	S	S	S	S	D	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.700	
17.10	Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	§ 20.10.010; § 20.10.020; § 20.10.710	
17.11	Wind-driven electrical generator, pump	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Z	Z	Z	X	§ 20.10.010; § 20.10.020; § 20.10.200

* In addition to the use being permitted through a Master Zoning Plan, the use is only allowed by an additional Special Permit with a detailed site plan approval in the respective zoning district obtained from the city council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.

- P = Use by right*
- D = Special purpose district*
- Z = Mixed use district*
- X = Not allowed*
- S = Use by special permit*
- A = Allowed by right when incidental to the use*

Exhibit B

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF				
1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
1.2	Setbacks	13' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	13' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards, <u>but no greater than 1' for every 1' of tower height.</u>	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards, <u>but no greater than 1' for every 1' of tower height.</u>
	1.2.1	Additional Setback Standards for Ground Mounted PWSF	If abutting ROW or easement, the width of the ROW or easement may include in the setback measurement		

Increasing the setbacks reduces the number of compatible places to site a PWSF, particularly in more dense apartment districts. No safety reasons exists to have more than a 1 x 1 setback in any zone.

1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following shall be as follows: 1' of setback per 1' of tower height when tower is below 50', 2 1' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	Setbacks may be reduced with a special permit but not below the following shall be as follows: 1' of setback per 1' of tower height when tower is below 50', 1 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	N/A When height is proposed below height permitted in Section 1.6 below, setbacks may be reduced with a special permit but not below the following: the base zoning setback standards as permitted in Appendix B (Density and Dimensional Standards).	N/A When height is proposed below height permitted in Section 1.6 below, setbacks may be reduced with a special permit but not below the following: the base zoning setback standards as permitted in Appendix B (Density and Dimensional Standards)
	1.3 .1 Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF	<p>Setbacks may be reduced from the above standards with a special permit. Such Modifications-modifications to Required Setbacks must meet the following criteria:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas 			
1.4	Minimum separation (measured base of existing to base of proposed) <u>between the Applicant's own facilities.</u>	<u>1/2 mile if the structure is 60' high; 1,000' if the structure is at 50' high; 500' if the structure is at 35' high.</u>	<u>1/2 mile if the structure is 60' high; 1,000' if the structure is at 50' high; 500' if the structure is at 35' high.</u>	<u>1000'</u>	<u>1000'</u>
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF	N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)	Minimum separation may be reduced with a special permit (see Section 1.5.1)

		1.5 .1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF	N/A	N/A	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. _____ The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. ii. _____ The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; an <u>N/A</u></p> <p>v. iii. _____ The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.</p>	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <p>i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;</p> <p>iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;</p> <p>iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and</p> <p>v. i. _____ The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application. <u>N/A</u></p> <p style="text-align: center;"><i>Please see comments above.</i></p>
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					application.	
1.6	Maximum Height Permitted <u>by right with administrative approval by City Staff</u> (measured to top of steel)	<p>Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.</p> <p><u>Residential: -The maximum height of the zone, plus 25', for a total of 60';</u></p> <p><u>Multi-family and residential apartment areas: The maximum height of the zone, plus 25', for a total of 60';</u></p> <p><u>All other zoning areas: The maximum allowable height of the zone, plus 25', for a total of 60'.</u></p>				
	1.7	Allowable Increases in Maximum Height Permitted	15' of additional height if the <u>structure is able to provide for collocation applicant is collocating of</u> a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.			

	1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1. below)	Permitted (see Section 1.8.1. below)
		1.8 .1 Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF	<p>Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional <u>15'25'</u>, when providing contracts or agreements and <u>designed and structurally engineered to accommodate</u> space for a total of three (3) carriers or agencies, when the following criteria are met:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable. 			

1.9	Camouflage and Screening	<p>i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man- made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility.</p> <p>ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area.</p> <p>iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.</p> <p>iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.</p> <p>vi. Landscaping shall comply with all code requirements for landscaping.</p>
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official

1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section Section 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.13	Other Requirements Applicable to Ground Mounted PWSF	<p>The following must accompany a request for a special permit or building permit:</p> <ul style="list-style-type: none"> i. All towers located within two hundred (200) feet of a recognized federal, statestate or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Section Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.15	Existing-Existing non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF					
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline				
2.3	Allowable Increases in Maximum Height Permitted Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)
2.3.1	Additional Standards Applicable to permitted increases	<ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and 				



		in Height for Roof-mounted PWSF	commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
2.4		Camouflage and Screening	i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.
2.5		Other Requirements	The following must accompany a request for a special permit or building permit: i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
2.6		Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

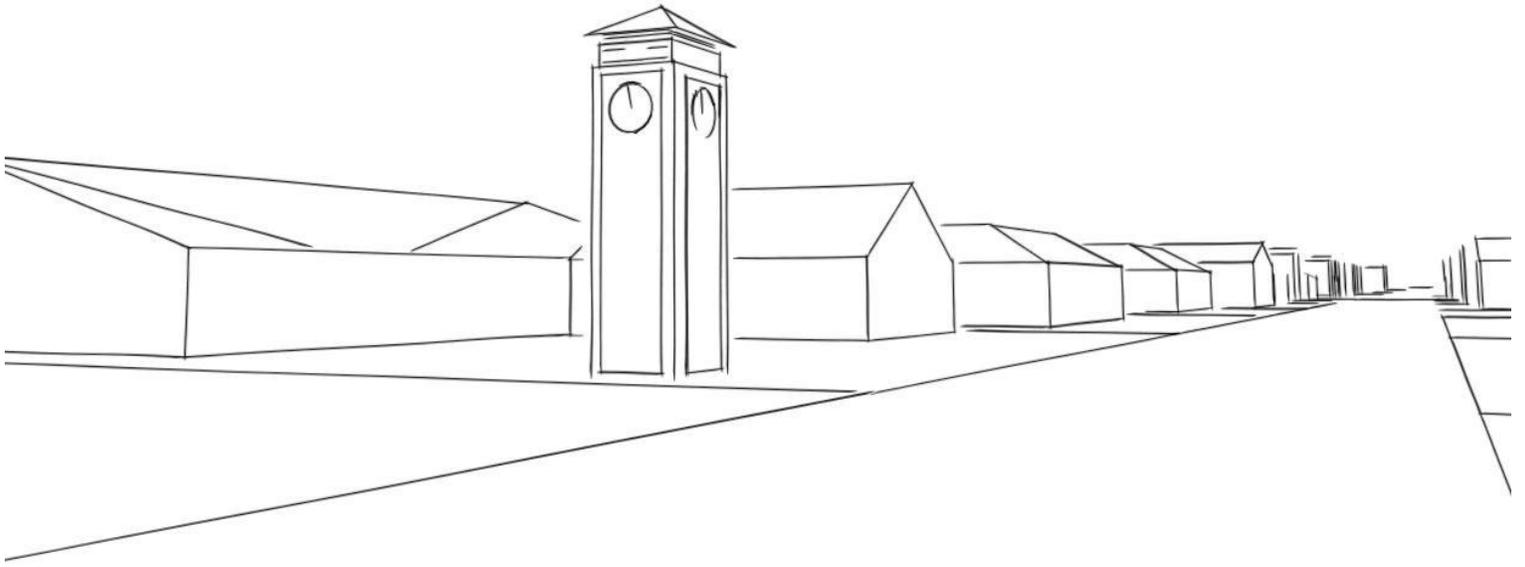
		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
	3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure		
	3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20		
	3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas		
	3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>ii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>		

3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <ul style="list-style-type: none"> i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street; ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.
3.6	Collocation	<p>Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.</p>

City of El Paso | 2019

PERSONAL WIRELESS SERVICE FACILITY (PWSF)

Policy Guide



1. Applicability

This document is to serve as a supplement to be used in conjunction with the applicable provisions of the City Code.

This document includes various depictions of acceptable designs, but does not encompass all potential alternatives which could be submitted. The guidelines are intended to provide the applicant, reviewing departments, advisory boards, and City Council with a basis for determining whether a proposed Personal Wireless Service Facility (PWSF) complies with the intent of the applicable code provisions.

2. Introduction

This document includes design guidelines which are intended to encourage co-location of personal wireless service facilities to minimize the visual impact on the City's landscape. The design guidelines contained in this document are intended to provide additional reference in support of 20.10.455, Personal Wireless Service Facilities, and may be amended by the Planning and Inspections Director or City Manager Designee.

3. Purpose

The purposes of these design guidelines are to assure a degree of predictability and consistency in the review process. These guidelines provide direction to service providers and their consultants in regard to the types of facilities that are encouraged and discouraged within the City of El Paso. Inclusive within these guidelines are various illustrations and depictions which are intended for illustrative purposes and are not intended to be reflective of all potential designs, solutions, or scenarios but rather a guide to use in the review process of applications for new facilities. The City recognizes the complexity and uniqueness inherent to these types of facilities and not all design guidelines will be applicable on all projects, and the guidelines are suggestive versus restrictive.

