

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 5, CHAPTER 1, SECTION 4 TO ADD DEFINITIONS; AMENDING TITLE 5, CHAPTER 3, SECTION 1 TO ADD A NEW ALLOWED USE TO THE COMMERCIAL ZONE AND TO CLARIFY REQUIREMENTS FOR A SPECIAL USE PERMIT; AMENDING TITLE 5, CHAPTER 3, SECTION 14 TO DELETE WIRELESS COMMUNICATION FACILITY; AMENDING TITLE 5, CHAPTER 4, SECTION 1 TO REVISE THE USES ALLOWED IN THE UTILITY ZONE; AMENDING TITLE 5, CHAPTER 5, SECTION 1 TO ADD A NEW ALLOWED USE IN THE RESIDENTIAL ZONE; AMENDING TITLE 5, CHAPTER 5, SECTION 2 TO CLARIFY USES WHICH REQUIRE A SPECIAL USE PERMIT; AMENDING TITLE 5 TO ADD A NEW CHAPTER 13 FOR STANDARDS FOR SPECIFIC USES AND A NEW SECTION 1 TO SAID CHAPTER TO ADD STANDARDS FOR DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL WIRELESS COMMUNICATION FACILITIES, PROVIDING SEVERABILITY, REPEALING CONFLICTING PROVISIONS, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO:

SECTION 1: AMENDMENTS TO TITLE 5, CHAPTER 1, SECTION 4

5-1-4: DEFINITIONS:

DISTRIBUTED ANTENNA SYSTEMS (DAS): A form of wireless communication facility consisting of a network of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

MACROCELL: An antenna or antennas mounted on a tower, ground-based mast, rooftops and other towers or structures, at a height that provides a clear view over the surrounding buildings and terrain.

SMALL CELL: A form of wireless communication facility consisting of compact wireless equipment that contain their own transceiver equipment and function like cells in a wireless network but provide a smaller coverage area than traditional macrocells.

WIRELESS COMMUNICATION FACILITY (WCF): A staffed or unstaffed facility or location or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small cell technologies.

## **SECTION 2: AMENDMENTS TO TITLE 5, CHAPTER 3, SECTION 1, SUBSECTION B.2.**

### **5-3-1: USES**

#### **B. Allowed Uses:**

2. Allowed Uses: See section 5-3-14, "Appendix 1 Activity Groups", of this chapter for general description and definition of each use.

Distributed antenna systems and small cell wireless communication facilities, in accordance with the standards in Section 5-13-1.

4. Special Use Permits: See section 5-3-14, "Appendix 1 Activity Groups", of this chapter for general description and definition of each use. A structure, site or parcel may have more than one special use permit. Each special use is considered a separate permit.

Wireless communication facility, except distributed antenna systems and small cell wireless communication facilities

## **SECTION 3: AMEND TITLE 5, CHAPTER 3, SECTION 14**

### **5-3-14: APPENDIX 1 ACTIVITY GROUPS:**

~~Wireless communication facility (WCF). Any facility designed and used for the purpose of transmitting, receiving, or relaying voice and data signals. WCFs include siting areas, transmission towers and antennas.~~

## **SECTION 4: AMEND TITLE 5, CHAPTER 4, SECTION 1**

### **5-4-1 USE RESTRICTIONS:**

A The utility district shall permit no land uses other than the following:

1. Water infrastructure such as the maintenance of wells, pumps, pump houses, water tanks, pipes, and associated fencing, equipment and accessory structures or buildings, all of which must be compatible with one another.

2. Electrical substations and associated fencing, equipment, accessory structures or buildings.

3. Distributed antenna systems and small cell wireless communication facilities, in accordance with the standards in Section 5-13-1.

## **SECTION 5: AMEND TITLE 5, CHAPTER 5, SECTION 1**

### **5-5-1: ALLOWED USES:**

In the Residential District, no building or land located therein shall be used, nor any structure hereafter erected or altered, except for the following purposes:

Distributed antenna systems and small cell wireless communication facilities, in accordance with the standards in Section 5-13-1.

## **SECTION 6: AMEND TITLE 5, CHAPTER 5, SECTION 2**

### **5-5-2: SPECIAL USES:**

Public utility structures such as substations, pumping plants, ~~telephone exchanges~~ and similar uses.

## **SECTION 7: AMEND TITLE 5, TO ADD A NEW CHAPTER 13**

### **CHAPTER 13** **STANDARDS FOR SPECIFIC USES**

#### **5-13-1: DISTRIBUTED ANTENNA SYSTEMS AND SMALL CELL WIRELESS COMMUNICATION FACILITIES**

- A. Distributed antenna systems and small cells are allowed in all zones.
- B. Distributed antenna systems and small cells located within city right-of-way are subject to approval of encroachment permits, licensing agreements, building permits and administrative review, as applicable for the circumstance.
- C. Distributed antenna systems and small cells located on private property are subject to administrative review and building permit approval.
- D. Installation of a distributed antenna system or small cell on an existing building or existing utility support structure shall not result in an increase in height greater than 15' higher than the existing building or utility support structure. Utility support structures may be replaced, but shall be no more than 15 feet higher than the previous structure which did not support a distributed antenna system or small cell.
- E. New support structures used for distributed antenna systems or small cells which are not replacements shall not exceed 45 feet in height above grade.
- F. The antenna array shall be designed, placed and colored to blend into the architectural detail and coloring of the host structures. Support towers or poles shall be painted a color that best allows it to blend into the surroundings. The use of grays, blues, greens, dark bronze, browns or other site-specific colors may be appropriate; however, each case should be evaluated individually.
- G. A single permit application may be used for multiple distributed antennas that are part of a larger overall DAS network. A single permit application may also be used for multiple small cells. A single license agreement may be used for multiple node locations in DAS and/or small cell networks.
- H. The City may charge fees for permit review and/or use of City-owned right-of-way, in accordance with the duly-adopted fee schedule.

## **SECTION 8. SEVERABILITY.**

If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction, such decision

shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances.

Nothing in this chapter shall be construed as preventing the adoption of more restrictive provisions set forth in other sections of the Dalton Gardens Municipal Code. The more restrictive provisions of the code shall control.

**SECTION 9. REPEAL OF CONFLICTING PROVISIONS.**

All provisions of the ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION 10. EFFECTIVE DATE.**

Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules at which a roll call vote was taken at regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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DAN EDWARDS, Mayor

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VALERIE ANDERSON, Clerk