

## ZONING ORDINANCE PROVISIONS FOR AMATEUR RADIO SERVICES

### **SECTION 3.03 BUILDING AND STRUCTURE HEIGHT EXCEPTIONS**

- A. Height requirements may be exceeded by no more than fifteen (15) feet for the following: chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, radio and television antennas and towers, and penthouses or roof structures housing necessary mechanical appurtenances. Parapet walls may not exceed four (4) feet in height. Height of Amateur radio antennas and supporting structures shall be governed by Section 3.28 of this ordinance. The provisions of Section 3.28 do not apply to Citizen Band Radio Operators.
- B. Height exceptions are not permitted for towers or structures used in the support of Commercial Wireless Telecommunication Services. These towers and structures may be permitted by the Planning Commission as a Special Land Use governed by the provisions of this Ordinance.

### **SECTION 3.28 AMATEUR RADIO SERVICES**

#### **A. Intent and Purpose**

This section is intended 1) to provide reasonable accommodation for Amateur Radio Antenna and Amateur Radio Antenna Support Structures in the City of Kentwood and 2) to constitute minimum practicable regulation to accomplish the City's legitimate purposes consistent with state and federal laws including Federal Communication Commission regulations pertaining to Amateur Radio Services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include but are not limited to preserving residential areas as livable neighborhoods and preserving public health, safety and welfare.

B. Definitions: As used in this section, the following terms shall have the indicated meanings:

AMATEUR RADIO SERVICE: A federally licensed radio-communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest particularly with respect to providing emergency communications. (As per Code of Federal Regulations, Title 47, Part 97)

AMATEUR RADIO ANTENNA: Any combination of materials or equipment used exclusively for the purpose of sending and/or receiving electromagnetic waves for Amateur Radio Services.

AMATEUR RADIO ANTENNA SUPPORT STRUCTURE (OR ANTENNA SUPPORT STRUCTURE): Any structure, such as a mast, pole, tower or any combination thereof, whether ground or roof mounted, freestanding or guyed, used exclusively for supporting Amateur Radio Antenna(e).

GROUND-MOUNTED AMATEUR RADIO ANTENNA AND/OR AMATEUR RADIO ANTENNA SUPPORT STRUCTURES: Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures that are not fixed to any building or accessory structure.

ROOF-MOUNTED AMATEUR RADIO ANTENNA AND/OR AMATEUR RADIO ANTENNA SUPPORT STRUCTURES: Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures that are fixed to any building or accessory structure.

**OVERALL HEIGHT:** The total height of the Amateur Radio Antenna and/or Antenna Support Structure as measured from mean grade to the highest point of the Antenna, the Antenna Support Structure or the combination thereof. For Roof-mounted Antenna and/or Antenna Support Structures, the mean grade is measured from the established grade adjoining the exterior walls of the structure upon which the antenna or support structure is affixed. For Ground-mounted Amateur Radio Antennas and/or Antenna Support Structures, the mean grade is measured at the established grade adjoining such antenna and/or support structure.

### C. General Requirements

1. Amateur Radio Antenna and/or Amateur Radio Antenna Support Structure may be permitted in all zoning districts as long as they are in compliance with the provisions of this section. In addition unobtrusive wire antenna(e) not supported by a structure(s) that is (are) otherwise not in compliance with the provisions of this section are permitted in all zoning districts and are exempt from these provisions to the extent that they do not interfere with public utilities or can be otherwise deemed unsafe in any respects.
2. In residential districts, Amateur Radio Antennae and/or Amateur Radio Antenna Support Structures shall not be used for collocation of commercial antennae. In non-residential districts, co-location of commercial antenna must comply with Zoning Ordinance requirements applicable to Wireless Communication Towers. An otherwise lawful Amateur Radio Antenna may be installed on commercial antenna structures by agreement with the owner of such commercial antenna structures.
3. All Amateur Radio Antennae and Amateur Radio Antenna Support Structures shall be in compliance at all times with the FCC regulations pertaining to Amateur Radio Services.
4. All Amateur Radio Antennae and Amateur Radio Antenna Support Structures shall be in compliance with the requirements of the Gerald R. Ford International Airport and Federal Aviation Administration.
5. In Residential Zoning Districts, Amateur Radio Antenna and Amateur Radio Antenna Support Structures do not require any permit from the City's Community Development Department as long as the overall height, defined herein, does not exceed the maximum building height permitted in the respective zoning district by more than 15 feet. In Non-residential Districts, Amateur Radio Antenna and Antenna Support Structures do not require any permit from the City's Community Development Department as long as the overall height does not exceed the maximum building height permitted in the respective zoning district.
6. In Residential Zoning Districts, Amateur Radio Antenna and Amateur Radio Antenna Support Structures with an overall height exceeding the allowable maximum building height permitted in the zoning district where the property is located by more than 15 feet, shall require an Amateur Radio Antenna / Antenna Support Structure Permit from the City's Community Development Department. In Residential Districts, no Amateur Radio Antenna and/or Antenna Support Structures shall be erected to a height that requires the installation of lighting per Federation Aviation Administration rules and/or regulations.
7. In Non-residential Districts, Amateur Radio Antennae and Amateur Radio Antenna Support Structures an overall height exceeding the allowable maximum building height permitted in the respective zoning district, shall require an Amateur Radio Antenna / Antenna Support Structure Permit from the City's Community Development Department.

