

Wireless Communications Facilities Ordinance for the City of Pembroke

Article 1. General Provisions

1.1 TITLE

The following regulations shall be known, cited and referred to as the Wireless Telecommunication Facility Regulations of the City of Pembroke (hereinafter called "these regulations").

1.1 PURPOSES

The intent of these regulations is to protect the public health, safety and general welfare of the community, while accommodating the communications needs of residents and businesses. The regulations are intended to:

- 1) facilitate the provision of wireless telecommunication services to the residents and businesses of the municipality;
- 1) minimize the adverse visual effects of towers through establishing careful design and siting standards;
- 1) encourage the location of towers in non-residential areas through performance standards and incentives, including a streamlined approval process;
- 1) avoid potential damage to adjacent properties from tower failure through the establishment of structural standards and setback requirements; and
- 1) provide mechanisms for the mitigation of tower proliferation through the establishment of tower sharing requirements for all new tower applicants and for those existing towers, which are capable of sharing co-located antennas.

1.1 AUTHORITY

The Planning Commission of the City of Pembroke (hereinafter called "the Planning Commission") is vested with the authority to review, approve, conditionally approve and/or disapprove applications for wireless communications facilities, including sketch, preliminary and final plans.

1.4 JURISDICTION

- 1) These regulations apply to all wireless communications facilities (as defined in Section 2.2 of these regulations) located within the corporate limits of the City of Pembroke or outside the corporate limits as provided by law.
- 2) No wireless communications facilities may be constructed without a site plan approved by the Pembroke Planning Commission and signed by the Planning Commission Chairman.

1.5 ENACTMENT

In order that wireless communications facilities may be constructed in accordance with these purposes and policies, these regulations are hereby adopted and made effective as of November 4, 2002. All applications for wireless communication facility sitings pending on the effective date of these regulations shall be reviewed under these regulations.

1.6 INTERPRETATION, CONFLICT AND SEPARABILITY

- 1) *Interpretation.* In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- 2) *Conflict.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from any other ordinance, rule or regulation, statute, or other provision of law, the provision, which is more restrictive or imposes higher standards shall control.

- 3) *Separability*. If any part or provision of these regulations or the application of these regulations to any service provider or circumstances is adjudged invalid by any court of competent jurisdiction, the judgement shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgement shall be rendered. The said adjudication shall not affect or impair the validity of the remainder of these regulations or the application of them to other service providers or circumstances. The Pembroke City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

1.7 AMENDMENTS

For the purpose of protecting the public health, safety, and general welfare of the community, the Planning Commission may from time to time propose amendments to these regulations which shall be approved or disapproved by the Pembroke City Council at a public meeting following public notice. Realizing that communication technologies are evolving and changing quickly, future innovations may reduce the impacts of individual facilities and render portions of these regulations obsolete. Therefore, periodic review and revision of these regulations will be necessary.

1.8 PUBLIC PURPOSE

Regulation of the siting of wireless communication facilities is an exercise of valid police power delegated by the State of Georgia and as stipulated in the Federal Telecommunications Act of 1996. The applicant has the duty of compliance with all reasonable conditions laid down by the Planning Commission.

1.9 ENFORCEMENT, VIOLATIONS, AND PENALTIES

- 1) The enforcement of these regulations shall be the responsibility of the Pembroke Planning Commission or their designee.
- 2) Any person who violates these regulations shall be subject to a fine of not more than \$500.00 for each violation, such fine pursuant to the provisions of OCGA Chapter 32, Title 36 of the State of Georgia.

Article 2. Definitions

2.1 USAGE

- 1) For the purposes of these regulations, certain abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Article.
- 2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural are inclusive of the singular.

2.2 WORDS AND TERMS DEFINED

- 1) **Act** – Refers to “the Communications Act of 1934,” as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future amendments to the Communications Act of 1934.
- 2) **Affiliate** – When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator’s principal partners, shareholders, or owners of some other ownership interest; and when used in relation to the municipality, any agency, board, authority or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.
- 3) **Alternative Tower Structure** – man-made simulacra of, or use of trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also **Stealth Facility**).
- 4) **Analog Technology** – technology which replaces and amplifies data transfer between the transmitting antenna and the receiving antenna.
- 5) **Antenna** – any exterior apparatus designed for telephonic, radio, television or data communications through sending and/or receiving of electromagnetic waves.

