ARTICLE 10: WIRELESS SERVICES AND COMMUNICATIONS

17.10.1: General

17.10.1.1: Purpose and Intent

This Article is intended to ensure that residents, public safety operations and businesses in the City have reliable access to personal wireless services and state of the art communications services in a way that reasonably preserves the aesthetic character of the community and complies with Federal laws.

It is the City's intent to:

A. Ensure the City has sufficient wireless infrastructure to support public safety and emergency response communications throughout the City;

B. Ensure access to reliable personal wireless services throughout all areas of the City and in no event prohibit or have the effect of prohibiting the provision of personal wireless services;

C. Encourage the use of existing structures for the siting of facilities;

D. Encourage the location of new freestanding support structures in areas where any potential adverse impacts on the community will be minimized;

E. Minimize the potential adverse effects of wireless service facilities through the implementation of reasonable design, landscaping and construction practices; and

F. Conform to federal and state laws which exempt certain facilities, receiving dishes and antennas from local regulations.

17.10.1.2: Applicability

The standards in this Article shall control the design, location, alteration, installation and maintenance of all wireless service infrastructure in all zone districts. No provision of this Article shall apply to:

A. The siting of Distributed Antenna Systems (DAS) or wireless facilities located within and intended to provide wireless coverage within a structure.

B. Any dish antenna less than 40 inches in diameter located in a residential zone district; or

C. Any dish antenna less than 80 inches in diameter located in any other zone district.

17.10.2: Wireless Facilities – By Zone District

Table 17.4.1 identifies where the different types of wireless facilities are permitted as primary or accessory uses, by right or with a special use permit, and where these uses are prohibited in each zone district within the City of Lakewood.

17.10.3: Wireless Facility Standards

17.10.3.1: Wireless Stealth Facilities

A. Review Requirements:

The installation of new wireless stealth facilities on any non single-family or two-family structure may be allowed in any zone district if reviewed and approved in accordance with the Zoning Review procedures identified in Article 2. The Director shall exercise discretion in applying the standards outlined for all new wireless stealth facilities, where such standards are determined to be necessary to minimize the potential adverse effects of wireless service facilities. At a minimum the following standards shall apply:

1. The dimensions of the stealth facility must reasonably approximate the dimensions of the object they are being disguised as, and

2. The location of the stealth facility must be in concert with its surroundings.

17.10.3.2: New Wireless Facilities on Existing Structures

A. Review Requirements:

The installation of new wireless facilities on existing structures may be allowed in any zone district if reviewed and approved in accordance with the Zoning Review procedures identified in Article 2.

B. Building Façade Mounted Antennas:

1. Building façade mounted antennas shall not protrude horizontally more than 2 feet from the building wall and shall be painted or treated to match the building or structure to which the antenna is attached.

2. Building façade mounted antennas shall not exceed the height of the parapet or the roofline, whichever is greater.

3. The total of all visible building façade mounted antennas may not exceed the greater of 10 percent of the square footage of the building façade or 25 square feet per façade.

C. Roof Mounted Antennas:

1. Roof mounted antennas and accessory equipment shall be painted or treated to match the façade of the building to which they are attached in order to minimize visibility from adjacent residential land uses and/or from public sidewalks.

2. Roof mounted antennas and accessory equipment shall not exceed the height of the penthouse or mechanical equipment room to which the antennas are attached.

3. Antennas not mounted on a penthouse or mechanical equipment room shall be set back at least 5 feet from the exterior wall of a building.

4. The maximum height of a roof mounted antenna that is not mounted on a penthouse or mechanical equipment room is equal to the distance the antenna is set back from the exterior wall up to a maximum height of 10 feet above the taller of either roofline or parapet of the building to which the antenna is attached.

D. Antennas on Existing Support Structures:

1. In single-family and two-family zone districts: The mounting of an additional antenna or antennas on an existing support structure, including any existing support structure that is nonconforming with regards to height, may be permitted provided that the height of the existing structure may not be increased by more than 15 percent.

