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WIRELESS INDUSTRY PROPOSED LEGISLATION

PRESENTED TO
DISTRICT OF COLUMBIA ZONING COMMISSION

NOVEMBER 8, 2002

AT&T WIRELESS
CINGULAR WIRELESS
NEXTEL COMMUNICATIONS
SPRINT COMMUNICATIONS
T-MOBILE COMMUNICATIONS
VERIZON WIRELESS

Case 01-02

ZONING COMMISSION
District of Columbia

Case 01-02

Exhibit 119
ZONING COMMISSION
District of Columbia
CASE NO.01-02
EXHIBIT NO.119

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November 8, 2002

Zoning Commission Office
Alberto P. Bastida, Secretary
441 4th St. NW
Suite 210
Washington, DC 20001

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D.C. OFFICE OF ZONING
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Re: Presentation Material – Case 01-02 Text Amendment- Regulation of
Antennas, Antenna Towers, and Monopoles.

Dear Secretary Bastida:

The Wireless Carriers, represented by AT&T Wireless, Cingular Wireless, Nextel Communications, Sprint Communications, T-Mobile Communications, and Verizon Wireless, respectfully request that the attached document, "*Wireless Industry Proposed Legislation*," be provided to supplement the Zoning Commissions' record on case 01-02.

Sincerely,



William P. Cook



WIRELESS INDUSTRY SUBMISSION

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Redline Version of Ordinance Text Modifications

Wireless Industry Proposed Alternative Language To D.C. Zoning Text Amendments Section-by-Section Explanation and Rationale

Section 2600.1 – Purpose

This section has been revised to include language setting forth two additional “purposes” to the amendments—(1) accommodating expanded wireless usage in the District and (2) encouraging the wireless industry to, where appropriate, utilize co-location and stealthing to build out their networks in order to address aesthetic concerns.

Despite the recognition by the Office of Planning (“OP”) in its report that one of the stated goals of the regulations is to “accommodate the growing demand for telecommunications facilities and antennas,” the “Purpose” section is completely silent on the issue of consumer demand and the intent of the regulations to accommodate that demand. As the wireless industry demonstrated at the Zoning Commission’s hearings, wireless usage in the District of Columbia is increasing, and the carriers are responding to the demand. The “Purpose” section of the text amendments should reflect this dynamic by balancing between aesthetic concerns and the provision of seamless wireless service throughout all areas of the District.

The District’s wireless providers¹ respectfully submit that the Zoning Commission should recognize the importance of robust wireless coverage to all District consumers, including those who seek expanded coverage (including primary phone coverage in their homes) for an increasingly diverse range of wireless services. Although the zoning ordinance highlights that wireless facilities can “detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, DC,” such facilities also enable vital wireless communications services to two-thirds of the District’s residents², in addition to its businesses, visitors, government officials, and emergency personnel.

Numerous communities in the D.C. metropolitan area and around the nation have enacted an express policy of encouraging the co-location and stealthing of wireless facilities as a means to support the development of wireless communications while addressing the aesthetic concerns of residents.³ The “Purpose” section of the proposed text amendments should be amended to encourage the use of co-location and stealthing.

¹ AT&T Wireless, Cingular, Nextel Communications, Sprint Wireless, T-Mobile, and Verizon Wireless.

² “Nearly 2/3 of U.S. Adults Now Own a Wireless Phone,” RCR Wireless, March 25, 2002. The article point out that the District is among the top fifteen cities for wireless phone market penetration.

³ Loudoun County (Ordinance Section 5-618), Montgomery County (Purpose Section), Prince George’s County, and Fairfax County encourage co-location. The National Programmatic Agreement of March 16, 2001 states that “the FCC encourages collocation of antennas where technically and economically feasible, in order to reduce the need for new tower construction.”

Section 2600.2 – Tower Siting

This section is revised to permit wireless monopoles in all zones as a matter of right, except in residential and light commercial (C-1) zones, where a special exception would be required.

There is no evidence to support OP's statement that "the construction of new wireless monopoles is considered incompatible with Section 2520.1," or to justify its excessively restrictive standard for wireless monopole siting. Currently, wireless monopoles are permitted by right in all District zones except residential zones, where they are permitted by special exception. The Office of Planning's proposal seeks to completely prohibit the siting of wireless monopoles and monopoles in residential and local commercial (C-1) zones, and to require a special exception for monopole siting in all other commercial zones.

Other area jurisdictions, including Montgomery County, Prince George's County and Fairfax County, permit wireless monopoles (between 150-199 feet depending on the zone) as a matter of right in all districts, except private residential, where a special exception would be needed.⁴ None of these municipalities have enacted an outright prohibition monopoles in any zone, and neither should the District of Columbia.

Prohibition of Towers in Residential and Light Commercial Zones

The Zoning Commission should reject the Office of Planning's proposed prohibition of wireless monopole siting in residential, mixed-use, and light commercial zones.

The text amendments should allow for, rather than foreclose, greater siting flexibility. In the few cases brought over the last several years, the special exception process has worked well, as was the case in the Garfield school example. All legitimate concerns regarding site selection, set-backs, aesthetics, etc., can be addressed by the BZA in a public hearing.

A review of the District's "zoning map" (attached)⁵ clearly indicates that the proposed prohibition would severely limit areas in which providers could lawfully site telecommunications facilities. Since many residential neighborhoods lack sufficiently tall buildings or existing structures that could provide co-location opportunities, this prohibition could result in many residential areas going without adequate wireless coverage. For the same reason, it is doubtful that many District neighborhoods could adequately be served from adjoining commercial properties, contrary to the unsupported remark at the last hearing

Without any justification the OP proposal, if adopted, may constitute an unlawful prohibition of service in violation of Section 332(c)(7)(B)(II) of Telecommunications Act.

⁴ Prince George's County allows wireless towers in private residential zones by right if the towers are under 100 feet. Fairfax County subjects such facilities to review and approval by the Planning Commission under Section 2232 of the Code of Virginia.

⁵ The included maps used are the D.C. Land Use maps, which are part of the District's Comprehensive Plan

Tower Siting in Commercial Zones

The proposed special exception requirements for locating monopoles in commercial zones would increase the number of special exception proceedings and would create unnecessary regulatory burdens for carriers with limited monopole location options, particularly in light of the proposed ban on siting in residential and light commercial zones.

The OP has asserted that carriers seeking to avoid the special exception process should take advantage of the draft text amendments' incentive to locate monopoles in industrial zones. However, the District's limited industrial zone space does not provide adequate coverage opportunities. Moreover, the Office of Planning has not offered any justification as to why this policy shift (from matter of right to special exception) is necessary. The case cited as justification for this change (Penn Branch) was in a residential zone. Moreover, in the face of substantial opposition from the community and lack of support from the OP, the application was withdrawn. In short, the process worked. The proposed change would erect unnecessary regulatory hurdles that could unduly delay the build out of wireless networks that serve consumer demand.

Section 2601

Section 2601 sets forth proposed height limitations and set-back requirements for wireless monopoles in the District, creates incentives for carriers to utilize co-location and stealthing, and also recognizes the significant distinctions between wireless monopoles and broadcast towers.

This proposal reflects a proposed compromise on wireless monopole heights and is predicated on by-right approval in all zoning districts (except in residential and C-1 zones, where a wireless monopole must go through the special exception process). Specifically, this section would limit the height of wireless monopoles to 100 feet in all zoning districts, except M and CM zones, where wireless monopole height would be capped at 150 feet.

These proposed height restrictions are significantly lower than those allowed as a matter of right in surrounding jurisdictions. Several neighboring counties allow monopole siting at the following heights as a matter of right—Montgomery County (199 feet in industrial zones, 150 feet in other zones except residential); Fairfax County (250 feet in industrial zones, 199 feet in other zones, subject to Planning Commission approval); and Prince George's County (175 feet for industrial, 150 feet for commercial, 100 feet for residential monopoles).

In order to create incentives for providers to engage in co-location and stealthing, this section would allow, as a matter of right, all stealth monopoles that accommodate two or more collocations subject to OP review and special exception as required.

Section 2601.6 – Tower Replacement

This provision would encourage wireless providers to replace legally permitted and towers and monopoles and associated equipment by allowing replacements as a matter of right, so long as the structure type and size not substantially altered or increased.

This is a critical issue for the industry since, under the text as currently written, a replacement monopole or tower would be treated in all respects as a new monopole or tower and its application could be rejected. Monopole and tower replacement is also a safety issue for the District—carriers should be able to replace, maintain, and modify monopoles and towers absent the specter of denial through the special exception process.

Section 2602 – Certification of RF Emission Compliance

Section 332(c)(7) of the Telecommunications Act prohibits a local government from “regulating the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of RF emissions, to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” Jeffrey Steinberg, Deputy Chief of the FCC’s Commercial Wireless Division, points out in his October 25, 2002 letter to the Zoning Commission, that the key consideration in determining whether local regulations are preempted in this area is “whether the proposed rule regulates the placement... where those facilities comply with the FCC’s limits.”

The FCC has adopted standards for emission levels. As Mr. Steinberg points out in his letter, “most personal wireless service facilities create maximum exposures that are only a small fraction of the FCC’s limits.” As Mr. Jules Cohen testified, “virtually all of these antennas are categorically exempt” from any filing requirements. The proposed reporting requirements would require certification, by a licensed engineer, that measures the RF radiation of the planned site, as well as the cumulative radiation generated by all antennas at the site. Because this would provide additional regulatory oversight in an area which the federal government has preempted the field, it is preempted under Section 332(c)(7) of the federal Telecommunications Act.

As a practical matter, the proposed RF requirements are unworkable and would unnecessarily delay the deployment of wireless antennas. Since the radiation levels of wireless facilities are so far below the Commission’s limits, much of the RF emissions testing of a site is done through computer modeling rather than actual field testing. As was explained by Jules Cohen, this modeling takes into account all existing broadcast and non-broadcast antennas at the site and in proximity to it, and assumes a “worst case” scenario—in other words, all antennas operating at maximum output.

Actual field testing such as is suggested by OP (and not required under federal regulations) requires carriers to fully install antennas prior to receiving permission from OP to install them thus resulting in the erection of a non-comforming antenna (unpermitted) in direct violation of the ordinance. Thus, extensive RF certification requirements that require actual testing of sites would cause significant delays in the continued build out of wireless networks to serve consumer demand. As Mr. Cohen told the Zoning Commission, in fifty years of practice in the field of RF emissions, he has never once had to go to the FCC for relief.

Section 2605 – Roof Mounted Antennas

The proposed amendments require applicants to minimize the visual impact of wireless facilities “to the greatest extent practicable.” The practicable” standard is too

imprecise and could be arbitrarily applied. A reasonableness standard is well defined in the law and provides an enforceable standard for all parties.

Section 2605.2 adopts the OP's provisions governing the visual impact of wireless facility equipment shelters and cabinets, but employs a defined height limit, rather than the Office of Planning's more nebulous standard that the structures "be located to reduce visibility."

Section 2605.4- 2605.5 (as well as in Section 2606.4 and 2606.5) recognizes the need for carriers to replace aging antennas where there is no change in location or size and the replacement conform with the provisions of this ordinance. Accordingly, such replacements should be allowed as a matter of right.

Section 2606 – Building Mounted Antennas

At times, a wireless antenna must be mounted slightly above the roof of the building in order to provide adequate coverage. We propose that the amendments allow for inconsequential adjustments (subject to OP review) above the roofline to accommodate signal propagation. Any additional height beyond the limit would require approval by special exception.

Section 2607 – Exempted Antennas/Stealth

This Section encourages wireless providers to employ stealthing as an option to address aesthetic concerns while providing District residents with the coverage they demand. Stealthing should be permitted as a matter of right, so long as the structure complies with certain requirements, including height, width and set-back requirements. Any proposed stealth structure that does not comply with the minimum requirements would be required to seek special exception approval from the Board of Zoning Adjustment.

The OP's recent proposed limitation on stealth structures is confusing, at best. Without justification, OP proposes a numerical limitation on the number of stealth facilities on a given site. This would effectively eviscerate the incentive to providers to employ stealth techniques

Section 2608 - Antenna Additions to Existing Wireless Towers and Monopoles

Location of wireless antennas on existing utility poles provides carriers with additional siting opportunities that take advantage of existing structures. In light of OP's goal of limiting the number of wireless monopoles, it is unreasonable not consider these structures as potential sites for the co-location of wireless antennas. The proposed text amendments originally contained a provision allowing carriers to collocate on existing utility poles and structures. It was deleted without explanation. The regulations should allow co-location on such structures as utility monopoles and poles, water tanks, etc. a matter of right to encourage providers to take advantage of existing structures.

Section 2611 – Antennas, Wireless Towers, Monopoles, and Broadcast Towers Subject to BZA Approval: General

Section 2611.3 addresses older antennas that were legally erected prior to the enactment of this ordinance. “Grandfathering” these antennas makes economic sense for the carriers, a reduced burden on OP, and comports with the goal of OP to eliminate only non-permitted antennas.

Section 2699 – Definitions

The proposed text amendments have, in large part, been developed in response to one *television broadcast* tower. By focusing on broadcast towers and by defining “antenna tower” to include both broadcast and wireless monopoles, the amendments ignore fundamental distinctions between broadcast and wireless facilities. Television broadcast facilities generally require large support structures that can be upwards of 700 feet. Non-broadcast (i.e. cellular/PCS) facilities located in dense, urbanized areas typically co-locate on existing structures at heights between 80 and 130 feet.

These differences warrant different treatment for regulatory review and approval, as recognized in the District’s current zoning ordinance (Sections 211 and 212). This existing distinction should be preserved to recognize the difference in scope, scale, and regulatory treatment between broadcast towers and wireless structures. Accordingly, the “definition” section should be amended so that the definition of “Antenna tower” distinguishes between broadcast and low power non-broadcast wireless communications facilities.

OP proposed text amendment for Public Hearing regarding the regulation of Antennas and towers. June 10, 2002 (revised by Wireless Carriers 11/02)

**AMEND 11 DCMR, ZONING BY ADDING THE FOLLOWING NEW
CHAPTER 26, REGULATIONS OF ANTENNAS, WIRELESS TOWERS AND
MONOPOLES**

**CHAPTER 26 REGULATIONS OF ANTENNAS, WIRELESS TOWERS
AND MONOPOLES**

2600 PURPOSE

2600.1 The purposes of the regulation of Antennas and for the regulation of Broadcast Towers, Wireless Towers and Monopoles as a particular type of structure shall be as follows:

- (a) The Zoning Commission has determined that certain Antennas, Broadcast Towers, Wireless Towers and Monopoles because of their size, shape, design, construction or location, may affect the health, welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C. (District), and its role as the Nation's Capital;
- (b) The zoning regulations therefore regulate the size, height, construction, design and location of Antennas, Broadcast Towers, Wireless Towers and Monopoles which have the greatest potential for adverse impact on the impact on the health, safety and welfare of the population, and on neighborhood quality, and those which have the greatest potential for adverse impact on the scenic beauty of the Nation's Capital; and
- (c) The principal types of Antennas, Broadcast Towers, Wireless Towers and Monopoles regulated are those that, because of their shape and relatively large mass, potentially have the greatest visual impact and include, by example, large satellite earth station Antennas, certain microwave terrestrial Antennas, and Broadcast Towers.
- (d) The zoning regulations therefore seek a balance of traditional life and safety issues with the increasing and evolving demand of wireless communications services by District citizens seeking ubiquitous and robust wireless coverage throughout the District; and
- (e) The zoning regulations will reduce the administrative burdens on District agencies through expedited siting procedures including the location of antennas and related equipment on existing buildings and structures as

well as the use of effective screening or camouflage techniques that minimize the visual impact of wireless infrastructure.

