

CHAPTER 5.22 REPEALED BY ORDINANCE NO. 604, 2008.

Chapter 5.22

ANTENNAS*

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* Editor's note: The title of Chapter 5.22 was renamed by Ord. 587 §6.

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5.22.010 Definitions. For the purposes of this chapter the following terms shall be defined as follows:

(1) “Antenna” means any system of wires, poles, rods, reflecting discs or similar devices used for the transmission, reception or both of electromagnetic radiation waves.

(2) “Amateur radio antenna” means any antenna used to receive and/or transmit radio signals on the amateur radio bandwidth, as designated by the Federal Communications Commission.

(3) “Reception window” means the area within the direct line between a satellite antenna and those orbiting communications satellites carrying available programming.

(4) “Satellite antenna” means any antenna used to receive and/or transmit radio or television signals from orbiting communication satellites. (Ord. 494 §1(part), 1991).

5.22.020 Exemptions from provisions. Antennas meeting the following standards and specifications are exempt from the requirements of this section:

(1) Common skeletal type radio and television antenna used to receive UHF, VHF, AM and FM signals of off-air broadcasts from radio and television stations. (Ord. 494 §1(part), 1991).

5.22.030 Location of antenna in residential zones – Conformance requirements.

Antennas located in the residential zones of the town shall conform to the following standards:

(1) All ground-mounted antennas shall meet all setback requirements of this code.

(2) All ground-mounted antennas shall be screened by walls, fences or landscaping at least six feet in height obscuring visibility of the antenna from the surrounding properties. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

(3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.

(4) No antenna or its supporting structure shall be located in the area between the front property line and the dwelling.

(5) No antenna shall be higher than thirty-five feet above grade level, except satellite antennas which shall not exceed fifteen feet in height. Antennas exceeding thirty-five feet may be approved, provided the antenna is of the retractable variety, that the antenna is retractable to below the thirty-five foot height limit, and the applicant executes a use agreement providing that the antenna will only be extended during actual use of said antenna.

(6) A maximum of two antennas including exempt antennas shall be allowed per lot.

(7) All roof-mounted antennas are prohibited. (Ord. 494 §1(part), 1991).

5.22.040 Location of antennas in local service district (C-L)--Conformance

requirements. A. All ground-mounted antennas shall meet all setback requirements of this code.

B. All ground-mounted antennas shall be screened by walls, fences or landscaping at least six feet in height obscuring visibility of the antenna. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

C. All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.

D. No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.

E. No antenna shall be higher than the maximum height permitted in the zone measured from grade level except satellite antennas which shall not exceed fifteen feet in height.

F. A maximum of two antennas, including exempt antennas, shall be allowed per lot.

G. No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan. (Ord. 494 §1(part), 1991).

5.22.050 Location in civic (C-D) and community cultural district (C-C)--Conformance requirements. Antennas located in the districts of the town shall conform to the following standards:

(1) All ground-mounted antennas shall meet all setback requirements of this code.

(2) All ground-mounted antennas shall be screened by walls, fences or landscaping at least six feet in height obscuring visibility of the antenna. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna.

(3) All antennas and their supporting structures shall be located in the rear yard or any side yard, except a street side yard.

(4) No antenna or its supporting structure shall be located in the area between the front property line and the main structure or building.

(5) No antenna shall be higher than the maximum height permitted in the zone measured from grade level, except satellite antennas which shall not exceed fifteen feet in height.

(6) A maximum of two antennas, including exempt antennas, shall be allowed per lot.

(7) No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screen plan. (Ord. 494 §1(part), 1991).

5.22.060 Required criteria and performance standards applicable to all zones. The following regulations shall apply to the establishment, installation and operation of antennas in all zones:

(1) Antennas shall be installed and maintained in compliance with the requirements of the Building Code. Antenna installers shall obtain a building permit prior to installation.

(2) No advertising material shall be allowed on any antenna.

(3) All electrical wiring associated with any antenna shall be buried under ground or hidden in a manner acceptable to the public works director.

(4) No portion of an antenna array shall extend beyond the property lines or into any front yard area. Guy wires shall not be anchored within any front yard area but may be attached to the building.

(5) The antenna, including guy wires, supporting structures and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective.

(6) Every antenna must be adequately grounded, for protection against a direct strike of lightning, with an adequate ground wire. Ground wires shall be of the type approved by the latest edition of the Electrical Code for grounding masts and lightning arrestors and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two inches from combustible materials. Lightning arrestors shall be used that are approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arrestors to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arrestors must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.

