Article 39A Amateur Radio Antenna and Support Structure Standards

Sections:

3901A Purpose, Scope and Intent
3902A Administrative Conditional Use Permit, When Required
3903A Operation and Maintenance Standards
3904A Site Development Standards
3905A Duration, Transfer, Revocation and Discontinuance

3901A Purpose, Scope and Intent

This Article is intended to provide standards for Amateur Radio antennas and support structures (hereinafter an "Amateur Facility"), consistent with federal and state law, taking into account the general welfare of City residents and visual compatibility with the existing surroundings. All definitions set forth in Article 39 are hereby incorporated and made a part of this Article 39A.

3902A Administrative Conditional Use Permit, When Required

1. Only a ministerial building permit shall be required for an Amateur Facility such as a mast, tower and/or building, and including the antenna(s) affixed thereto used by authorized amateur radio stations licensed by the FCC, as long as the maximum height of such Amateur Facility including all elements (including without limitation, antennas, masts, booms, arms, cables, and rotors attached thereto) does not exceed the greater of:

   (a) fifty-one (51) feet above existing grade, or

   (b) fifteen (15) feet above the height of the building to which the antenna and/or mast is attached, or

   (c) fifteen (15) feet above the maximum structure height prescribed for the zone in which the antenna is located.

2. An Amateur Facility exceeding the maximum height set forth in Section 3902A.1 shall be required to obtain one or more Administrative Conditional Use Permits pursuant to Article 41 and the provisions of this Article 39A. In order to issue such an Administrative Conditional Use Permit, the City Planner, in addition to any other required findings, must also find that:

   (a) The application is submitted by an amateur radio operator licensed by the FCC; and

   (b) The permitted location is listed by the FCC as the address associated with the amateur radio operator or is the residence of the amateur radio operator; and

   (c) Allowance of the additional height and/or width is necessary to reasonably accommodate amateur radio service communications; and

   (d) Based on technical showings by the amateur radio operator applicant, no lesser antenna heights and no alternative antenna structures would reasonably accommodate the amateur radio operator's needs; and

   (e) The conditions of approval, if any, constitute the minimum practicable regulation to accomplish the city's goal of promoting public health, safety, and welfare; and

   (f) The conditions of approval, if any, do not preclude amateur radio service communications; and

   (g) The Amateur Facility as proposed will facially comply with all adopted Building Codes and all other adopted health and safety codes.

3. Amateur Facilities shall be subject to City building permit requirements, as well as all construction and post-installation permit inspections by the City to determine compliance therewith.

3903A Operation and Maintenance Standards

1. An Amateur Facility requiring an Administrative Conditional Use Permit shall comply with the following operation and maintenance standards at all times. Failure to comply shall be a violation of the conditions of approval and constitute a violation of this Article subject to any remedy available under the Zoning Ordinance or other applicable law as well as a basis for institution of revocation proceedings of a permit pursuant to this Article, Article 41 and Article 47.

2. A maintenance and facility removal agreement shall be executed by the operator and the property owner (if other than the City). No building permit shall become effective until such agreement has been executed and attached to the building permit as a continuing condition thereof. Said agreement shall bind the operator and property owner and their successors and assigns to the facility to the following:

   (a) Maintenance of the Amateur Facility to ensure compliance with the Administrative Conditional Use Permit and the building permit;

   (b) Maintenance of the Facility in safe and good repair;

   (c) Removal of the Amateur Facility when required by this Article or by any condition of approval, or when it is determined that the Amateur Facility will not have been used during any current consecutive six month period, or if the Facility will be abandoned;

   (d) Reimbursement to the City for any and all costs incurred for work required by this Article, applicable law, or the conditions of a permit issued by the City for the Amateur Facility which the operator and property owner fail to perform within 30 days after written notice from the City to do so or sooner if required by the City for good cause.

3904A Site Development Standards

General Development Standards. All Amateur Radio Antennas shall comply with the following:

1. Height shall be measured as follows:

   (a) Ground mounted Amateur Facilities (which may include those side-braced to a building). The height of the antenna and support structure shall be measured from the natural undisturbed ground surface below the center of the base of the antenna support (i.e., tower) to the top of the tower or from the top of the highest antenna or piece of equipment attached thereto, whichever is higher.

   (b) Building mounted Amateur Facilities. The height of the antenna and support structure shall be measured from the highest point of the building roof on which the Amateur Facility is mounted, to the top of the Amateur Facility.

2. Amateur Facilities (including without limitation, antennas, masts, booms, arms, cables, wires, and rotors attached thereto) attached thereto, shall conform to all building setback requirements, and all equipment associated with their operation shall comply with the development standards for the zone in which they are located. The building setback requirements shall not apply to Amateur Facility guy wires and guy anchors, or to antenna radial wires, or to ground wires and ground rods.

3. Amateur Facilities shall, in the opinion of the City's Chief Building Official, be no greater in diameter or any other cross-sectional dimension than is reasonably necessary for proper physical support.

4. All Amateur Facilities shall be designed, located and operated to avoid disturbing the quiet enjoyment of

adjacent properties and at a minimum shall be subject to the noise standards of Article 38 of the Municipal Code.

3905A Duration, Transfer, Revocation and Discontinuance

1. Two-year expiration for non-exercise of an Administrative Conditional Use Permit. An Administrative Conditional Use Permit for an Amateur Facility shall expire two (2) years after permit approval unless the applicant has obtained a Building Permit and has requested an initial building inspection.

2. Duration of Approvals and Permits.

   (a) Any Administrative Conditional Use Permit and/or building permit for an Amateur Facility shall be personal to the amateur radio operator to whom the permit is granted, and shall not run with the land, and shall be transferrable only to another amateur radio licensee taking possession of the property where the permitted Amateur Facility is located, upon prior written application to the City for and non-discretionary approval by the City.

   (b) Any Administrative Conditional Use Permit issued for an Amateur Facility shall terminate at the earlier of the following:

      (1) two (2) years after the expiration of the permittee's amateur radio license; or

      (2) sixty (60) days after surrender of the permittee's FCC license; or

      (3) sixty (60) days after the revocation of the permittee's FCC license, or

      (4) sixty (60) days after the permittee has notified the City of his or her intention to abandon or discontinue the use of the permitted Amateur Facility.

3. All abandoned Amateur Facilities shall be physically removed by the Operator no more than ninety (90) days following the final day of use or permit termination, whichever occurs first.