2601 NEW AND REPLACEMENT CONSTRUCTION OF WIRELESS TOWERS, BROADCAST TOWERS, AND MONOPOLES

2601.1 A Wireless Tower or Monopole shall be permitted in all Zoning Districts as a matter-of-right, except in residential and C-1 zones where they shall be permitted by special exception as provided for in §2610 and herein below;

2601.2 The Office of Planning shall review and make a recommendation on any proposed Wireless Tower, Monopole, or Broadcast Tower whether it be matter-of-right or special exception.

2601.3 The proposed height of a Wireless Tower, Monopole, or Broadcast Tower shall not exceed that which is reasonably necessary to render satisfactory service to the desired coverage area.

(a) Unless approved by special exception, a new Wireless Tower or Monopole shall not exceed one hundred (100') feet except in an M or CM Zoning District where the allowable height shall be one hundred and fifty (150') feet.

(b) A Wireless Tower or Monopole shall be set back $\frac{1}{6}$ its height from the lot line on which it is located excepting that in a Residential Zone, the Board of Zoning Adjustment may require an additional setback of not more than $\frac{1}{3}$ the height of the Wireless Tower or Monopole.

2601.3 A Wireless Tower or Monopole whose height conflicts with the requirements of the Act of June 1, 1910 (36 Stat. 452), as amended from time to time, shall not be permitted unless the height is approved by the Mayor.

2601.4 A Wireless Tower or Monopole over 100 feet shall be constructed to support two or more Telecommunications Service Providers. The number of potential collocations shall be determined by the height of the tower and its maximum load.

2601.5 New Broadcast Towers shall be by Special Exception.

2601.6 An existing Wireless Tower or Monopole which a carrier or owner seeks to replace shall be replaced as a matter-of-right provided that the Wireless Tower or Monopole shall not be substantially increased in height. "Substantially Increased" is defined as an increase in the height of the tower by more than 10%. Any additional requested increase in height shall be considered by a Special Exception.

2601.7 Wireless Towers or Monopoles that utilize a Stealth design shall be allowed as a matter-of-right where the size of the property lot can accommodate multiple structures, and according to the following guidelines:

- (a) that the proposed stealth design provides adequate screening of the antennas;
- (b) that the proposed stealth structure is not out of scale with the subject property taking into account the size, set backs, topography and underlying use of the property;
- (c) that the primary use of the subject property is not single family residential; and
- (d) the Zoning Administrator may require that the ground equipment of the proposed facility be landscaped, fenced or otherwise screened.

2602 CERTIFICATION OF FCC RF EMISSION COMPLIANCE FOR TRANSMITTING ANTENNAS

2602.1 No application for a building permit for a transmitting Antenna may be considered completed unless it is accompanied by a certification by the applicant stating that the proposed transmitting Antenna will comply with the Radio Frequency (RF) Emissions guidelines adopted by the Federal Communications Commission (FCC) and the health and safety regulations adopted by the Occupational Safety and Health Administration (OSHA).

2602.2 The certification shall include the following information:

- (a) The legal name, address of the principal place of business, and telephone number of the applicant and property owner;
- (b) The legal entity name, contact name, mailing address where correspondence shall be sent, and telephone contact number;
- (c) A site plan (roof plan if appropriate) drawn to scale showing the location of the proposed and existing Antennas on the site, roof, Broadcast Tower, Wireless Tower, or Monopole.

2603 MATTER-OF-RIGHT ANTENNAS

2603.1 All Antennas that comply with the applicable provisions of this Chapter shall be permitted as a Matter-of-Right in all Zone Districts

2604 GROUND MOUNTED ANTENNAS

2604.1 Except for those Antennas exempted by § 2607, Ground Mounted Antennas shall comply with the following conditions:

- (a) No more than one Ground Mounted Antenna may be installed on any lot;
and
- (b) Ground Mounted Antenna may not exceed a mounted height of twelve (12') feet at its highest point above the ground in the following Zoning Districts:
 - 1) Residence (R),
 - 2) Special Purpose (SP),
 - 3) Mixed Use (CR), or
- (c) The Ground Mounted Antenna may not exceed a mounted height of twenty (20') feet at its highest point above the ground in any Commercial (C) or Industrial (CM or M) Zone District;
- (d) The Ground Mounted Antenna shall be located in either the rear yard or the side yard of the principal building on the lot;
- (e) Each part of the Ground Mounted Antenna shall be removed from all lot lines by a minimum distance of ten (10') feet;
- (f) The Ground Mounted Antenna shall not be visible from any public park located in the Central Employment Area or from any street that the lot abuts;
- (g) The Ground Mounted Antenna, to the maximum practical extent, shall be constructed of materials and colors that blend with the surroundings;
- (h) The installation shall include screening treatments necessary to ensure compliance with paragraph (f) of this subsection, and, to the maximum practical extent, to reduce the adverse impact of the Antenna as viewed from adjacent property; and
- (i) The Ground Mounted Antenna installation shall be as small as is practical for its intended use.

2604.2 A Ground Mounted Antenna that does not comply with the requirements of this section may be permitted by Special Exception as set forth in §2610.

2605 ROOF MOUNTED ANTENNAS

2605.1 Except for those Antennas exempted by §2607, Antennas placed on the roof of a building shall comply with the following conditions:

- (a) Each Antenna shall be removed from the edge of the roof a distance equal to its total mounted height above its base;
- (b) Each Antenna installation shall be located or screened to minimize the view from an adjacent public park or public open space;
- (c) Antennas within one-eighth of a mile of a landmark structure or site identified, or eligible for listing, on the National Historic Register shall be sited in accordance with the FCC's Nationwide Programmatic Agreement for the Collocation of Wireless Antennas;
- (d) An Antenna shall be constructed of materials and colors that reasonably blend with the site surroundings;
- (e) Antennas placed on a roof with an outdoor recreation space shall be subject to the following conditions:
 - 1) The Antenna location shall be secured from unauthorized access by a fence or screen at least five (5') feet in height;
 - 2) A Transmitting Antenna shall be oriented such that its transmission is not directed at the recreation space; and
 - 3) The Antenna shall be separated from the perimeter of the recreation area in accordance with any applicable federal rules or guidelines or at a minimum twenty-five (25) feet from the recreational area.
- (f) An Antenna located on District owned or private property adjacent to a Navigable Waterway shall be placed such that its visibility from the waterway, as measured from the midpoint of the waterway, is reasonably minimized considering the cost of the screening and the effect to be achieved.

2605.2 (a) Equipment shelters and cabinets located on a building rooftop or structure shall be erected or modified as follows:

- 1) it shall meet the requirements of DC Zoning Ordinance § 411;

2) it shall be set back from all exterior walls a distance equal to fifty (50%) percent of the height of the Equipment Cabinet or Shelter to reasonably accommodate collocations of such structures; and

3) it shall not exceed twelve (12') feet in height, plus the required support foundation, above the roof upon which it is located.

(b) An Equipment Cabinet or Shelter shall blend in color and materials, where reasonably achievable and cost effective, with the building exterior to minimize its visual effect.

2605.3 An Antenna or equipment cabinet or shelter that does not comply with the above requirements may be permitted by Special Exception as set forth in this Chapter.

2605.4 A Telecommunications Service Provider shall be permitted to replace an existing or temporary Antenna as a matter-of-right subject only to an expedited administrative review by the Office of Planning; and

2605.5 Nothing in this section shall prevent minor repairs and alterations to Antennas, Wireless Towers, Monopoles and Broadcast Towers and no permit shall be required.

2606 BUILDING-MOUNTED ANTENNAS

2606.1 Except for those Antennas exempted by § 2607, Building Mounted Antennas shall comply with the following conditions:

(a) The top of the Antenna shall not eclipse the roof of the building or structure to which it is mounted by more than two (2) feet except by Special Exception;

(b) An Antenna installation shall be located or screened to reasonably minimize the view of the Antenna from the following:

1) Adjacent streets;

2) Any public park or public open space within one-eighth mile; and

3) Any landmark structure or site within one-eighth mile.

(c) Each Antenna installation shall be located or screened (including construction materials and/or colors that blend with the surrounding

elements) to reasonably minimize its appearance for the site considering the cost of the screening and the effect to be achieved.

(d) Building Mounted Antennas placed on the roof structure of a building with a rooftop recreation space shall be subject to the following:

- 1) An area where Antennas are mounted on the roof structure of a building shall be visibly marked to discourage the public from entering the site area in accordance with OSHA and FCC regulations; and
- 2) Transmitting Antennas shall be oriented such that transmission is not directed at the recreation space.

(e) A Building Mounted Antenna attached to a building adjacent to a Navigable Waterway shall be placed such that its visibility from the Navigable Waterways, as measured from the center point of the waterway, is reasonably minimized.

(f) To avoid unintended off-site reception, a transmission Antenna shall not be directed into any adjacent building windows.

(g) A building mounted Antenna shall be screened and/or painted (dependent upon its application) to blend with the surface face to which it is attached.

2606.2 Any related Equipment Cabinet or Shelter shall blend in color and/or materials with the building's exterior to reasonably minimize its visual effect.

2606.3 A Building Mounted Antenna or Equipment Cabinet or Shelter that does not comply with the above requirements may be permitted by Special Exception as set forth in this Chapter.

2606.4 A Telecommunications Service Provider shall be permitted to replace an existing or temporary Antenna as a matter-of-right subject only to an expedited administrative review by the Office of Planning; and

2606.5 Nothing in this section shall prevent minor repairs and alterations to Antennas, Wireless Towers, Monopoles and Broadcast Towers and no permit shall be required.

2607 EXEMPTED ANTENNAS

2607.1 Notwithstanding the requirements of §§2604 through 2606, Antennas that meet the following conditions shall be exempt:

- (a) Located on or in stealth structures shall be permitted by right provided the following conditions are met:
 - 1) That the proposed design provides adequate screening of the Antennas;
 - 2) That the proposed stealth structure conforms with size, applicable setback, topography, the underlying use of the property, and is compatible with the site;
 - 3) That the primary use of the subject property is not single family residential;
 - 4) The Zoning Administrator may require that the ground equipment of the proposed facility be landscaped, fenced, or otherwise screened;
 - 5) A stealth structure not exceeding one hundred (100') feet in height shall be permitted in all Zoning Districts, and one hundred and fifty (150') feet in M and CM Zoning Districts;
 - 6) The diameter of a stealth flagpole shall not exceed 30 inches;
 - 7) Spires, towers, domes, pinnacles, or minarets serving as architectural embellishments or camouflage over Antennas, or to support Antennas, may be erected to a height over the roof as provided for in Zoning Ordinance §§530.3, 630.3, 770.3, 840.2, 930.3. The Board of Zoning Adjustment may consider a request for additional height through a request for Special Exception;
 - 8) For purposes of this section only, the Zoning Administrator may require a licensed engineer's statement be submitted to demonstrate that the stealth structure will comply with all applicable building codes and safety requirements;
- (b) Entirely enclosed on all sides within a building or by the penthouse walls or extensions thereof, and such antennas not being the primary use within the building;
- (c) Located entirely behind and no taller than the parapet walls;
- (d) Located entirely behind screen walls attached to the parapet walls and designed to conceal the Antenna; or
- (e) No taller than eighteen (18") inches in height and necessary for the implementation of expanded 911 or the District's emergency communications.

- 2607.2 For the purposes of §2603, penthouse and parapet walls may include an opaque membrane covering a port in front of the Antenna.
- 2607.3 The requirements of §§2604 through 2606 shall not apply to the following classes of Antennas. The number to the right indicates the maximum number of Antennas within a class which may be placed on a building or located on a lot, as is applicable:

RESIDENTIAL TYPE UHF/VHF TELEVISION AND FREQUENCY MODULATION (FM) RADIO RECEIVING YAGI ANTENNA NOT TO EXCEED EIGHT FEET (8 FT.) HORIZONTALLY	As governed by FCC rules and regulations or in the event that the FCC does not control, 1.
WHIP ANTENNAS NOT EXCEEDING TWO AND ONE-HALF INCHES (2 1/2 IN.) IN DIAMETER, WITH A MOUNTED DIMENSION NO LONGER THAN TWELVE FEET (12 FT.) IN ANY DIRECTION, AND LOCATED ON A PRINCIPAL BUILDING	2
RESIDENTIAL TYPE SUPER HIGH FREQUENCY ANTENNA, NOT TO EXCEED THREE FEET (3 FT.) IN ANY DIMENSION, EXCLUDING THE SUPPORT ELEMENT	As governed by FCC rules and regulations or in the event that the FCC does not control, 1
DISH ANTENNA WITH A DIAMETER OF NO MORE THAN FOUR FEET (4 FT.), NOT TALLER THAN EIGHT FEET (8 FT.), LOCATED ON THE ROOF OF A PRINCIPAL BUILDING, AND SET BACK FROM THE EDGE OF THE ROOF A DISTANCE AT LEAST EQUAL TO ITS HEIGHT ABOVE THE ROOF. THE PRINCIPAL BUILDING SHALL HAVE A HEIGHT OF NO LESS THAN TWENTY-FIVE (25) FEET	As governed by FCC rules and regulations or in the event that the FCC does not control, 1.
WHIP ANTENNA MOUNTED ON A VEHICLE ON PRIVATE PROPERTY	1
E 911 Antennas and GPS locators. Antennas and related equipment to be installed to a structure by a Telecommunications Service Provider in order to comply with the Public Safety Communications Act of 1999	47 C.F.R. 64; 47 C.F.R. 20; 47 C.F.R. 22; and 47 C.F.R. 54 as amended

- 2607.4 (a) An Antenna that does not comply with the above requirements or numeric limitation set forth may be permitted subject to the requirements of §§2603-2605.
- (b) Any proposed stealth structure which is determined by the Zoning Administrator not to comply with the standards of §2607 shall be referred to the Board of Zoning Adjustment (BZA) for review as a Special Exception subject to §3108.

2608 ANTENNA ADDITIONS TO EXISTING WIRELESS TOWERS, MONOPOLES, AND STRUCTURES

2608.1 The addition of Antennas to an existing Wireless Tower, Monopole, utility structure, water tower, or other like structure shall be permitted as a matter-of-right in all Zoning Districts as follows:

- (a) A transmitting Antenna may not be placed lower than fifty (50') feet above the base of any structure set forth above.
- (b) Where the Antennas and support mechanism do not create a substantial increase in the height of the structure, water tower, Utility Structure, Wireless Tower or Monopole. For purposes of this section “substantial increase” is defined as an increase in the height by more than ten percent (10%). Where the Antennas and support mechanism will exceed the substantial increase limitation, the installation may be approved by Special Exception.

2608.2 An addition of an Antenna to a Broadcast Tower shall be by Special Exception.

2609 OFFICE OF PLANNING REPORT

2609.1 The Zoning Administrator shall not take final action on an application to permit a Broadcast Tower, Wireless Tower or Monopole, or an Antenna not exempted by §2607 until a report is received from the Office of Planning, or thirty (30) days have passed from the date application was filed with the Director of the Office of Planning, whichever occurs first. The report of the Office of Planning shall indicate whether the Antenna, Wireless Tower, Monopole, or Broadcast Tower complies with the applicable requirements of this Chapter.