4. How to use the Policy Guide

This guide is to be used as a supplement for Staff, City Plan Commission, and City Council to formulate recommendations and make decisions on new PWSF applications. It is also meant to be used to provide more information to applicants to help them select the best location/ type of facility for their proposal. Section

20.10.455 of the El Paso City Code identifies the requirements that need to be followed in order to meet the zoning regulations, while the Policy Guide indicates the City's preferences on new facilities. When reviewing applications for new facilities, the following is a list of factors to be considered for approval of the request:

- **Location**
 - Preferred vs Not Preferred
- **Type**
 - Preferred vs Not Preferred
- **Scale and Context**
 - Appropriate vs. Inappropriate
- **Camouflaging**
 - Encouraged vs Discouraged

Location and Type Policies

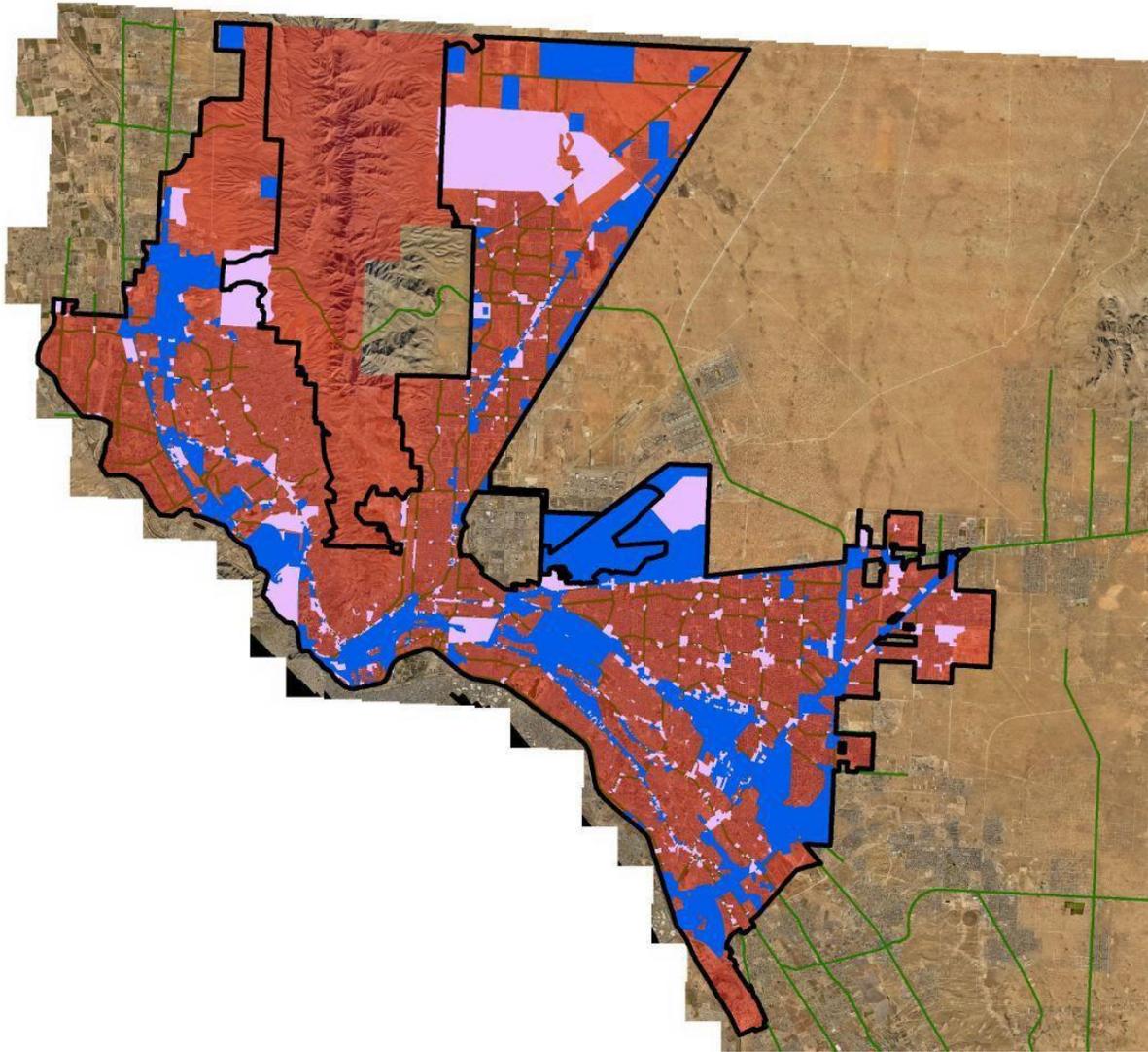
Preference Matrix

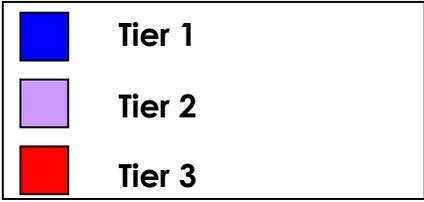
Please see comments to page 3 of 6 of the Ordinance.



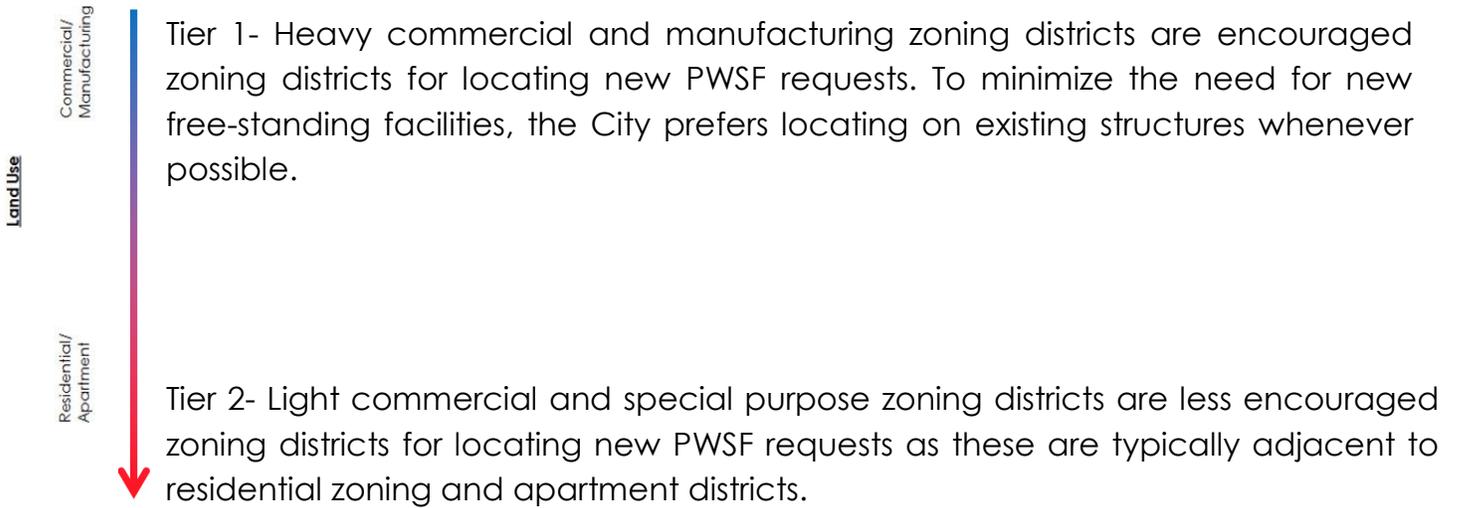
Location Policies *Please see comments to page 3 of 6 of the Ordinance.*

The location guidelines establish a location siting hierarchy for new proposed personal wireless service facility (PSWF) requests.





*This map is for illustrative purposes only and are not regulatory.



Tier 3- Residential and apartment zoning districts are locations that are not preferred by the City of El Paso and discouraged for new PWSF requests.

Type Policies

*Please see comments to p. 3 of 6
of the Ordinance.*

In addition and in-line with the location preferences, in descending order (from encouraged to discouraged) are the City's preferences for PWSF types are shown below:

1. Antennae Co-location on existing camouflaged PWSF (Facility, Roof, Ground-Mounted)
2. Antennae Co-location on existing PWSF (Facility, Roof, Ground-Mounted)
3. New Facility-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements
4. New Roof-Mounted PWSF on existing buildings or structures, meeting applicable camouflaging and screening requirements

In all instances, a new ground-mounted facility is a discouraged type of PWSF and should be seen as a last resort for new requests.

5. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements

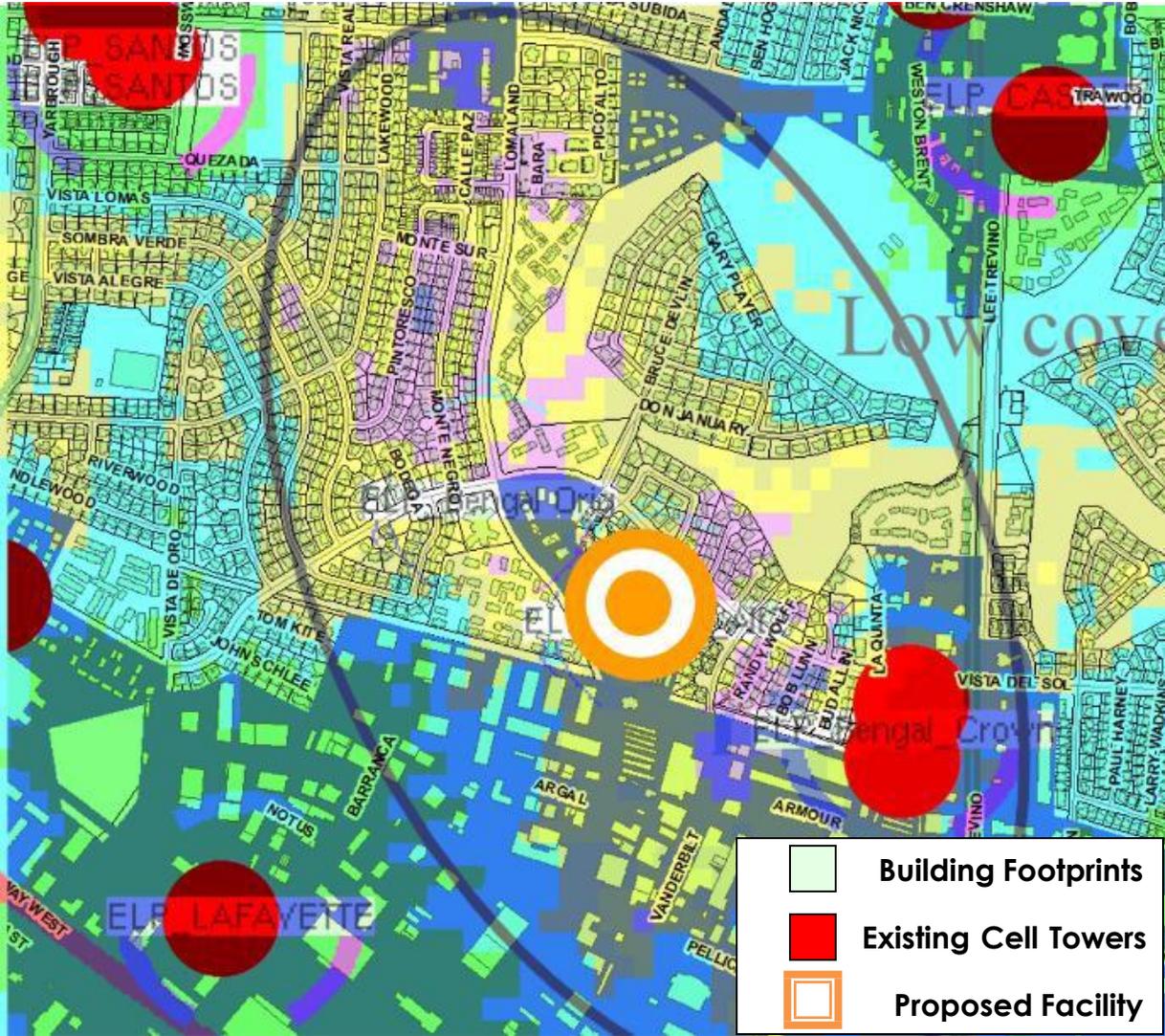
In accordance with 20.10.455, a new ground-mounted facility should only be used when the following evidence has been provided by the applicant:

- An inventory of existing facilities within the area sought to be used which depicts the structures on which the facility may be able to locate (either facility or roof mounted) and an explanation on why these locations are not feasible.

