



401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20576
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

Commission Members

Presidential Appointees

John V. Cogbill, III, Chairman
Richard L. Friedman
Jose L. Galvez, III

Mayoral Appointees

Arrington Dixon
Dr. Patricia Elwood

Ex Officio Members

Secretary of Defense
The Honorable Donald H. Rumsfeld

Secretary of the Interior
The Honorable Gale A. Norton

Administrator
General Services Administration
The Honorable Stephen A. Perry

Chairman
Committee on Governmental Affairs
United States Senate
The Honorable Susan M. Collins

Chairman
Committee on Government Reform
U.S. House of Representatives
The Honorable Tom Davis

Mayor
District of Columbia
The Honorable Anthony A. Williams

Chairman
Council of the District of Columbia
The Honorable Linda W. Cropp

Executive Director

Patricia E. Gallagher, AICP

IN REPLY REFER TO:
NCPC File No. Z.C. 01-02

OCT 08 2003

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

Members of the Commission:

The National Capital Planning Commission at its meeting on October 2, 2003 approved the enclosed action on the amendment to the Zoning Regulations to add Chapter 26 – Regulation of Antennas, Antenna Towers and Monopoles. Also enclosed, for your information, is a copy of the Staff Recommendation for the project.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

Enclosures

2003 OCT 10 PM 3:51

ZONING COMMISSION
District of Columbia

Case... 01-02
Exhibit... 134

NATIONAL CAPITAL PLANNING COMMISSION

ZONING COMMISSION
District of Columbia
CASE NO.01-02
EXHIBIT NO.134

COMMISSION ACTION

NCPC File No. Z.C. 01-02



TEXT AMENDMENT TO THE ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA TO ADD CHAPTER 26 – REGULATION OF ANTENNAS, ANTENNA TOWERS AND MONOPOLES

Submission by the Zoning Commission of the District of Columbia

October 2, 2003

Commission Action Requested by Applicant

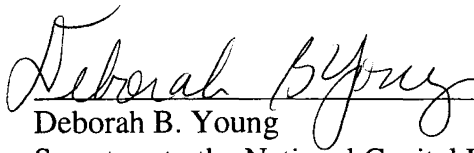
Approval of comments to the District of Columbia Zoning Commission pursuant to Section 8 of the National Capital Planning Act (40 U.S.C. § 8724(a)) and D.C. Code § 2-1006(a).

Commission Action

The Commission:

- Concludes that the text amendment to amend the District of Columbia Zoning Regulations by adding Chapter 26 – Regulations of Antennas, Antenna Towers and Monopoles would not negatively affect the federal interest.
- Further recommends that the Zoning Commission amend the proposed Section 2615.2 to make it clear that roof top antenna equipment cabinets and shelters are not exempt from the existing roof top structure limitations under Section 411 of the Zoning Regulations, by inserting the following subsection:

2615.2(e) – Antenna equipment or shelters shall be subject to Section §411.3 unless otherwise approved by the Board of Zoning Adjustment under Section 2615.3


Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATION

NCPC File No. ZC 01-02



TEXT AMENDMENT TO THE ZONING REGULATIONS OF THE DISTRICT OF COLUMBIA TO ADD CHAPTER 26 – REGULATION OF ANTENNAS, ANTENNA TOWERS AND MONOPOLES

Submission by the Zoning Commission of the District of Columbia

September 25, 2003

Abstract

The District of Columbia Zoning Commission has taken a proposed action to amend the District of Columbia Zoning Regulations by adding Chapter 26 – Regulations of Antennas, Antenna Towers and Monopoles to the text of the regulations. This Chapter will provide zoning standards for the installation of all telecommunication antennas, support structures, and related equipment on private and District of Columbia owned property. These standards will regulate number, placement, height, and visual impact of these telecommunication facilities while also establishing safety and security standards for their installation.

Federal Interests

The federal interests include maintaining the aesthetic quality of federal properties and structures in the National Capital that may be impacted by the installation of telecommunication facilities on private and District of Columbia owned property and ensuring that such facilities are consistent with the Height of Buildings Act.

Commission Action Requested by Applicant

Approval of comments to the District of Columbia Zoning Commission pursuant to Section 8 of the National Capital Planning Act (40 U.S.C. § 8724(a)) and D.C. Code § 2-1006(a).

Executive Director's Recommendation

The Commission:

- Concludes that the text amendment to amend the District of Columbia Zoning Regulations by adding Chapter 26 – Regulations of Antennas, Antenna Towers and Monopoles **would not negatively affect** the federal interest.
- **Further recommends** that the Zoning Commission amend the proposed Section 2615.2 to make it clear that roof top antenna equipment cabinets and shelters are not exempt from the existing roof top structure limitations under Section 411 of the Zoning Regulations, by inserting the following subsection:

2615.2(e) – Antenna equipment or shelters shall be subject to Section §411.3 unless otherwise approved by the Board of Zoning Adjustment under Section 2615.3

* * *

BACKGROUND AND STAFF EVALUATION

DESCRIPTION OF PROPOSAL

The proposed action taken by the Zoning Commission consists of adding a new chapter to the District of Columbia Zoning Regulations that will provide comprehensive regulations and standards for telecommunications antennas and their related structures. The action will amend various areas of the existing zoning text, including Chapter 199 – Definitions so as to add definitions for the facilities addressed in the new regulations. The new regulations and pertinent definitions are described below. A complete copy of the proposed text amendment is attached to this report.