2609.2 (a) If the Office of Planning fails to make its report within the 30-day requirement of §2609.1, good and sufficient cause having been

demonstrated, the Office of Planning shall promptly notify the applicant in writing of the delay and the reason for the delay.

- (b) If the stated delay exceeds the additional 30 days, the applicant shall be deemed recommended for approval.

2610 ANTENNAS, WIRELESS TOWERS, MONOPOLES, AND BROADCAST TOWERS SUBJECT TO BZA APPROVAL: GENERAL

2610.1 An application for Special Exception approval submitted to the BZA for a non-complying Antenna, Wireless Tower, Monopole, or Broadcast Tower shall include all of the documentation previously required under this Chapter, plus such additional information as the Board reasonably believes necessary to render a decision.

2610.2 (a) Any contract between a wireless carrier, or other Telecommunications Service Provider, and a building owner or agent for the use of a rooftop, or other external area of the building or a lot must contain a provision that the carrier is responsible for removal of its non-conforming or non transmitting Antenna within a reasonable time after it becomes aware of such condition.

- (b) A landlord or property owner shall be responsible for assuring compliance with paragraph (a) above.

2611 NON-CONFORMING ANTENNAS

2611.1 A nonconforming Antenna and related equipment may be maintained, altered, or modernized in accordance with Chapter 20 of the Zoning Regulations.

2611.2 If a nonconforming Antenna stops functioning, a temporary replacement antenna may be installed.

- (a) a permanent replacement antenna cannot be installed as a matter of right;

- (b) the temporary installation shall be removed no later than one (1) year after the nonconforming antenna stops functioning.

2611.3 All Antennas lawfully established prior to the effective date of this amendment shall be deemed to be a conforming use.

2612 Sections 2698 – 2698 RESERVED

Definitions

The following definitions shall also supplement Zoning Ordinance §199.

Antenna – a device used to transmit or receive communications signals. This term encompasses transmitting and receiving elements. (36 DCR 1509)

Antenna, Broadcast – an Antenna used for television and radio broadcasting. The transmitting Broadcast Antenna may be affixed to a tower or to the top of a building. (36 DCR 1509)

Antenna Dish – a bowl shaped device for the reception and/or transmission of communications signals in a specific directional pattern.

Antenna, Satellite Earth Station – an Antenna used to transmit or receive sound, visual images or data from one or more space stations or from one or more stations of the same kind by means of satellites or other like objects in space. (36 DCR 1509)

Antenna, Super High Frequency – an Antenna that transmits a super high frequency signal and requires a line of sight to the receiving Antenna, and which generally consists of a metal grid or a sheet of bent metal, and is mounted on a Broadcast Tower or on a roof structure. (36 DCR 1509)

Antenna, Whip – an Antenna generally consisting of a single pole or mast, also called a broomstick Antenna, sometimes including irregularly shaped prongs or attachments at its extremity, including an Antenna used for citizens band or two-way radio communications. (36 DCR 1509)

Antenna, Yagi – a very high frequency (VHF) or ultrahigh frequency (UHF) directional Antenna array in which a basic whip or dipole Antenna is supplemented by one or more parallel reflector and director elements. (36 DCR 1509)

Broadcast Tower – shall mean a structure whose primary purpose is the support of television and radio Antennas for the transmission of broadcast signals.

Building Mounted Antenna (Flush Mounted Antenna) – any antenna and its necessary supporting appliance that is attached to the walls of, or integrated into a building, building structure, or other structure.

Co-location (Collocate) – the mounting of an Antenna on a Wireless Tower, Broadcast Tower, Monopole, Utility Structure, building or other structure.

Equipment Cabinet or Shelter – an enclosure that houses the equipment of an Antenna located at a site and connected to the Antenna by a series of cables.

FCC – Federal Communications Commission as that body is now constituted or may be constituted in the future.

Monopole – a single self-supporting pole type structure supporting one or more Antennas.. A Monopole shall not be deemed a Ground Mounted Antenna as that term is defined in this Chapter.

Navigable Waterway: as defined in 33 C.F.R. 2.10.

Radio Frequency Emissions (RF) – the propagation of energy through space in the form of waves or particles. The FCC’s requirements for RF Emissions exposure are found in 47 C.F.R. § 1.1310.

Stealth Structures – stealth structures shall include, but not be limited to, structures designed to appear as bell towers, tree poles, light poles, flagpoles, unipoles, steeples, crosses, and facades, in addition to various painting techniques.

Telecommunications – shall mean the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as send and received.

Telecommunications Service Provider – any entity providing Telecommunications Service.

Telecommunications Service – shall mean the offering of Telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. For the purpose of this Chapter. Telecommunications Service includes “Personal Wireless Services” (such as cellular, Personal Communications Service (PCS), paging, dispatch service, and broadband) that use wireless technology to provide wireless Telecommunications Service to an Antenna location.

Telecommunications Facility – All equipment, including repeaters, utilized by a Telecommunications Service Provider to deliver its service and all locations of said equipment.

Utility Tower or Pole – shall mean a structure owned by a telephone company, electric company, or cable company, or any District owned utility including water towers.

Wireless Tower – a lattice type, guyed, or self-supporting structure used to support Antennas for wireless transmission and/or reception. Such structures shall not be deemed Ground Mounted Antennas as that term is defined in this Chapter.

AMEND EXISTING SECTIONS TO READ AS FOLLOWS:

CHAPTER 2 RESIDENCE DISTRICT USE REGULATIONS

Delete existing §201.2 through §201.7 in their entirety.

Add the following new §201.2 to read:

201 USES AS A MATTER-OF-RIGHT (R)

201.2 Antennas subject to the standards and procedures that apply to a particular class of Antenna or its location pursuant to Chapter 26.

Delete existing § 211, Antenna, Commercial Broadcast (R-1) in its entirety.

Delete existing § 212, Antenna, Other Than Commercial Broadcast Antenna (R-1) in its entirety.

CHAPTER 5 SPECIAL PURPOSE DISTRICTS

Add the following new § 501.1 (i):

501 USES AS A MATTER-OF-RIGHT (SP)

501.1 (i) Antenna, subject to the standards and procedures that apply pursuant to Chapter 26.

Delete existing § 514, Antenna, Commercial Broadcast (SP) in its entirety.

Delete existing § 515, Antenna, Other Than Commercial Broadcast Antenna (SP) in its entirety.

Amend § 530 to read as follows:

530 HEIGHT

530.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, Antenna, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **THIS SECTION SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE REQUIRED SPECIAL EXCEPTION REVIEWS.**

Add the following new § 535.12:

534 REAR YARDS (SP)

534.12 Antennas, Wireless Towers, and Monopoles shall comply with the side yard requirements specified in Chapter 26

Add the following new § 535.4:

535 SIDE YARDS (SP)

535.4 Antennas, Wireless Towers and Monopoles shall comply with the side yard requirements specified in Chapter 26.

Renumber existing §§ 535.4 to 535.5.

CHAPTER 6 MIXED USE DISTRICT (CR):

Amend § 601.1 to read as follows:

601 USES AS A MATTER-OF-RIGHT (CR)

601.1 (s) Antenna, subject to the standards and procedures which apply to the particular class of Antenna pursuant to Chapter 26.

Amend § 617.1 to read as follows:

617 **WIRELESS TOWER AND MONOPOLE (CR)**

617.1 Wireless Tower or Monopole shall be permitted specified in Chapter 26.

Amend § 630.3 to read as follows:

630 HEIGHT

630.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, Antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **THIS SECTION**

**SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE
REQUIRED SPECIAL EXCEPTION REVIEWS.**

Amend § 637.1 to read as follows:

637 SIDE YARDS (CR)

637.1 No side yard shall be required for any structure located in a CR Zoning District, except as may be otherwise established for Ground Mounted Antennas.

CHAPTER 7 COMMERCIAL DISTRICT (C):

Delete § 701.6 (g).

Delete § 701.7 through 701.9 in their entirety.

Amend § 721.2 (t) to read as follows:

721 USES AS A MATTER-OF-RIGHT (C-2)

721.2 (t) Radio or television broadcasting studio, Broadcast Towers, Wireless Towers and Monopoles as specified in Chapter 26.

Delete § 741.6 and 741.7 in their entirety.

Amend § 770.3 to read as follows:

770 HEIGHT

770.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, Antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **THIS SECTION SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE REQUIRED SPECIAL EXCEPTION REVIEWS.**

CHAPTER 8 INDUSTRIAL DISTRICT (C):

Amend § 840.2 to read as follows:

840 HEIGHT

840.2 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, Antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in

excess of that which this sections otherwise authorizes. **THIS SECTION SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE REQUIRED SPECIAL EXCEPTION REVIEWS.**

CHAPTER 9 WATERFRONT DISTRICTS

Amend § 901.1 (u) to read as follows:

901 **USES AS A MATTER-OF-RIGHT (W)**

901.1 (u) Antennas, subject to the standards and procedure which apply to the particular class of Antenna pursuant Chapter 26.

Amend § 914.1 to read as follows:

914 **WIRELESS TOWER AND MONOPOLE (W)**

Wireless Tower or Monopole shall be permitted as specified in Chapter 26.

Amend § 930.3 to read as follows:

930 **HEIGHT**

930.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, Antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **THIS SECTION SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE REQUIRED SPECIAL EXCEPTION REVIEWS or mayoral approvals**

Delete § 2001.11.

Delete § 2503.5.

All other proposed sections would be renumbered accordingly.



Areas of the District of Columbia in Which Wireless Monopoles Would be Prohibited



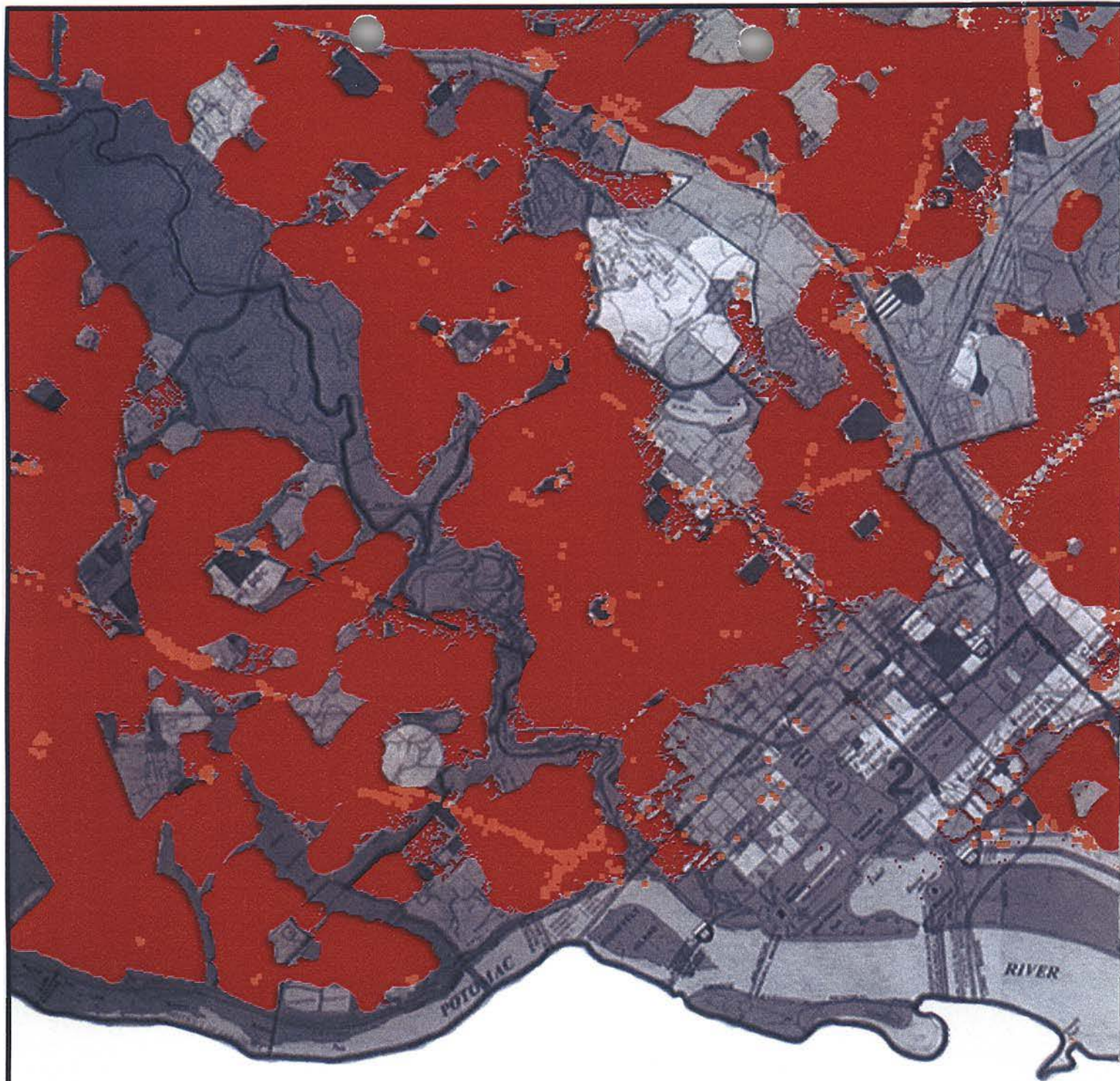
Residential Land Use Categories:

- low density
- moderate density
- medium density
- high density



Commercial Land Use Categories:

- low density

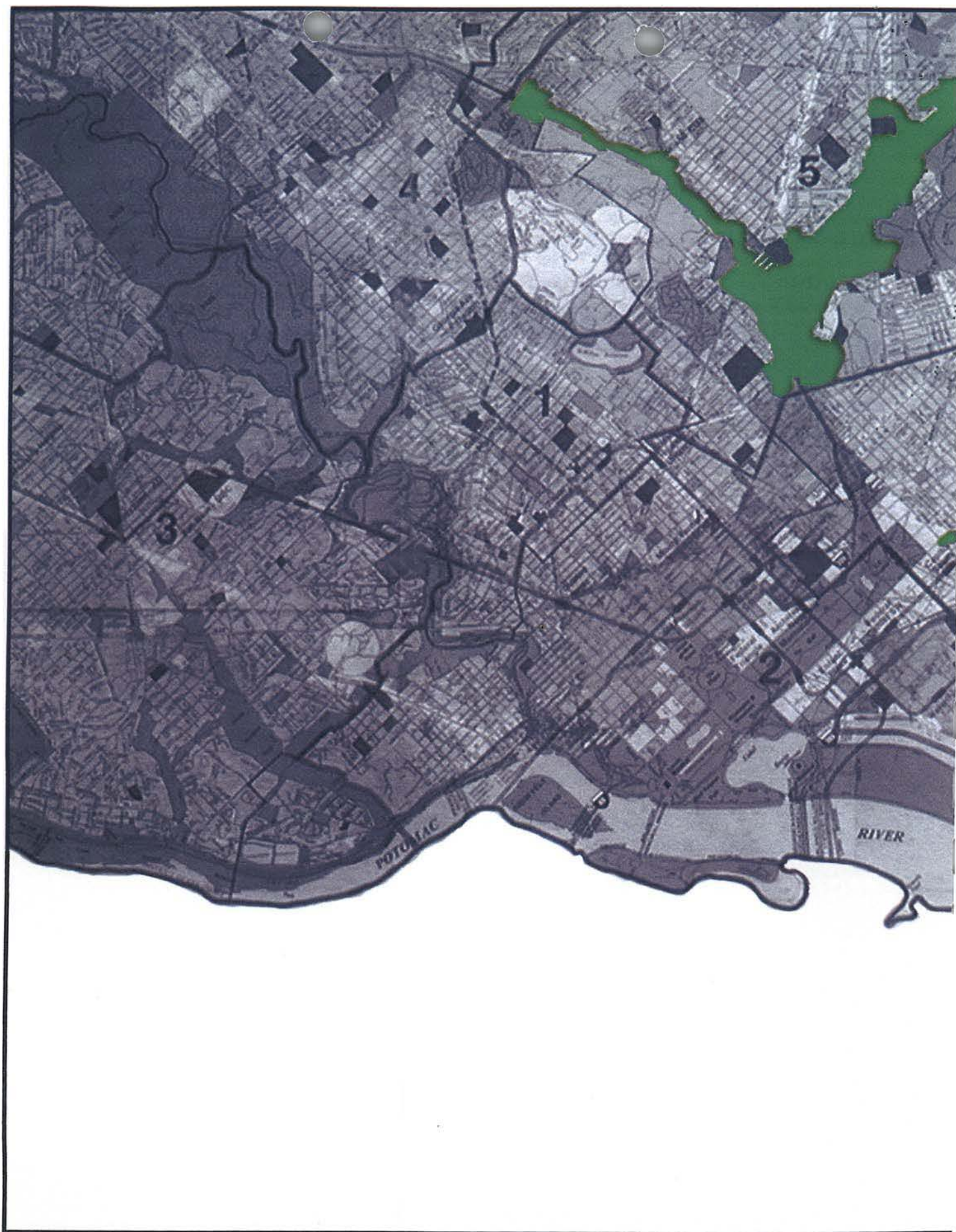


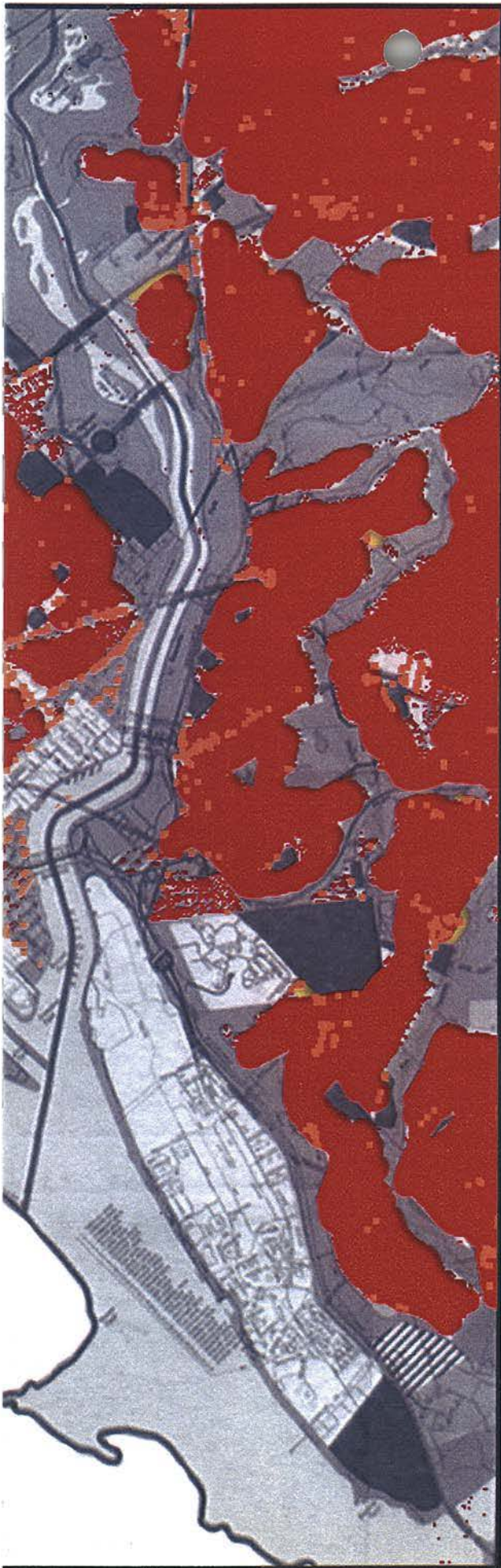
The Only Areas of the District of Columbia in Which Wireless Monopoles Would be Permitted as a Matter of Right



Restructured Industrial Land







Areas of the District of Columbia in Which Wireless Monopoles Would be Either Prohibited or Permitted Only by Special Exception

PROHIBITED



Residential Land Use Categories:

- low density
- moderate density
- medium density
- high density



Commercial Land Use Categories:

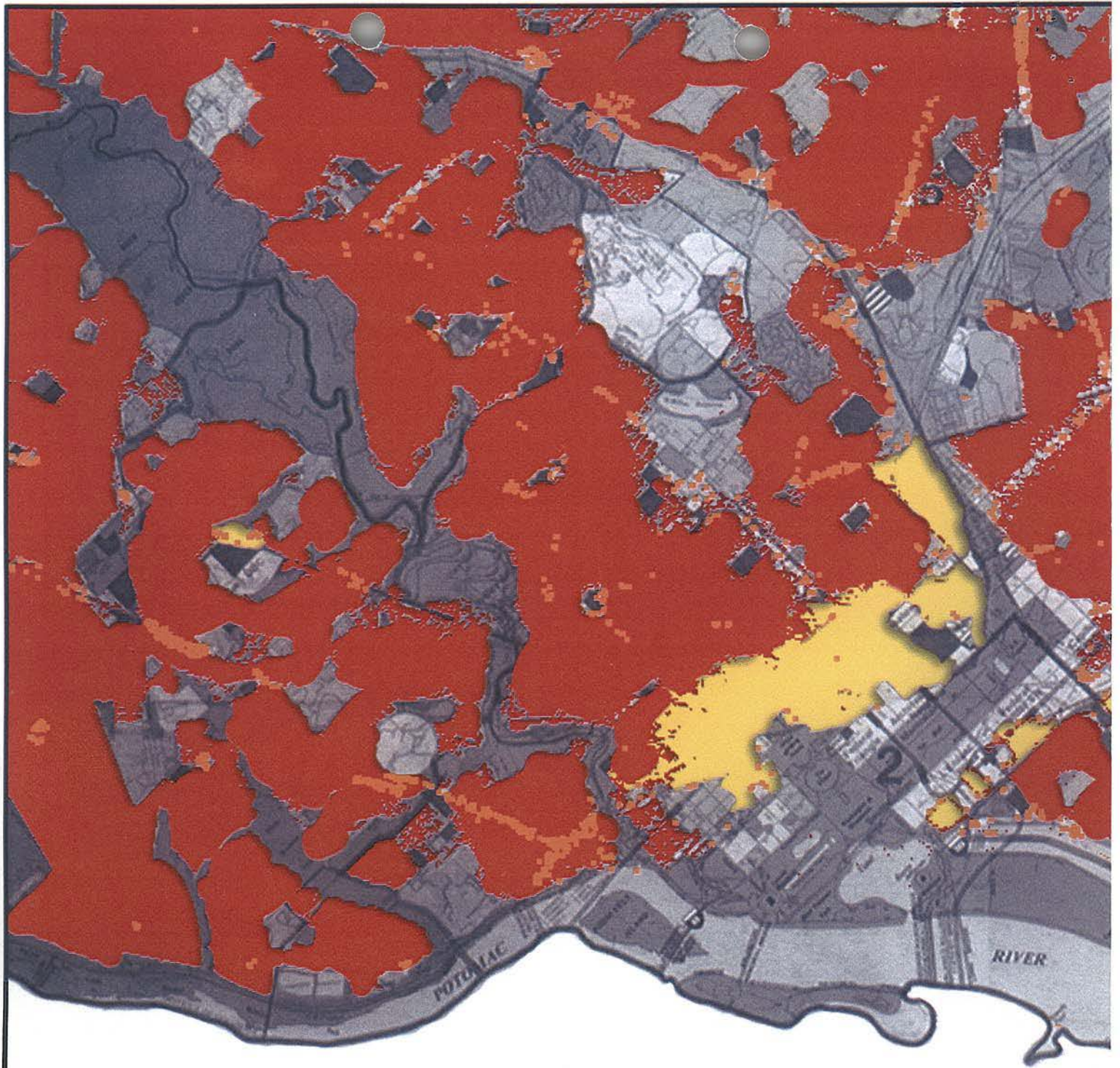
- low density

SPECIAL EXCEPTION



Commercial Land Use Categories

- moderate density
- medium density
- medium-high density
- high density



OP proposed text amendment for Public Hearing regarding the regulation of antennasAntennas and towers. June 10, 2002 (revised by Wireless Carriers 11/02)

AMEND 11 DCMR, ZONING BY ADDING THE FOLLOWING NEW CHAPTER 26, REGULATIONS OF ANTENNAS, ~~ANTENNA~~WIRELESS TOWERS AND MONOPOLES

CHAPTER 26 REGULATIONS OF ANTENNAS, ~~ANTENNA~~WIRELESS TOWERS AND MONOPOLES

2600 PURPOSE

2600.1 The purposes ~~OF the regulation of antennas AND FOR THE REGULATION OF ANTENNA TOWERS AND MONOPOLES~~the regulation of Antennas and for the regulation of Broadcast Towers, Wireless Towers and Monopoles as a particular type of structure shall be as follows:

- (a) The Zoning Commission has determined that certain antennas, ~~ANTENNA TOWERS AND MONOPOLES~~Antennas, Broadcast Towers, Wireless Towers and Monopoles because of their size, shape, design, construction or location, may affect the health, welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty or aesthetic interests of Washington, D.C. (District), and its role as the Nation's Capital;
- (b) The zoning regulations therefore regulate the size, height, construction, design and location of antennas, ~~ANTENNA TOWERS AND MONOPOLES~~Antennas, Broadcast Towers, Wireless Towers and Monopoles which have the greatest potential for adverse impact on the impact on the health, safety and welfare of the population, and on neighborhood quality, and those which have the greatest potential for adverse impact on the scenic beauty of the Nation's Capital; and
- (c) The principal types of antennas, ~~ANTENNA TOWERS AND MONOPOLES~~Antennas, Broadcast Towers, Wireless Towers and Monopoles regulated are those that, because of their shape and relatively large mass, potentially have the greatest visual impact and include, by example, large satellite earth station antennas ~~andAntennas~~, certain microwave terrestrial antennasAntennas, MONOPOLES AND BROADCAST TOWERS. and Broadcast Towers.
- (d) The zoning regulations therefore seek a balance of traditional life and safety issues with the increasing and evolving demand of wireless communications services by District citizens seeking ubiquitous and robust wireless coverage throughout the District; and

- (e) The zoning regulations will reduce the administrative burdens on District agencies through expedited siting procedures including the location of antennas and related equipment on existing buildings and structures as well as the use of effective screening or camouflage techniques that minimize the visual impact of wireless infrastructure.

2601 **NEW AND REPLACEMENT CONSTRUCTION OF WIRELESS TOWERS, BROADCAST TOWERS, AND MONOPOLES**

2601.1 A Wireless Tower or Monopole shall be permitted in all Zoning Districts as a matter-of-right, except in residential and C-1 zones where they shall be permitted by special exception as provided for in §2610 and herein below:

2601.2 The Office of Planning shall review and make a recommendation on any proposed Wireless Tower, Monopole, or Broadcast Tower whether it be matter-of-right or special exception.

2601.3 The proposed height of a Wireless Tower, Monopole, or Broadcast Tower shall not exceed that which is reasonably necessary to render satisfactory service to the desired coverage area.

(a) Unless approved by special exception, a new Wireless Tower or Monopole shall not exceed one hundred (100') feet except in an M or CM Zoning District where the allowable height shall be one hundred and fifty (150') feet.

(b) A Wireless Tower or Monopole shall be set back 1/6 its height from the lot line on which it is located excepting that in a Residential Zone, the Board of Zoning Adjustment may require an additional setback of not more than 1/3 the height of the Wireless Tower or Monopole.

2601.3 A Wireless Tower or Monopole whose height conflicts with the requirements of the Act of June 1, 1910 (36 Stat. 452), as amended from time to time, shall not be permitted unless the height is approved by the Mayor.

2601.4 A Wireless Tower or Monopole over 100 feet shall be constructed to support two or more Telecommunications Service Providers. The number of potential collocations shall be determined by the height of the tower and its maximum load.

2601.5 New Broadcast Towers shall be by Special Exception.

2601.6 An existing Wireless Tower or Monopole which a carrier or owner seeks to replace shall be replaced as a matter-of-right provided that the Wireless Tower or Monopole shall not be substantially increased in height. "Substantially Increased" is defined as an increase in the height of the tower by more than 10%. Any additional requested increase in height shall be considered by a Special Exception.

2601.7 Wireless Towers or Monopoles that utilize a Stealth design shall be allowed as a matter-of-right where the size of the property lot can accommodate multiple structures, and according to the following guidelines:

- (a) that the proposed stealth design provides adequate screening of the antennas;
- (b) that the proposed stealth structure is not out of scale with the subject property taking into account the size, set backs, topography and underlying use of the property;
- (c) that the primary use of the subject property is not single family residential; and
- (d) the Zoning Administrator may require that the ground equipment of the proposed facility be landscaped, fenced or otherwise screened.

~~2600.2 THE CONSTRUCTION OF NEW TOWERS OR MONOPOLES IS CONSIDERED INCOMPATIBLE WITH §2520.1 AND SHALL BE PERMITTED AS A MATTER OF RIGHT IN THE M INDUSTRIAL ZONE AND ONLY AS A SPECIAL EXCEPTION IN THE C-2, C-3, C-4, CR, SP, W AND CM DISTRICTS AND MAY BE APPROVED ONLY WHEN NO OTHER MOUNTING OPTION IS AVAILABLE.~~

~~2601.2602 CERTIFICATION OF FCC RF EMISSION COMPLIANCE FOR TRANSMITTING ANTENNAS.~~

~~2601.1 NO APPLICATION FOR A BUILDING PERMIT FOR A TRANSMITTING ANTENNA MAY BE CONSIDERED COMPLETED UNLESS IT IS ACCOMPANIED BY A CERTIFICATION EVIDENCING THAT THE PROPOSED TRANSMITTING ANTENNA WILL COMPLY WITH THE RADIOFREQUENCY (RF) RADIATION GUIDELINES ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION AND THE HEALTH AND SAFETY REGULATIONS ADOPTED BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.~~

~~2601.2 THE CERTIFICATION SHALL BE SIGNED BY A LICENSED ENGINEER QUALIFIED IN RF ENGINEERING AND SHALL INCLUDE THE FOLLOWING REQUIRED INFORMATION:~~

- ~~a) THE RADIOFREQUENCY (RF) RADIATION TO BE GENERATED BY THE PROPOSED ANTENNA OR ANTENNAS;~~
- ~~b) THE CUMMULATIVE RF RADIATION GENERATED BY ALL OTHER ANTENNAS AT THE PROPOSED SITE;~~

- e) ~~THE MEANS USED TO DETERMINE THE RF LEVELS;~~
- d) ~~THE APPLICABLE LEGAL CITATIONS RELAVENT TO THE RF LEVELS AND ANTENNA TYPE;~~
- e) ~~THE DATE, TIME AND LOCATION THAT ANY FIELD MEASUREMENTS WERE TAKEN;~~
- f) ~~THE EXACT LEGAL NAME, ADDRESS OF PRINCIPLE PLACE OF BUSINESS AND TELEPHONE NUMBER OF THE CERTIFYING ENGINEER;~~
- g) ~~THE EXACT LEGAL NAME, ADDRESS OF PRINCIPAL PLACE OF BUSINESS AND TELEPHONE NUMBER OF THE APPLICANT AND PROPERTY OWNER;~~
- h) ~~THE EXACT LEGAL NAME, ADDRESS OR PRINCIPLE PLACE OF BUSINESS AND TELEPHONE NUMBER OF THE PERSON TO WHOM CORRESPONDENCE IS TO BE SENT;~~
- i) ~~A SITE PLAN, AND ROOF PLAN IF APPROPRIATE, DRAWN TO SCALE SHOWING THE LOCATION OF THE PROPOSED ANTENNAS AND ALL EXISTING ANTENNAS ON THE SITE, ROOF, TOWER OR MONOPOLE. 2602 MATTER OF RIGHT TRANSMITTING ANTENNAS~~

2602.1 No application for a building permit for a transmitting Antenna may be considered completed unless it is accompanied by a certification by the applicant stating that the proposed transmitting Antenna will comply with the Radio Frequency (RF) Emissions guidelines adopted by the Federal Communications Commission (FCC) and the health and safety regulations adopted by the Occupational Safety and Health Administration (OSHA).