This requirement will be burdensome to fulfill because a provider will not know all facilities in the area and should not be required to determine them. Further, the City will have this information in its own records by which it can analyze this issue.

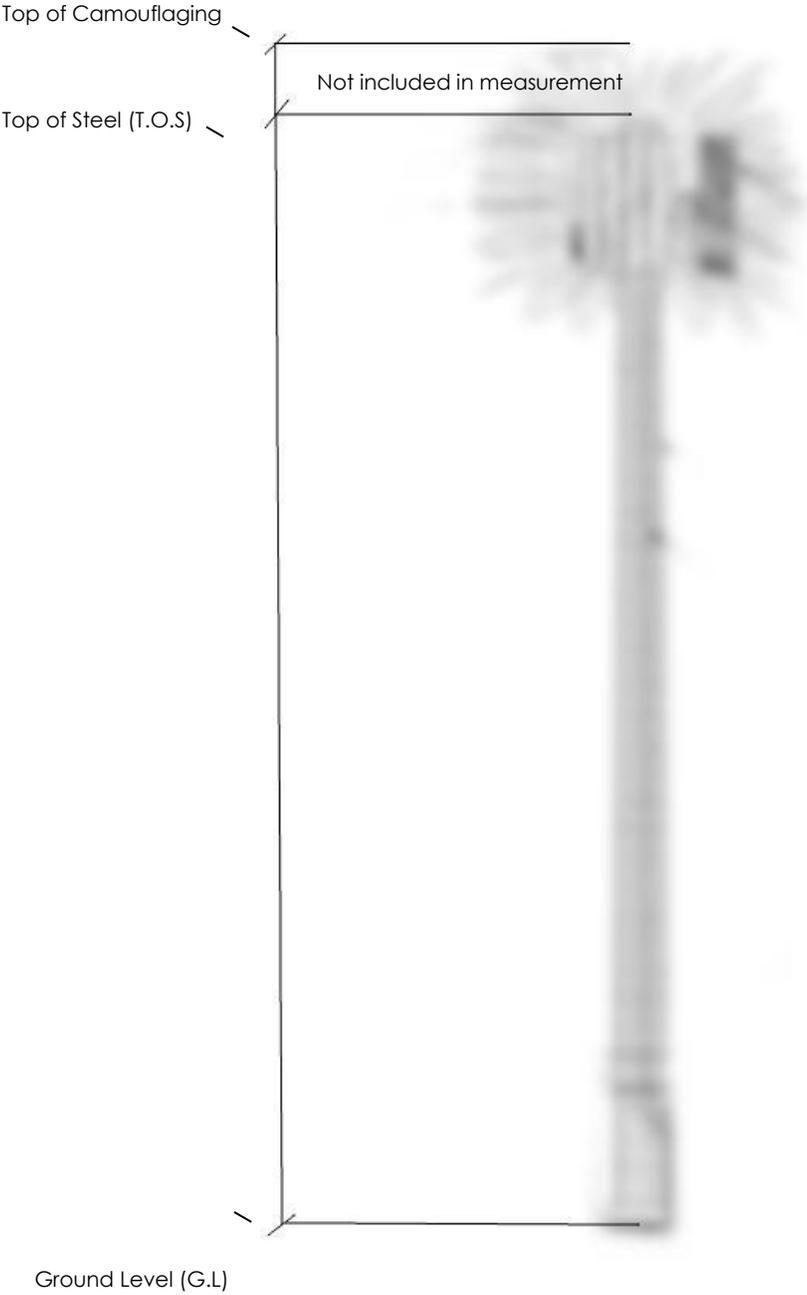
Evidence that would support why an existing facility cannot be used is as follows:

- The current structure cannot support additional facilities.
- The location will cause interference with existing facilities
- An existing ground mounted PWSF does not have the capacity for additional antenna and/or does not provide the required coverage needed.

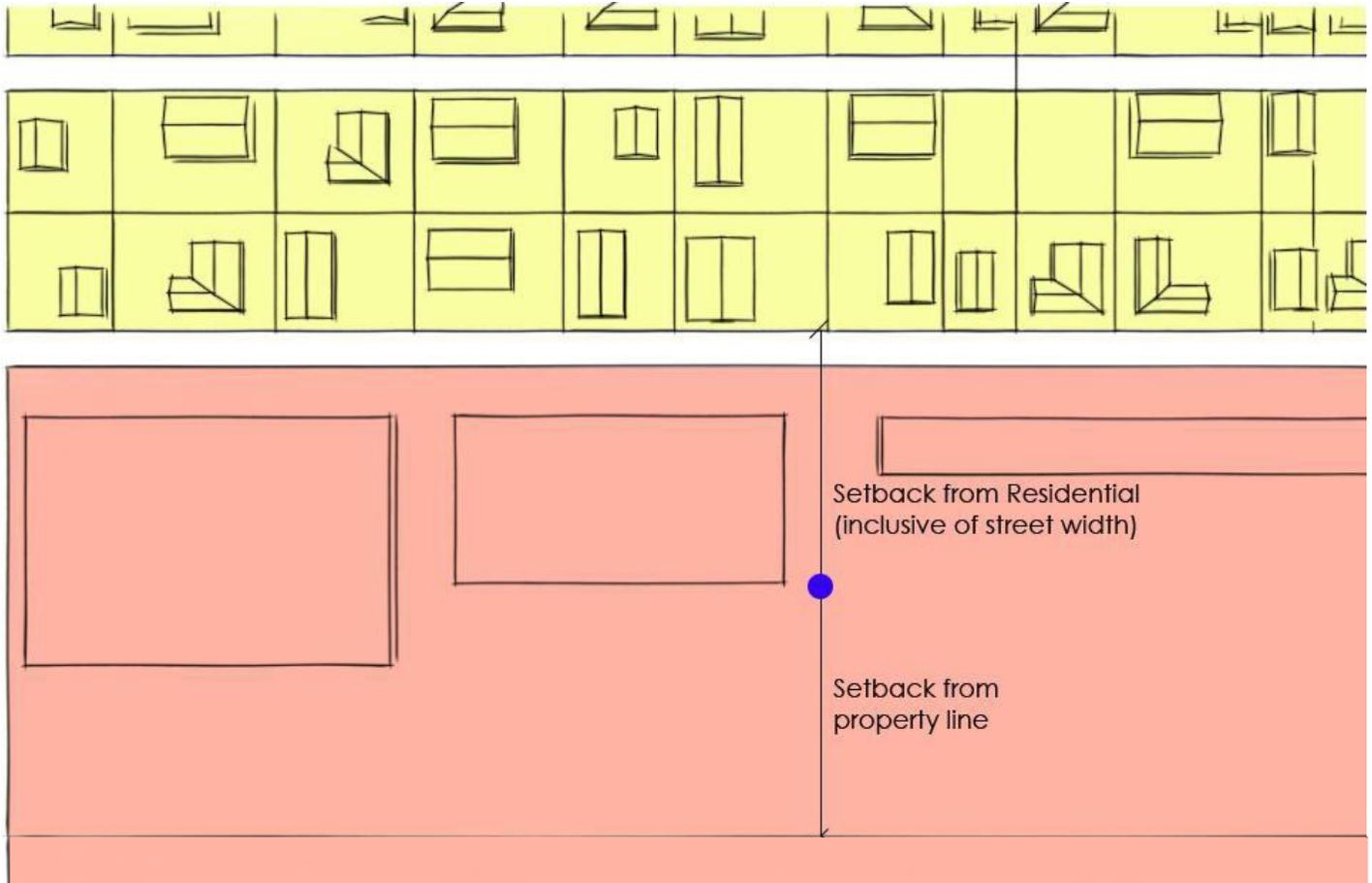


Measurements

- In order to determine height and setback requirements a PWSF will be measured from the ground level (G.L.) to the top of steel (T.O.S.). The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging.



- The setbacks of the PWSF shall be measured from the center point of the proposed tower. The camouflaging materials (such as palm fronds, structural elements, pine tree branches, etc.) will not be included in the measurements as they are required to achieve the method of camouflaging. If abutting ROW or easement, the depth/width of the ROW or easement may be included in the setback measurement.



- In order to verify if a special permit is required, the radius for PWSF separation shall be measured from the center point of the facility. This is to be verified with the database of PWSF from the City of El Paso and only applies to ground mounted facilities.



Camouflaging and Screening Guidelines

When reviewing new PWSF applications, items that will be taken into consideration, in addition to the location of the proposed facility, as it relates to camouflaging include:

- Scale and Context
- Visibility classification of facilities
- Types
 - Ground-Mounted
 - Roof Mounted
 - Facility Mounted
- Landscaping
- Screening

Scale and Context

A reasonableness standard should be inserted. There are circumstances where technical, topography, cost, or other considerations will require compromise on the design to place the facility such that there is no effective prohibition to the provision of personal wireless services. 47 U.S.C. § 332. This comment applies to all scenarios in this section.

