

Chapter 134. Zoning

ARTICLE 4. WIRELESS TELECOMMUNICATIONS FACILITIES

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134-4. WIRELESS TELECOMMUNICATIONS FACILITIES

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Applicability

134-4.1 Applicability

4.1.1 The provisions of this article apply to all wireless telecommunications facilities unless otherwise expressly indicated.

4.1.2 The provisions of this article shall not be construed as:

- A. Prohibiting administration and enforcement of airport zoning for the protection of navigable airspace, pursuant to Iowa Code chapter 329, by an airport, aviation authority, or municipality;
- B. Infringing upon the jurisdiction of a historic preservation district commission to approve or deny

applications for proposed alterations to exterior features within an area designated as an area of historical significance; or

- C. Infringing upon the jurisdiction of the city, applicable county, or historic preservation commission to approve or deny applications for proposed alterations to exterior features of designated local historic landmarks.

134-4.2 Where Allowed

Wireless telecommunications facilities and services are allowed in those zoning districts and locations indicated in Table 134- 4.2-1 of this article.

TABLE 134- 4.2-1. WIRELESS TELECOMMUNICATIONS FACILITIES

WIRELESS TELECOMMUNICATIONS	DISTRICTS																				
Type of Facility/Service (all subject to applicable regulations of this article)	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1	P2	Existing PUD
New tower	●	○	○	○	○	○	○	○	○	○	○	●	●	-	-	-	-	-	○	○	●
Initial placement or installation of transmission equipment on wireless support structures	●	○	○	○	○	○	○	○	○	○	○	●	●	-	-	-	-	-	○	○	●
Modification of an existing tower or existing base station that constitutes a substantial change	●	○	○	○	○	○	○	○	○	○	○	●	●	-	-	-	-	-	○	○	●
Construction or placement of transmission equipment that does not constitute an eligible facilities request	●	○	○	○	○	○	○	○	○	○	○	●	●	-	-	-	-	-	○	○	●
Siting of small wireless facility outside of the public right-of-way on a city-owned structure that is listed on the national register of historic places	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	●
Siting of small wireless facility on an existing tower, utility pole as defined by Iowa Code chapter 8C, or wireless support structure, on property zoned and used exclusively for single-household residential use or within a previously designated area of historical significance pursuant to Iowa Code section 303.34	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	●
Installation of a new utility pole or wireless support structure for the siting of a small wireless facility on property zoned and used exclusively for single-household residential use or within a previously designated area of historical significance pursuant to Iowa Code section 303.34	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	●
Siting of small wireless facility in public right-of-way that is not on property zoned and used exclusively for single-household residential use or within a previously designated area of historical significance pursuant to Iowa Code section 303.34	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

KEY: ●=permitted subject to the provisions of this article | ○=requires conditional use approval | ◐=requires PUD amendment | --=prohibited

TABLE 134- 4.2-1. WIRELESS TELECOMMUNICATIONS FACILITIES

WIRELESS TELECOMMUNICATIONS	DISTRICTS																				
Type of Facility/Service (all subject to applicable regulations of this article)	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM	P1	P2	Existing PUD
Siting of small wireless facility outside of the public right-of-way on a city-owned structure that is not listed on the national register of historic places	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Siting of small wireless facility on an existing tower, utility pole as defined by Iowa Code chapter 8C, or wireless support structure, that is not on property zoned and used exclusively for single-household residential use or within a previously designated area of historical significance pursuant to Iowa Code section 303.34	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Installation of a new utility pole or wireless support structure for the siting of a small wireless facility that is not on property zoned and used exclusively for single-household residential use or within a previously designated area of historical significance pursuant to Iowa Code section 303.34	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Eligible facilities request	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

KEY: ●=permitted subject to the provisions of this article | ○=requires conditional use approval | ◐=requires PUD amendment | --=prohibited