2602.2 The certification shall include the following information:

- (a) The legal name, address of the principal place of business, and telephone number of the applicant and property owner;

~~2602.1 ALL ANTENNAS WHICH COMPLY WITH THE APPLICABLE PROVISIONS OF THIS CHAPTER SHALL BE PERMITTED AS A MATTER OF RIGHT IN ALL ZONE DISTRICTS, EXCEPT BROADCAST ANTENNAS, WHICH SHALL NOT BE PERMITTED IN RESIDENCE DISTRICTS (R).~~

- (b) The legal entity name, contact name, mailing address where correspondence shall be sent, and telephone contact number;

- (c) A site plan (roof plan if appropriate) drawn to scale showing the location of the proposed and existing Antennas on the site, roof, Broadcast Tower, Wireless Tower, or Monopole.

2603 GROUND MOUNTED ~~MATTER-OF-RIGHT~~ ANTENNAS

- 2603.1 All Antennas that comply with the applicable provisions of this Chapter shall be permitted as a Matter-of-Right in all Zone Districts

2604 GROUND MOUNTED ANTENNAS

- ~~2603.1 EXCEPT FOR THOSE ANTENNAS EXEMPTED BY §2606, GROUND-MOUNTED ANTENNAS SHALL COMPLY WITH THE FOLLOWING CONDITIONS:~~

- 2604.1 Except for those Antennas exempted by § 2607, Ground Mounted Antennas shall comply with the following conditions:

- ~~(a) NO MORE THAN ONE GROUND MOUNTED ANTENNA MAY BE INSTALLED ON ANY LOT.~~

- (a) No more than one Ground Mounted Antenna may be installed on any lot; and

- (b) Ground Mounted Antenna may not exceed a mounted height of twelve (12') feet at its highest point above the ground in the following Zoning Districts:

- ~~(b) THE ANTENNA MAY NOT EXCEED A MOUNTED HEIGHT OF TWELVE FEET (12 ft.) AT ITS HIGHEST POINT ABOVE THE GROUND IN THE FOLLOWING ZONE DISTRICTS:~~

- ~~1) ANY RESIDENCE1) Residence (R),
2) SPECIAL2) Special PURPOSEPurpose (SP),
3) MIXED-USE (CR) OR
4) WATERFRONT (W) ZONE DISTRICT;~~

- ~~3) Mixed Use (CR), or~~

- ~~(c) THE ANTENNA MAY NOT EXCEED A MOUNTED HEIGHT OF TWENTY FEET (20 ft.) AT ITS HIGHEST POINT ABOVE THE GROUND IN ANY COMMERCIAL (C) OR INDUSTRIAL (CM OR M) ZONE DISTRICT;~~

- (c) The Ground Mounted Antenna may not exceed a mounted height of twenty (20') feet at its highest point above the ground in any Commercial (C) or Industrial (CM or M) Zone District;

- (d) The antenna ~~SHALL BE~~ Ground Mounted Antenna shall be located in either the rear yard or the side yard of the principal building on the lot;
- (e) Each part of the antenna ~~SHALL BE~~ Ground Mounted Antenna shall be removed from all lot lines by a minimum distance of ten feet (10-ft.) feet;
- (f) The antenna ~~SHALL NOT BE~~ Ground Mounted Antenna shall not be visible from any public park which is ~~within~~ located in the Central Employment Area or from any street which ~~that~~ the lot abuts;
- (g) The antenna Ground Mounted Antenna, to the maximum practical extent, shall be black mesh construction or ~~CONSTRUCTED~~ constructed of materials and colors that blend with the surroundings;
- (h) The installation shall include screening ~~TREATMENTS~~ treatments necessary to ensure compliance with paragraph (e) of this subsection, and, to the maximum practical extent, to reduce the adverse impact of the antenna Antenna as viewed from adjacent property; and
- (i) The antenna Ground Mounted Antenna installation shall be as small as is practical for its intended use.

2603.2 ~~A GROUND MOUNTED ANTENNA WHICH DOES NOT COMPLY WITH THE ABOVE REQUIREMENTS MAY BE PERMITTED THROUGH THE SPECIAL EXCEPTION PROCESS SET FORTH IN § 2610.~~

2603.3 ~~A GROUND MOUNTED ANTENNA WHICH DOES NOT COMPLY WITH THE ABOVE REQUIREMENTS MAY BE PERMITTED THROUGH THE SPECIAL EXCEPTION PROCESS SET FORTH IN § 2610.~~

2604 ANTENNAS PLACED ON A ROOF

2604.1 ~~EXCEPT FOR THOSE ANTENNA EXEMPTED BY 2606, ANTENNAS PLACED ON A ROOF OF A BUILDING SHALL COMPLY WITH THE FOLLOWING CONDITIONS:
EACH PART OF AN ANTENNA SHALL BE REMOVED FROM EACH EDGE OF THE ROOF A MINIMUM DISTANCE EQUAL TO ITS TOTAL MOUNTED HEIGHT ABOVE ITS BASE;~~

- ~~(e) AN ANTENNA MAY NOT EXCEED A TOTAL MOUNTED HEIGHT OF TWELVE (12) FEET AT THE HIGHEST POINT ABOVE THE ROOF AS MEASURED FROM THE ANTENNA'S BASE;~~

~~(d) EACH ANTENNA INSTALLATION SHALL BE LOCATED OR SCREENED TO MINIMIZE, TO THE GREATEST PRACTICABLE EXTENT THE VIEW OF THE ANTENNA FROM THE FOLLOWING:-~~

- ~~1) ADJACENT STREETS,-~~
- ~~2) ANY PUBLIC PARK OR PUBLIC OPEN SPACE, WITHIN ONE-QUARTER MILE, AND-~~
- ~~3) ANY LANDMARKED STRUCTURE OR SITE WITHIN ONE-QUARTER MILE.~~

~~(e) AN ANTENNA, SHALL BE OF BLACK MESH CONSTRUCTION, OR CONSTRUCTED OF MATERIALS AND COLORS THAT BLEND WITH THE SURROUNDINGS TO THE MAXIMUM PRACTICAL EXTENT;~~

~~(f) ANTENNAS PLACED ON A ROOF THAT HAS OUTDOOR RECREATION SPACE SHALL BE SUBJECT TO THE FOLLOWING:-~~

- ~~1) THE ANTENNA LOCATION SHALL BE SECURED FROM UNAUTHORIZED ACCESS FOR A MINIMUM DISTANCE OF TWENTY-FIVE (25) FEET, BY A FENCE OR SCREEN AT LEAST FIVE (5) FEET IN HEIGHT, AND~~
- ~~2) TRANSMITTING ANTENNAS SHALL BE ORIENTED SUCH THAT TRANSMISSION IS NOT DIRECTED AT THE RECREATION SPACE.~~

~~(g) AN ANTENNA ON ANY LOT ADJACENT TO A NAVIGABLE WATERWAY SHALL BE PLACED SUCH THAT ITS VISIBILITY FROM THE NAVIGABLE WATERWAYS IS MINIMIZED TO THE GREATEST PRACTICABLE EXTENT;~~

~~(h)~~

2604.2 ~~ANY RELATED EQUIPEMNT CABINET OR SHELTER SHALL BE:-~~

- ~~1. CONSTRUCTED OF MATERIALS AND COLORS THAT BLEND WITH THE BUILDING OR PENTHOUSES; AND~~
- ~~2. LOCATED TO REDUCE ITS VISIBILITY FROM PUBLIC SPACE TO THE GREATEST PRACTICABLE EXTENT.~~ A Ground Mounted Antenna that does not comply with the requirements of this section may be permitted by Special Exception as set forth in §2610.

~~DELETE (e): IF THE ANTENNA IS LOCATED ON THE ROOF OF A BUILDING, WHICH HAS A HEIGHT OF FIFTY FEET (50 FT.) OR SHALL NOT BE VISIBLE FROM THE GROUND;~~

2604.2

2605 ~~AN ANTENNA PLACED ON A ROOF WHICH DOES NOT COMPLY WITH THE ABOVE REQUIREMENTS MAY BE PERMITTED THROUGH THE SPECIAL EXCEPTION PROCESS SET FORTH IN 2610.~~ **ROOF MOUNTED ANTENNAS**

2605.1 Except for those Antennas exempted by §2607, Antennas placed on the roof of a building shall comply with the following conditions:

2605 **BUILDING-MOUNTED ANTENNAS**

(a) Each Antenna shall be removed from the edge of the roof a distance equal to its total mounted height above its base;

2605.1 ~~EXCEPT FOR THOSE ANTENNAS EXEMPTED BY 2606,~~ **BUILDING-MOUNTED ANTENNAS SHALL COMPLY WITH THE FOLLOWING CONDITIONS:**

(b) Each Antenna installation shall be located or screened to minimize the view from an adjacent public park or public open space;

(c) Antennas within one-eighth of a mile of a landmark structure or site identified, or eligible for listing, on the National Historic Register shall be sited in accordance with the FCC's Nationwide Programmatic Agreement for the Collocation of Wireless Antennas;

(d) An Antenna shall be constructed of materials and colors that reasonably blend with the site surroundings;

(a) THE TOP OF THE ANTENNA SHALL NOT ECLIPSE THE ROOF OF THE WALL, BUILDING OR STRUCTURE TO WHICH IT IS MOUNTED;

(e) Antennas placed on a roof with an outdoor recreation space shall be subject to the following conditions:

(b) EACH ANTENNA INSTALLATION SHALL BE LOCATED OR SCREENED TO MINIMIZE, TO THE GREATEST PRACTICABLE EXTENT THE VIEW OF THE ANTENNA FROM THE FOLLOWING:

1) The Antenna location shall be secured from unauthorized access by a fence or screen at least five (5') feet in height;

a. ADJACENT STREETS,

2) A Transmitting Antenna shall be oriented such that its transmission is not directed at the recreation space; and

b. ANY PUBLIC PARK OR PUBLIC OPEN SPACE, WITHIN ONE-QUARTER MILE, AND

3) The Antenna shall be separated from the perimeter of the recreation area in accordance with any applicable federal rules or guidelines or at a minimum twenty-five (25) feet from the recreational area.

~~e. ANY LANDMARKED STRUCTURE OR SITE WITHIN ONE-QUARTER MILE.~~

(f) An Antenna located on District owned or private property adjacent to a Navigable Waterway shall be placed such that its visibility from the waterway, as measured from the midpoint of the waterway, is reasonably minimized considering the cost of the screening and the effect to be achieved.

~~(e) AN ANTENNA, SHALL BE OF BLACK MESH CONSTRUCTION, OR CONSTRUCTED OF MATERIALS AND COLORS THAT BLEND WITH THE SURROUNDINGS TO THE MAXIMUM PRACTICAL EXTENT;~~

2605.2 (a) Equipment shelters and cabinets located on a building rooftop or structure shall be erected or modified as follows:

~~(d) BUILDING MOUNTED ANTENNAS PLACED ON A ROOF STRUCTURE OF A BUILDING WITH ROOFTOP OUTDOOR RECREATION SPACE SHALL BE SUBJECT TO THE FOLLOWING:-~~

~~1) THE ANTENNA LOCATION SHALL BE SECURED FROM UNAUTHORIZED ACCESS FOR A MINIMUM VERTICAL DISTANCE OF TEN (10) FEET, AND~~

1) it shall meet the requirements of DC Zoning Ordinance § 411;

~~2) TRANSMITTING ANTENNAS SHALL BE ORIENTED SUCH THAT TRANSMISSION IS NOT DIRECTED AT THE RECREATION SPACE.~~

2) it shall be set back from all exterior walls a distance equal to fifty (50%) percent of the height of the Equipment Cabinet or Shelter to reasonably accommodate collocations of such structures; and

~~(e) 3) ANTENNA ON ANY LOT ADJACENT TO A NAVIGABLE WATERWAY SHALL BE PLACED SUCH THAT ITS VISIBILITY FROM THE NAVIGABLE WATERWAYS IS MINIMIZED TO THE GREATEST PRACTICABLE EXTENT; it shall not exceed twelve (12') feet in height, plus the required support foundation, above the roof upon which it is located.~~

~~(f) TO AVOID OFF-SITE RECEPTION INTERFERENCE, A TRANSMISSION ANTENNA SHALL NOT BE DIRECTED INTO ANY ADJACENT BUILDING WINDOW;~~

(b) An Equipment Cabinet or Shelter shall blend in color and materials, where reasonably achievable and cost effective, with the building exterior to minimize its visual effect.

- (g)
- 2605.3 ~~ANY RELATED EQUIPEMNT CABINET OR SHELTER SHALL BE:~~
- a. ~~CONSTRUCTED OF MATERIALS AND COLORS THAT BLEND WITH THE BUILDING OR PENTHOUSES; AND~~ An Antenna or equipment cabinet or shelter that does not comply with the above requirements may be permitted by Special Exception as set forth in this Chapter.
 - b. ~~LOCATED TO REDUCE ITS VISIBILITY FROM PUBLIC SPACE TO THE GREATEST PRACTICABLE EXTENT.~~
- (h)
- 2605.4 ~~BUILDING MOUNTED ANTENNAS SHALL BE SCREENED AND/OR PAINTED TO BLEND WITH THE SURFACE FACE TO WHICH THEY ARE ATTACHED;~~ A Telecommunications Service Provider shall be permitted to replace an existing or temporary Antenna as a matter-of-right subject only to an expedited administrative review by the Office of Planning; and
- 2605.2
2605.5 ~~A BUILDING MOUNTED ANTENNA WHICH DOES NOT COMPLY WITH THE ABOVE REQUIREMENTS MAY BE PERMITTED THROUGH THE SPECIAL EXCEPTION PROCESS SET FORTH IN 2610.~~ Nothing in this section shall prevent minor repairs and alterations to Antennas, Wireless Towers, Monopoles and Broadcast Towers and no permit shall be required.
- 2606 ~~EXEMPTED~~ BUILDING-MOUNTED ANTENNAS
- 2606.1 Except for those Antennas exempted by § 2607, Building Mounted Antennas shall comply with the following conditions:
- (a) The top of the Antenna shall not eclipse the roof of the building or structure to which it is mounted by more than two (2) feet except by Special Exception;
 - (b) An Antenna installation shall be located or screened to reasonably minimize the view of the Antenna from the following:
 - 1) Adjacent streets;
 - 2) Any public park or public open space within one-eighth mile; and
 - 3) Any landmark structure or site within one-eighth mile.
 - (c) Each Antenna installation shall be located or screened (including construction materials and/or colors that blend with the surrounding elements) to reasonably

minimize its appearance for the site considering the cost of the screening and the effect to be achieved.