8. No more than two (2) Amateur Radio Antennae and/or Amateur Radio Antenna Support Structure requiring a permit under this Section shall be permitted on a single lot.
9. All Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures with an overall height exceeding seventy (70) feet (but not exceeding one hundred (100) feet in height) shall require the approval of the Zoning Administrator.
10. No Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall have an overall height exceeding one hundred ninety-five (195) feet. All Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures with an overall height exceeding one-hundred (100) feet shall require a variance. The applicant for such a variance shall submit to the City's Community Development Department a certification by a licensed professional engineer confirming the structural stability and soundness of the Antenna and/or Antenna Support Structure prior to final approval.
11. No Roof-mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall be fixed to the side of a structure that faces a street. Roof-mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures may be allowed on the roof as long as such antennas are not entirely on the front half of the roof facing a street.
12. Ground-mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall not be allowed in the front yard or a side yard facing a street.
13. No part of Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall encroach within one (1) foot of any property line. Guy wires may be permitted in the side yards provided no part of the anchors and/or the foundations shall encroach within one (1) foot of any lot line.
14. Ground-mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support shall be set back at least ten (10) feet of any property line at its base (measured up to four (4) feet from the mean grade). Guy wires may be permitted in the side yards provided no part of the anchors and/or the foundations shall encroach within one (1) foot of any lot line.
15. Climbable Ground-mounted Amateur Radio Antenna and Antenna Support Structures shall be completely enclosed by a fence at least five (5) feet and no more than seven (7) feet in height or shall have appropriate anti-climb devices attached up to a height of five (5) feet or more.
16. Antenna and/or Antenna Support Structures requiring a permit under this section shall require filing with the City's Community Development Department, a copy of the manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject structure. In the event of unavailability of manufacturer's specifications, certification by a licensed professional engineer must be filed with the City confirming the structural stability and soundness of the antenna and/or support structure. If neither the manufacturer's specifications nor the certification can be made available, the antenna and/or support structure shall be set back a distance of at least 50% of its total height from the property line.
17. All Ground-mounted Amateur Radio Antenna and Antenna Support Structures shall be structurally sound enough and so designed and installed as to withstand a wind speed of at least ninety (90) miles per hour.

18. No Amateur Radio Antenna and/or Antenna Support Structures shall be erected on cemetery sites.

D. Permits, Construction, Maintenance and Removal

1. Amateur Radio Antenna and Amateur Radio Antenna Support Structures shall be erected within one (1) year of issuance of the permit. In the event of failure on the part of the applicant to complete the installation within one (1) year, a renewal of the permit shall be required.
2. Permits shall be required to be renewed if alterations affecting the overall height and structural capacity of the permitted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures are to be made.
3. The owner and/or licensee shall maintain a log that documents any and all alterations, maintenance measures, structural condition and routine inspection reports of the Amateur Radio Antennae or Amateur Radio Antenna Support Structures. The maintenance log shall also include the manufacturer's specifications where available and details of construction and erection.
4. All Amateur Radio Antenna and Amateur Radio Antenna Support Structures are subject to inspection by the City staff. The owner and/or licensee shall provide the City staff upon request with a copy of the permit where applicable and the maintenance log.
5. In case the Amateur Radio Antenna and Amateur Radio Antenna Support Structures no longer meet FCC required safety standards or the requirements of this Section 3.28, the owner and/or licensee shall immediately notify the same to the City's Community Development Department along with the measures being taken to restore the same. The owner and/or licensee shall be responsible for the removal/replacement of the Amateur Radio Antenna and Amateur Radio Antenna Support Structures as reasonably necessary to meet the requirements of this Section
6. The owner and/or licensee shall notify the City staff at least 30 days in advance of cessation of ownership or leasehold rights on the subject property and remove the Amateur Radio Antennae and Amateur Radio Antenna Support Structures within 60 days of termination of such rights. If the Amateur Radio Antennae and Amateur Radio Antenna Support Structures are transferred to the ownership of a different individual, such individual shall need to renew the permit with the City's Community Development Department.

E. Zoning Administrator's Approval Standards for Amateur Radio Antennas and Support Structures: As per Section 3.28.C.9, the Zoning Administrator shall approve all Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures where the overall height exceeds seventy (70) feet but does not exceed one hundred (100) feet. The Zoning Administrator shall base his/her decision on the following standards:

1. Structural stability and soundness: The applicant shall demonstrate structural stability and soundness of the proposed Amateur Radio Antennae and/or Amateur Radio Antenna Support Structures at his own expense. This can be achieved through either of the following:
  - a. Providing a copy of the manufacturer's specification on assembly, construction and erection, and a certification that such specification has been followed.
  - b. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures

2. Location: The proposed Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall be so located and installed as to be safe and to create minimum impact to the surrounding properties. In addition, the Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall be set back from all lot lines a distance greater than or equal to fifty-percent (50%) of its overall height.
3. The Zoning Administrator may attach reasonable conditions of approval pursuant to the intent and purpose set forth in Section 3.28A, including measures that would help reduce the impact of such Amateur Radio Antennae and/or Amateur Radio Antenna Support Structures on the surrounding properties including but not limited to appropriate landscaping.