134-4.3 Applications Generally

4.3.1 Every applicant shall file a completed application, in a form provided and approved by the City, as follows:

- A.** Applications for wireless telecommunications service use within the public right-of-way shall comply with this chapter but shall be submitted to the city's traffic engineer in accordance with the requirements of chapter 102 of this code.
- B.** Applications for wireless telecommunications service use upon any city-owned property outside of public right-of-way shall comply with this chapter but shall be submitted to the city's engineering department, real estate division director.
- C.** All other applications for wireless telecommunications service use shall comply with this chapter and be submitted to the City's Permit and Development Center.
- D.** Applicants shall submit the number of copies and attachments required by the applicable city department responsible for receiving applications and shall comply with the city's land use ordinances and permitting process.

4.3.2 Applications for wireless telecommunications service shall not require or be evaluated based upon:

- A.** Except as provided in section 134-4.4 of this article, information about an applicant's business decisions with respect to the applicant's designed service, customer demand for service, or quality of the applicant's service to or from a particular area or site;
- B.** Availability of other potential locations for the placement or construction of a tower or transmission equipment;
- C.** Except as provided in section 134-4.4 of this article, other options for collocation instead of the construction of a new tower or modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station; however, applicants are encouraged to consider collocation options prior to submitting an application;
- D.** The requirement for removal of existing towers, base stations, or transmission equipment, wherever located, other than requirements stated in policy approved by city council resolution for removal of abandoned towers or transmission equipment;

Applications for New Towers

- E. Surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused towers or transmission equipment can be removed, other than requirements stated in policy approved by city council resolution that are competitively neutral, nondiscriminatory, reasonable in amount, and commensurate with the historical record for local facilities and structures that are abandoned;
- F. Applicant's agreement to provide space on or near the tower, base station, or wireless support structure for the city or for other local governmental or nongovernmental services at less than the market rate for such space or to provide other services via the structure or facilities at less than the market rate for such services;
- G. Environmental testing, sampling, or monitoring requirements, or other compliance measures, for radio frequency emissions from transmission equipment that are categorically excluded under FCC rules for radio frequency emissions pursuant to 47 CFR 1.1307(b)(1);
- H. Regulations or procedures for radio frequency signal strength or the adequacy of service quality;
- I. Perceived or alleged environmental effects of radio frequency emissions, as provided in 47 USC 332(c)(7)(B)(iv); or
- J. Any review requirements or review criteria prohibited by Iowa Code Chapter 8C, the Spectrum Act, similar FCC regulations, or other applicable state and federal law.

4.3.3 The city shall not deny an application due to the type of transmission equipment or technology to be used by the applicant, or preference for type of infrastructure or technology; and shall not prohibit the placement of emergency power systems that comply with federal and state environmental requirements.

4.3.4 The city further shall approve or deny applications for small wireless facilities, and for new utility poles and wireless support structures installed for the siting of a small wireless facility, in accordance with the requirements of Iowa Code section 8C.7A(c)(3) and any other applicable sections of Iowa Code chapter 8C relating thereto.

4.3.5 The application fees to be paid shall be determined by reference to a schedule of permit fees, which shall be developed in conformance with the requirements of Iowa Code Section 8C.3(9), shall be

updated as needed, and shall be approved by the city council by resolution.

4.3.6 Applications shall remain valid for a period of two years from the date of final approval, including disposition of any appeals. Construction of approved structures or facilities shall be commenced within two years of final application approval and diligently pursued to completion.

134-4.4 Applications for New Towers

In addition to the general application requirements of section 134-4.3 of this article, applications for new towers must include the following:

4.4.1 An explanation of the reason for choosing the proposed location and why collocation was not selected, including a sworn statement from an individual with responsibility over placement of the tower attesting that collocation within the area determined by the applicant to meet the applicant's radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the applicant; and

4.4.2 Propagation maps, to be used solely for the purpose of identifying the location of the coverage or capacity gap or need for applications for new towers in an area zoned for residential use. Such maps are to be used for no other purpose.