The regulations were drafted through numerous public hearings and a public roundtable which was held before the Zoning Commission on March 5, 2001. At this event, testimony was given by representatives of local advocacy groups, Advisory Neighborhood Commissions, industry professionals and Dr. Patricia Elwood, chair of NCPC's Antenna Task Force. At that time, this Task Force was researching the numerous issues related to the siting and mounting of telecommunication facilities on federal buildings, which eventually resulted in the updating of the NCPC Antenna Guidelines on August 2, 2001. The testimony given by Dr. Elwood, approved by the Commission on March 1, 2001 reiterated the need for federal and local regulations to be compatible in their treatment of antennas throughout the District of Columbia. A copy of the official testimony is attached to this report.

The new Chapter 26 – Regulation of Antennas, Antenna Towers, and Monopoles, addresses ground-mounted, roof-mounted, and building-mounted antennas, as well as stealth structures, antenna towers and monopoles. The regulations also provide exemptions for various smaller antenna types and a special exception process for antennas in need of relief from the Zoning

Regulations. The following is a summary of the regulations as proposed by the Zoning Commission.

Regulations for Specific Antennas and Antenna Structures

Ground-Mounted Antennas

Ground-mounted antennas are permitted in all zones. These antennas are installed at grade and are not attached to a building, antenna tower or other structure. The proposed regulations provide that these antennas, when located in a residential, special purposes, mixed-use, or waterfront zoned district, cannot exceed a mounted height of 12 feet at their highest point and only one ground mounted antenna per lot is permitted. In commercial and industrial zones, the antennas cannot exceed a mounted height of 20 feet. The proposed regulations also provide that these antennas can only be located in either rear or side yards and must have a minimum setback of ten feet. In order to limit their visual impact, the regulations further state that antennas shall be screened so that their visibility from public spaces, navigable waterways, historic landmarks and national monuments is minimized to the greatest possible extent, and that antennas shall not be visible from any public park that is within the Central Employment Area or abutting a street.

Roof-Mounted Antennas

Under the proposed regulations, roof-mounted antennas are antennas which are affixed to the roof of a building and will be permitted in all zone districts. Specifically, the regulations define roof-mounted antennas as follows:

Antennas Placed on a Roof – Any antenna and its necessary support structure, not including an antenna tower or monopole, that is attached to the roof of a building and which does not fall within the definition of a building mounted antenna.

The regulations require that these antennas have a one-to-one setback from the edge of the roof, and may not exceed a total mounted height of 12 feet. As with ground-mounted antennas, these roof-mounted facilities and their related equipment cabinets or shelters are required to be screened so that their visibility from public spaces, navigable waterways, historic landmarks and national monuments is minimized to the greatest possible extent. The regulations further state that the antennas and their related equipment cabinets or shelters shall be constructed of materials and colors that blend with the surroundings to the maximum practical extent and that the antenna shall be secured from any recreation space located on the same roof.

Building-Mounted Antennas

The proposed regulations also contemplate antennas that are surface-mounted to buildings or structures. The proposed text amendment defines building-mounted antennas as:

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.

These antennas will be allowed in all zone districts subject to several provisions. First, the antennas cannot extend above the roof of the wall, building or structure in which they are located. The antennas and their related equipment shall be screened consistent with the provisions of the ground- and roof-mounted antennas, they shall be constructed of materials and colors which blend with the surface on which they are located or they shall be painted to match the surface on which they are attached. Like the roof-mounted antennas, these building-mounted antennas must be secured from any rooftop recreation space.

Stealth Antenna Structures

The proposed text amendment adds a definition and regulations for stealth antenna structures. These are structures commonly used to disguise or screen antennas from public view. Specifically the regulations define these as follows:

Stealth Structures - 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.

Under the regulations, stealth structures may be permitted if the following six conditions are met:

1. The proposed stealth design provides adequate screening of the antennas.
2. The proposed structure is not out of scale with the subject property taking into account the size, setbacks, topography and underlying use of the property.
3. The primary use of the subject property is not single-family residential.
4. The ground equipment of the proposed facility be landscaped, fenced or otherwise screened.
5. The diameter of a stealth flagpole shall not exceed 30 inches at its base.
6. The height of a ground-mounted stealth structure shall be permitted, by right, to a height of 80 feet in all residential zone districts and 120 feet in all other zone districts.

The regulations further provide that when a permit application for a stealth structure is received, the Office of Planning must provide a report and recommendation to the Zoning Administrator.

Antenna Towers and Monopoles

The regulations provide extensive standards which regulate the permitting of antenna towers and monopoles. These are defined by the amendment as follows:

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.

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.

