

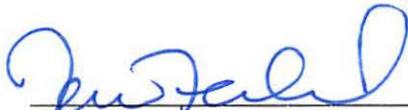
ORDINANCE 17-05-16-01
CITY OF THORNE BAY

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING TITLE 17-ZONING, CHAPTERS 17.04 –
PLANNING AND ZONING, ADDING SECTION 17.04.040-
COMMUNICATIONS-TELECOMMUNICATIONS FACILITIES

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 17-Zoning, Chapter 17.04-Planning and Zoning, Sections 17.04.040 Communications-Telecommunications Facilities, is hereby added.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED May 16, 2017



Teri Feibel, CMC

 Vice Mayor
for James Gould, Mayor
ATTEST:

[Introduction: May 2, 2017]
[Public Hearing: May 16, 2017]

TITLE 17 – ZONING
CHAPTER 17.04 – PLANNING AND ZONING
ADDING SECTION:

17.04.040 Communications-Telecommunications Facilities.

A. Purpose.

The purpose of this section is to allow and regulate the design, location, placement, construction, and removal of Communications and Telecommunication facilities, towers, and antennas.

B. Criteria. Communications and Telecommunication facilities, towers, and antennas should consider adverse impacts, surrounding land uses, and co location.

1. The applicant shall provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it.
2. The placement, design, use and operation of telecommunications facilities shall comply with the Telecommunications Act of 1996 and the rules of the Federal Communications Commission (FCC).

C. Telecommunication facilities, towers, and/or antennas may be permitted out right or by the Planning Commission as a conditional use if all if all facilities, towers and/or antennas can comply with All required Design Criterial.

1. Permitted out right
 - a. Industrial Zone
 - b. Commercial Zone
 - c. Residential / Commercial III
 - d. All zones if there is a (600) six hundred foot setback from the security fencing
2. Permitted by Conditional Use
 - a. Greentree Heights Zone
 - b. Deer Creek Zone
 - c. Public Zone
 - d. Water Front Zone
 - e. Residential / Commercial I and II

D. Design Criteria.

1. All towers shall be designed and certified by a licensed engineer for structural soundness and conformity with all applicable State and Federal Codes and Laws.

17.04.040 Communications-Telecommunications Facilities.

2. Freestanding towers shall be designed in all respects so as to accommodate co-location of the applicant's antennas and at least two additional users and to allow for future rearrangement of antennas upon the tower, antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
3. Towers shall be located and painted so as to minimize their visibility where practicable and except as dictated by the Federal Aviation Administration (FAA).
4. No telecommunications tower or facility shall be located in the required minimum setbacks in any zone, with the exception that the use of existing light poles, high voltage poles or towers, and telecommunication towers are exempt from the setback requirements; provided, that such pole or telecommunications tower is not increased in height. Placement of new towers shall be set back from adjacent property lines a distance equal to or greater than to the actual height of the tower.
5. Towers are exempt from the height restriction set forth in the zones and subject to the following limitations:
 - a. Towers permitted out right shall not exceed 200 feet in height and can meet all the setback requirements from buildings. Towers may be permitted higher than 200 feet if permitted through a conditional use.
 - b. Towers permitted through a conditional use shall not exceed 60 feet in height unless located in an area not suitable for residential development and can meet all the setback requirements from buildings and property lines.
6. No telecommunications tower or antennas shall be artificially illuminated unless required by law or the Federal Aviation Administration.
7. A freestanding tower shall be enclosed by security fencing not less than eight feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area. Climb guards are required on towers that are attached to existing structures when mounted on the ground and unable to be enclosed by fencing.

17.04.040 Communications-Telecommunications Facilities.

8. Adequate access to the facility must be provided from a public right-of-way or easement consistent with the type of facility constructed.

Sites off the road system do not require access via a right-of-way.

D. Removal of Communications and Telecommunications facilities. Towers, and antennas. Any facility, tower or antenna which is not used for three years shall be removed along with any associated above-ground facilities within 90 days of said 3 years unless an extension is approved by the governing body prior to the expiration of said 90 days. Failure to remove a facility, tower or antenna as provide by the chapter shall be deemed a nuisance and the city may seek abatement of the nuisance at the property owner's expense.