(7) A wind velocity test shall be required, if deemed necessary by the public works director. (Ord. 494 §1(part), 1991).

5.22.070 Variances. Pursuant to the procedures of Chapter 18.48 of this code, any person may seek a variance from the provisions of this chapter. Any variance so granted is revocable for failure by the applicant or property owner to comply with the conditions imposed. A variance shall be issued for an antenna if it meets the following standards:

(1) Locating the antenna in conformance with the specifications of this section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or the cost of meeting the specifications of this section is excessive, given the cost of the proposed antenna.

(2) The variance application includes a certification that the proposed installation is in conformance with applicable Town Building Code regulations. Furthermore, the application must contain written documentation of such conformance, including load distributions, within the building's support structure and certified by a registered engineer.

(3) If it is proposed that the antenna will be located on the roof, where possible, the antenna shall be located on the rear portion of the roof and be consistent with neighboring improvements, uses, and architectural character. (Ord. 494 §1(part), 1991).

5.22.080 Nonconforming antennas. All antennas, in any zone, lawfully constructed and erected prior to the effective date of the ordinance codified in this chapter, which do not conform to the requirements of the provisions of this chapter for the particular zone in which they are located, shall be accepted as nonconforming uses for a period of one year from the date of adoption of the ordinance codified in this chapter. Thereafter, the antennas shall be subject to abatement as set forth below via removal, modification, or relocation to comply with the standards of this chapter. Any antenna constructed, or erected in violation of this chapter, or any prior law, ordinance, or regulation, shall be subject to immediate abatement. (Ord. 494 §1(part), 1991).

5.22.090 Notice of nonconforming antennas required. (a) Upon the determination of the public works director that the provisions of this chapter apply to a given parcel of land on which an antenna is located, the director or his/her designee shall send a notice thereof by United States

certified mail, return receipt requested, to the owner thereof as shown on the last equalized

assessment roll and shall cause such property to be posted with a similar notice.

(b) The notice provided for in this section shall state that the property and antenna in question is a nonconformity, shall state the date of abatement established in Section 5.22.080, shall state that a hearing will be held before the town council, and shall state the date of such hearing. (Ord. 494 §1(part), 1991).

5.22.100 Hearing requirements. (a) Within sixty days after the issuance of the notice prescribed in Section 5.22.090 the town council shall hold an administrative hearing to determine whether the nonconformity should be abated or whether a time extension should be granted as provided in Section 5.22.140.

(b) The town council shall receive written and oral testimony at such hearing in regard to abatement.

(c) At the close of the hearing, the town council shall find and determine whether the nonconformity should be abated and all facts in support thereof, whether the owner of the property can amortize his/her investment provided in Section 5.22.120.

(d) The town council shall also find and determine whether the structure encompassing the nonconforming use can economically be used in its present condition or can successfully be modified for a purpose permitted in the zone in which it is located. (Ord. 494 §1(part), 1991).

5.22.110 Decision and order. The decision of the town council and the findings in support thereof shall be in the form of a written order and shall be served upon the property owner personally or by United States certified mail, return receipt requested, within ten days after the decision is rendered. (Ord. 494 §1(part), 1991).

5.22.120 Extension of time allowed when. The town council shall grant an extension of the time for abatement of the nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner. (Ord. 494 §1(part), 1991).

5.22.130 Proof of amortization. The town council shall base its decision as to the length of the permitted amortization period on any competent evidence presented, including but not limited to the depreciation schedule attached to the owner's latest federal income tax return. (Ord. 494 §1(part), 1991).

5.22.140 Relocation. Where the town council finds that a nonconforming antenna, either in its present condition or as modified, can be used in compliance with the standards set forth in this chapter for the zone in which it is located, the nonconforming antenna may be granted an extension sufficient to permit it to relocate on the site wherein such use is permitted and which has substantially equivalent utility for the use. In no event shall such extension be more than two years. (Ord. 494 §1(part), 1991).

5.22.150 Antennas used for transmission purposes. (a) Except as provided in subsection (b) below, prior to the approval by the town for the installation of any nonexempt antenna, the applicant must submit a written statement that the antenna is not for transmission purposes.

(b) Antennas used for transmission purposes shall be subject to town council approval of a use permit. The council must find that any antenna will not result in adverse visual or public health and safety impacts. Required conditions may include', but are not limited to, fencing, screening, warning signs, partial submersion below ground level, exclusion of transmissions which have electromagnetic fields unsafe for human health. (Ord. 537, 1997: Ord. 494 §1(part), 1991).