These structures are significantly more restricted in the regulations, as they are only permitted by right in M - General Industry Districts or subject to an approved campus plan. When located in this district, an antenna tower or monopole must be setback from residential property a minimum of its total height from the ground, or otherwise a minimum of 20 feet or a distance of one-third of its height from each surrounding lot line. In terms of height, an antenna tower or monopole may not exceed the maximum height permitted for structures in the zoning district plus 30 feet. The structure can exceed this height limitation if approved by the Board of Zoning Adjustment, and can further be approved in excess of the Height Act of 1910, if approved by the Mayor or his or her agent.

In order to encourage co-location of antennas on antenna towers or monopoles, the regulations require that a written statement be provided to the Zoning Administrator stating that the design of the structure will accommodate at least three antenna arrays and that this space will be available for commercial co-location. Further, the Zoning Administrator cannot take final action on a permit application for an antenna structure or monopole until the Office of Planning has provided a report on the proposed structure.

Aside from the M- General Industry district, the proposed regulations further restrict where antenna structures and monopoles can be located by either making their approval subject to the Board of Zoning Adjustment (BZA) or by making them a non-permitted use. Specifically, a monopole structure is permitted by the BZA in the R (Residential), C-1 through C-4 (Commercial), SP (Special Purpose), CM (Commercial-Light Manufacturing), CR (Mixed-Use), or W (Waterfront) districts. Conversely, antenna towers are permitted by approval of the BZA in C-2 through C-4 (Commercial), SP (Special Purpose), CM (Commercial-light manufacturing), CR (Mixed-use), or W (Waterfront) districts, and are excluded from all R (Residential) or C-1 (Commercial) districts.

Equipment Cabinets or Shelters

Most telecommunication facilities require related equipment cabinets or shelters to house their support technology. Under the proposed regulations, equipment cabinets or shelters are regulated as an accessory structure within that zone district and are required to be compatible with the main structure in architectural character, material and color. If equipment cabinets are to be located on the roof, they will be regulated similarly to how the Zoning Regulations currently regulate roof structures. Specifically, they cannot exceed 18 feet 6 inches in height, must be setback in a one-to-one ratio and must be compatible with the main structure in architectural character, material and color. The regulations further stipulate that the equipment cabinet or shelter must be located on the same building as the antennas which they are supporting.

Height Limitations

Nothing within the proposed text amendment limits the jurisdiction of the Board of Zoning Adjustment to grant variances from the provisions of these zoning regulations. Hence, if an

antenna or its related equipment proposes to exceed the height restrictions contained within the new or existing regulations, the Board of Zoning Adjustment must hear and approve the request. Further, if an antenna proposal seeks to exceed the height limitations set forth in the Height of Buildings Act, then the proposal must be not only approved by the Board of Zoning Adjustment but also by the Mayor as determined by the Act.

Non-Conforming Antennas

Once these regulations take effect, no non-conforming antennas will be permitted to be altered, modernized or otherwise replaced unless they are in conformance with the new regulations. However, if non-conforming antennas cease to function, temporary replacements are permitted for a period of one year, provided that within three months of that time period an application has been made to install longer term replacements.

Exempted Antennas

The regulations as proposed by the Zoning Commission provide an inventory of antennas which are exempted from the zoning requirements. These generally include antennas which are solely enclosed within a building, entirely enclosed on all sides by a roof structure, or located entirely behind, but not taller than, a building's parapet walls.

Specifically, the zoning regulations identify several classes of antennas which are exempt from the new standards. However, the exemption places a cap on how many of these antennas can be installed on a property. Below is a list of these exempted antennas and their number limitation.

- Residential type uhf/vhf television and frequency modulation (fm) radio receiving Yagi antenna not to exceed eight feet horizontally. 2
- Whip antennas not exceeding two and one-half inches in diameter, with a mounted dimension no longer than 12 feet in any direction, and located on a principal building, monopole or antenna tower; except that there shall be no limit on whip antennas that are dedicated to the provision of emergency services to the District of Columbia. 2
- Residential type super high frequency antenna, not to exceed three feet. In any dimension, excluding the support element. 1
- Dish antenna located on the roof of a principal building with a diameter of no more than four feet, not taller than eight feet as measured from the roof surface on which it is mounted, 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 25 feet. 1
- Whip antenna mounted on a vehicle on private property. 1

FCC Compliance

In order to ensure that all transmitting antennas are compliant with the Federal Communication Commission's (FCC) guidelines on radiofrequency (RF) radiation, no application for a building

permit for a transmitting antenna will be considered unless it is accompanied by a certification evidencing that the proposed antenna will comply with the FCC standards. The certification must also state compliance with the health and safety regulations adopted by the Occupational Safety and Health Administration (OSHA). The regulations further provide that a licensed, professional engineer must perform the certification and all accompanying data and supporting documentation must be submitted with the permit application.