All ground-mounted PWSF should be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible.

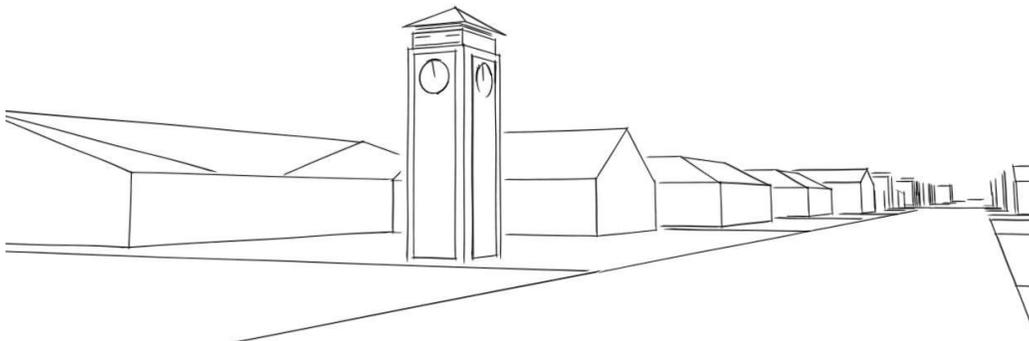
Before

After

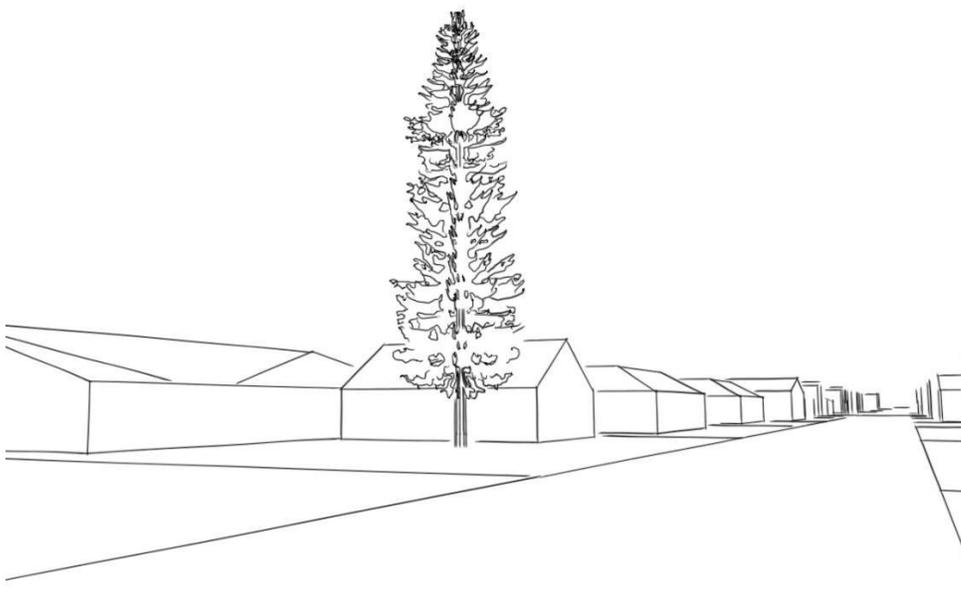




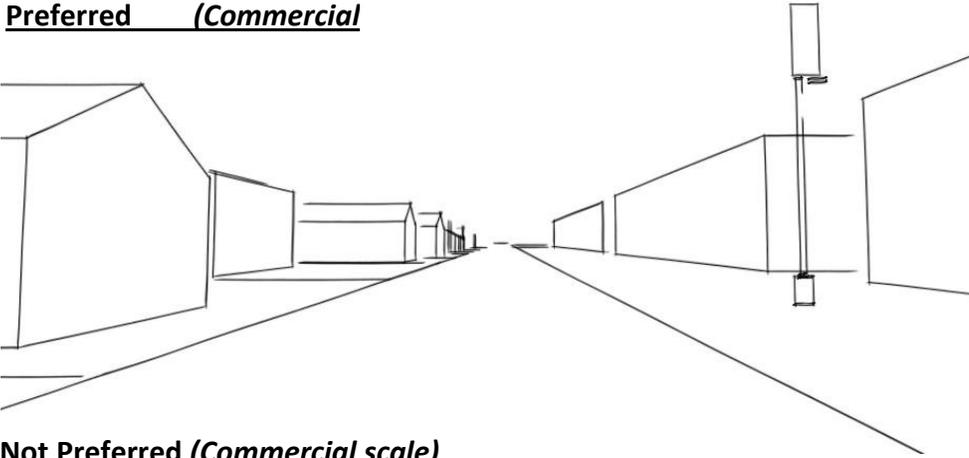
Preferred (Residential scale)



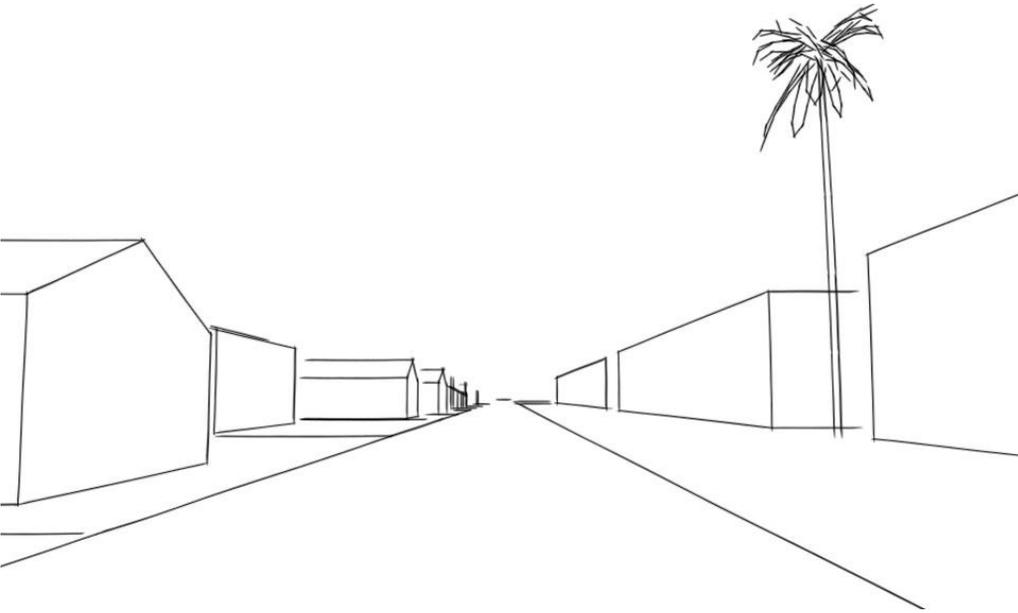
Not Preferred (Residential scale)



Preferred (Commercial)



Not Preferred (Commercial scale)

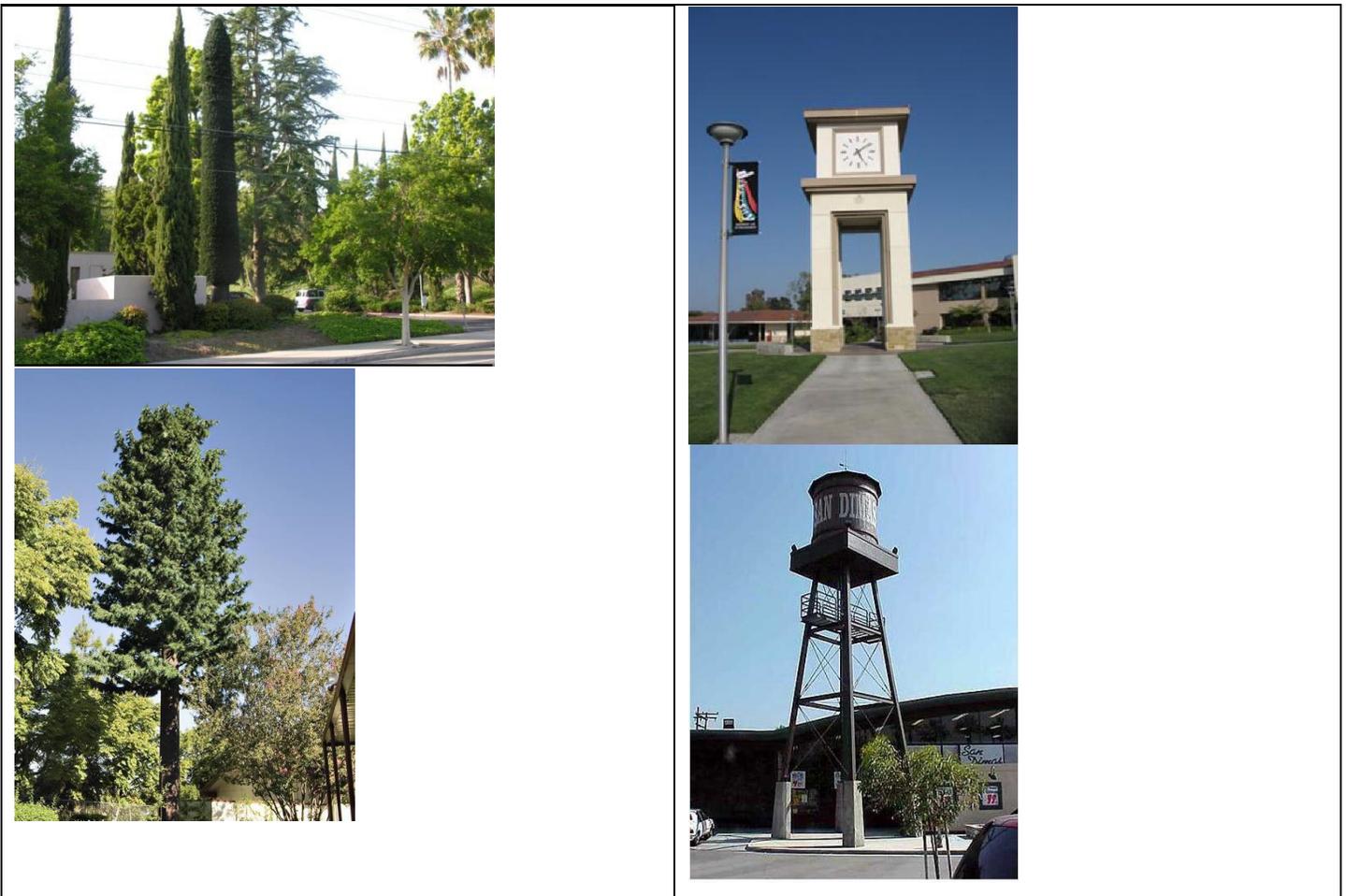


(i) High Visibility



These examples are high visibility as they tend to be less compatible more and are encouraged for existing open space or parkland areas where they may blend more easily.