134-4.5 Review and Approval Procedures

4.5.1 SMALL WIRELESS FACILITIES AND UTILITY POLES

Applications for small wireless facilities and for utility poles shall be processed as follows:

- A. The community development director, or other city representative as applicable per section 134-4.3.1.A-C, shall approve or disapprove the application, by written decision provided to the applicant, and documenting the basis for denial if applicable including the specific code provisions or standards on which the denial is based:
 - 1. Within 60 days following the submission of a completed application for only collocation of small wireless facilities on pre-existing structures;
 - 2. Within 90 days following the submission of a completed application for utility poles, for new construction of facilities for placement of small wireless facilities, and for both or either of those

combined with collocations of small wireless facilities on pre-existing structures; or

3. Within 120 days following the submission of a completed application for collocation(s) of small wireless facilities on pre-existing structures, for utility poles, for new construction of facilities for placement of small wireless facilities, or for any combination thereof, if a 30-day extension is applicable and notification given in accordance with Iowa Code Section 8C.7A(3)(c).

- B. An applicant whose application is denied shall have an opportunity to cure any deficiencies identified by the city as the basis for the denial and to submit a revised application within 30 days following the date of denial without paying an additional fee. The city shall approve or deny a revised application within 30 days following submission. The city shall not identify any deficiencies in a second or subsequent denial that were not identified in the original denial.

4.5.2 WIRELESS TELECOMMUNICATIONS FACILITIES OTHER THAN SMALL WIRELESS FACILITIES AND UTILITY POLES

Applications for any wireless telecommunications service use other than for small wireless facilities, utility poles, or eligible facilities requests, will not be accepted by the city for processing unless a pre-application conference has occurred in accordance with section 134-6.1.3 of this chapter. Applications for any wireless telecommunications service use other than for small wireless facilities and for utility poles shall be processed as follows:

- A. Within 30 days of acceptance of an application, city staff shall provide written notice to the applicant of all deficiencies in the application relating to the city's applicable zoning regulations and building permit requirements, setting forth the city code sections and city policies for reference. The applicant shall provide all required information or necessary revisions as set forth in such notice.
- B. Within 10 days of the date that the applicant supplements its submission in accordance with the city's notice, city staff shall provide written notice to the applicant of any continued deficiencies in the application, setting forth the city code sections and city policies for reference as also provided in the original notice. The applicant may supplement its submission, and the city may provide notice of deficiencies, until such time as the applicant provides all required information and/or makes all necessary revisions to its plans.

- C. No application shall be deemed complete until all deficiencies stated in such notices, if any, have been cured.

- D. Unless extended due to notices and responses as described above in subsections A. and B. of this subsection, the community development department director shall approve or disapprove the application, by written decision provided to the applicant:

1. Within 150 calendar days of the date of submission for applications for new towers;
2. Within 60 calendar days of the date of submission for applications for eligible facilities requests; or
3. Within 90 calendar days of the date of submission for applications for
 - a. Initial placement or installation of base stations or transmission equipment on wireless support structures;
 - b. Modification of an existing tower or existing base station that constitutes a substantial change; or
 - c. A request for construction or placement of transmission equipment that does not constitute an eligible facilities request.

4.5.3 ERRONEOUS SUBMITTAL

If the community development department director finds that an application submitted under this section does not meet the definition of an eligible facilities request, the city shall notify the applicant in writing that the application shall be processed as an application for a new tower, or as an application for initial placement or installation of a base station or transmission equipment on wireless support structures, or for modification of an existing tower or existing base station that constitutes a substantial change, or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request, or as a small wireless facility application, or as an application for installation of a utility pole or wireless support structure for the siting of a small wireless facility, accordingly, and the applicable timeframe for review shall commence on the date stated on said notice.

4.5.4 CONDITIONAL USES

Conditional use approval from the board of adjustment shall be required for approval of wireless telecommunications service uses as identified in Table 134- 4.2-1 of this article. If conditional use approval is

Design Requirements for New and Modified Towers

required, the approval or disapproval of the application shall occur within the applicable timeframe and subsequent to board of adjustment action thereon and in accordance therewith.