EVALUATION

Given that these regulations will govern the installation of antennas on all private and District of Columbia owned property, there is significant federal interest in ensuring that these antennas will not negatively impact the character and safety of adjacent federal properties. Further, the National Capital is comprised of properties that are either-federally owned and subject to NCPC's antenna guidelines, or private or District-owned property, which would place them under the jurisdiction of the Zoning Regulations described in this report. To maintain a consistent aesthetic of antenna installations in the Nation's Capital, it is critical that both policies are complementary and do not conflict in their treatment of antennas.

The NCPC's Antennas Guidelines were originally adopted in January of 1988. In response to concerns regarding the proliferation of antennas in the National Capital, NCPC formed the Antenna Task Force in 1994 to investigate the various aspects of antenna installations and recommend changes to the 1988 standards. The Commission adopted revisions to the guidelines based on the Task Force's recommendation in November of 1997.

The NCPC Antenna Guidelines require that all antenna installations meet FCC and OSHA Safety standards in order to receive approval from the Commission. Specifically, the requirements state that **rooftop antennas** should be: 1) installed at the lowest possible elevation above the roof line, 2) set back from the edge of the building a distance at least equal to the antenna's height above the roof, and 3) screened as appropriate from any public views in cases in which screening designs compatible with the architectural character of the building can be developed. Similarly, **ground-level antennas** should be: 1) sited in locations that minimize public views, 2) installed at the lowest possible elevation above grade, and 3) screened to the extent practicable by landscaping and screening elements.

The NCPC Antenna Guidelines further establish **exemptions** from the guidelines for certain classifications of antennas. These classifications include:

- Receive-only antennas, with the boom or any active element not exceeding eight feet in any dimension and the mounted vertical dimension not exceeding 12 feet.
- Receive-only whip antennas not exceeding two-and-a-half inches in diameter and a mounted dimension not exceeding 12 feet in any direction.
- Receive-only antennas of any type entirely enclosed within an existing building (including the penthouse portion of a building).

- Receive-only temporary antennas to be mounted on a building, the ground, or a vehicle for a period not to exceed 60 days, provided the temporary placement does not alter the site or building and that all necessary safety precautions are observed in the temporary placement.

The NCPC Antenna Guidelines further provide standard on what types of antennas can be approved through delegated action and what is required to be presented to the Commission for full report and review.

The proposed regulations are generally consistent with the NCPC's Antenna Guidelines in their treatment of ground, building, and rooftop mounted antennas. The regulations set specific setback and location standards for the installation of antennas so as to encourage their siting in areas away from general public view or sensitive view sheds. Similar to NCPC's Antenna Guidelines, the regulations require that the materials and colors of antennas be consistent with the building on which it is affixed, so as to limit its visibility. The exemptions provided in both standards are consistent in that they both account for smaller antennas which may be located entirely within a structure, or are minor in nature. Further, neither policy exempts transmitting antennas, which require more stringent controls due to their environmental hazards.

A critical component of NCPC's Antenna Guidelines is the time limitation placed on antenna approvals. Under the regulations, approvals of antenna installations on federal property are limited to five years and may be increased to ten by the discretion of the Commission. The intent of this requirement is to ensure the removal of antennas whose use has been discontinued by requiring the submitting agency to reevaluate its antenna installations. The proposed zoning regulations manage the issue of antenna removal in a different manner. Section 2616.1 of the proposed regulations require that any antenna, antenna tower, monopole, equipment cabinet, or equipment shelter must be removed at the owner's expense if its use has been discontinued for a period of one year. While this provision differs from the periodic reauthorization approach of NCPC's Antenna Guidelines, it is staff's position that it will reach the same objective and is appropriate. With NCPC's time frame, an antenna that becomes discontinued within a year of its approval, for example, may remain in place for another four years. Under the zoning regulations, however, an antenna whose use has been discontinued for one year must be removed as soon as possible. Staff acknowledges the administrative challenges that the District of Columbia government would face if it required the numerous providers and property owners in its jurisdiction to reauthorize their antenna installations on a periodic basis.

The proposed Zoning Regulations' treatment of rooftop equipment structures seeks to treat rooftop equipment structures similarly to penthouse and other roof structures regulated in the existing Zoning Regulations. Under the existing regulations, rooftop structures are limited to one per building, unless authorized by the Board of Zoning Adjustment under Section 411. By amending 411.15, the new antenna regulations will exempt equipment cabinets and shelters from the provisions of 411, however, they do not clarify whether or not an equipment shelter is deemed a rooftop structure and therefore subject to the one per building limitation. Under staff's interpretation, the new regulations do not limit the number of rooftop equipment cabinets and shelters and therefore could allow for unlimited structures to be built, which is clearly inconsistent with the intent of the existing Zoning Regulations. **To address this issue, staff recommends that the Zoning Commission include an additional subsection (e) to the**

proposed Section 2615.2 to make it clear that roof top antenna equipment cabinets and shelters are not exempt from the existing roof top structure limitations under Section 411 of the Zoning Regulations. This proposed new subsection should read: “Antenna equipment or shelters shall be subject to Section §411.3 unless otherwise approved by the Board of Zoning Adjustment under Section 2615.3.”