(ii) Low Visibility



These examples are low visibility as they tend to resemble permitted uses, are consistent with existing development and able to mimic community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact.

Ground-Mounted Facilities

Ground-Mounted PWSF: man-made trees

- For locations where there is existing similar vegetation at or near the proposed site, camouflaging methods such as man-made palm trees or pine trees may be more appropriate. This would also be applicable to existing parks or open space where a tree will blend in more.

Discouraged



These examples are placed in a context where there is no existing vegetation around to assist in minimizing the visual impact of a new PWSF.

(b) Encouraged



These examples blend in well with existing vegetation not only in material, but also in scale to the natural vegetation that already exists..

Ground-Mounted PWSF: within Residential areas

- For locations within or adjacent to residential neighborhoods, camouflaging methods such as bell towers, clock towers or water towers may be more appropriate to lessen the impact on nearby residents. These should resemble structures associated with uses that are already permitted in the underlying zoning districts (i.e. churches, schools, etc.) to better blend into existing and future development.

Discouraged



These facilities, while appropriate in the right context, appear to stand out and are not consistent with the scale and development of area.

Encouraged

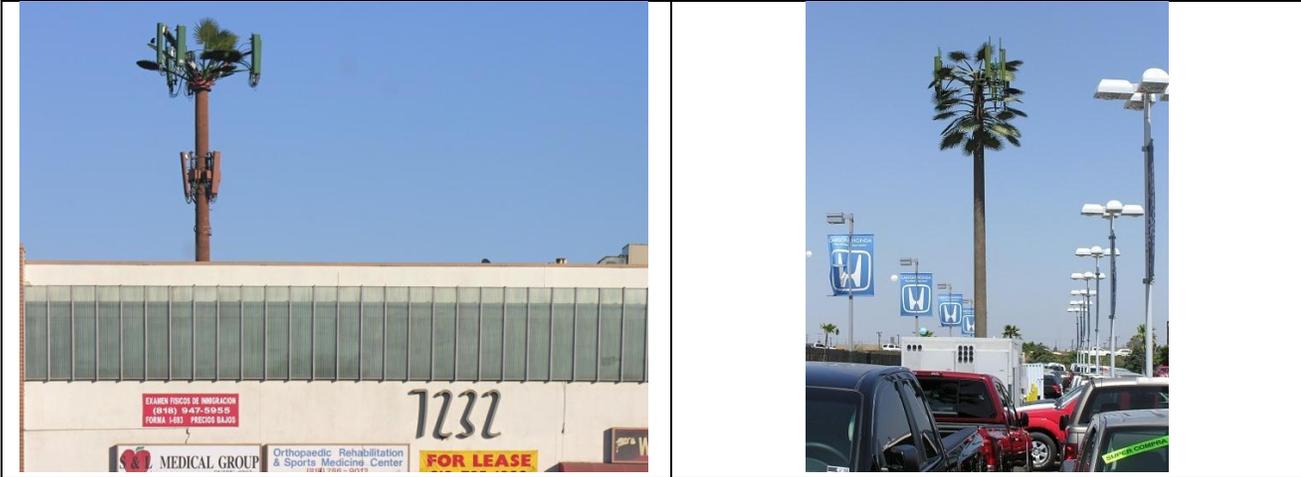


The facilities above blend in more naturally with the adjacent development and do not appear drastically out of place with the existing permitted uses of the underlying zoning district.

Ground-Mounted PWSF: within Commercial areas

- For locations within commercial or manufacturing areas, camouflaging methods such as light poles, flag poles, public art, or structures similar to existing buildings may be more appropriate. These should resemble existing uses, structures, and amenities found in commercial developments.

Discouraged



The facilities although camouflaged do not blend in to the surrounding landscape and are placed in commercial areas where no other trees around to assist in blending them into their surroundings. Other designs may have been more appropriate given their context.

Encouraged



The facilities above blend in more naturally with a commercial setting and serve a purpose other than just a PWSF and resemble amenities typically found with commercial uses.

Roof Mounted Facilities

- Roof mounted PWSF are to be designed to blend in with the existing structure to which it is attached when the roof of the main structure is 35' or below. This can be achieved by shielding it with a sheath to disguise it as a chimney or vent, adding a new parapet to the existing structure, or changing its color to match existing structural projections.

Discouraged



The roof mounted facilities above should be located behind the parapet to completely screen them from below or screened by a different method when possible.

Encouraged



The roof mounted facilities above added screening to make them blend in to the structure in which they are attached to make them appear they have always been a part of the structure.

Facility Mounted Facilities

- Facility mounted PWSF are to be designed to blend in with the existing structure to which it is attached. This can be achieved by changing its color, shielding it with a sheath to disguise it as an architectural accent or placing it behind existing structural projections.

Discouraged



The facilities above are not located behind any structure or façade nor are they painted to blend in with the structure to which it is attached.

Encouraged



The facilities above are painted and enclosed within sheaths which match the structures to which they are attached and only project a small distance from the structure.

Landscaping

- Additional landscaping may be required in areas where there is an opportunity to camouflage equipment or assist in the camouflaging method chosen.

Discouraged



The placements of these facilities do not lend themselves to the placement of additional landscaping to screen equipment.

Encouraged



The locations of these facilities allow them to be placed in the context of existing vegetation while also allowing new landscaping to be added.

Screening

- Screening and fencing is required around all ground equipment. This may be provided around both the freestanding structure, or just around the equipment, depending on the location and camouflaging method chosen.

Discouraged



The ground equipment is not screened with a rockwall or wrought-iron fence and no additional landscaping is provided to screen the equipment.

Encouraged



The equipment is move to the edge of the property and screened to blend into the surroundings, as well as another screening example where it is incorporated into the design to blend in.

ADOPTED This _____ day of _____ 2019.

APPROVED: _____

Philip F. Etiwe, Director
Planning and Inspections

20.04.520 – Notice

Where a public hearing is required by State law, notice shall be given in the manner specified below:

- A. Content of Notice. Required mailed notices and notices by publication shall include the date, time, and place of the hearing, a description of the subject matter of the hearing and the body holding the hearing. The mailed notices shall be in the form of a standard letter or a postcard and shall include the information in both English and Spanish. The postcard shall be a minimum size of 5.5 inches by 8.5 inches. Required on-site posting of notice shall be as specified in subsection B.2.d. of this section.
- B. Provision of Notice. Notice will be given in the following manner and as per Chapter 2.102 of this Code, as applicable:
 1. In all cases, by mail to the applicant, or owner of the property that is subject of the application, if different;
 2. On applications for special permits, amendments to zoning conditions and amendments to the district map, additional notice shall be given as follows:
 - a. Notice of hearing before the city plan commission shall be given to all owners of real property by mail, as indicated by the most recently approved municipal tax roll within three hundred feet of the ~~lot line of the subject property~~ center line of the tower to be built on the subject property.
 - i. In addition to notice given to the owners of the real property within three hundred feet of the lot line of the subject property, if a multifamily dwelling is located on any parcel of real property within the three hundred feet of the ~~lot line of the subject property~~ center line of the tower to be built on the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - b. When applications for special permits, amendments to zoning conditions, and amendments to the district map involve a personal wireless service facility (PWSF) or public utility facility, notice of hearing before the city plan commission shall be given by mail to all owners of real property, as indicated by the most recently approved municipal tax roll within ~~five-three~~ five hundred feet of the ~~center line of the tower to be built on the subject property~~ lot line of the subject property.
 - i. In addition to notice given to the owners of the real property within five hundred feet of the lot line of the subject property, if a multifamily dwelling unit is located on any parcel of real property within the five hundred feet of the lot line of the subject property, notice shall be provided to the property manager of the multifamily dwelling.
 - ii. The applicant for a special permit, an amendment to zoning conditions, or an amendment to the district map involving a public utility facility is responsible for providing the required notice and for all costs of providing the required notice. The applicant shall provide written documentation to the city that the required notices have been provided unless the applicant has requested that the city provide the notices of the hearing and reimburses the city for all its expenses upon receipt of a city invoice.
 - c. Notice of hearing before the city council shall be given as follows:
 - i. On first reading—by publication in a newspaper of general circulation in the city not less than fifteen days prior to the day of the public hearing and posted in accordance with provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act).
 - ii. The published notice shall contain:
 1. The name of the property owner(s) requesting the special permits, amendments to zoning conditions, or amendments to the district map;

	Use	Residential															Commercial					Manufacturing			Special Purpose												Supplemental Standards					
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-3/O	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R-F	PMD****	S-D**	U-P**	P-R I**	P-R II**	P-C**	P-I**	SRR**	R-MU**		G-MU**	I-MU**	NOS	URD	
17.00 Towers & related structures																																										
17.01	Amateur & CB radio stations (federally licensed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.070
17.02	Personal Wireless Service Facility (PWSF), facility-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D		D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455
17.03	PWSF, ground-mounted	S	S	S	S	S	S	S	S	S	S	S	S	S	S	PS	PS	PS	P	P	P	P	P	P	P	P	S	S		DS	S	S	S	DS	D	S	Z*	Z*	Z*		X	§ 20.10.010; § 20.10.020; § 20.10.455
17.04	PWSF, roof-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D		D	D	D	D	D	D	D	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.455	
17.05	Radio broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S		S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700	
17.06	Radio receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.710
17.07	Satellite receiving dish, antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.590
17.08	Solar conversion system	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.200
17.09	Television broadcasting antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S		S	S	S	S	S	D	S	Z	Z	Z		X	§ 20.10.010; § 20.10.020; § 20.10.700	
17.10	Television receiving station (residential-type)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		X	§ 20.10.010; § 20.10.020; § 20.10.710

20.10.455 - Personal wireless service facilities.