4.5.5 ZONING COMPLIANCE AND SITING REVIEW

Zoning compliance and siting review by the community development director shall be required for approval of wireless telecommunications service uses as identified in Table 134- 4.2-1 of this article. If zoning compliance and siting review is required, the approval or disapproval of the application shall occur within the applicable timeframe and subsequent to such review and in accordance therewith.

4.5.6 PUD, PLANNED UNIT DEVELOPMENT (LEGACY) DISTRICT AMENDMENT

Planned Unit Development (PUD – Legacy) District amendment pursuant to section 134-2.2.9.C of this chapter of this chapter, shall be required for approval of wireless telecommunications uses as identified in Table 134- 4.2-1 of this article. If PUD amendment is required, the approval or disapproval of the application shall occur within the applicable timeframe and subsequent to city council action thereon and in accordance therewith.

4.5.7 APPEALS

Appeal of the city's written decision, by the board of adjustment or by the community development department director, as applicable, shall be made to any court of competent jurisdiction. Notwithstanding the foregoing, the decision of the city's traffic engineer shall be treated as the city's final decision for an appeal relating to an application for wireless telecommunications service use within the public right-of-way, and the decision of the city's engineering department, real estate division director or of the city manager, as applicable, shall be treated as the city's final decision for an appeal relating to an application for wireless telecommunications service upon any city-owned property outside of public right-of-way.

134-4.6 Design Requirements for New and Modified Towers

The following requirements and criteria are applicable to new towers and modifications of existing towers that constitute a substantial change:

4.6.1 A tower shall be set back from the property line of any adjoining residentially zoned property a distance equal to the height of the tower and its related equipment, unless a lesser setback is required due to the type of transmission equipment or technology

proposed by the applicant, and the tower and related equipment shall be adequately screened from adjoining residential uses.

4.6.2 A tower and any related equipment thereon shall be painted a color compatible with the surrounding area.

4.6.3 Except for the minimum lighting, if any, necessary to comply with the airport height and hazard zoning regulations in chapter 22 of this code and any applicable federal regulations, no lights may be mounted on a tower or its related equipment, and the tower and antenna shall not be illuminated.

4.6.4 The height of a tower, inclusive of any related equipment thereon, shall not exceed 180 feet unless additional height is required due to the type of transmission equipment or technology proposed by the applicant.

4.6.5 Any service building or equipment located at grade shall be adequately screened from adjoining residential uses and shall be compatible with the building requirements set forth in chapter 135 of this code for the applicable zoning district.

4.6.6 The adverse visual impact of a tower shall be minimized through careful design, siting, landscape screening and innovative camouflaging techniques. Unless otherwise required due to the type of transmission equipment or technology proposed by the applicant, at a tower site, the design of the buildings and related equipment shall use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting and the built environment. If the built environment is anticipated to change significantly during the usable life of the tower, such as within an urban renewal district or recently annexed areas, the tower or structure shall be compatible with the anticipated future built environment.

4.6.7 Modifications to existing towers shall not defeat existing concealment elements of the tower, and shall comply with all conditions associated with the prior approval of construction or modification of the tower, including but not limited to building code, zoning ordinance, and permit conditions, unless required due to the type of transmission equipment or technology proposed by the applicant.

4.6.8 Modifications shall not increase the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets, and shall not cause excavation or deployment to occur outside

the current site of the tower, unless required due to the type of transmission equipment or technology proposed by the applicant.

134-4.7 Design Requirements for Wireless Telecommunications Facilities other than New and Modified Towers

The following requirements and criteria shall apply to all wireless telecommunication service uses other than new towers or modifications of existing towers that constitute a substantial change. For purposes of this subsection only, unless otherwise specified, "transmission equipment" includes "transmission equipment," "base station," "small wireless facility," and "utility pole."