801 Pennsylvania Avenue, NW
Washington, DC 20576
Suite 301
Tel: 202 482-7200
Fax: 202 482-7272
www.ncpc.gov

Testimony of Dr. Patricia Elwood

On behalf of the National Capital Planning Commission

At the March 5, 2001 Zoning Commission's Roundtable Discussion regarding
Antennas, Antenna Towers, and Antenna Structures

Good evening Madam Chair and members of the Zoning Commission. For the record, I am Dr. Patricia Elwood, Vice-Chairman of the National Capital Planning Commission, and Chairman of the Commission's Antenna Task Force. Our Antenna Task Force is a subgroup of the Commission that has researched the effects of antennas on federal interests, and has developed guidelines for our Commission to follow in the review of antenna proposals on federal property. I am pleased to be with you this evening to share the Commission's thoughts concerning ways to provide for expanding telecommunications services without compromising the beauty or safety of our Nation's Capital. The Commission believes that with careful and timely planning, the broad streets and public spaces, grand vistas, and clean building lines characteristic of our city can, and must, survive intact in this age of wireless telecommunications.

Through its role of reviewing projects proposed for federal land and buildings, the Commission has realized that telecommunications equipment, primarily antennas, antenna towers, and antenna structures, could greatly and adversely affect the appearance of the National Capital Region, including the District of Columbia. In 1988 the Commission established guidelines for the design and installation of antennas on federal property with the goal of protecting the skyline of the Nation's Capital and the appearance of the federal public lands from the unsightly intrusion of conspicuous antennas, towers, and support structures. The guidelines sought to accomplish this by regulating the size, location, and appearance of the antennas and their support structures, and by limiting the approval period to 5 or 10 years, to encourage a periodic re-examination of the continuing need for the antennas, given changing technology.

I would like to submit a copy of the Commission's Antenna Guidelines for the record. The remainder of my testimony will summarize the criteria for the design and location of antennas and antenna structures contained within these guidelines.

Our guidelines require all telecommunications facilities to be consistent with the policies in the Federal Elements of the Comprehensive Plan for the National Capital, which specifically address the location and design of telecommunications facilities on federal properties. In addition, the guidelines require antennas, antenna towers and poles, and antenna support structures to be designed and installed in a manner that minimizes or

eliminates visual impacts on adjacent properties, including public rights-of-way, park lands, and nearby residential areas.

Rooftop antennas and support structures should be installed at the lowest possible elevation above the roofline, set back from the edge of the building a distance at least equal to the antenna's height above the roof, and screened as appropriate from public view. Ground level antennas and their support structures should be sited in locations that minimize impacts on public views, installed at the lowest possible elevation above grade, and screened as appropriate. Materials used in the construction of antennas, antenna towers, and antenna support structures should not be bright, shiny or reflective and should be of a color that blends with the building's materials and landscape. Commercial advertising is not allowed on antennas, antenna towers and poles, and antenna support structures. Signals, lights, and illumination are not permitted on antennas, antenna towers and poles, and antenna support structures, unless required by the Federal Communications Commission, the Federal Aviation Administration, or other federal government agency.

We are now in the process of updating our antenna guidelines, much as you are, to ensure that we keep pace with this rapidly evolving technology, and at the same time protect the federal interests that we are responsible for. The Commission believes that the responsibility for preserving the beauty of the Nation's Capital is shared between the local and federal governments. We would therefore be happy to work with the Zoning Commission in this effort to ensure the development of compatible regulations. We will solicit your comments on the proposed revisions to our Antenna Guidelines, and we look forward to providing comments on your proposals as well.

Thank you for the opportunity to share our thoughts with you this evening.

PROPOSED ACTION

Amend 11 DCMR, Zoning by adding the following new chapter 26, Regulations of Antennas, Antenna Towers and Monopoles.

CHAPTER 26 REGULATIONS OF ANTENNAS, ANTENNA TOWERS AND MONOPOLES

2600 PURPOSE

2600.1 The purposes of the regulation of antennas, antenna 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 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., 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 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 the national monuments; and
- (c) The principal types of antennas, antenna towers and monopoles regulated are those that, because of their shape, size or quantity, potentially have the greatest visual impact and include, by example, large satellite earth station antennas and certain microwave terrestrial antennas, monopoles, and antenna towers.

2600.2 Consistent with these purposes, the construction of new towers or monopoles shall only be permitted subject to certain placement and construction standards.

2601 CERTIFICATION OF FCC 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 maximum radiofrequency (RF) radiation to be generated by the proposed antenna or antennas;
 - b) The means used to determine the RF levels;
 - c) The exact legal name, address of principal place of business and telephone number of the applicant, certifying engineer and property owner;
 - d) A site plan, and roof plan if applicable, 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 ANTENNAS

- 2602.1 All antennas that 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).