- A. All PWSF permitted in accordance with this chapter, may be constructed within the corporate limits of the city and shall be operable in accordance with industry standards and subject to the restrictions and limitations set forth in this chapter and in the adopted PWSF Policy Guide. The Director of Planning and Inspections Department, or other person designated by the City Manager, is authorized to adopt and amend the PWSF Policy Guide to provide clarifications to requirements established under this Title regarding the placement and construction of PWSFs. The Policy Guide shall control the interpretation of the provisions of this Title regarding the placement and construction of PWSFs over any other interpretation. The Director shall make the PWSF Policy Guide available to the public.-
- B. Certification. All owners of PWSF currently in existence as of the date of the passage of the ordinance codified in this chapter shall certify in writing, no later than thirty days after the passage of the ordinance codified in this chapter, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of each PWSF and any other pertinent information, excluding proprietary information, required on the form prescribed by the development services department.

Thereafter, for all such PWSF and additionally for all new PWSF installed and constructed after the date of passage by the ordinance codified and permitted in accordance with this chapter, the owner shall certify in writing, annually no later than January 31, beginning in 2008, to the building official that the PWSF in existence are not a safety hazard to the public, and are in operable condition, as well as provide an address of the location of the PWSF, and any other pertinent information, excluding proprietary information, required on the form prescribed by the building official.

The person who constructed the PWSF, the person who operated the PWSF or the owner of record must notify the zoning administrator of any change in the information or status of the PWSF as stated in the certification within thirty days after such change.

- C. Removal. For any PWSF constructed after the date of this chapter, if the PWSF is not used to transmit, receive or relay voice and data signals to or from wireless communication devices for a period of six months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility or by the property owner within eighteen months from the time the PWSF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

If the use of the PWSF has not been restored within an eighteen-month period from the time the PWSF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the PWSF must be removed and the PWSF site restored to its original or better condition, at the property owner's expense.

For any PWSF in existence but not listed as operable on the certification form as of the date of the passage of the ordinance codified in this chapter, the owner shall have eighteen months from the date of certification in which the PWSF must be made operable. If the PWSF is not operable within eighteen months, then the owner of record must notify the building official and apply for a permit to remove the structure. All PWSF towers and antennas shall be removed by the person who constructed the facility, by the person who operated the facility or by the property owner within six months after the aforementioned time period expires. The PWSF site must be restored to its original or better condition, at the property owner's expense.

- D. ~~PWSF located in residential and apartment districts (including RF, SRR, PR-1, PR-2, & PMD) shall comply with the following:~~
 - ~~1. Ground-mounted PWSF antenna support structures and appurtenant equipment storage facilities are permitted by special permit with the following restrictions:~~
 - a. ~~Setbacks.~~

- ~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PWSF antenna support structure base.~~
 - ~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~
 - ~~b. Modified Setbacks. The setback set forth in subsection (D)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two feet setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~~~
- ~~e. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (D)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~d. Modified Separation Between PWSF Antenna Support Structures. The separation distance between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~~~

- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- ~~e. Height Restriction. PWSF antenna support structures and appurtenant antennas shall not exceed seventy-five feet in height, except as provided in subsection (D)(1)(f).~~
- ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure, then the maximum height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred feet.~~
- ~~g. Camouflage and Screening.
 - ~~i. All ground-mounted PWSF located in residential and apartment zoning districts shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~~~
- ~~h. Other Requirements. The following must accompany a request for a special permit:
 - ~~i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street;~~
 - ~~ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale.~~~~

- ~~i. Screening Fence. A six-foot high screening wall or fence of other than chain link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
- ~~j. Access Driveway. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
- ~~k. Increase in Elevation on Existing PWSF Antenna Support Structure. An increase in elevation, not to exceed a maximum height of one hundred feet, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- 2. Roof-mounted PWSF antenna support structures with appurtenant antennas and equipment storage facilities are permitted with the following restrictions:
 - ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on those residential structures consisting of five or more units or on nonresidential structures;~~
 - ~~b. Height Restriction. Roof-mounted PWSF antenna support structures and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property on which the PWSF is located abuts a residential zoning district the PWSF shall not exceed ten feet in height above the existing roofline.~~
 - ~~c. Modified Height Restriction. The height of a roof-mounted PWSF antenna support structure on property abutting a residential zoning district may be increased by special permit application, but not above thirty feet measured from the existing roofline, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
 - ~~d. Camouflage and Screening.
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting~~~~

structures.

- ~~d. Facility-mounted PWSF shall be painted to integrate and blend with the facility structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;~~
 - ~~ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
- ~~f. Collocation. Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

E. ~~C-1, C-2 and P-C Commercial Districts, S-D Special Development.~~

- ~~1. Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - ~~a. Setbacks.
 - ~~i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district, shall be required. In the case where a right-of-way or easement separates the property from a residential or apartment district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, the setback from any abutting property line of property in a residential or apartment district shall never be less than one foot for each foot of height, measured from the PSWF antenna support structure base.~~
 - ~~ii. When the property in which the PWSF is located abuts a parcel of land that is not in a residential or apartment zoning district, a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to that property line, shall be required.~~~~
 - ~~b. Modified Setbacks. The setback set forth in subsection (E)(1)(a)(i) may be reduced, but not below the following: one foot setback for each foot of height if the structure height is fifty feet or less; and two foot setback for each foot of height if the structure height is greater than fifty feet but no greater than seventy-five feet; if the city council, based on written evidence provided by the applicant, finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the~~~~~~

~~applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~

- ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas.~~
- ~~e. Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (E)(1)(d). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~d. Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application based on findings that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- ~~e. Height Restriction. Ground-mounted PWSF antenna support structures shall not exceed seventy-five feet in height, except as provided in subsection (E)(1)(f).~~
- ~~f. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure shall not exceed one hundred feet.~~
- ~~g. Camouflage and Screening.
 - ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty~~~~

~~percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~

- ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and textured to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~
 - ~~h. Other Requirements. The following must accompany a request for a building permit:
 - ~~i. A detailed plan showing the PWSF antenna support structure, antennas and equipment in relation to the surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available upon request;~~
 - ~~iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iv. The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~~~
 - ~~i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.~~
 - ~~j. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.~~
 - ~~k. Increase in Elevation on Existing PWSF Antenna Support Structure. Increase in elevation, not to exceed one hundred feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
- ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed use structures or those residential structures consisting of five or more units.~~

- ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that, when abutting a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (E)(2)(c).~~
 - ~~c. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~~~
- ~~d. Camouflage and Screening.
 - ~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~~~
- ~~e. Other Requirements. The following must accompany a request for a building permit:~~

- ~~a. **Setbacks.** The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right of way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
- ~~b. **Separation Between PWSF Antenna Support Structures.** The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (F)(1)(c). Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
- ~~c. **Modified Separation Between PWSF Antenna Support Structures.** The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - ~~i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~
 - ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
 - ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~~~
- ~~d. **Height Restriction.** The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred twenty five feet in height, except as provided in subsection (F)(1)(e) or (F)(1)(f).~~
- ~~e. **Modified Height Restriction.** If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet.~~
- ~~f. **Special Permit for Additional Height in C-3 and C-4 Commercial Districts Only.** The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~~~

- ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- ~~g. Camouflage and Screening.~~
- ~~i. All Ground-Mounted PWSF Shall be Camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic Surfaces Shall be Painted to Reduce Glare and Reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
 - ~~iii. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.~~
 - ~~iv. Landscaping shall comply with all code requirements for landscaping.~~
- ~~h. Other Requirements. The following must accompany a request for a building permit or special permit:~~
- ~~i. A detailed plan showing the PWSF antennas support, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antennas support site to the nearest public street;~~
 - ~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant;~~
 - ~~iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - ~~iv. The design of related support structures for new PWSF antenna support structures shall incorporate materials, colors, textures, screening, and camouflaging techniques that will blend them to the extent reasonably possible into the natural setting and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall~~

~~review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.~~

- ~~i. A six-foot high screening fence or wall of other than chain-link shall be constructed around the base of an antenna support structure to provide for security. The gate which provides access to the antenna support shall remain locked at all times except when being used for access by maintenance personnel. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted after review and approval by the building official of a structural recertification report prepared and sealed by a licensed professional engineer.~~
- ~~j. The access driveway and off-street parking spaces for use by maintenance vehicles shall be paved as approved by the building official.~~
- ~~k. Collocation or installation of additional antennas on an existing antenna support structure shall be permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
- ~~2. Roof-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:~~
 - ~~a. Where Permitted. Roof-mounted PWSF antenna support structures shall only be permitted on commercial or mixed-use structures or those residential structures consisting of five or more units.~~
 - ~~b. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed thirty feet in height above the existing roofline; except that when the property abuts a residential zoning district it shall not exceed ten feet in height above the existing roofline, except as provided in subsection (F)(2)(c).~~
 - ~~c. Modified Height Restriction. The height for a roof-mounted PWSF antenna support structure and appurtenant antennas may be increased as follows:
 - ~~i. Up to ten additional feet if the building exceeds forty-five feet in height or three stories, and up to twenty additional feet if the building exceeds sixty feet in height or five stories; or~~
 - ~~ii. Up to a maximum height of thirty feet, measured from the existing roofline, on property abutting a residential zoning district, by approval of a special permit application, if the city council finds that:
 - ~~(A) The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(B) The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~(C) The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~~~~~

~~(D) Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~

~~d. Camouflage and Screening.~~

~~i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~

~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~

~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required on PWSF where the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~

~~e. Other Requirements. The following must accompany a request for a building permit:~~

~~i. A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~

~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.~~

~~f. Increase in Elevation. Increase in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

~~3. Facility mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~

~~a. Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as a PWSF antenna support structure.~~

~~b. Height Restriction. New facility-mounted PWSF shall not exceed one hundred twenty-five feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred twenty-five feet in height.~~

