

CITY OF LOOKOUT MOUNTAIN, GEORGIA
ORDINANCE NO. 202

WIRELESS COMMUNICATION FACILITY SITING ORDINANCE

WHEREAS, the Federal Government, through the Federal Communications Commission ("FCC"), has issued wireless communication licenses for personal communication services and other wireless technologies in order for those license holders to provide wireless services throughout the United States of America;

WHEREAS, the demand by citizens for new wireless communications services has produced an increased need for installations of wireless antennae and wireless communication facilities ("WCFs") to serve the public, including the citizens of the City of Lookout Mountain, Georgia (the "City");

WHEREAS, WCFs are supportive of the public health, safety and welfare in that they provide useful, affordable communications services for personal convenience, business and emergency purposes;

WHEREAS, the Telecommunications Act of 1996 ("TCA") preserves local zoning authority to reasonably regulate WCFs; provided, however, that the TCA mandates that localities may not unreasonably discriminate against FCC license holders and that localities cannot prohibit or have the effect of prohibiting the provision of wireless services, and that the TCA gives the FCC sole jurisdiction over radio frequency emissions of WCFs so long as the WCFs meet FCC standards therefor;

WHEREAS, WCFs should be reasonably regulated to minimize potential aesthetic impacts on the surrounding areas;

WHEREAS, there is a need for new provisions in the City's zoning regulations to address the siting of WCFs;

NOW THEREFORE, the following regulations shall govern the siting of WCFs in the City:

SECTION 1 DEFINITIONS.

A. Antenna Array. An antenna array is one or more whips, panels, disks, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennae ("Whips") directional antennae ("Panels") and parabolic antennae ("Disks"). The antenna array does not include the support structure defined below.

B. Attached Wireless Communication Facility ("Attached WCF"). An Attached WCF is an antenna array that is attached to an existing building or structure ("Attachment Structure"), which structures shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device ("Attachment Device") which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the Attachment Structure.

C. Co-location/Site Sharing. Co-location/site sharing shall mean the use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

D. Equipment Facility. An Equipment Facility is any structure used to contain ancillary equipment for WCFs which include cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

E. Height. When referring to a WCF, height shall mean the distance measured from ground level to the highest point on the WCF, including the antennae array.

F. Review Process. As used herein, review process shall mean those processes set forth in Section 6 below.

G. Set Back. Set back shall mean the required distance from the property line of the parcel on which the WCF is located to the Support Structure.

H. Support Structure. A Support Structure is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any Attachment Device which is used to attach an attached WCF to an Attachment Structure shall be excluded from the definition in regulations applicable to Support Structures.

I. Temporary Wireless Communications Facility ("Temporary WCF"). Temporary wireless communication facility shall mean a WCF which is to be placed in use for a limited period of time, is not deployed in a permanent manner, and does not have a permanent foundation.

J. Wireless Communications. Wireless communications shall mean any personal wireless services as defined in the TCA which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services ("PCS")