2603 GROUND MOUNTED ANTENNAS

- 2603.1 Except for those antennas exempted by §§2606 and 2607, ground-mounted antennas shall comply with the following conditions:
- (a) In any Residence (R), Special Purpose (SP), Mixed Use (CR) or Waterfront (W) zone district only one antenna may be located per lot and may not exceed a mounted height of twelve feet (12 ft.) at its highest point above the ground on which it is located;
 - (b) In any Commercial (C) or Industrial (CM or M) zone district an antenna may not exceed a mounted height of twenty feet (20 ft.) at its highest point above the ground;
 - (c) The antenna shall be located in either the rear yard or the side yard of the principal building on the lot except that in the case of a corner lot no antenna may be located in the yard between the principal building structure and a street;

- (d) Each part of the antenna shall be removed from all lot lines by a minimum distance of ten feet (10 ft.);
- (e) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks and national monuments is minimized to the greatest practical extent;
- (f) The antenna shall not be visible, to the greatest practical extent from any public park that is within the Central Employment Area or from any street that the lot abuts;
- (g) The antenna, to the maximum practical extent, shall be constructed of materials and colors that blend with the surroundings;
- (h) The 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 or number limitation may be permitted through the special exception process set forth in § 2612.

2603.3 The term ground as used in this section shall not include artificially elevated terrain such as berms or planter boxes but may include graded lawns, terraced landscapes that are formed from the natural grade and at-grade patios.

2603.4 No advertising or special art signs may be placed on a ground-mounted antenna.

2604 ROOF-MOUNTED ANTENNAS

2604.1 Except for those antennas exempted by §§ 2606 and 2607, antennas placed on a roof of a building shall comply with the following conditions:

- (a) Each part of an antenna shall be removed from each edge of the roof a minimum distance equal to its total mounted height above the roof;
- (b) An antenna may not exceed a total mounted height of twelve (12) feet above the roof;
- (c) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks and national monuments is minimized to the greatest practical extent;
- (d) An antenna shall be constructed of materials and colors that blend with the surroundings to the maximum practical extent;

(e) 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 ten (10) feet, by a fence or screen at least five (5) feet in height; and

(g) Any related equipment 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 practical extent.

2604.2 An antenna proposed to be placed on a roof which does not comply with the above requirements may be permitted through the special exception process set forth in §2612.

2604.3 No advertising, special art or signs may be placed on a roof-mounted antenna.

2605 BUILDING-MOUNTED ANTENNAS

2605.1 Except for those antennas exempted by §§ 2606 and 2607, building-mounted antennas shall comply with the following conditions:

- (a) The top of the antenna shall not extend above the roof of the wall, building or structure to which it is mounted;
- (b) Each antenna installation shall be located or screened such that its visibility from public spaces, navigable waterways, historic landmarks and national monuments is minimized to the greatest practical extent;
- (c) An antenna shall be constructed of materials and colors that blend with the surroundings to the maximum practical extent or shall be screened and/or painted to blend with the surface to which the antenna is attached;
- (d) A building-mounted antenna 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

(e) Any related equipment 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 practical extent.

2605.2 A building mounted antenna which does not comply with the above requirements may be permitted through the special exception process set forth in § 2612.

2605.3 No advertising, special art or signs may be placed on a building-mounted antenna.

2606 STEALTH ANTENNA STRUCTURES

2606.1 Antennas located in stealth structures may be permitted provided the following conditions are met:

- (a) The proposed stealth design provides adequate screening of the antennas;
- (b) The proposed structure is not out of scale with the subject property taking into account the size, setbacks, topography and underlying use of the property;
- (c) The primary use of the subject property is not single-family residential;
- (d) The ground equipment of the proposed facility be landscaped, fenced or otherwise screened;
- (e) The diameter of a stealth flag pole shall not exceed thirty (30) inches at its base;
- (f) The height of a ground-mounted stealth structure shall be permitted, by right, to a height of eighty feet (80 ft.) in all residential zone districts and 120 feet in all other zone districts;

2606.2 Stealth antenna structures may be included, but are not limited to, flag poles, light poles, fence supports, steeples, cupolas, and other appropriate architectural elements, and artificial trees.

2606.3 The Office of Planning shall provide a report and recommendation to the Zoning Administrator on a proposed stealth antenna structure.

2606.4 Any proposed stealth antenna structure which is determined by the Zoning Administrator not to comply with the standards of §2606.1 shall be referred to the Board of Zoning Adjustment for review as a special exception subject to §§2612 and 3104.

2607 EXEMPTED ANTENNAS

2607.1 The requirements of §§ 2603 through 2606 shall not apply to any antenna that is:

- (a) Entirely enclosed within a building but is not the primary use within the building;
- (b) Entirely enclosed on all sides by a roof structure, penthouse or an extension of penthouse walls; this subsection shall not be interpreted to permit penthouses or roof structures in excess of the height limitations for roof structures;
- (c) Located entirely behind and no taller than the parapet walls; or
- (d) No taller than eighteen inches (18 in.) in height and necessary for the implementation of expanded 911 or emergency communications.

2607.2 For the purposes of § 2607.1 penthouse and parapet walls may include an opaque membrane covering a port in front of the antenna that screens the antenna, blends with the wall and allows the antenna to operate.

2607.3 The requirements of §§2603 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	2
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, <u>monopole or antenna tower; except that there shall be no limit on whip antennas that are dedicated to</u>	2

the provision of emergency services to the District of Columbia.