- 6) **Antenna Height** – The vertical distance measured from the base of the antenna support structure at grade (ground level) to the highest point of the structure. If the support structure is on a sloped grade, then the average height between the highest and lowest grades shall be used in calculating antenna height.
- 7) **Antenna Support Structure** – Any pole, telescoping mast, tower tripod or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.
- 8) **Applicant** – A person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as the builder, developer, an optional purchaser, consultant or architect.
- 9) **Broadcast** – To transmit information over the airwaves to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems, or wireless data communications networks.
- 10) **Cell Site** – A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s) and/or parking, and may include other uses associated with and ancillary to cellular communications transmission.
- 11) **Cellular Service** – A telecommunications service that permits customers to use wireless devices to connect via low-power radio transmission to **Cell Sites**, either the public switched communications network or to other mobile cellular phones.
- 12) **Cellular Telecommunications** – A commercial Low Power Mobile Phone Service licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.
- 13) **Cellular Telecommunications Facility** – A cellular telecommunications facility consists of the equipment and structures involved in receiving and/or transmitting telecommunication or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- 14) **Co-Location** – Locating wireless communications equipment from more than one provider on a single site.
- 15) **Common Carrier** – An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.
- 16) **Communication Tower** – a guyed, monopole or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication.
- 17) **Communications Facility** – A land use facility supporting antennas and microwave dishes that sends or receives radio frequency signals. Communications facilities include structures or towers and accessory buildings.
- 18) **Communications Transmission System or Communications System** – a wired communication transmission system, open video system or wireless communications transmission system regulated by these regulations.
- 19) **Comprehensive or Master Plan** – The current adopted Comprehensive Land Use Plan of the municipality.
- 20) **COWS** – “Cells on Wheels”, see **Temporary Wireless Communication Facility**.
- 21) **Digital Technology** – Tech nology that converts voice and data into digits (1s and 0s) that represent sound intensities at specific points of time.
- 22) **Directional Antenna** – An antenna or array of antennas designed to concentrate a radio signal in a particular area or direction.
- 23) **Dish Antenna** – A dish-like spherical-section antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
- 24) **ESMR** – Enhanced Specialized Mobile Radio.
- 25) **FAA** – Federal Aviation Administration.
- 26) **FCC** – Federal Communication Commission.
- 27) **Frequency** – The number of cycles completed each second by sound or radio waves, measured in hertz (Hz), Kilohertz (Khz) and Megahertz (Mhz).

- 28) **Governing Authority** – the governing authority of this municipality – the Pembroke City Council.
- 29) **Grade** – The lowest point of elevation of the finished surface of the ground, paving, sidewalk, etc. within the area between the structure and the property line or, when the property line is more than five feet (60 inches) from the structure, between the structure and a line five feet from the structure.
- 30) **Guyed Tower** – A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
- 31) **Lattice Tower** – a guyed or self-supporting three- or four-sided, open, framework structure used to support telecommunications equipment.
- 32) **License** – The rights and obligations extended by the governing authority to an operator to own, construct, maintain and operate its system within the boundaries of the municipality for the sole purpose of providing services to persons and entities.
- 33) **Mhz** – Megahertz, one-million cycles or hertz.
- 34) **Micro-cell** – a low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.
- 35) **Microwave** – Electromagnetic radiation with frequencies higher than 1,000 Mhz; highly directional signal used to transmit data from point to point at relatively low power levels.
- 36) **Microwave Antenna** – A dish-like antenna manufactured in many sizes and shapes and used to line communication sites together by wireless transmission.
- 37) **Monopole Tower** – A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- 38) **Omnidirectional Antenna** – An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.
- 39) **Owner** – the owner of the title to real property or the contract purchaser of real property of record as shown on the latest assessment records in the Office of the Bryan County Tax Commissioner. Owner also includes a deedholder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the municipality a copy of a deed or contract of sale showing date, book and page of recording.
- 40) **Personal Communications Services (PCS)** – Digital wireless telephone technology including portable phones, pagers, faxes and computers. Also known as a Personal Communications Network.
- 41) **Preexisting Towers and Antennas** – Any tower or antenna for which a permit has been issued prior to the effective date of these regulations and therefore exempt from the requirements of these regulations so long as the tower or antennas are not modified.
- 42) **Public Property** – Any real property, easement, air space or other interest in real estate, including a street, owned by or controlled by this municipality or any other governmental unit.
- 43) **Roof and/or Building Mount Facility** – a low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.
- 44) **Scenic View** – A view that may be frames, wide angle or panoramic and may include natural and/or man-made structures and activities. A scenic view may be from a stationary viewpoint or may be seen as one travels along a roadway, waterway or path. A view may be of objects near or distant. (Amended 9/15/03)
- 45) **Self-Supporting Tower** – A communication tower that is constructed without guy wires and ground anchors.
- 46) **Spectrum** – Relating to any transmission or reception of electromagnetic waves.
- 47) **Stealth Facility** – Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. (See also **Alternative Tower Structure**).
- 48) **System** – The communications transmission system operated by a service provider in the municipality.