(d) Building Mounted Antennas placed on the roof structure of a building with a rooftop recreation space shall be subject to the following:

- 1) An area where Antennas are mounted on the roof structure of a building shall be visibly marked to discourage the public from entering the site area in accordance with OSHA and FCC regulations; and
- 2) Transmitting Antennas shall be oriented such that transmission is not directed at the recreation space.

(e) A Building Mounted Antenna attached to a building adjacent to a Navigable Waterway shall be placed such that its visibility from the Navigable Waterways, as measured from the center point of the waterway, is reasonably minimized.

(f) To avoid unintended off-site reception, a transmission Antenna shall not be directed into any adjacent building windows.

(g) A building mounted Antenna shall be screened and/or painted (dependent upon its application) to blend with the surface face to which it is attached.

2606.2 Any related Equipment Cabinet or Shelter shall blend in color and/or materials with the building's exterior to reasonably minimize its visual effect.

2606.3 A Building Mounted Antenna or Equipment Cabinet or Shelter that does not comply with the above requirements may be permitted by Special Exception as set forth in this Chapter.

2606.4 A Telecommunications Service Provider shall be permitted to replace an existing or temporary Antenna as a matter-of-right subject only to an expedited administrative review by the Office of Planning; and

2606.5 Nothing in this section shall prevent minor repairs and alterations to Antennas, Wireless Towers, Monopoles and Broadcast Towers and no permit shall be required.

2607 EXEMPTED ANTENNAS

2607.1 Notwithstanding the requirements of §§2604 through 2606, Antennas that meet the following conditions shall be exempt:

- (a) Located on or in stealth structures shall be permitted by right provided the following conditions are met:

- 1) That the proposed design provides adequate screening of the Antennas;
- 2) That the proposed stealth structure conforms with size, applicable setback, topography, the underlying use of the property, and is compatible with the site;
- 3) That the primary use of the subject property is not single family residential;
- 4) The Zoning Administrator may require that the ground equipment of the proposed facility be landscaped, fenced, or otherwise screened;
- 5) A stealth structure not exceeding one hundred (100') feet in height shall be permitted in all Zoning Districts, and one hundred and fifty (150') feet in M and CM Zoning Districts;

2606.1- ~~THE REQUIRMENTS OF §§2603 THROUGH 2605 SHALL NOT APPLY TO ANY ANTENNA THAT IS;~~

- 6) The diameter of a stealth flagpole shall not exceed 30 inches;
- (a) ~~ENTIRELY ENCLOSED ON ALL SIDES WITHIN A BUILDING OR BY THE PENTHOUSE WALLS OR EXTENSIONS OF THE PENTHOUSE WALLS AND WHICH IS NOT THE PRIMARY USE WITHIN THE BUILDING;~~
 - 7) Spires, towers, domes, pinnacles, or minarets serving as architectural embellishments or camouflage over Antennas, or to support Antennas, may be erected to a height over the roof as provided for in Zoning Ordinance §§530.3, 630.3, 770.3, 840.2, 930.3. The Board of Zoning Adjustment may consider a request for additional height through a request for Special Exception;
 - 8) For purposes of this section only, the Zoning Administrator may require a licensed engineer's statement be submitted to demonstrate that the stealth structure will comply with all applicable building codes and safety requirements;
- (b) ~~LOCATED ENTIRELY BEHIND AND NO TALLER THAN THE PARAPET WALLS; or~~
 - (b) Entirely enclosed on all sides within a building or by the penthouse walls or extensions thereof, and such antennas not being the primary use within the building;
- (e) ~~NO TALLER THAN EIGHTEEN INCHES (18 IN.) IN HEIGHT AND NECESSARY FOR THE IMPLEMENTATION OF EXPANDED 911 OR EMERGENCY COMMUNICATIONS~~
 - (c) Located entirely behind and no taller than the parapet walls;
 - (d) Located entirely behind screen walls attached to the parapet walls and designed to conceal the Antenna; or

2606.2 ~~FOR THE PURPOSES OF 2602 PENTHOUSE AND PARAPET WALLS MAY INCLUDE AN OPAQUE MEMBRANE COVERING A PORT IN FRONT OF THE ANTENNA~~

(e) No taller than eighteen (18") inches in height and necessary for the implementation of expanded 911 or the District's emergency communications.

2606.3

2607.2 ~~THE REQUIRMENTS OF §§2603 THROUGH 2605 SHALL NOT APPLY TO THE FOLLOWING CLASSES OF ANTENNAS. THE NUMBER TO THE RIGHT INDICATES THE MAXIMUM NUMBER OF ANTENNAS WITHIN A CLASS WHICH MAY BE PLACED ON A BUILDING OR LOCATED ON A LOT, AS IS APPLICABLE:~~For the purposes of §2603, penthouse and parapet walls may include an opaque membrane covering a port in front of the Antenna.

2607.3 The requirements of §§2604 through 2606 shall not apply to the following classes of Antennas. The number to the right indicates the maximum number of Antennas within a class which may be placed on a building or located on a lot, as is applicable:

RESIDENTIAL TYPE UHF/VHF TELEVISION AND FREQUENCY MODULATION (FM) RADIO RECEIVING YAGI ANTENNA NOT TO EXCEED EIGHT FEET (8 FT.) HORIZONTALLY	<u>2 As governed by FCC rules and regulations or in the event that the FCC does not control, 1.</u>
WHIP ANTENNAS NOT EXCEEDING TWO AND ONE-HALF INCHES (2 1/2 IN.) IN DIAMETER, WITH A MOUNTED DIMENSION NO LONGER THAN TWELVE FEET (12 FT.) IN ANY DIRECTION, AND LOCATED ON A PRINCIPAL BUILDING	2
RESIDENTIAL TYPE SUPER HIGH FREQUENCY ANTENNA, NOT TO EXCEED THREE FEET (3 FT.) IN ANY DIMENSION, EXCLUDING THE SUPPORT ELEMENT	<u>1 As governed by FCC rules and regulations or in the event that the FCC does not control, 1.</u>
DISH ANTENNA WITH A DIAMETER OF NO MORE THAN FOUR FEET (4 FT.), NOT TALLER THAN EIGHT FEET (8 FT.), LOCATED ON THE ROOF OF A PRINCIPAL BUILDING, AND SET BACK FROM THE EDGE OF THE ROOF A DISTANCE AT LEAST EQUAL TO ITS HEIGHT ABOVE THE ROOF. THE PRINCIPAL BUILDING SHALL HAVE A HEIGHT OF NO LESS THAN ~~FIFTY FEET (50 FT.)~~ TWENTY-FIVE (25) FEET	<u>1 As governed by FCC rules and regulations or in the event that the FCC does not control, 1.</u>
WHIP ANTENNA MOUNTED ON A VEHICLE ON PRIVATE PROPERTY	1
<u>E 911 Antennas and GPS locators. Antennas and related equipment to be installed to a structure by a Telecommunications Service Provider in order to comply with the Public Safety Communications Act of 1999</u>	<u>47 C.F.R. 64; 47 C.F.R. 20; 47 C.F.R. 22; and 47 C.F.R. 54 as amended</u>

2607.4 (a) An Antenna that does not comply with the above requirements or numeric limitation set forth may be permitted subject to the requirements of §§2603-2605.

~~2606.4 AN ANTENNA WHICH DOES NOT COMPLY WITH THE ABOVE REQUIREMENTS OR NUMERIC LIMITATION SET FORTH IN 2606.2 MAY BE PERMITTED SUBJECT TO THE REQUIREMENTS OF §§ 2603 THROUGH 2605.~~

(b) Any proposed stealth structure which is determined by the Zoning Administrator not to comply with the standards of §2607 shall be referred to the Board of Zoning Adjustment (BZA) for review as a Special Exception subject to §3108.

~~2607~~2608 ~~ANTENNA ADDITIONS TO EXISTING ANTENNA TOWERS AND MONOPOLES~~

~~2607.1 AN ADDITION OF AN ANTENNA TO AN EXISTING ANTENNA TOWER OR MONOPOLE SHALL BE PERMITTED AS A MATTER OF RIGHT; PROVIDED, THE FOLLOWING CONDITIONS ARE MET:~~

~~(a) THE SIZE OF THE ANTENNA TOWER OR MONOPOLE IS NOT INCREASED;~~

~~(b) THE APPEARANCE OF THE ANTENNA TOWER OR MONOPOLE IS NOT CHANGED IN A MANNER WHICH CAUSES AN ADVERSE IMPACT ON THE SURROUNDING AREA; AND~~

~~(c) A TRANSMITTING ANTENNA MAY NOT BE PLACED LOWER THAN FIFTY FEET (50 FT.) ABOVE THE BASE OF THE ANTENNA TOWER OR MONOPOLE; 2608 ANTENNA EXISTING WIRELESS TOWERS, MONOPOLES, AND MONOPOLE IN M INDUSTRIAL ZONES (M) (matter of right) STRUCTURES~~

~~2608.1 AN ANTENNA TOWER OR MONOPOLE IN CONJUNCTION WITH A STUDIO OR IN CONJUNCTION WITH THE ERECTION, ALTERATION, OR USE OF BUILDINGS FOR TRANSMISSION OR RECEPTION EQUIPMENT, SHALL BE PERMITTED IN THE M ZONE INDUSTRIAL DISTRICTS AS A MATTER OF RIGHT; PROVIDED, THE ANTENNA TOWER OR MONOPOLE COMPLIES WITH THE FOLLOWING CONDITIONS ARE MET:~~

~~(a) AN ANTENNA TOWER OR MONOPOLE SHALL BE SET BACK A MINIMUM HORIZONTAL DISTANCE EQUAL TO ITS TOTAL HEIGHT AS MEASURED FROM THE BASE OF THE TOWER, FROM ANY ADJACENT RESIDENTIALLY DEVELOPED OR ZONED PROPERTY;~~

~~(b) EXCEPT AS PROVIDED ABOVE, EACH PART OF AN ANTENNA TOWER OR MONOPOLE SHALL BE REMOVED FROM EACH LOT LINE A MINIMUM DISTANCE EQUAL TO THE GREATER OF THE FOLLOWING:-~~

~~1) TWENTY (20) FEET, OR~~

~~2) A DISTANCE OF AT LEAST ONE-THIRD (1/3) OF THE TOTAL MOUNTED HEIGHT;~~

~~(c) THE HEIGHT OF AN ANTENNA TOWER OR MONOPOLE SHALL NOT EXCEED THE MAXIMUM HEIGHT PERMITTED FOR STRUCTURES PLUS THIRTY FEET (30 FT.) AS A MATTER OF RIGHT.~~

2608.1 The addition of a Antennas to an existing Wireless Tower, Monopole, utility structure, water tower, or other like structure shall be permitted as a matter-of-right in all Zoning Districts as follows:

~~(d) ANY ANTENNA TOWER OR MONOPOLE WITH A HEIGHT IN EXCESS OF (c) ABOVE, MAY BE PERMITTED IF APPROVED BY THE BOARD OF ZONING ADJUSTMENT SUBJECT TO THE CONDITIONS OF THE §2610.~~

~~(a) A transmitting Antenna may not be placed lower than fifty (50') feet above the base of any structure set forth above.~~

~~(e) ANY ANTENNA TOWER OR MONOPOLE WITH A HEIGHT IN EXCESS OF THAT PERMITTED BY THE ACT OF JUNE 1, 1910 (36 STAT. 452), AS AMENDED, SHALL NOT BE PERMITTED, UNLESS THE HEIGHT IS APPROVED BY THE MAYOR.~~

~~(b) Where the Antennas and support mechanism do not create a substantial increase in the height of the structure, water tower, Utility Structure, Wireless Tower or Monopole. For purposes of this section "substantial increase" is defined as an increase in the height by more than ten percent (10%). Where the Antennas and support mechanism will exceed the substantial increase limitation, the installation may be approved by Special Exception.~~

~~(f) A WRITTEN STATEMENT SHALL BE PROVIDED AGREEING TO DESIGN AND MAKE THE ANTENNA TOWER AVAILABLE ON A COMMERCIAL BASIS TO THE EXTENT TECHNICALLY FEASIBLE FOR CO-LOCATION BY ANY TELECOMMUNICATIONS SERVICE PROVIDER.~~

2608.2 An addition of an Antenna to a Broadcast Tower shall be by Special Exception.

~~(f) (h) A WRITTEN STATEMENT SHALL BE PROVIDED AGREEING TO DESIGN THE MONOPOLE FOR AT LEAST THREE (3) ANTENNA ARRAYS AND TO MAKE THE ARRAY SPACE AVAILABLE ON A COMMERCIAL BASIS FOR CO-LOCATION BY ANY~~

~~TELECOMMUNICATIONS SERVICE PROVIDER IF UNUSED BY THE
INITIAL TELECOMMUNICATIONS SERVICE PROVIDER(S) OR THE
OWNER.~~

2609 OFFICE OF PLANNING REPORT

~~2609.1 THE ZONING ADMINISTRATOR SHALL NOT TAKE FINAL ACTION ON
AN APPLICATION TO PERMIT AN ANTENNA TOWER A MONOPOLE,
OR AN ANTENNA NOT EXEMPTED BY §2606 UNTIL A REPORT IS
RECEIVED FROM THE OFFICE OF PLANNING OR THIRTY DAYS HAVE
PASSED SINCE THE APPLICATION WAS SUBMITTED TO THE
DIRECTOR OF THE OFFICE OF PLANNING, WHICHEVER OCCURS
FIRST~~

2609.1 The Zoning Administrator shall not take final action on an application to permit a Broadcast Tower, wireless tower or Monopole, or an Antenna not exempted by §2607 until a report is received from the Office of Planning, or thirty (30) days have passed from the date application was filed with the Director of the Office of Planning, whichever occurs first. The report of the Office of Planning shall indicate whether the Antenna, Monopole, or Broadcast Tower complies with the applicable requirements of this Chapter.

~~2609.2 THE DIRECTOR OF THE OFFICE OF PLANNING AND THE ZONING
ADMINISTRATOR MAY AGREE TO SHORTEN OR LENGTHEN THE
TIME PERIOD INDICATED IN 2609.1.~~

2609.2 (a) If the Office of Planning fails to make its report within the 30-day requirement of §2609.1 for good and sufficient cause having been demonstrated, the Office of Planning shall promptly notify the applicant in writing of the delay and the reason for the delay.

~~2609.3 THE REPORT OF THE DIRECTOR SHALL INDICATE
WHETHER THE ANTENNA COMPLIES WITH THE APPLICABLE
REQUIREMENTS OF THIS CHAPTER.~~

(b) If the stated delay exceeds the additional 30 days, the applicant shall be deemed recommended for approval.