Residential type super high frequency antenna, not to exceed three feet (3 ft.)

1

In any dimension, excluding the support element.

Dish antenna located on the roof of a principal building with a diameter of no more than four feet (4 ft.), not taller than eight feet (8 ft.) as measured from the roof surface on which it is mounted, 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.

1

Whip antenna mounted on a vehicle on private property.

1

2607.4 An antenna which does not comply with the above requirements or numeric limitation set forth in § 2607.3 may be permitted subject to the requirements of §§ 2603 through 2606.

2607.5 No advertising or special art signs may be placed on an exempt antenna.

2608 ANTENNA ADDITIONS TO EXISTING ANTENNA TOWERS AND MONOPOLES

2608.1 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 (50) feet above the base of the antenna tower or monopole.

2609 ANTENNA TOWERS AND MONOPOLE IN GENERAL INDUSTRY DISTRICTS (M) (MATTER OF RIGHT)

2609.1 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 General Industry zone districts (M) as a matter-of-right; provided, the antenna tower or monopole complies with the following conditions:

- (a) An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any 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 (30) feet as a matter of right;
- (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 §2612;
- (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 or his or her designee;
- (f) A written statement shall be provided agreeing to design the proposed antenna tower or monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider when unused by the initial telecommunications service provider(s) or the owner at the time of application;
- (h) No advertising or special art may be placed on an antenna tower or monopole, its equipment cabinet or its equipment shelter.

2610 ANTENNA TOWERS AND MONOPOLES AS PART OF A CAMPUS PLAN

2610.1 An antenna tower or monopole may be permitted, subject to and as a part of an approved campus plan as may be required in any zone district, subject to the special exception standards of 2612.1 and 2612.2.

2610.2 No advertising, special art or campus identification may be placed on an antenna tower or monopole, its equipment cabinet or its equipment shelter.

2611 OFFICE OF PLANNING REPORT

2611.1 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 (30) days have passed since the application was submitted to the director of the Office of Planning, whichever occurs first.

2611.2 The director of the Office of Planning and the Zoning Administrator may agree to lengthen the time period indicated in 2611.1, but in no event shall the review period exceed sixty (60) days.

2611.3 The report of the Office of Planning shall provide information sufficient to enable the Zoning Administrator to determine whether the antenna complies with the applicable requirements of this chapter.

2612 ANTENNAS SUBJECT TO BZA APPROVAL: GENERAL

2612.1 An application for special exception approval shall include the following written and graphic documentation:

(a) A map of area to be served by the new antenna;

(b) A map and explanation of the area being inadequately served that necessitates installation of the proposed antenna;

(c) A map indicating the location of any other antennas and related facility sites providing service by the applicant, and any antenna tower or monopole of any provider, within a two mile radius, including public space, of the proposed antenna site, with identified heights above grade;

(d) A site, and roof plan if applicable, 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 within one-quarter (1/4) mile of the proposed location; and
- (h) Other information as may be necessary for impact assessment of the antenna.

2612.2 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board may impose conditions pertaining to screening, buffering, lighting or other matter necessary to protect adjacent and nearby property and may require the removal of any on-site non-conforming, inoperable or unauthorized antenna.

2612.3 No advertising or special art sign may be placed on an antenna tower or monopole.

2613 ANTENNA TOWERS AND MONOPOLES SUBJECT TO BZA APPROVAL

2613.1 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 zone districts specified in § 2613.2.

2613.2 A monopole may be permitted as a special exception use in the following zone districts:

- (a) R, residence districts;
- (b) C-1 through C-4 commercial districts;
- (c) SP, special purpose districts;
- (d) CM, commercial-light manufacturing districts;
- (e) CR, mixed-use district;
- (f) W, waterfront district.

2613.3 An antenna tower, either alone or 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 zone districts specified in § 2613.4.

2613.4 An antenna tower 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; and
- (e) W, waterfront districts.

2613.5 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 collocation 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; and
- (d) Designed and constructed to preserve existing trees to the greatest practical extent.

2613.6 In lieu of meeting the requirements of §3104, the applicant shall have the burden of demonstrating the following:

- (a) A significant gap in wireless service;
- (b) That its proposed antenna tower or monopole will fill this gap;
- (c) The need of the proposed location or that the proposed is the only possible location and no other mounting options are available;
- (d) That the height and other physical design characteristics of the proposed antenna tower or monopole do not exceed those which are minimally necessary to fill the gap in wireless service;

- (e) That it is using the least intrusive means to provide wireless service necessary to fill the gap in such service; and
- (f) That its proposed antenna tower and monopole, even when supporting all possible collocators, is in full compliance with FCC guidelines as to both cumulative and individual RF emission levels.

