

Chapter 18.15 - COMMUNICATION FACILITIES AND EQUIPMENT

18.15.005 - Title. [\(47 USC 253; 47 USC 332\(c\)\(7\)\(B\); 47 CFR 1.6003; 47 CFR 1.6100\)](#)

This chapter shall be known as the Communication Facilities and Equipment Ordinance.

18.15.010 - Purpose and intent.

The purpose of Chapter 18.15 (Communication Facilities and Equipment) is to set forth the regulations for communication facilities and equipment, including but not limited to, wireless telecommunication towers and antennas, satellite dishes and antennas and equipment shelters. It is the intent of this chapter to address the health, safety and welfare concerns related to the siting and development of these facilities and equipment. The regulations set forth in this chapter are consistent with applicable directives and standards issued by the Federal Communication Commission and the Federal Aviation Administration.

18.15.015 - Applicability.

Process-oriented standards are contained in this section. Design-oriented standards are contained in the development standards which is parallel in authority to this section.

18.15.020 - Exemptions.

The following systems are exempt from this title:

1. Conventional television antennas designed to receive locally transmitted television signals for personal, non-commercial use only, and which do not exceed the height restrictions in the district they are located.
2. Small satellite dish antennas designed for television reception only that do not exceed 18 inches in diameter and do not extend above the roof surface.
3. Conventional amateur radio antennas designed for personal, non-commercial use, located in residential zoning districts and which do not exceed 40 feet in height or violate other regulations of the district in which they are located.
4. Satellite dishes in all use districts that are fully screened by a parapet wall or other architectural means and that meet all other applicable standards and regulations of the respective use district in which they are located.
5. Tubular antennas mounted on an existing structure that do not exceed 4 inches in width and 10 feet in height above the existing structure.

18.15.025 – ~~{Procedures.}~~ Wireless telecommunication facilities and equipment. (47 USC 253; 47 USC 332(c)(7)(B))

1. Wireless telecommunication facilities and equipment are prohibited in all residential zoning districts except that:

a. ~~{Co-location}~~ Collocation on existing facilities or placement on existing structures within a residential zoning district in an architecturally integrated manner may be permitted subject to a building permit and subject to Division 1 of the development standards ~~{the provisions of Title 18 (Special Use Permits)}~~ or;

b. New structures for wireless telecommunication antennas and equipment may be constructed within the SF5A zoning district, limited to Sections 34, 35 and 36 of Township 15 N., Range 19 E., provided that such structures are stealth in design to blend in with the residential character of the area and the natural landscape, and provided that no new structures solely for the placement of communication antennas may be constructed within one mile of other such structures, subject to all other development standards related to the placement and design of communication facilities including setbacks from other adjacent residential properties and subject to approval of a special use permit.

2. Wireless telecommunication facilities are permitted within all non-residential zoning districts subject to special use permit approval, the conditions of this chapter and the provisions of Division 1 of the development standards, except as follows:

a. Wireless telecommunication facilities and/or equipment may collocate ~~{locate}~~ on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower, water tower, or other existing structure or public facility use subject to a building permit ~~{and approval of an administrative permit as defined by Title 18 (Administrative Provisions)}~~ and subject to Division 1 of the development standards, provided that such installations do not increase the height of the existing structure by more than 10 feet.

b. Telecommunication facilities that meet the height and setback requirements of the applicable zoning district in which the facility is located or do not increase the height of an existing, approved structure that exceeds the height requirement of the zoning district are permitted subject to a building permit and subject to Division 1 of the development standards.

3. Modification of existing wireless telecommunication facilities. (47 USC 1455; 47 CFR 1.6100)

a. A request for a modification of an eligible facility on an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station is permitted subject to a building permit.

b. An “eligible facility” means any request for modification of an existing facility on a wireless tower or base station that involves:

- 1. collocation of new transmission equipment;**
- 2. removal of transmission equipment; or**
- 3. replacement of transmission equipment.**

c. A modification substantially changes the physical dimensions of an existing wireless tower or base station if:

1. For an existing wireless tower or base station other than those in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing wireless towers or base stations, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

2. For an existing wireless tower or base station other than those in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing wireless towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For an existing wireless tower or base station, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for an existing wireless tower in the public rights-of-way or a base station, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

5. It would defeat the concealment elements of the existing wireless tower or base station or the requirements of Division 1 of the development standards; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the existing wireless tower or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections 1 through 5 of this Subsection.

d. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances.

e. A modification that substantially changes the physical dimensions of an existing wireless tower or base station must meet the criteria of subsections 1 or 2 of this Section.

