

Chapter 17G

**REGULATING WIRELESS COMMUNICATIONS FACILITIES**

- ' 17G.1 Definitions
- ' 17G.2 Location of facilities
- ' 17G.3 Development standards
- ' 17G.4 Alternate location of facilities

**SEC. 17G.1 DEFINITIONS.**

17G.1.1 Antenna - Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals.

17G.1.2 Collocation - The location of two or more wireless communication facilities on a single support structure or otherwise sharing a common location. Collocation shall also include the location of wireless communication facilities with other currently existing facilities such as light standards and other utility facilities and structures.

17G.1.3 Equipment Cabinet - A cabinet or structure used to house equipment associated with a wireless communication facility.

17G.1.4 Monopole - A single free-standing pole, post, or similar structure, used to support equipment associated with a single wireless communication facility.

17G.1.5 Related Equipment - All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

17G.1.6 Service Provider - Any authorized provider of wireless communication services.

17G.1.7 Wireless Communication Facility - An unstaffed facility, generally consisting of antennas, an equipment cabinet or structure, and related equipment which receives and/or transmits radio frequency signals.

**SEC. 17G.2 LOCATION OF FACILITIES.**

Wireless communication facilities may be allowed on publicly-owned property in Zone B within the City consistent with the development standards established under Section 17G.3 hereafter. In addition, upon complying with the provisions of Section 17G.4 hereafter, wireless

communication facilities may be allowed in any other Zone of the City.

17G.2.1      Application - If the applicant desires to locate in City-owned property in Zone B, the applicant shall discuss its desired location(s) with staff of the Public Works Department and other City staff, including the City Planner, as may be appropriate. If the location appears to be generally feasible, City staff shall negotiate a proposed Site Agreement with the applicant, spelling out in detail the specific facilities to be located on City property, the length of the Agreement, the compensation to be paid or provided the City, and various other normal details of such an Agreement.

17G.2.2      City Council - When a proposed Agreement has been prepared and approved by City staff, it shall then be scheduled for hearing before the City Council, which shall consider the Agreement as part of an Ordinance as provided by Section 2.11(6) of the City Charter. The decision of the City Council shall be final.

17G.2.3      Design Review - All applications for a wireless communications site in Zone B shall be subject to staff design review by the City Planner in accordance with the provisions of Chapter 17 of the City Code.

SEC. 17G.3    DEVELOPMENT STANDARDS.

17G.3.1      General - The following development standards shall apply to the development of all new wireless communication facilities within the City of Piedmont.

(a)      New wireless communication facilities shall be collocated with existing facilities and with other planned new facilities whenever feasible and aesthetically desirable. In addition, where feasible and aesthetically desirable, service providers are encouraged to collocate with other facilities where the collocation is found to minimize the overall visual impact.

(i)      In order to facilitate collocation, all service providers shall cooperate in the siting of equipment and antennas to accommodate a reasonable number of operators at a given site where found to be feasible and aesthetically desirable.

(b)      All ground mounted wireless communication equipment, antennas, poles, or towers shall be of a minimum functional height.

(c)      All equipment, antennas, poles, or towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual impacts.

(d)      All ground mounted equipment, antennas, poles, or towers shall be sited to be screened, by existing development, topography, or vegetation, to the extent

feasible. Ground mounted facilities are encouraged to be located within areas where substantial screening by existing vegetation can be achieved. Additional new vegetation or other screening may be required as a condition of approval for the permit.

(e) Roof mounted equipment and antennas shall be located as far away as feasible and aesthetically desirable from the edge of the building. Antennas attached to a building shall be painted or otherwise treated to match the exterior of the building or the antenna's background color.

(f) Where feasible, the location of wireless communication facilities shall be encouraged to be located on publicly owned or controlled property or right-of-way.

(g) All equipment associated with a wireless communication facility shall be removed within 30 days of the discontinuation of the use and the site shall be restored to its original preconstruction condition. In addition, the service provider shall provide the City with a notice of intent to vacate a site a minimum of 30 days prior to the vacation. For facilities to be located on public property, this removal requirement shall be included within the terms of the lease. For facilities to be located on private property, since the subject property owner shall be ultimately responsible for removal of the equipment, the terms of private leases are encouraged to include the equipment removal as a provision of the lease.

(h) A wireless communication receiving and transmission facility shall not adversely affect the public health, peace and safety.

(i) For any application, the City Council may require an independent third party review, at the expense of the applicant, to confirm the radio frequency needs of the applicant.

SEC. 17G.4 ALTERNATE LOCATION OF FACILITIES.