- 2613.7 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.
- 2613.8 An antenna tower or monopole shall be set back a minimum horizontal distance equal to its total height as measured from the ground, from any residentially developed or zoned property.
- 2613.9 Each part of an antenna tower or monopole shall be removed from each lot line the greater of the following:
- (a) Twenty (20) feet; or
 - (b) A distance of at least one-third of the total constructed height.
- 2613.10 The Board shall submit the application to the D.C. Office of Planning for review and report.
- 2613.11 The applicant shall provide written and/or graphic documentation of the following:
- (a) The area to be served by the proposed new antenna tower or monopole;
 - (b) The area being inadequately served;
 - (c) A map indicating the location of any other antenna or related facility sites providing service by the applicant within a two mile radius, including public space, of the proposed site;
 - (d) Other towers or monopoles within a two-mile radius of the proposed site with identified heights above grade;
 - (e) An explanation of why the applicant cannot collocate on an existing tower or monopole;
 - (f) A written statement agreeing to permit the collocation by other service providers on a commercial basis on an antenna tower;

- (g) A written statement agreeing to design a proposed monopole for at least three (3) antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider when unused by the initial telecommunications service provider(s) or the owner at the time of application;
 - (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 within one-quarter mile radius of the proposed site as they presently exist;
 - (j) The proposed appearance of the antenna tower or monopole, including exterior finish;
 - (k) A maintenance plan explaining how the property manager will control ice build-up, falling ice and potential falling debris; the plan should also address how inoperative antennas will be removed; and
 - (l) Other information as may be necessary for impact assessment of the antenna tower or monopole.
- 2613.12 In addition to any other conditions deemed necessary to mitigate potential adverse impacts, the Board may impose conditions 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 and may require the removal of any on-site inoperable or unauthorized antenna as a condition to the approval.

2614 NON-CONFORMING ANTENNAS

- 2614.1 A non-conforming antenna shall not be altered, modernized, or otherwise replaced, except in conformity with all provisions of this title.
- 2614.2 If a non-conforming 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 permitted for one (1) year; and

- (c) 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 conforming replacement.

- 2614.3 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
- 2614.4 An antenna that was legally permitted prior to the date of adoption of this chapter shall be considered a conforming antenna.
- 2614.5 This section does not apply to antenna towers, monopoles or antenna support structures.

2615 EQUIPMENT CABINET OR SHELTER

- 2615.1 If an antenna equipment cabinet or shelter is provided on the ground, it shall be subject to the following:
 - (a) It shall be regulated as an accessory building subject to any applicable criteria within each zone district, and
 - (b) It shall harmonize with the main structure in architectural character, material and color.
- 2615.2 If an antenna equipment cabinet or shelter is provided on the roof of a building or structure, it shall be erected or enlarged subject to the following:
 - (a) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;
 - (b) It shall harmonize with the main structure in architectural character, material, and color;
 - (c) It shall not exceed eighteen feet six inches (18 ft. 6 in.) in height above the roof upon which it is located; and
 - (d) It shall be placed only on a roof of a principal structure and may not be permitted on a roof of any other roof structure or penthouse.
- 2615.3 The Board of Zoning Adjustment may consider modifications to the criteria of Section 2615.2 for good cause shown as a special exception in accordance with Section 3104.

2616 REMOVAL OF ANTENNAS, ANTENNA TOWERS MONOPOLES AND
RELATED EQUIPMENT

2616.1 Antennas, antenna towers, monopoles, equipment cabinets or equipment shelters shall be removed at the expense of the property owner if they have not been used for a period of one year. A one year extension may be granted by the Board of Zoning Adjustment to this requirement for good cause shown.

CHAPTER 1 THE ZONING REGULATIONS

Amend §199.1 to modify and add the following definitions as indicated:

199 DEFINITIONS

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.

Antenna, ~~commercial~~ broadcast - an antenna used for television and ~~commercial~~ radio broadcasting ~~by a profit or non-profit entity~~. The transmitting BROADCAST 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.~~

Antenna, dish - a bowl-shaped device for the reception and/or transmission of communication signals in a specific directional pattern.

Antenna Placed on a Roof - any antenna and its necessary support structure, not including an antenna tower or monopole, that is attached to the roof of a building and which does not fall within the definition of a building mounted antenna.

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.

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.

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.

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.

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.

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 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.

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 4 RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS

Amend §411.15 to read as follows:

- 411.15 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Chapter 26 of this title.

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 procedure which apply pursuant to chapter 26 of this title.

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, antenna towers and monopoles shall comply with the side yard requirements as specified in chapter 26.

Add the following new §535.4:

- 535 SIDE YARDS (SP)
535.4 Antennas, antenna towers and monopoles shall comply with the side yard requirements as specified in chapter 26.

Renumber the 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 ~~§§201.1 through 201.7~~ chapter 26 of this title.

Amend §617.1 to read as follows:

617 ANTENNA TOWER AND MONOPOLE (CR)

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.

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 district, except as may be otherwise established for ground mounted antennas.

CHAPTER 7 COMMERCIAL DISTRICT (C):

701 USES AS A MATTER OF RIGHT (C-1)

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 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;

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) Antenna, subject to the standards and procedure which apply to the particular class of antenna pursuant to ~~§201.2 through 201.7~~ chapter 26 of this title.

Amend §914.1 to read as follows:

914 ANTENNA 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.

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:

~~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:

~~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.~~