~~c. Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred twenty-five feet, which shall include the height of the facility structure.~~

- d. ~~Facility Mounted PWSF Shall be Painted to Integrate and Blend with the Facility Structure. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~
- e. ~~Other Requirements. The following must accompany a request for a building permit:
 - i. ~~A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~
 - iii. ~~The applicant shall provide documentation to the building permits and inspections division that the applicant has the permission from the structure owner to install the antenna(s) on the structure.~~~~
- f. ~~Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

G. ~~M-1, M-2, M-3, P-1, & Q (Manufacturing, Industrial and Quarry Districts).~~

- 1. ~~Ground-mounted PWSF antenna support structures with appurtenant equipment storage facilities are permitted with the following restrictions:
 - a. ~~Setbacks. The PWSF antenna support structure shall meet the yard standards of the district, except that a setback of one foot for each foot of height, measured from the PWSF antenna support structure base to any abutting property line of property in a residential or apartment zoning district shall be required. In the case where a right-of-way or easement separates the property from a residential zoning district, the width of such right-of-way or easement shall be included in meeting the setback requirement; provided, however, that the setback from the property line shall never be less than that required in the district yard standards.~~
 - b. ~~Separation Between PWSF Antenna Support Structures. The minimum separation distance between ground-mounted PWSF antenna support structures shall be one-half mile, except as provided in subsection (G)(1)(c) of this section. Separation distance shall be measured by drawing or following a straight line between the base of any existing PWSF antenna support structure and the proposed base of a new PWSF antenna support structure.~~
 - c. ~~Modified Separation Between PWSF Antenna Support Structures. The minimum separation between ground-mounted PWSF antenna support structures may be reduced below one-half mile by city council upon approval of a special permit application if the city council finds that:
 - i. ~~The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ii. ~~The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - iii. ~~The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on~~~~~~

~~the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas;~~

- ~~iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and~~
- ~~v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.~~
- ~~d. Height Restriction. The PWSF antenna support structure and appurtenant antennas shall not exceed one hundred fifty feet in height, except as provided in subsection (G)(1)(e) or (G)(1)(f) of this section.~~
- ~~e. Modified Height Restriction. If the applicant is collocating two or more antennas on a structure or if the structure is camouflaged, then the height for a PWSF antenna support structure and appurtenant antennas shall not exceed one hundred seventy-five feet.~~
- ~~f. Special Permit for Additional Height. The height for a ground-mounted PWSF antenna support structure and appurtenant antennas may be increased by city council upon approval of a special permit application, if the city council finds that:
 - ~~i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - ~~iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - ~~iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~~~
- ~~g. Camouflage and Screening.
 - ~~i. Camouflage is required for any ground-mounted PWSF. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging, includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative design mounting structures.~~
 - ~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~~~

- (A) ~~The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - (B) ~~The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable;~~
 - (C) ~~The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and~~
 - (D) ~~Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.~~
- d. ~~Other Requirements. The following must accompany a request for a building permit:~~
- i. ~~A detailed plan showing the PWSF antenna support structure, antennas and appurtenant equipment in relation to the surroundings including screening, fencing and camouflage; and~~
 - ii. ~~A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering report for the support structure and the roof and nonionizing electromagnetic radiation (NIEER) reports are available on request from the applicant.~~
- e. ~~Increases in Elevation on Existing PWSF Antennae Support Structure. Increases in elevation, not to exceed thirty feet, of an existing permitted PWSF antenna support structure shall be permitted only to allow for collocation of additional antennas. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~
3. ~~Facility-mounted PWSF antennas and equipment storage facilities are permitted subject to the following restrictions:~~
- a. ~~Where Permitted. Antennas may only be mounted on functioning facility structures whose primary purpose is, and will continue to be, a use other than as an PWSF antenna support structure;~~
 - b. ~~Height Restriction. New facility-mounted PWSF shall not exceed one hundred fifty feet in height. An existing facility structure may be replaced for structural purposes, however the use shall not be changed to another use, and the new facility structure shall not exceed one hundred fifty feet in height;~~
 - c. ~~Modified Height Restriction. The height for a facility-mounted PWSF antenna support structure may be increased up to twenty-five feet on an existing facility to accommodate collocation of additional antennas, however in no instance shall the height exceed one hundred seventy-five feet, which shall include the height of the facility structure;~~
 - d. ~~Camouflage and Screening;~~
 - i. ~~Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of~~

~~this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures.~~

~~ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light-reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.~~

~~iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.~~

~~e. Other Requirements. The following must accompany a request for a building permit:~~

~~i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, off-street parking and access from the facility structures site to the nearest public street;~~

~~ii. A verification letter that all required FAA and FCC approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and~~

~~iii. The applicant shall provide documentation to the development services department that the applicant has the permission from the structure owner to install the antennas(s) on the structure.~~

~~f. Collocation. Collocation or installation of additional antennas on an existing facility structure shall be permitted. A structural recertification report, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.~~

H. ~~PWSF located in the NOS zoning district is prohibited.~~

D. Proposed PWSF Siting and location Hierarchy Preferences.

Please see comments on page 3 of 6 to the Ordinance. We ask that the same changes requested by made here.

1. The following list indicates the City's preferences for facility locations, in descending order of preference. Applicants are not prohibited from applying for any facility site location listed below. Applications should explain, in a short narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application shall be approved by City Staff without further hearing. ~~Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:~~

- a. Antennae Co-location on existing camouflaged PWSF
 - i. Facility

screening requirements

e. New Ground-Mounted PWSF, meeting applicable camouflaging and screening requirements.

2. The following list indicates the City's preferences for facility locations, in descending order of preference regarding zoning. Applicants are not prohibited from applying for any facility site location listed below. Applications should explain, in a short narrative form, the Applicant's analysis for not pursuing a location listed higher on the City's preference list. If Applicants file an application with such analysis, the application will be reviewed by the City's Staff by administrative review, and if the application then meets the criteria set forth in this Ordinance, the application shall be approved by City Staff without further hearing. Applicants are required to demonstrate reasons for not being able to locate PWSFs in accordance to the following preferences:

a. Heavy commercial and manufacturing zoning districts

b. Light commercial and special purpose zoning districts.

c. Residential and apartment zoning districts.

E. PWSF located in the NOS zoning district is prohibited.

F.

This is a duplicate. Please see comments on other chart.

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-I, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
1.0	Ground Mounted PWSF					
	1.1	Permitted	Special Permit Required	Special Permit Required	Permitted by right. Special Permit approval required if exceptions or modifications are requested	Permitted by right. Special Permit approval required if exceptions or modifications are requested
	1.2	Setbacks	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts	3' from any abutting property line for every 1' of structure height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); 1' setback for every 1' of tower height abutting all other zoning districts, except when abutting ROW or easement, at which point it is subject to the base zoning setback standards	1' from any abutting property line for every 1' of tower height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards	1' for every 1' of height abutting Residential and Apartment zoning districts (see Section 1.2.1 below); otherwise subject to base zoning setback standards
	1.2.1	Additional Setback Standards for Ground Mounted PWSF	If abutting ROW or easement, the width of the ROW or easement may included in the setback measurement			
	1.3	Reductions in minimum setback requirements	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower	Setbacks may be reduced with a special permit but not below the following: 1' of setback per 1' of tower	N/A	N/A

		height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)	height when tower is below 50', 2' of setback per 1' when tower is above 50' in height (see Section 1.3.1 below)		
	1.3 .1	Additional Standards Applicable to Reductions in required minimum setbacks for Ground Mounted PWSF	<p>Modifications to Required Setbacks must meet the following criteria:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is used by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and iii. The applicant cannot use another PWSF antenna support structure that is located such that the applicant is able to reasonable serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas 		
1.4	Minimum separation (measured base of existing to base of proposed)		One-half mile		
1.5	Reductions in minimum separation requirements for Ground Mounted PWSF		N/A	N/A	Minimum separation may be reduced with a special permit (see Section 1.5.1)

						<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <ul style="list-style-type: none"> i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to 	<p>Modifications to Required Minimum Separation must meet the following criteria:</p> <ul style="list-style-type: none"> i. The applicant is reasonably unable to use property that is more than one-half mile from another PWSF antenna support structure and be able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The property on which the PWSF antenna support structure is to be located is the only reasonably available property for use within one-half mile of another PWSF antenna support structure that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The area designated by the applicant cannot be reasonably served in a manner that is technically feasible and commercially reasonable by locating additional antennas on the applicant's existing PWSF antenna support structures because such existing PWSF antenna support structures cannot safely support additional antennas; iv. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.
	1.5 .1	Additional Standards Applicable to Reductions in required minimum separation for Ground Mounted PWSF	N/A	N/A			

					<p>reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; and</p> <p>v. The applicant shall submit a list of addresses/locations showing all existing PWSF within a one-half mile radius of the proposed site and a map depicting such locations with the special permit application.</p>	
1.6	Maximum Height Permitted (measured to top of steel)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20. When height is allowed to increase based on setbacks, height shall be limited based on the measurement to the property line or the nearest lease area boundary, whichever is less.				
1.7	Allowable Increases in Maximum Height Permitted	15' of additional height if the applicant is collocating a second carrier or agency on a structure. Must have contract in place or agreement to place an additional carrier or agency for height increase. The structure needs to be engineered to support the additional carrier.				
1.8	Special Permit for Additional Height beyond Increases allowed in 1.7	N/A	N/A	C-3 and C-4 Commercial Districts Only (see Section 1.8.1. below)	Permitted (see Section 1.8.1. below)	