**2610 ANTENNAS, WIRELESS TOWERS, MONOPOLES, AND BROADCAST
TOWERS SUBJECT TO BZA APPROVAL: GENERAL**

~~2610.1 AN APPLICATION FOR SPECIAL EXCEPTION APPROVAL PURSUANT
TO §2603.2, 2604.2, 2605.2, AND 2606.3 FOR A NON-COMPLYING
ANTENNA SHALL INCLUDE THE FOLLOWING WRITTEN AND
GRAPHIC DOCUMENTATION:~~

~~(a) MAP OF AREA TO BE SERVED BY THE NEW ANTENNA;~~

- ~~(b) MAP AND EXPLANATION OF INADEQUATE SERVICE AREA;~~
- ~~(c) OTHER ANTENNAS AND FACILITY SITES PROVIDING SERVICE BY THE APPLICANT WITHIN A TWO MILE RADIUS OF THE PROPOSED ANTENNA SITE, WITH IDENTIFIED HEIGHTS ABOVE GRADE;~~
- ~~(d) A SITE AND ROOF PLAN SHOWING ALL STRUCTURES AND ANTENNAS ON SITE;~~
- ~~(e) ELEVATION DRAWINGS OF THE STRUCTURE AND PROPOSED ANTENNAS FROM ALL FOUR DIRECTIONS;~~
- ~~(f) A PICTURE OF THE PROPOSED ANTENNA;~~
- ~~(g) THE TOTAL MOUNTED HEIGHT OF THE ANTENNA RELATIVE TO THE TOPS OF SURROUNDING TREES AS THEY PRESENTLY EXIST;~~
- ~~(h) OTHER INFORMATION AS MAY BE NECESSARY FOR IMPACT ASSESSMENT OF THE ANTENNA.~~

~~2610.3 THE BOARD MAY REQUIRE THE REMOVAL OF ANY ON-SITE NON-CONFORMING, NON-OPERABLE OR UNPERMITTED ANTENNA AS A CONDITION TO THE APPROVAL.~~

~~2611 ANTENNA TOWERS AND MONOPOLES~~

~~2611.1 A MONOPOLE, SHALL BE PERMITTED IF APPROVED BY THE BOARD OF ZONING ADJUSTMENT IN ACCORDANCE WITH §3104 OF THIS TITLE, SUBJECT TO THE PROVISIONS OF THIS SECTION, IN THE SPECIFIED ZONE DISTRICTS.~~

~~2611.2 AN ANTENNA TOWER, IN CONJUNCTION WITH A STUDIO, OR THE ERECTION, ALTERATION, OR USE OF BUILDINGS FOR TRANSMISSION OR RECEPTION EQUIPMENT ON THE SAME LOT, SHALL BE PERMITTED IF APPROVED BY THE BOARD OF ZONING ADJUSTMENT IN ACCORDANCE WITH §3104 OF THIS TITLE AND SUBJECT TO THE PROVISIONS OF THIS SECTION, IN THE SPECIFIED ZONE DISTRICTS.~~

~~2611.3 AN ANTENNA TOWER OR MONOPOLE MAY BE PERMITTED AS A SPECIAL EXCEPTION USE IN THE FOLLOWING ZONE DISTRICTS:~~

- ~~(a) C-2 THROUGH C-4 COMMERCIAL DISTRICTS~~

~~(b) SP, SPECIAL PURPOSE DISTRICTS~~

~~(c) CM, COMMERCIAL LIGHT MANUFACTURING DISTRICTS~~

~~(d) CR, MIXED USE DISTRICT, IF THE BOARD CONSIDERS IT APPROPRIATE IN FURTHERING THE OBJECTIVES OF THE MIXED USE DISTRICTS.~~

~~(e) WATERFRONT DISTRICTS (W), IF THE BOARD CONSIDERS IT APPROPRIATE IN FURTHERING THE OBJECTIVES OF THE WATERFRONT DISTRICTS.~~

2611.4 ~~THE LOCATION, HEIGHT AND OTHER CHARACTERISTICS OF AN ANTENNA TOWER OR MONOPOLE SHALL BE:-~~

~~(a) CONSISTENT WITH THE PURPOSE OF THIS CHAPTER;~~

~~(b) DESIGNED AND AVAILABLE FOR CO-LOCATION BY OTHER SERVICE PROVIDERS;~~

~~(c) LOCATED SO THE VISUAL IMPACTS ARE MINIMIZED TO THE GREATEST PRACTICAL EXTENT, FROM NEIGHBORING PROPERTY AND ADJACENT PUBLIC SPACE, OR APPROPRIATELY SCREENED BY LANDSCAPING OR OTHER TECHNIQUES TO MINIMIZE THE VISIBILITY OF THE ANTENNA TOWER OR MONOPOLE;~~

~~(d) EXISTING TREES SHALL BE PRESERVED TO THE GREATEST PRACTICABLE EXTENT.~~

2611.5 ~~THE LOCATION, HEIGHT AND OTHER CHARACTERISTICS OF A AN ANTENNA TOWER OR MONOPOLE SHALL NOT:-~~

~~(a) ADVERSELY AFFECT THE USE OF NEIGHBORING PROPERTY;~~

~~(b) ADVERSELY AFFECT THE PRESENT CHARACTER AND FUTURE DEVELOPMENT OF NEIGHBORING PROPERTY; OR~~

~~(c) EXCEED THAT WHICH IS REASONABLY NECESSARY EVIDENCED TO RENDER SATISFACTORY SERVICE TO ITS SERVICE AREA.~~

2611.6 ~~ANY ANTENNA TOWER OR MONOPOLE WITH A PROPOSED HEIGHT IN EXCESS OF THAT PERMITTED BY THE ACT OF JUNE 1, 1910 (36 STAT. 452), AS AMENDED, SHALL NOT BE PERMITTED, UNLESS THE HEIGHT IS APPROVED BY THE MAYOR OR HIS OR HER DESIGNEE.~~

2611.7 ~~EACH PART OF AN ANTENNA TOWER OR MONOPOLE SHALL BE REMOVED FROM EACH LOT LINE THE GREATER OF THE FOLLOWING:-~~

~~(a) TWENTY FEET (20 FT.), OR~~

~~(b) A DISTANCE OF AT LEAST ONE-THIRD OF THE TOTAL CONSTRUCTED HEIGHT.~~

2611.8 ~~THE BOARD SHALL SUBMIT THE APPLICATION TO THE D.C. OFFICE OF PLANNING FOR REVIEW AND REPORT.~~

2611.9 ~~IN ADDITION TO MEETING THE REQUIREMENTS OF § 3104, THE APPLICANT SHALL HAVE THE BURDEN OF DEMONSTRATING THE FOLLOWING:-~~

~~(a) THE NEED FOR THE PROPOSED LOCATION;~~

~~(b) THE NECESSITY OF THE PROPOSED HEIGHT;~~

~~(c) THAT NO OTHER MOUNTING OPTION IS AVAILABLE; AND~~

~~(d) FULL COMPLIANCE WITH BOTH CUMULATIVE SITE AND INDIVIDUAL ANTENNA RF EMISSION LEVELS AS ESTABLISHED BY THE FCC~~

2611.10 ~~THE APPLICANT SHALL PROVIDE WRITTEN AND/OR GRAPHIC DOCUMENTATION OF THE FOLLOWING:~~

~~(a) AREA TO BE SERVED BY NEW ANTENNA TOWER OR MONOPOLE,~~

~~(b) AREA AND EXPLANATION OF INADEQUATE SERVICE,~~

~~(c) OTHER ANTENNAS AND FACILITY SITES PROVIDING SERVICE BY THE APPLICANT,~~

~~(d) OTHER TOWERS OR MONOPOLES WITHIN A TWO-MILE RADIUS OF THE PROPOSED SITE,~~

~~(e) AN EXPLANATION OF WHY THE APPLICANT CANNOT CO-LOCATE ON AN EXISTING TOWER OR MONOPOLE,~~

~~(f) A COMMITMENT TO PERMIT THE CO-LOCATION BY OTHER SERVICE PROVIDERS ON AN ANTENNA TOWER~~

- ~~(g) A COMMITMENT TO PERMIT THE CO-LOCATION OF AT LEAST THREE ANTENNA ARRAYS ON A MONOPOLE,~~
- ~~(h) THE TOPOGRAPHIC CONDITIONS OF THE AREA TO BE SERVED,~~
- ~~(i) THE RELATIVE HEIGHT OF THE ANTENNA TOWER OR MONOPOLE TO THE TOPS OF SURROUNDING TREES AS THEY PRESENTLY EXIST,~~
- ~~(j) THE PROPOSED APPEARANCE OF THE TOWER OR MONOPOLE, INCLUDING EXTERIOR FINISH,~~
- ~~(k) OTHER INFORMATION AS MAY BE NECESSARY FOR IMPACT ASSESSMENT OF THE ANTENNA TOWER OR MONOPOLE~~

2610.1 An application for Special Exception approval submitted to the BZA for a non-complying Antenna, Wireless Tower, Monopole, or Broadcast Tower shall include all of the documentation previously required under this Chapter, plus such additional information as the Board reasonably believes necessary to render a decision.

~~2611.11 THE BOARD MAY IMPOSE CONDITIONS OR MODIFY CRITERIA RELATING TO OPERATION, LOCATION, SCREENING, CO-LOCATION OR OTHER REQUIREMENTS AS IT SHALL DEEM NECESSARY TO PROTECT ADJACENT AND NEARBY PROPERTY, NEIGHBORHOOD CHARACTER, AND THE IMAGE OF THE CITY AS THE NATION'S CAPITAL, CONSISTENT WITH THE GENERAL PURPOSE AND INTENT OF THIS CHAPTER.~~

2610.2 (a) Any contract between a wireless carrier, or other Telecommunications Service Provider, and a building owner or agent for the use of a rooftop, or other external area of the building or a lot must contain a provision that the carrier is responsible for removal of its non-conforming or non transmitting Antenna within a reasonable time after it becomes aware of such condition.

~~2611.12~~

~~(b) THE BOARD MAY REQUIRE THE REMOVAL OF ANY ON-SITE NON-CONFORMING NON-OPERABLE OR UNPERMITTED ANTENNA AS A CONDITION TO THE APPROVAL.~~ A landlord or property owner shall be responsible for assuring compliance with paragraph (a) above.

~~2612 NON-CONFORMING ANTENNAS~~

~~2611 NON-CONFORMING ANTENNAS~~

~~2612.1~~2611.1 A nonconforming antenna shall not~~Antenna and related equipment may be maintained, altered, or modernized, or otherwise replaced, except in conformity~~accordance with all~~Chapter provisions~~20 of this title, the Zoning Regulations.

~~2611.2~~ **2612.2** If a nonconforming ~~antenna~~Antenna stops functioning, a temporary replacement antenna may be installed, ~~subject to the following conditions:~~

(a) ~~of-~~ **(a)** A permanent replacement antenna cannot be installed as a matter of right;

(b) ~~The~~the temporary installation shall be removed no later than one (1) year after the nonconforming antenna stops functioning;

(c) ~~Within three (3) months after the nonconforming antenna stops functioning, the owner or occupant of the land or structure on which the antenna is installed shall apply for a special exception to install a longer term replacement; and~~

~~(d) If the owner or occupant elects to install an immediate replacement antenna, the cost of the temporary replacement shall not be considered by the Board of Zoning Adjustment as a basis for approval of a special exception to install a longer term replacement.~~

~~2611.3~~ All Antennas lawfully established prior to the effective date of this amendment shall be deemed to be a conforming use.

~~2613~~ Through 2698 reserved.

~~2612~~ Sections 2698 – 2698 RESERVED

~~2699~~ **2699- Definitions (also add to §199)**

The following definitions shall also supplement Zoning Ordinance §199.

Antenna – A device used to transmit or receive communications signals. This term encompasses transmitting and receiving elements, and any tower and immediately related support and stabilizing elements, and rotating or other directional mechanism. (36 DCR 1509)

Antenna, commercial broadcast – Broadcast – an ~~antenna~~Antenna used for television and commercial radio broadcasting by a profit or non-profit entity. The transmitting ~~BROADCAST~~Broadcast ~~antenna~~Antenna may be affixed to a tower or to the top of a building. In amplitude modulation (AM) radio service, the tower also acts as the antenna. (36 DCR 1509)

~~ANTENNA, DISH – A BOWL-SHAPED DEVICE FOR THE RECEPTION AND/OR TRANSMISSION OF COMMUNICATION SIGNALS IN A SPECIFIC DIRECTIONAL PATTERN.~~

~~Antenna, microwave, terrestrial~~—a dish, horn, or other type antenna used for point-to-point microwave communication of sound, visual images or data from one terrestrial point to another. (36 DCR 1509) [TERM NOT USED]

Antenna Dish – a bowl shaped device for the reception and/or transmission of communications signals in a specific directional pattern.

~~Antenna, satellite earth station~~**Satellite Earth Station** – an antenna used to transmit or receive sound, visual images or data from one or more space stations or from one or more stations of the same kind by means of satellites or other like objects in space. (36 DCR 1509)

~~Antenna, super high frequency~~—an antenna which serves **Super High Frequency** – an Antenna that transmits a super high frequency channel signal and requires a line of sight to the transmitting antenna, and which generally consists of a metal grid or a sheet of bent metal, and is mounted on the pole of a UHF or VHF antenna Broadcast Tower or on a roof structure. (36 DCR 1509)

~~Antenna, whip~~**Whip** – an antenna generally consisting of a single pole or mast, also called a broomstick antenna, sometimes including irregularly shaped prongs or attachments at its extremity, including an antenna used for citizens band or two-way radio communications. (36 DCR 1509)

~~Antenna, yagi~~**Yagi** – a very high frequency (VHF) or ultrahigh frequency (UHF) directional antenna array in which a basic whip or dipole antenna is supplemented by one or more parallel reflector and director elements. (36 DCR 1509)

Broadcast Tower – shall mean a structure whose primary purpose is the support of television and radio Antennas for the transmission of broadcast signals.

Building Mounted Antenna (Flush Mounted Antenna) – any antenna and its necessary supporting appliance that is attached to the walls of, or integrated into a building, building structure, or other structure.

Co-location (Collocate) – the mounting of an Antenna on a Wireless Tower, Broadcast Tower, Monopole, Utility Structure, building or other structure.

Equipment Cabinet or Shelter – an enclosure that houses the equipment of an Antenna located at a site and connected to the Antenna by a series of cables.

FCC – Federal Communications Commission as that body is now constituted or may be constituted in the future.

Monopole – a single self-supporting pole type structure supporting one or more Antennas.. A Monopole shall not be deemed a Ground Mounted Antenna as that term is defined in this Chapter.

Navigable Waterway: as defined in 33 C.F.R. 2.10.

Radio Frequency Emissions (RF) – the propagation of energy through space in the form of waves or particles. The FCC's requirements for RF Emissions exposure are found in 47 C.F.R. § 1.1310.

Stealth Structures – stealth structures shall include, but not be limited to, structures designed to appear as bell towers, tree poles, light poles, flagpoles, unipoles, steeples, crosses, and facades, in addition to various painting techniques.

Telecommunications – shall mean the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as send and received.