- 49) **Telecommunications** – The transmission between or among points as specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.
- 50) **Temporary Wireless Communication Facility** – Any tower, pole, antenna, etc. designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.
- 51) **Tower** – any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and similar structures.
- 52) **Wireless Communication Facility** – An all-encompassing definition; any towers, poles, antennas or other structures intended for use in connection with transmission or reception of radio or television signals, or any other spectrum-based transmissions or receptions.
- 53) **Whip Antenna** – An antenna that transmits signals in 360 degrees of horizontal dispersion. Whip antennas are also called omnidirectional, stick or pipe antennas.
- 54) **View Corridor** – A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, or a group of objects, such as a downtown skyline. Panoramic views have very wide view corridors and may include 360 degrees of perspective. The mapped portion of the view corridor extends from the viewpoint and is based on the area where the base zone heights must be limited in order to protect the view.

Article 3. Wireless Communication Facility Application Procedure & Approval Process

3.1 GENERAL PROCEDURE

The submission of applications for wireless communications facilities shall follow the same procedure as detailed in the City of Pembroke’s Zoning Ordinance.

3.2 ADDITIONAL PROCEDURES

In addition to the information required elsewhere in the City of Pembroke’s Zoning Ordinance, development applications for wireless communications facilities shall include the following supplemental information:

- 1) A report from a qualified and licensed professional engineer which:
 - A) describes the tower height and design including a cross section and elevation,
 - B) documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - C) describes the tower’s capacity, including the number and type of antennas that it can accommodate;
 - D) documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - E) includes an engineer’s stamp and registration number; and,
 - F) includes other information (as requested by the Zoning Board) to evaluate the request.
- 2) For all commercial wireless telecommunication services towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- 3) Before the issuance of a building permit, the following supplemental information shall and must be submitted:
 - A) a copy of the FAA’s response to the submitted “Notice of Proposed Construction or Alteration” (FAA Form 7460-1) shall be submitted to the Planning Director.
 - B) proof of compliance with applicable FCC regulations; and,
 - C) a report from a qualified and licensed professional engineer which demonstrates the proposed tower’s compliance with the municipality’s structural and electrical standards; and,
 - D) a signed lease which requires the applicant to remove the tower and associated facilities upon the cessation of operations at the site shall be submitted at the time of application.

3.3 SITE PLAN REQUIREMENTS

In addition to the Site Plan requirements found elsewhere in the City of Pembroke's Subdivision Regulations, site plans for wireless communications facilities shall include the following supplemental information:

- 1) Location and approximate size and height of all buildings and structures within 500 feet adjacent to the proposed wireless telecommunications facility;
- 2) Site Plans of the entire development, indicating all improvements including landscaping and screening;
- 3) Elevations showing all facades, indicating exterior materials and color of the towers and accessory structures on the proposed site;
- 4) Plans shall be drawn at a scale of one (1) inch equals fifty (50) feet.

3.4 GENERAL APPROVAL STANDARDS

Generally, approval of a wireless telecommunications facility can be achieved if the following requirements are met:

- 1) The location of the proposed tower is compatible with the municipality's Comprehensive Land Use Plan and the municipality's Zoning Ordinance;
- 2) All efforts by the applicant to co-locate on an existing tower have been unsuccessful or are provably either legally or physically impossible;
- 3) The submitted site plan complies with the performance criteria set forth in these regulations;
- 4) The proposed facility and/or tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor;
- 5) The lowest six (6) feet of the facility and/or tower shall be visually screened by trees, large shrubs, solid walls or fences, and/or by nearby buildings;
- 6) The height and mass of the facility and/or tower does not exceed that which is essential for its intended use (including future co-location positions) and for the public safety;
- 7) The owner of the wireless communication facility has agreed to permit other persons/cellular providers to attach cellular antenna or other communications apparatus which do not interfere with the primary purpose of the facility;
- 8) There exists no other existing facility and/or tower that can reasonably serve the needs of the applicant's proposed tower;
- 9) The proposed facility and/or tower is not constructed in such a manner as to result in excessive height, mass or guy wire supports;
- 10) The color of the proposed facility and/or tower will be of a light tone or color (except where required otherwise by the FAA) so as to minimize the visual impact of the tower, and that the tower will have a security fence around the tower base or the lot where the tower is located;
- 11) The facility and/or tower is in compliance with any other applicable local, state or federal regulations.