	1.8 .1	Additional Standards for Special Permits for Additional Height for Ground Mounted PWSF	<p>Special Permits for Increases in the maximum height permitted may be granted for a maximum of an additional 15', when providing contracts or agreements and space for a total of three (3) carriers or agencies, when the following criteria are met:</p> <ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use another PWSF antenna support structure that is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
1.9		Camouflage and Screening	<ul style="list-style-type: none"> i. All ground-mounted PWSF shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. Color cannot be the used as the only method of camouflaging. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man- made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures. When resembling adjacent structures or vegetation, no more than a 10% deviation shall be permitted to ensure the facility is comparable in size and shape to the object the PWSF is meant to resemble. Adjacent structures and vegetation used for measure shall be within 300' of the proposed facility. ii. All ground-mounted PWSF shall be located to blend in with surrounding area and located in areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening, and sited so as to not stand out of the landscape as a wireless telecommunications facility. Considerations such as architectural designs, adjacent land uses, scale, color, and texture should be reviewed to make facility as compatible as possible to the surrounding area, including views from public areas as well as from private residences. A visual analysis, which may include renderings, photos, and design mockups, shall be submitted showing the proposed facility from adjacent properties, nearby residences, and public rights-of-way (at least one from 1,000 feet away on nearby roadways) to assess the visual impact. The applicant will need to demonstrate how the proposed camouflaging blends in with the surrounding area and why the design is compatible. Multiple design options may need to be submitted to ensure other options have been explored. Staff shall review the visual analysis to ensure a compatible design has been submitted and provide comments if the design is not appropriate for the area. iii. All ground-mounted PWSF will be categorized as High Visibility and Low Visibility based on the context of the proposed facility. High Visibility facilities shall include designs such as man-made trees and are encouraged for existing open space or parkland areas where they may blend more easily. Low Visibility facilities shall include designs such as bell steeples or clock towers water towers, windmills, flag poles, light poles or other structures which are consistent with existing development and community character. Low Visibility facilities are encouraged in residential and commercial areas where there is potential for greater impact. iv. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

		<p>v. Screening of antennas on PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure.</p> <p>vi. Landscaping shall comply with all code requirements for landscaping.</p>
1.10	Screening Fence	A six-foot high screening wall or fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security. The gate which provides access to the PWSF antenna support structure shall remain locked at all times except when being used for access by maintenance personnel.
1.11	Access Driveway	The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official
1.12	Increase in Elevation on Existing Ground Mounted PWSF Antenna Support Structure	An increase in elevation, not to exceed height found in Section 1.6 and Section 1.7 plus allowed modifications and Section 1.8 above, of an existing permitted PWSF antenna support structure may be permitted only to allow for collocation of additional antennas, unless otherwise permitted by FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

1.13	Other Requirements Applicable to Ground Mounted PWSF	<p>The following must accompany a request for a special permit or building permit:</p> <ul style="list-style-type: none"> i. All towers located within two hundred (200) feet of a recognized federal, state or local historic district are subject to review and approval by the Historic Preservation Officer. ii. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; iii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iv. The design of related support structures for new PWSF antenna support structures and appurtenant equipment storage facilities shall incorporate materials, colors, textures, screening, or camouflaging techniques that will blend them to the extent reasonably possible into the natural setting, existing and surrounding structures. The applicant will be required to provide photographs of predevelopment views versus post-development illustrations, at ninety-degree angles for a full three hundred sixty-degree radius, shown to scale. The building official shall review and consider any of the five items above to mitigate negative visual impacts created by the proposed PWSF antenna support structure and may require reasonable revisions necessary to bring the application into compliance with one or more of the five items above.
1.14	Collocation or installation of additional antennas	Permitted as per FCC provisions of Section 6409 (a) and Section 332 (c) (7). A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.
1.15	Existing non-conforming ground-mounted PWSF	An existing ground-mounted PWSF shall be allowed to be modified under the FCC provisions of Section 6409 (a) and Section 332 (c) (7). All non-conforming ground-mounted PWSF's may continue in existence as a nonconforming structure and are allowed to be modified or rebuilt on the same property as permitted in Section 20.22.100.

			Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
2.0	Roof-Mounted PWSF					
2.1	Permitted	Only on residential structures consisting of five or more units or on nonresidential structures	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units	Only on Commercial or Mixed Use structures or those residential structures consisting of five or more units
2.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	15' in height above the existing roofline				
2.3	Allowable Increases in Maximum Height Permitted	N/A	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	Up to 15' above the Maximum Height Permitted in Section 2.2 above allowed by approval of a Special Permit (see Section 2.3.1 below)	
	2.3.1	Additional Standards Applicable to	<ul style="list-style-type: none"> i. The property on which the PWSF antenna support structure is to be located is the only property reasonably available for use by the applicant for a PWSF antenna support structure of the height being proposed by the applicant that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; ii. The applicant is unable to collocate its antennas on an existing PWSF antenna support structure that is owned or operated by a third person or entity and located such that the applicant is able to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable; iii. The applicant cannot use the roof on the same structure on which it is located such that will enable the applicant to reasonably serve the area designated in a manner that is technically feasible and 			

		permitted increases in Height for Roof-mounted PWSF	commercially reasonable or that the other PWSF antenna support structures used by the applicant will not safely support additional antennas; and iv. Due to topographical conditions, the proposed height of the PWSF antenna support structure is reasonably necessary to enable the applicant to reasonably serve the area designated in a manner that is technically feasible and commercially reasonable.
2.4		Camouflage and Screening	i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color. iii. Screening of antennas on roof-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.
2.5		Other Requirements	The following must accompany a request for a special permit or building permit: i. A detailed site development plan showing the PWSF antenna support structure, antennas, and equipment in relation to the existing surroundings including screening, fencing, camouflage, off-street parking, and access from the PWSF antenna support structure to the nearest public street; ii. Evidence of satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and iii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility, such certification to include a verification letter that all required FAA and FCC approvals have been requested and that site-specific structural and the roof and a nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant.
2.6		Collocation	Collocation or installation of additional antennas on an existing PWSF antenna support structure is permitted. A structural recertification report for both the structure and the roof, prepared and sealed by a licensed professional engineer, shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

		Residential and Apartment Districts (including RF, SRR, PR-I, PR-II, & PMD)	C-1, C-2, P-C and C-OP Commercial Districts, S-D Special Development, and Special Purpose Districts (excluding RF, SRR, PR-I, PR-II, PMD, and P-I)	C-3, C-4 and C-5 Commercial Districts	M-1, M-2, M-3, P-I, & Q (Manufacturing, Industrial and Quarry Districts)
3.0	Facility-mounted PWSF				
	3.1	Permitted	Must be attached to a structure used for something other than a PWSF antenna support structure		
	3.2	Maximum Height Permitted (measured to top of steel or antennae, whichever is greater)	Limited to maximum height permitted in base zoning district in which the facility is located as indicated in Appendix B, Density and Dimensional Standards of Title 20		
	3.3	Allowable Increases in Maximum Permitted Height	As per Section 20.12.030.C, 15 additional feet on an existing facility to accommodate collocation of additional antennas		
	3.4	Camouflage and Screening	<p>i. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures such as in bell steeples or clock towers, or on similar alternative-design mounting structures. Facility-mounted PWSF shall be painted to integrate and blend with the facility-structure.</p> <p>ii. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.</p> <p>iii. Screening of antennas on facility-mounted PWSF antenna support structures may include the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening is not required when the height of the roofline exceeds thirty-five feet. Screening may be waived by the building official on buildings where the height of the roofline is thirty-five feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.</p>		
	3.5	Other Requirements	<p>The following must accompany a request for a building permit:</p> <p>i. A detailed plan showing the facility structure, antenna structures and equipment in relation to the existing surroundings, including screening, fencing, camouflage, off-street parking and access from the facility structures site to the nearest public street;</p> <p>ii. Satisfactory completion of a certification of compliance for personal wireless service providers issued by the public safety technology office prior to actual use of the proposed facility accompanied by a verification letter that all required Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approvals have been requested and that site-specific structural engineering and nonionizing electromagnetic radiation (NIER) reports are available on request from the applicant; and</p>		

		iii. The applicant shall provide documentation to the building official that the applicant has the permission from the structure owner to install the antenna(s) on the structure.
3.6	Collocation	Collocation of additional PWSF antennas on an existing facility structure is permitted. A structural recertification report prepared and sealed by a licensed professional engineer shall be required, and such report shall be reviewed and approved by the building official prior to issuance of a building permit.

20.22.100 - Nonconforming PWSF.

- A. A personal wireless service facility (PWSF) that was built in compliance with the city's zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:
1. A modified or rebuilt PWSF ~~must should propose to~~ must propose to have at least one additional antenna ~~no larger in size than the antennas than that on of~~ on or of the existing or pre-existing facility. If the PWSF ~~has been rebuilt is to be rebuilt~~, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;
 2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility ~~by more than 10%~~ by more than 10% or the height limitation of Section 20.0810.455 (Personal wireless service facilities), whichever is greater;
 3. A rebuilt PWSF ~~may be relocated on the original property, but~~ must have setbacks that are no more nonconforming than that of the pre-existing facility. ~~If a tower and must meet the minimum setback standards for the zoning district in which it is located;~~
 4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;
 5. All rebuilt ground-mounted PWSF ~~located in and/or abutting residential and apartment zoning districts shall be camouflaged~~ shall be a like for like replacement with regards to camouflaging (i.e. non-camouflage for non-camouflage). Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;
 6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing ~~or pre-existing~~ facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;
 7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion. A temporary Cell-on-Wheels (COW) may be permitted on the property for a period not to exceed twelve (12) months during construction of the new facility. The COW must be removed within thirty days from the date the new PWSF is issued a certificate of completion; and
 8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.

- B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.
- C. Except as provided in this section or permitted by Federal regulations, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).
- D. Abandonment and Termination of a Nonconforming PWSF.
 - 1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:
 - a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;
 - b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
 - c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.
 - 2. The owner of a ground- mounted Personal Wireless Service Facility shall notify the City in writing within 120 days of nonuse of the PWSF that a facility is no longer needed or is not in an operable condition. After which time, the regulations of Section 20.10.455.C. shall be followed.
- E. Property affected by right-of-way acquisition
 - a. In the event that a right-of-way acquisition by a governmental agency causes a PWSF to be in violation of Section 20.10.455, said PWSF shall be exempt from said provision to the extent said violation is caused by the right-of-way acquisition, subject to the following:
 - i. The PWSF must have been legally permitted at the time of the initial placement; and
 - ii. Must be located to the remainder of the property or remain in its existing location; and

or enlarged; and
 - iv. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.100 (Nonconforming PWSF)

(Ord. 16653 § 2 (part), 2007)