~~ANTENNA TOWER—A LATTICE-TYPE STRUCTURE, GUYED OR SELF-SUPPORTING, USED TO SUPPORT ANTENNAS FOR BROADCASTING, TRANSMISSION, RECEPTION, OR OTHER UTILITY EQUIPMENT. SUCH STRUCTURES SHALL NOT BE DEEMED GROUND MOUNTED ANTENNAS AS THAT TERM IS USED IN THIS CHAPTER.~~

~~CO-LOCATION—THE USE OF A SINGLE MOUNT, TOWER, MONOPOLE, OR SITE BY MORE THAN ONE ANTENNA OR TELECOMMUNICATIONS SERVICE PROVIDER.~~

~~EQUIPMENT CABINET OR SHELTER—AN ENCLOSURE HOUSING ONLY EQUIPMENT RELATED TO THE OPERATION OF AN ANTENNA LOCATED AT THE SITE AND CONNECTED TO THE ANTENNA BY CABLE.~~

~~FCC—FEDERAL COMMUNICATIONS COMMISSION~~

~~MONOPOLE—A SINGLE, SELF-SUPPORTING POLE-TYPE STRUCTURE, SUPPORTING A FIXTURE DESIGNED TO HOLD ONE OR MORE ANTENNAS.—SUCH STRUCTURES SHALL NOT BE DEEMED GROUND MOUNTED ANTENNAS AS THAT TERM IS USED IN THIS CHAPTER.~~

~~MOUNT—THE NECESSARY SUPPORT STRUCTURE TO WHICH AN ANTENNA IS ATTACHED, NOT INCLUDING ANTENNA TOWERS OR MONOPOLES.~~

~~RADIOFREQUENCY ELECTROMAGNETIC FIELD—THE PRESENCE OF ELECTROMAGNETIC ENERGY AT A GIVEN LOCATION THAT CAN BE DESCRIBED IN TERMS OF THE ELECTRIC AND/OR MAGNETIC FIELD STRENGTH AT THAT LOCATION.~~

~~RADIOFREQUENCY RADIATION (RF RADIATION) – THE PROPAGATION OF ENERGY THROUGH SPACE IN THE FORM OF WAVES OR PARTICLES.~~

Telecommunications Service Provider – any entity providing Telecommunications Service.

~~BUILDING-MOUNTED ANTENNA – ANY ANTENNA AND ITS NECESSARY SUPPORT STRUCTURE, NOT INCLUDING A TOWER OR MONOPOLE, THAT IS ATTACHED TO THE WALLS OF, OR INTEGRATED INTO A BUILDING, CHURCH STEEPLE, COOLING TOWER, ELEVATOR BULKHEAD, PARAPET, PENTHOUSE, FIRE TOWER, TANK, WATER TOWER, OR OTHER SIMILAR STRUCTURE.~~

Telecommunications Service – shall mean the offering of Telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. For the purpose of this Chapter, Telecommunications Service includes “Personal Wireless Services” (such as cellular, Personal Communications Service (PCS), paging, dispatch service, and broadband) that use wireless technology to provide wireless Telecommunications Service to an Antenna location.

Telecommunications Facility – All equipment, including repeaters, utilized by a Telecommunications Service Provider to deliver its service and all locations of said equipment.

~~STEALTH STRUCTURE – A STRUCTURE USED OR DESIGNED TO ENCLOSE AND SCREEN FROM VIEW ANTENNAS. – SUCH STRUCTURES MAY INCLUDE, BUT ARE NOT LIMITED TO FLAG POLES, TREE POLES AND BELL TOWERS BUT NOT LIGHT STANDARDS.~~

Utility Tower or Pole – shall mean a structure owned by a telephone company, electric company, or cable company, or any District owned utility including water towers.

~~TELECOMMUNICATION SERVICE PROVIDER – ANY ENTITY PROVIDING TELECOMMUNICATIONS SERVICES.~~

~~TELECOMMUNICATIONS FACILITY – ALL EQUIPMENT, INCLUDING REPEATERS, WITH WHICH A TELECOMMUNICATIONS SERVICE PROVIDER BROADCASTS AND RECEIVES THE RADIOFREQUENCY WAVES THAT CARRY THEIR SERVICES, AND ALL LOCATIONS OF SAID EQUIPMENT OR ANY PART THEREOF.~~

Wireless Tower – a lattice type, guyed, or self-supporting structure used to support Antennas for wireless transmission and/or reception. Such structures shall not be deemed Ground Mounted Antennas as that term is defined in this Chapter.

AMEND ~~EXISTING~~EXISTING SECTIONS TO READ AS FOLLOWS:

CHAPTER 2 RESIDENCE DISTRICT USE REGULATIONS

Delete existing §201.2 through §201.7 in their entirety.

Add the following new §201.2 to read:

201.2 ~~201.2~~ ~~USES AS A MATTER OF RIGHT (R)~~
~~201.2- ANTENNA, SUBJECT TO THE STANDARDS AND PROCEDURES~~
~~WHICH APPLY TO THE PARTICULAR CLASS OF ANTENNA OR ITS LOCATION~~
~~PURSUANT TO CHAPTER 26 OF THIS TITLE.~~

201.2 Antennas subject to the standards and procedures that apply to a particular class of
Antenna or its location pursuant to Chapter 26.

Delete existing § 211, Antenna, Commercial Broadcast (R-1) in its entirety.

Delete existing § 212, Antenna, Other Than Commercial Broadcast Antenna (R-1) in its entirety.

CHAPTER 5 SPECIAL PURPOSE DISTRICTS

Add the following new § 501.1 (i):

501.1 ~~501.1~~ ~~USES AS A MATTER OF RIGHT (SP)~~
~~(i) ANTENNA, SUBJECT TO THE STANDARDS AND PROCEDURE WHICH~~
~~APPLY PURSUANT CHAPTER 26 OF THIS TITLE.~~

501.1 (i) Antenna, subject to the standards and procedures that apply pursuant to Chapter
26.

Delete existing § 514, Antenna, Commercial Broadcast (SP) in its entirety.

Delete existing § 515, Antenna, Other Than Commercial Broadcast Antenna (SP) in its entirety.

Amend § 530 to read as follows:

530 ~~530-~~ HEIGHT

530.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments,
penthouse over elevator shaft, ventilator shaft, ~~antenna~~Antenna, chimneys,
smokestacks or fire sprinkler tanks may be erected to a height in excess of that which
this sections otherwise authorizes. **THIS SECTION SHALL NOT BE**

**INTERPRETED TO BYPASS OTHERWISE REQUIRED SPECIAL
EXCEPTION REVIEWS.**

Add the following new § 535.12:

~~534~~ ~~534~~ REAR YARDS (SP)
534.12 **ANTENNAS, ANTENNA TOWERS AND MONOPOLES SHALL COMPLY WITH
THE SIDE YARD REQUIREMENTS AS SPECIFIED IN CHAPTER 26.**

534.12 Antennas, Wireless Towers, and Monopoles shall comply with the side
yard requirements specified in Chapter 26.

Add the following new § 535.4:

~~535~~ ~~535~~ SIDE YARDS (SP)
~~536~~ **535.4** **ANTENNAS, ANTENNA TOWERS AND MONOPOLES SHALL
COMPLY WITH THE SIDE YARD REQUIREMENTS AS SPECIFIED IN CHAPTER 26.**

535.4 Antennas, Wireless Towers and Monopoles shall comply with the side yard
requirements specified in Chapter 26.

Renumber the existing §§ 535.4 to 535.5 535.5.

CHAPTER 6 MIXED USE DISTRICT (CR):

Amend § 601.1 to read as follows:

~~601~~ ~~601~~ USES AS A MATTER OF RIGHT (CR)

601.1 (s) Antenna, subject to the standards and procedures which apply to the
 particular class of antenna Antenna pursuant to §§ ~~201.1 through~~ -
 ~~201.7~~ Chapter 26, CHAPTER 26 OF **THIS TITLE.**

Amend § 617.1 to read as follows:

617 **ANTENNA WIRELESS TOWER AND MONOPOLE (CR)**

~~617.1~~
617.1 **IF THE BOARD CONSIDERS THAT IT IS APPROPRIATE IN
FURTHERING THE OBJECTIVES OF THE MIXED USE DISTRICTS an
antenna TOWER OR MONOPOLE shall be permitted as a special exception in the
CR district, if approved by the Board of Zoning Adjustment subject to the standards
and procedures which apply to the particular class of antenna under §§ 211 or 212 AS
SPECIFIED IN CHAPTER 26 OF THIS TITLE. Wireless Tower or Monopole
shall be permitted specified in Chapter 26.**

Amend § 630.3 to read as follows:

630 ~~630~~ —HEIGHT

630.3 ~~630.3~~ Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, ~~antennas~~Antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **THIS SECTION SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE REQUIRED SPEICAL**~~SPECIAL~~ **EXCEPTION REVIEWS.**

Amend § 637.1 to read as follows:

637 ~~637~~ SIDE YARDS (CR)

637.1 No side yard shall be required for any structure located in a CR district, ~~EXCEPT AS MAY BE OTHERWISE ESTABLISHED FOR GROUND MOUNTED ANTENNAS~~Zoning District, except as may be otherwise established for Ground Mounted Antennas.

CHAPTER 7 COMMERCIAL DISTRICT (C):

Delete § 701.6 (g):

(g) ~~Antenna tower for television and radio broadcasting, and in conjunction with the erection, alteration, or use of buildings for transmission or reception equipment; and~~

Delete § 701.7 through 701.9 in their entirety.

Amend § 721.2 (t) to read as follows:

721 ~~721~~ USES AS A MATTER ~~OF~~ RIGHT (C-2)

721.2 (t) Radio or television broadcasting studio and antenna tower in conjunction with the studio ~~NOT INCLUDING ANTENNA TOWER OR MONOPOLE;~~ Broadcast Towers, Wireless Towers and Monopoles as specified in Chapter 26.

Delete § 741.6 and 741.7 in their entirety.

Amend § 770.3 to read as follows:

770 ~~770~~ HEIGHT

770.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, ~~antennas~~Antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **THIS SECTION SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE REQUIRED ~~SPEICAL~~SPECIAL EXCEPTION REVIEWS.**

CHAPTER 8 INDUSTRIAL DISTRICT (C):

Amend § 840.2 to read as follows:

840 ~~840~~ —HEIGHT

840.2 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, ~~antennas~~Antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **THIS SECTION SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE REQUIRED ~~SPEICAL~~SPECIAL EXCEPTION REVIEWS.**

CHAPTER 9 WATERFRONT DISTRICTS

Amend § 901.1 (u) to read as follows:

901 ~~901~~ USES AS A MATTER ~~OF~~ RIGHT (W)

901.1 (u) ~~Antenna~~Antennas, subject to the standards and procedure which apply to the particular class of ~~antenna~~Antenna pursuant to ~~§201.2 through 201.7~~Chapter 26, CHAPTER 26 OF THIS TITLE.

Amend § 914.1 to read as follows:

914 ~~914~~ **ANTENNA~~WIRELESS~~ TOWER AND MONOPOLE (W)**

~~914.1 If the board considers that it is appropriate in furthering the objectives of the waterfront districts, an~~ **ANTENNA TOWER OR MONOPOLE** ~~shall be permitted as a special exception in the W districts, if approved by the Board of Zoning Adjustment subject to the standards and procedures which apply to the particular class of antenna under §§211 or 212~~ **AS SPECIFIED IN CHAPTER 26 OF THIS TITLE.**

Wireless Tower or Monopole shall be permitted as specified in Chapter 26.

Amend § 930.3 to read as follows:

930 ~~930~~ HEIGHT

930.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouse over elevator shaft, ventilator shaft, ~~antennas~~Antennas, chimneys, smokestacks or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. **THIS SECTION SHALL NOT BE INTERPRETED TO BYPASS OTHERWISE REQUIRED SPECIAL EXCEPTION REVIEWS or mayoral approvals**

~~DELETE §2001.11:~~

~~2001.11— A nonconforming antenna shall not be altered, modernized, or otherwise replaced, except in conformity with all provisions of this title.~~

~~2001.12— If a nonconforming antenna stops functioning, a temporary replacement antenna may be installed, subject to the following conditions:~~

- ~~(a) A permanent replacement antenna cannot be installed as a matter of right;~~
- ~~(b) The temporary installation shall be removed no later than one (1) year after the nonconforming antenna stops functioning;~~
- ~~(c) Within three (3) months after the nonconforming antenna stops functioning, the owner or occupant of the land or structure on which the antenna is installed shall apply for a special exception to install a longer term replacement; and~~
- ~~(d) If the owner or occupant elects to install an immediate replacement antenna, the cost of the temporary replacement shall not be considered by the Board of Zoning Adjustment as a basis for approval of a special exception to install a longer term replacement.~~

~~DELETE §2503.5:~~

~~Delete § 2001.11.~~

~~2503.5 An antenna which complies with all other requirements of this title may occupy any side or rear yard which is required by any provision of this title.~~

~~Delete § 2503.5.~~

~~LANGUAGE TO BE ADVERTIZED IN THE ALTERNATIVE:~~

~~2606 STEALTH STRUCTURE~~

**~~2606.1 ANTENNAS LOCATED ON STEALTH STRUCTURES MAY BE PERMITTED BY RIGHT PROVIDED THE FOLLOWING CONDITIONS ARE MET:
THAT THE PROPOSED STEALTH DESIGN PROVIDES ADEQUATE
SCREENING OF THE ANTENNAS;~~**

- (2) ~~THAT THE PROPOSED STEALTH STRUCTURE IS NOT OUT OF SCALE WITH THE SUBJECT PROPERTY TAKING INTO ACCOUNT THE SIZE, SET-BACKS, TOPOGRAPHY AND UNDERLYING USE OF THE PROPERTY;~~
- (3) ~~THAT THE PRIMARY USE OF THE SUBJECT PROPERTY IS NOT SINGLE-FAMILY RESIDENTIAL;~~
- (4) ~~THE ZONING ADMINISTRATOR MAY REQUIRE THAT THE GROUND-EQUIPMENT OF THE PROPOSED FACILITY BE LANDSCAPED, FENCED OR OTHERWISE SCREENED.~~

- (a) ~~THE HEIGHT OF A STEALTH STRUCTURE SHALL BE PERMITTED AS A MATTER OF RIGHT TO THE PRESCRIBED HEIGHT OF THE ZONE IN WHICH THE STRUCTURE IS PROPOSED OR AS MAY OTHERWISE BE PERMITTED IN THIS TITLE.~~

- (b) ~~THE DIAMETER OF A STEALTH FLAGPOLE SHALL NOT EXCEED 30 INCHES AT ITS BASE.~~

- (c) ~~FOR PURPOSES OF THIS SECTION ONLY, THE ZONING ADMINISTRATOR MAY REQUIRE THAT AN INDEPENDENT ENGINEER CERTIFICATE BE SUBMITTED TO DEMONSTRATE THAT THE FACILITY IS IN COMPLIANCE WITH ALL APPLICABLE BUILDING AND SAFETY REQUIREMENTS.~~

- (d) ~~ANY PROPOSED STEALTH STRUCTURE WHICH IS DETERMINED BY THE ZONING ADMINISTRATOR NOT TO COMPLY WITH THE STANDARDS OF (A), (B), (C) OR (D) SHALL BE REFERRED TO THE BOARD OF ZONING ADJUSTMENT FOR REVIEW AS A SPECIAL EXCEPTION SUBJECT TO SECTION 3104.~~

All other proposed sections would be renumbered accordingly.