4.7.1 Transmission equipment shall be placed upon or within a wireless support structure such as to minimize visibility of the transmission equipment to the fullest extent technologically possible, unless visible placement is required due to the type of transmission equipment or technology proposed by the applicant, including but not limited to the following:

- A.** Wall mounted transmission equipment shall be mounted in a configuration that is as flush to the wall as technologically possible to ensure both the functionality of the antenna and to minimize visual impact and shall not project above the wall on which it is mounted.
- B.** Transmission equipment mounted on roof appurtenances, such as mechanical equipment, must be as flush mounted to the existing mechanical equipment or roof appurtenance as technologically possible to ensure both the functionality of the antenna and to minimize visual impact.

4.7.2 Transmission equipment shall be designed and located so as to be architecturally compatible with the wireless support structure upon which the transmission equipment is mounted and to minimize any adverse aesthetic impact, unless otherwise required due to the type of transmission equipment or technology proposed by the applicant. A small wireless facility to be sited in city right-of-way on a utility pole, as defined herein or as defined by Iowa Code chapter 8C, shall reasonably match the aesthetics of an existing utility pole or wireless support structure that incorporates decorative elements.

4.7.3 Except for the minimum lighting, if any, necessary to comply with the airport height and hazard zoning regulations in chapter 22 of this code and any applicable federal regulations, no lights may be

mounted on transmission equipment, and transmission equipment shall not be illuminated.

4.7.4 Transmission equipment upon a wireless support structure, and any related equipment located at grade, shall be adequately screened from adjoining residential uses.

4.7.5 The height of a wireless support structure, inclusive of the transmission equipment, shall not exceed the maximum height allowed by the applicable building type regulations, as established in Chapter 135 of this code, unless additional height is required due to the type of transmission equipment or technology proposed by the applicant. Notwithstanding the foregoing, the height of a utility pole installed in public right-of-way shall not exceed the greater of ten feet in height above the tallest utility pole existing on or before July 1, 2017, located within 500 feet of the utility pole in the same public right-of-way, or forty feet in height above ground level.

4.7.6 A wireless support structure, and transmission equipment, shall be set back from the property line of any adjoining residentially zoned property as required by the bulk regulations of the applicable zoning district.

4.7.7 Other than replacement of existing structures, new utility poles shall comply with the city's underground placement requirements in areas designated as underground districts pursuant to resolution or ordinance adopted by the city council prior to the date the application is filed in accordance with this section, and in areas zoned and used for single-household residential use.

4.7.8 The number of new utility poles or wireless support structures may be reasonably limited, consistent with the protection of public health, safety, and welfare, and provided that such limitation does not have the effect of prohibiting or significantly impairing a wireless service provider's ability to provide wireless service within the area of a proposed new structure.

4.7.9 Modifications to an existing base station shall not defeat existing concealment elements of the base station, and shall comply with all conditions associated with the prior approval of construction or modification of the base station, including but not limited to building code, zoning code, or permit conditions, unless required due to the type of transmission equipment or technology proposed by the applicant.

4.7.10 Modifications to an existing base station shall not increase the standard number of new equipment

Board of Adjustment Prohibition

cabinets for the technology involved, not to exceed four cabinets, and shall not cause excavation or deployment to occur outside the current site of the base station, unless required due to the type of transmission equipment or technology proposed by the applicant.

134-4.8 Board of Adjustment Prohibition

4.8.1 To ensure that this article is interpreted consistently with state and federal law, the board of adjustment is specifically prohibited from hearing appeals or considering variances or exceptions relating to definitions, or to procedural or other requirements set forth in state and federal law, including but not limited to Iowa Code Chapter 8C, the Spectrum Act, and similar FCC regulations.

4.8.2 If the denial of any appeal for relief will result in denial of wireless telecommunications services, or if approval of an appeal for relief is necessary due to the type of technology proposed by an applicant, then the board of adjustment shall grant the relief sought, which may be subject to conditions allowed by city, state, and federal law.