Article 4. General Wireless Communications Facility Performance Standards

4.1 CO-LOCATION REQUIREMENTS

All commercial wireless telecommunication towers erected, constructed or located within the municipality shall comply with the following requirements:

- 1) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Pembroke City Council finds and approves by majority vote that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or already approved tower or building within a one mile search radius for towers over 120 feet (one half-mile search radius for towers greater than 80 feet but less than 120 feet, and one quarter-mile search radius for towers 80 feet or less in height) of the proposed tower due to one or more of the following reasons (only):

- A) There are no existing or approved towers within the above-described search radii;
- B) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented and attested by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;
- C) The planned equipment would cause interference materially impacting the usability of other existing or proposed equipment at the existing or approved tower or building as documented and attested by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost;
- D) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as document and attested by a qualified and licensed professional engineer;
- E) Other unforeseen reasons proven to the satisfaction of the Planning Commission make it infeasible to co-locate the planned telecommunications equipment upon an existing or approved tower or building.

4.2 TOWER AND ANTENNA DESIGN REQUIREMENTS

Proposed or modified towers and antennas shall meet the following design requirements:

- 1) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflage architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA.
- 2) Commercial wireless telecommunication service towers shall be of a monopole design unless the Pembroke City Council determines and approves by majority vote that an alternative design would better blend in to the surrounding environment.

4.3 TOWER HEIGHT

The maximum tower height permitted in this municipality shall be calculated by applying the following criteria:

- 1) If the tower is designed to accommodate only one service provider, the maximum height shall be 100 feet from grade.
- 2) If the tower is designed to accommodate two service providers, the maximum height shall be 150 feet from grade.
- 3) If the tower is designed to accommodate more than three or more service providers, the maximum height shall be 250 feet from grade.

4.4 ACCESSORY BUILDINGS

All utility building and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening shall be determined by the Planning Commission to better reflect and complement the architectural character of the surrounding neighborhood.

4.5 TOWER LIGHTING

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower.

4.6 ANTENNAS MOUNTED ON STRUCTURES, ROOFS, WALLS and EXISTING TOWERS

The placement of wireless telecommunications antennas on roofs, walls and existing towers may be approved by the Planning Director, provided that the antennas meet the requirements of these regulations, and after submittal of:

- 1) a final site and building plan as specified in Article 3 of these regulations; and,
- 2) a report prepared by and attested to by a qualified and licensed professional engineer indicating that the existing structure or tower is suitable to accept the antenna, and that the proposed method of affixing the antenna to the structure is safe and feasible. Complete details

of all fixtures and couplings and the precise point of attachment shall be indicated in the report.

- 3) a signed lease which requires the applicant to remove the tower and associated facilities upon the cessation of operations at the site shall be submitted at the time of application.

4.7 TEMPORARY WIRELESS COMMUNICATIONS FACILITIES

Any facility designed for temporary use (as defined in Article 2) is subject to the following requirements:

- 1) Use of a temporary facility is permitted only if the owner has received a temporary use permit from the City of Pembroke City Clerk.
- 2) Temporary wireless facilities are permitted for use of no longer than 30 days in cases where permanent facilities are under construction and for no longer than five (5) days in cases of special events.
- 3) The maximum height of a temporary wireless facility shall be 50 feet from grade.
- 4) Temporary facilities are subject to all applicable portions of these regulations, excluding Sections 3.2 and 3.3.

4.8 INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

No new or existing telecommunications serve shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems which may arise from the new facility or from changes in service at an existing facility. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the municipality at least ten calendar days in advance of such changes and must allow the municipality to monitor interference levels during the testing process.

4.9 ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS AND FACILITIES

Abandoned or unused towers or portions of towers shall be removed as follows:

- 1) Annually, the owner of a wireless facility shall file a declaration with the Planning Commission or their designee as to the continuing operation of every facility that they have installed which is subject to these regulations. Failure to file the annual declaration shall be determined to mean that the facility is no longer in use and may be considered by the municipality to be abandoned and thus subject to the following:
- 2) All towers and associated facilities determined to be abandoned or unused shall be removed within 180 days of the determination unless a time extension is approved by the Planning Director. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon the cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operation at a site, the tower and associated facilities may be removed by the municipality and the cost of removal assessed as a lien against the property.
- 3) Unused portions of towers above a manufactured connection shall be removed within 180 days of the time of antenna relocation. The replacement of portions of a tower previously removed will require the issuance of a new wireless facility permit.