In the event that the applicant for a wireless communications site believes that it cannot provide coverage for in excess of 300 homes in an area of Piedmont from any site in Zone B or from any site outside of Piedmont, the applicant shall have the right to petition for a site located in another Zone within the City according to the procedures, terms and conditions set forth hereafter:

17G.4.1 Any location for a wireless site outside of Zone B shall be considered according to the following priority:

(a) The applicant shall attempt to locate a site first in Zone D. If no adequate

site can be located in Zone D, the site shall then be located in any non-residential property in Zones A, C and E, with a strong preference for an already existing taller structure into which the applicant's equipment can be incorporated as inconspicuously as possible.

17G.4.2 The applicant shall file a written application with the Director of Public Works setting forth the following:

- (a) The exact area in Piedmont which applicant contends cannot receive coverage from a site in Zone B or a site outside of City, showing the boundaries of the area clearly on a map and setting forth the exact street addresses of each Piedmont home not within the area receiving coverage.
- (b) Copies of detailed technical reports or tests which clearly prove that each home within the area fails to receive coverage from Zone B or from any other Zone within Piedmont, or from specific locations outside of Piedmont.
- (c) Copies of detailed technical reports or tests which prove that each home within the area does receive coverage from the alternate site proposed by applicant.
- (d) A list of all possible site locations within Zone B and all possible site locations outside of the City from which applicant has conducted tests to determine if coverage is feasible, including copies of all reports or test results from each such possible site.
- (e) Exact information on all possible site locations outside of Zone B within the City from which applicant has conducted tests to determine if coverage is feasible, including copies of all reports or test results from each such possible site. Applicant will be expected to show good faith compliance with the priority system set forth in Section 17G.4(1) hereof.
- (f) Exact information on the alternate site proposed by the applicant, including the exact location of the site as shown on a map and by street address, a copy of an executed Lease or PCS Site Agreement for the site, a detailed report on all costs and expenses in constructing and completing such site for use, including a verifiable bid for the work on such site, and an exact schematic drawing.

17G.4.3 Applicant shall submit with its application a fee to cover the City's expenses in processing the application in an amount to be determined from time to time by resolution of the City Council.

17G.4.4 Applicant shall also apply for a building permit and comply with all of the

requirements thereof.

17G.4.5 A hearing shall be scheduled before the Piedmont Planning Commission in accordance with Chapter 17 of the City Code.

17G.4.6 At the hearing the following criteria shall apply in guiding the Planning Commission in its recommendation to the City Council:

- (a) The applicant shall prove beyond a reasonable doubt that no site within Zone B and no site outside of the City can provide adequate wireless communications coverage to the area within the City which is in question.
- (b) The applicant shall further prove beyond a reasonable doubt that the site outside of Zone B being applied for is either the best site to provide wireless communications coverage for the Piedmont homes in question or that it is one of several equally good sites outside of Zone B, the location of such other sites to be clearly identified.
- (c) Cost shall not in itself be considered in the recommendation. However consideration may be given to whether a specific location will be substantially uneconomic for the applicant over a period of years, including consideration of all possible costs of construction, leasing or developing the proposed site as compared to the enhancement in revenues, economic benefits and coverage that such site will provide both within the City and outside the City limits.
- (d) The development standards in Section 17G.3 shall be fully considered.
- (e) If the site is to be located in Zone A, strong preference shall be given to a site that is not a single family residence, particularly a higher structure already in existence which would provide appropriate wireless coverage for the area in the City which cannot otherwise be served as set forth in Section 17G.4.1(a) hereof.
- (f) The proposed site and the facilities to be installed by the applicant should be in as close conformance with the design review provisions of Chapter 17 of the City Code as is reasonably possible.

17G.4.7 The Planning Commission based on the criteria set forth in Section 17G.4(3) hereof shall make its recommendation to the City Council.

17G.4.8 A hearing shall be scheduled before the City Council in accordance with Chapter 17 of the City Code after the Planning Commission makes its recommendation.

- (a) At such hearing the Council shall consider the application and

accompanying documents, the findings and recommendations of the Planning Commission, and any further evidence introduced at the time of the hearing, as well as the criteria set forth in Sections 17G.3 and 17G.4 hereof. Based thereon, the Council shall determine whether or not to grant such application for a wireless communications site, and whether to attach conditions to the permit authorizing the use of such site, including but not limited to design review, length of term of the permit, reasonable insurance and financial requirements, and other appropriate conditions. The decision of the Council shall be final. (Ord. No. 582 N.S., 12/96)

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