134-4.9 Definitions

The definitions of this section apply solely in administering and interpreting the wireless telecommunications regulations of this ordinance. The following words, terms and phrases have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Applicant: Any person, or any person acting on behalf of another person, engaged in the business of providing wireless telecommunications services or the wireless telecommunications infrastructure required for wireless telecommunications services and who submits an application. This definition of "applicant" shall apply specifically to this article.

Application: A request submitted by an applicant for any wireless telecommunications service use requiring conditional use approval or zoning compliance and siting review as set forth in this article. This definition of "application" shall apply specifically to this article.

Base Station: Equipment not associated with a tower or a supporting structure that is not a tower, at a fixed location, that, at the time that the application is filed, supports or houses an antenna, transceiver, distributed antenna system (DAS) equipment, small cell equipment, or other associated equipment that enables FCC-licensed or FCC-authorized wireless communications between user equipment and a communications

network and that has been previously reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process. "Base station" includes but is not limited to equipment associated with wireless communications services such as private, broadcast, and public safety services and unlicensed wireless services and fixed wireless services such as microwave backhaul; radio transceivers; antennas; coaxial or fiberoptic cable; regular and backup power supplies; and comparable equipment, regardless of technological configuration.

Collocation: The mounting or installation of transmission equipment on an existing tower or base station for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Distributed Antenna System (DAS): A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

Eligible Facilities Request: A request for modification of an existing wireless tower or base station, including legal non-conforming structures, that involves collocation, removal, or replacement of transmission equipment, and that does not constitute a substantial change to the tower or base station. "Eligible facilities request" applies only to towers or base stations for which the state or local government has approved the construction of the structure with the sole or primary purpose of supporting covered transmission equipment, such as existing wireless towers, or where the state or local government has previously decided that the site is suitable for wireless facility deployed and approved the siting of transmission equipment that is part of a base station on that structure, such as other existing support structures. "Eligible facilities request" includes hardening through structural enhancement where such hardening is necessary for a covered collocation, replacement, or removal of transmission equipment and structural enhancement so long as the modification of the underlying tower or base station is performed in connection with and is necessary to support a collocation, removal, or replacement of transmission equipment, but does not include replacement of the structure upon which the transmission equipment is located.

Equipment Cabinet: A cabinet mounted on the ground or on a wireless support structure used to support equipment associated with a wireless telecommunication facility.

Existing: Previously reviewed and approved under applicable zoning or siting processes, or under another

form of affirmative state or local regulatory review process. "Existing" includes a wireless tower that does not have a permit or other zoning approval because it was not in a zoned area when it was built, but was otherwise lawfully constructed; and a structure that, at the time of the application, supports or houses a base station, even if the structure was not built for the sole or primary purpose of providing such support. "Existing" does not include a tower or base station that was constructed or deployed without proper review; was not required to undergo siting review; does not support transmission equipment that received another form of affirmative state or local regulatory approval; or any structure that is merely capable of supporting wireless transmission equipment whether or not it is providing such support at the time of the application. This definition of "existing" shall apply specifically to this article.

FCC: Federal Communications Commission.

Notice: Written document provided by city to applicant, stating all or continued deficiencies in an application relating to the city's applicable zoning regulations and building permit requirements, setting forth the city code sections and city policies for reference, or identifying erroneous submittal of an application, or giving any other notice required by this article other than a written decision.

Site: All of the following:

1. For towers not within public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site. This definition of "site" shall apply specifically to this article.
2. For other towers in the public right-of-way and all base stations, the area in proximity to the structure and to other transmission equipment deployed on the ground at the time of the application. This definition of "site" shall apply specifically to this article.

Small Wireless Facility: Operator-controlled, low-powered radio access nodes, including those that operate in licensed spectrum and unlicensed carrier-grade Wi-Fi, with a range from 10 meters to several hundred meters, and further defined as follows:

1. Each antenna is no more than six cubic feet in volume.
2. All other equipment associated with the small wireless facility is cumulatively no more than twenty-eight cubic feet in volume.