Regulations and standards set forth in this section, and Division 1 of the development standards, are designed to address wireless telecommunication facilities and equipment used for the commercial broadcasting/receiving of transmissions regulated under the Telecommunications Act of 1996. Definitions for the various uses and terms referenced in this section are included in Title 18 (Definitions). Electrical or mechanical equipment that creates video or audio interference in customary residential electrical appliances or causes fluctuations in line voltage outside the dwelling unit is prohibited.

1. Submittal Requirements. In addition to the submittal materials required by planning and community development and other pertinent departments, the following materials must be submitted with an administrative use permit or special use permit for wireless telecommunication facilities or equipment:

a. Technical specifications, materials list, and/or equipment brochures for the proposed use, including any security barrier proposed.

b. Color samples for all visible components proposed.

c. Visual representation, either through photographic simulations or other acceptable techniques, of the proposed use and its location within the subject property. The graphic should include perspectives from surrounding viewpoints, particularly if residential in nature. All components of the proposed use shall be depicted.

d. All dimensional measurements (length, height, width, circumference, etc.) of the proposed use.

e. Proposed siting and screening provisions.

f. Justification statement for the proposed location and height of the facility. The statement should include a consideration of location priorities as set forth in this chapter and Division 1 of the development standards, a discussion of alternate sites considered but ultimately rejected, and the need for the proposed sit in relation to other facilities in the area that are part of the service provider's network. If the proposal includes a new structure or an increase of more than 10 feet in height of an existing structure, the justification shall include a coverage area map and propagation study, prepared by an engineer certified to prepare such studies, to address the justification as noted above.

g. Documentation that either the applicant or co-applicant is a carrier licensed by the Federal Communications Commission and has the legal right to install and use the proposed facility.

2. Timelines.

a. An application to deploy or collocate a wireless facility will be reviewed within the following timelines:

1. An application to modify an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station: 60 days.

2. An application to collocate a Small Wireless Facility using an existing structure: 60 days.

2. An application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.

3. An application to deploy a Small Wireless Facility using a new structure: 90 days.

4. An application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.

b. If an application is incomplete, the Carson City Community Development Department (“Department”) will notify the applicant within 10 days of the date of submission of the application whether the application is complete. If the application is not complete, the Department will clearly identify the missing documents or information. The applicant must submit a supplemental submission with the missing documents or information.

c. If the supplemental submission remains incomplete, the Department will notify the applicant within 10 days of the date of supplemental submission, clearly identify the missing documents or information. The applicant must submit a further supplemental submission with the missing documents or information.

d. The Department’s notification to the application of an incomplete submission or supplemental submission tolls the applicable timeline until the applicant submits a supplemental submission.

e. If the applicant submits an application to modify an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base station, the Department will notify the applicant within 30 days if the proposed modification does substantially change the physical dimensions of the tower or base station. If the proposed modification does substantially change the physical dimensions of the tower or base station, the Department, in its discretion, may require the applicant to resubmit the application or may treat the application as an application under Sections 1 or 2 of CCMC 18.15.025. In either case, the applicable timeline will restart.

f. As used in this Section, “days” means business days.

3. ~~{2-}~~ Co-location.

a. To minimize the number of communication towers throughout the city, service providers shall employ all reasonable measures to co-locate their antenna equipment on existing towers, unless a higher priority location is proposed as set forth in this chapter.

b. If the proposed use will be a new freestanding tower, as a mandatory condition of approval, the applicant shall agree to limit, any future costs assessed to other service providers requesting to co-locate. The costs shall be limited to a proportional share of the ground lease, site acquisition costs, design, capital costs for construction of the freestanding tower including associated permitting costs and reasonable maintenance, repair and replacement costs.

4. ~~{3-}~~ Abandonment.

a. Any facility that ceases to operate for a period of 1 year, or which falls into a state of disrepair, shall be considered abandoned and removed at the owner's expense.

b. Removal shall include a complete restoration of the site to its pre-construction state, except any landscaping and grading.

c. A facility shall not be considered abandoned until all users cease operation of the facility.

5. ~~{4-}~~ Variances.

~~{a. Variances to the provisions of this chapter shall be granted only if it can be demonstrated that a "barrier to entry" will exist, as defined by the FCC Telecommunications Act of 1996, if the Variance is not granted and according to FCC provisions on height.}~~ **A variance to the provisions of this Chapter must be requested at the time that the application is submitted.**