4.10 SIGNS AND ADVERTISING

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Article 5. Zoning Specific Wireless Communications Facility Performance Standards

5.1 PEMBROKE ZONING DESCRIPTION

All property within the municipal limits of the City of Pembroke is categorized into one of the following zones:

- A-5 Agricultural/Open Space, five-acre minimum parcels.
- AR-1 Agricultural-Residential zone, lots 15,000 square feet (with water and sewer), 20,000 square feet

- (water or sewer only), or 30,000 square feet (neither community water nor sewer).
- R-1 Single-Family Residential lots as small as 12,000 square feet, maximum building height 35 feet.
 - R-2 Two-Family Residential lots as small as 7,200-sq. ft. (max 6 per acre), max. building height 35 ft.
 - R-3 Multifamily Residential, no minimum lot size, maximum units ~~20 garden apartments units~~ per acre, or maximum 16 townhouse units per acre, max. building height 35 ft. (Amended 9/15/03)
 - R-4 Manufactured Housing Park, no minimum lot size, maximum of eight units per acre.
 - B-1 Neighborhood Commercial, retail, services and entertainment uses.
 - B-2 General Commercial, retail, higher impact business, light manufacturing.
 - B-3 Village Commercial, zero-lot line construction, retail, service, entertainment, government with residential on upper floors.
 - I-1 Industrial, manufacturing, any “not significantly objectionable” commercial use.

5.2 WIRELESS FACILITY SITING STANDARDS – ZONING

- 1) Commercial wireless communications facilities are a permitted use in the following district, subject to section 5.4 (Performance Criteria): I-1.
- 2) Commercial wireless communications facilities are a conditional use (permitted only after public hearing and formal approval by the Planning Commission) in the following districts: A-5, AR-1, B-2 (Amended 9/15/03).
- 3) Communication wireless communications facilities are not permitted in the following districts: R-1, R-2, R-3, R-4 B-1 and B-3 (Amended 9/15/03).
- 4) Non-commercial wireless facilities (amateur radio antennas) are subject to Section 5.3, Non-Commercial Wireless Facility Standards.

5.3 NON-COMMERCIAL WIRELESS FACILITY STANDARDS

- 1) Towers supporting non-commercial antennas and conforming to all applicable provisions of these regulations shall be allowed only in the rear yard of residentially zoned parcels.
- 2) In accordance with the FCC’s preemptive ruling PRB1, towers erected for the primary purpose of supporting non-commercial radio antennas may exceed neighborhood building height, provided that a determination is made by the Planning Director that the proposed tower height is technically necessary to successfully engage in amateur radio communications.

5.4 COMMERCIAL WIRELESS FACILITY PERFORMANCE CRITERIA

TYPE OF ANTENNA	Zones R-1, R-2, R-3, R-4 and B-1	Zones A-5, AR-1, B-2 and B-3	Zone I-1
Cellular Antenna affixed to a new ground tower	Not allowed	Conditional use permit required	Permitted Use, Max. Tower Height: See Section 4.3 Setbacks: Tower Height plus 5 feet from street rights of way and property boundaries, except twice tower height from residential property lines
Cellular Antenna to be affixed to an existing building without a roof tower	Not allowed	Conditional use permit required	Permitted Use, Antenna may be placed on the façade or roof of conforming building or structure without regard to height or setback of the building, providing structurally safe. Antenna support structures will be considered to be roof towers if the height of the structure exceeds 10

			feet above permitted height of building.
TYPE OF ANTENNA	Zones R-1, R-2, R-3, R-4 and B-1	Zones A-5, AR-1, B-2 and B-3	Zone I-1
Cellular antenna to be affixed to a building with a new roof tower	Not allowed	Conditional use permit required	Roof Towers may be placed on the roof of a conforming building using either of the following to determine tower height and setback: 1) Tower height above the roof may be as high as the setback distance to the nearest neighboring building's roof edge. 2) The heights allowable for a ground tower may be used for a roof tower if the required setbacks for a ground tower are met.
Cellular antenna to be added to an existing approved ground tower	Not allowed	Conditional use permit required	Allowed, if the following conditions are met: 1) Tower height is not increased by the addition. 2) No ancillary features are added to the tower (other than antenna, safety hardware and equipment buildings). 3) All conditions of the existing tower approval have been satisfied.
Already Existing Non-Conforming Tower	Subject to zoning requirements concerning non-conforming ("Grandfathered") structures	Subject to zoning requirements concerning non-conforming ("Grandfathered") structures	Subject to zoning requirements concerning non-conforming ("Grandfathered") structures
Accessory Structures to Towers	Not allowed	May be included if specified in the Conditional use permit	Permitted, subject to all building requirements appropriate to the zone (i.e., bulk, setback, building codes, etc.)

This ordinance is hereby adopted this the 4th day of November, 2002 by the City of Pembroke.

Judy B. Cook, Mayor

Attest:



Betty K. Hill, City Clerk