2. In non-single-family and two-family zone districts: The mounting of an additional antenna or antennas on an existing support structure may be permitted provided that the height of the existing structure may not be increased above 60 feet without triggering the review requirements as outlined for New Freestanding Support Structures in Section 17.10.3.2.

17.10.3.3: New Freestanding Support Structures

A. Review Requirements:

1. New freestanding support structures of 60 feet in height or less may be allowed in any zone district other than a single-family or two-family district if reviewed and approved in accordance with the site plan procedures identified in Article 2.

2. New freestanding support structures of more than 60 feet in height may be allowed in any zone district other than a single-family or two-family district if reviewed and approved in accordance with the special use permit and site plan procedures identified in Article 2.

3. New freestanding support structures of any height located on public property, right-of-way, or utility property that will support street lights, public facilities or equipment in addition to wireless facilities may be allowed in any zone district if reviewed and approved in accordance with the Site Plan procedures identified in Article 2. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, and other light structures.

B. The maximum height for any new freestanding support structure shall be 60 feet, or the maximum building height allowed in the subject zoning district, whichever is greater.

C. When adjacent to a property that is zoned residential or contains a residential use or structure, new freestanding support structures must be setback from property at least the minimum setback required by the zone district where the structure is located or 50 percent of the support structure height, whichever is greater.

D. New freestanding support structures shall be enclosed by security fencing 6 feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the City may waive such requirements, if the Director determines that the waiver will not create an increased risk to public health or safety.

E. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

F. New free standing support structures shall be designed to accommodate a minimum number of colocations based upon their height.

1. Support structures between 45feet and 100 feet in height shall support at least two telecommunications providers;

2. Support structures greater than 100feet and up to 150 feet in height shall support at least three telecommunications providers; and

3. Support structures greater than 150 feet in height shall support at least four telecommunications providers.

G. New freestanding support structures over 60 feet in height shall not be located within 1000 feet from any existing freestanding support structure that is over 60 feet in height, unless the applicant has shown to the satisfaction of the City that colocation is impracticable and that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

17.10.3.4: Other Wireless Facility Types

The Director may apply the standards defined for new wireless facilities on existing structures or new freestanding support structures to any wireless facility type that is not directly addressed in these regulations as appropriate to minimize the potential adverse effects of wireless service facilities.

17.10.3.5: Accessory Equipment

A. The buildings, shelters, cabinets, and other accessory components shall be setback a minimum of 15 feet from each property line with a residential zone district or a lot containing a residential structure, or shall meet all setback requirements of the underlying zone districts, whichever results in the greater setback, and shall be grouped as closely as technically possible.

B. Total footprint coverage area of the accessory equipment shall not exceed 500 square feet per provider, with a maximum of 1500 square feet total for three or more providers.

C. No accessory equipment or accessory structure shall exceed 15 feet in height.

D. Accessory equipment shall be painted a neutral color and enclosed by security fencing 6 feet in height and shall be landscaped with a buffer of plant materials that effectively screens the view of the accessory equipment from adjacent residential property and from the adjacent street; provided, however, that the City may waive such requirements, if the Director determines that the waiver will not (1) create an increased risk to public health or safety or (2) create a negative visual impact to adjacent residential property or from the adjacent street.

E. No accessory equipment or accessory structures shall be sited in a manner that reduces the parking or landscaped areas for other principal uses on the parcel below the minimums required by the Zoning Ordinance.

17.10.4: Abandonment and Removal

If a support structure is abandoned and remains abandoned for a period longer than 12 consecutive months, the City may require that the support structure be removed. The City shall first provide written notice to the owner of the support structure of the requirement for removal and give the owner the opportunity to take such action(s) as may be necessary to reinstate the active use of the support structure within 30 days of receipt of the written notice. If the owner of the support structure fails to reinstate the active use of the support structure within the 30-day period, the owner of the support structure shall be required to remove the same within six months.

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