

Attached are recommended amendments to ZTA 18-02 to address questions and concerns raised by the community:

1. To address antennas on replacement poles being required to be in enclosures and at minimum heights, and as technical correction to have the minimum height for antennas on replacement poles be consistent with the minimum height for antennas attached to existing structures (see lines 310-311), at lines 77-79, change to

Antennas must comply with the Antenna Classification Category A under Section 59.3.5.2.C.1.b, be concealed within a enclosure the same color as the pole to minimize visual impact, be installed at a minimum height of 15 feet, and ~~[[must]]~~ be installed perpendicular to the ground;

2. As technical corrections, because DPS not DOT has general enforcement responsibilities for new structures in the right of way:

At lines 88-95, correct the numbering from (c), (d), (e) to (d), (e), (f)

At lines 89 and 93-94, change Department of Transportation to Department of Permitting Services.

3. To streamline enforcement of height restrictions on poles replacing direct buried low height streetlights (which are generally 14 feet tall but the actual height may vary with ground settlement conditions), at lines 105-106, change to:

iv. The height of the tower, including any attached antennas and equipment, must not exceed:

(a) for streetlights, ~~[[the height of the pole that is being replaced]]~~

(1) ~~[[plus 6 feet]]~~a maximum height of 20 feet or 6 feet more than the height of the streetlight pole being replaced, whichever is greater, when abutting a right-of-way with a paved section width of 65 feet or less;

(2) ~~[[plus 15 feet]]~~15 feet more than the height of the streetlight pole being replaced when abutting a right-of-way with a paved section width greater than 65 feet;

4. As a technical correction, the tower owner, not antenna owner is responsible for removing graffiti and repairing damage. The tower power will require antenna owners to make repairs as necessary. At line 143, delete “antennas attached to” to read:

xii. Each owner of ~~[[antennas attached to]]~~ the tower must maintain antennas, equipment and abutting tower areas in a safe condition, remove graffiti, and repair damage.

5. Antennas may be installed on signs as attachments to existing structures. To confirm the existing practice, at line 212, change to:

- f. Antennas on Existing Structure means one or more antennas attached to an existing support structure, including [such as] a building, a transmission tower, a monopole, a light pole, a utility pole, a water tank, a silo, a barn, a sign, or an overhead transmission line support structure. Antenna on Existing Structure includes related equipment.

6. To address concerns about concealment of antennas on buildings and as a technical correction to have the same building height requirements for attachments to building roofs and facades, at line 298 insert:

- iii. An antenna may be mounted on the facade of a building at a minimum height of:
 - (a) [50] 35 feet in any Residential Detached, Rural Residential, or Planned Unit Development zone, if mounted in an antenna enclosure the same color or design of the building; or
 - (b) [30] 20 feet in any Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone, if mounted in an antenna enclosure the same color or design of the building.

7. To ensure that when the smallest class of antennas are installed on structures in the right of way are enclosed, at lines 308 to 310, change to:

- i. the antenna is in an antenna enclosure and the enclosure is the same color or pattern as of the existing structure;
- ii. the antenna and antenna enclosure is installed at a minimum height of 15 feet;

8. To address concerns about how porches may impact measurements of setback distances, at lines 312-316, change to:

- iii. the existing structure in the right of way is at least 20 feet from a dwelling or the setback encroachment in a Rural Residential, Residential and Planned Unit Development zone and at least 10 feet from any structure in any Commercial/Residential, Employment, or Industrial zone.

9. Regarding the Spectrum Act, the Executive Branch does not believe that that the ZTA should be altered beyond the lower height limits added for new towers at lines 54, 61, and 66. Where the ZTA is authorizing additional height for replacement poles, the Executive Branch believes that there is a limited risk of litigation, and would not make further amendments to lines 101 to 109. If however, Council would prefer to amend the ZTA to factor in the potential 10 foot height increase to existing structures in the ROW as permitted by the FCC's interpretation of the Spectrum Act, the Executive Branch provides following amendment as replacement for Section 59.3.5.2.C.2.b.iv at lines 101-112 (it includes recommended Item 7 above). Note that

under this approach, if the FCC changes its interpretation of the Spectrum Act, any additional height increases authorized by the FCC would be incorporated into the zoning code.

iv. The height of the tower, including any attached antennas and equipment, must not exceed:

(a) for streetlights.

(1) a maximum height of 10 feet plus additional height permitted by federal law, or the height of the streetlight pole that is being replaced less 4 feet plus additional height permitted by federal law, whichever is greater, when abutting a right-of-way with a paved section width of 65 feet or less;

(2) 5 feet more than the height of the streetlight pole being replaced plus additional height permitted by federal law, when abutting a right-of-way with a paved section width greater than 65 feet;

(b) for utility poles and parking lot lights, the height of the pole that is being replaced plus additional height permitted by federal law.