3. For purposes of this "small wireless facility" definition, volume shall be measured by the external displacement of the primary equipment enclosure, not the internal volume of such enclosure. An associated electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, cutoff switch, cable, conduit, and any equipment that is concealed from public view within or behind an existing structure or concealment may be located outside of the primary equipment enclosure and shall not be included in the calculation of the equipment volume. "Small wireless facility" does not include any structure that supports or houses equipment described in this definition.

Spectrum Act: The federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-22, codified at 47 U.S.C. Section 1455 ("Section 6409 Wireless Facilities Deployment"), approved February 22, 2012.

Substantial Change: Any of the following:

1. The installation of more than the standard number of new equipment cabinets for the technology involved, and not to exceed four cabinets.
2. Any excavation or deployment outside the current site of the tower or base station.
3. Modifications that defeat the existing concealment elements of the tower or base station.
4. Modifications that do not comply with conditions associated with the prior approval of construction or modification of the tower or base station, including but not limited to building code, zoning code, or permit conditions, and that exceed one or more of the "substantial change" thresholds identified in this definition.
5. An increase in height, as follows:
 - i. For towers not within public rights-of-way, a cumulative increase in 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 20 feet, whichever is greater, measuring the change in height from the dimensions of the tower as originally approved or as of the most recent modification that received local zoning or similar regulatory approval prior to the passage of the Spectrum Act, whichever is greater.
 - ii. For towers within public rights-of-way, a

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cumulative increase in the height of the tower by more than 10% or 10 feet, whichever is greater, measuring the change in height from the dimensions of the tower as originally approved or as of the most recent modification that received local zoning or similar regulatory approval prior to the passage of the Spectrum Act, whichever is greater.

- iii. For all base stations, an increase in height of the base station by more than 10% or 10 feet, whichever is greater, measuring the change in height from the height of the original structure, rather than the height of the previously approved antenna.
6. An increase in width, as follows:
1. For towers not within public rights-of-way, an increase in width from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 2. For towers within public rights-of-way, and for all base stations, an increase in width from the edge of the structure more than six feet.

Tower (or Communication Tower or Wireless Tower): A structure constructed with the sole or primary purpose of supporting FCC-licensed or authorized transmission equipment, including transmission of personal wireless service, broadband service, and mobile and fixed broadband service.

Transmission Equipment: Any equipment, other than equipment related to a "small wireless facility" as defined in this section, that facilitates transmission for any FCC-licensed or FCC-authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply used in any technological configuration associated with any FCC-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast service, and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband. The term "related equipment", when used in this chapter in reference to a tower or a base station, includes but is not limited to "transmission equipment."

Utility Pole: A pole or similar structure owned or installed by an applicant that is designed specifically for and used to carry one or more small wireless facilities

and/or transmission equipment or wires for wireless telecommunications service use.

Wireless Support Structure (or Structure): A structure that exists at the time an application is submitted and is capable of supporting the attachment or installation of transmission equipment in compliance with applicable codes, including but not limited to water towers, buildings, and other structures, whether within or outside the public right-of-way. "Wireless support structure" or "structure" does not include a tower or existing base station.

Written Decision: The city's decision, provided to an applicant in writing, documenting approval or disapproval (denial) of an application, and further documenting the basis for denial if applicable including the specific code provisions or standards on which the denial is based. The date stated on a written decision constitutes the "date of denial" or the "date of approval", as applicable, for purposes of this article. Written decisions may be issued by the community development director, or by the city traffic engineer, or by the city's engineering department, real estate division director or the city manager, or by decision and order of the board of adjustment, as applicable in accordance with this article.

Zoning Compliance and Siting Review: Administrative review by the community development director to determine if a wireless telecommunication use proposed in an application complies with this article, this chapter, and chapter 135 of this code. Approval or disapproval of an application may be based on the determination made during the zoning compliance and siting review.