

SUBCHAPTER 81

WIRELESS COMMUNICATION FACILITIES

81.010 Wireless Communication Facilities.

“WIRELESS COMMUNICATION FACILITY” means an unstaffed facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet, or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices. It is the intent of the City Council that this definition shall be interpreted and applied as technology evolves to reflect changes in the manner of providing wireless communication services. These shall include devices defined and regulated by the 1996 Telecommunications Act.

81.030 Wireless Communication Permits.

A. During the review for a wireless communications facility conditional use permit, the City shall consider the design, setback, and visual buffering of the associated shelter or enclosed facility. Towers and/or antenna facilities shall be disguised whenever possible, such as the use of existing billboards, church steeples, and trees.

B. The City declares its legislative policy to restrict and minimize the number of towers necessary to serve the community of Independence. A conditional use permit issued for any wireless communications facility shall be valid for a period not to exceed five years. Sharing of tower facilities by more than one service provider shall be required, unless the applicant demonstrates that sharing of these facilities is not technically feasible. The design of all towers must be such as to accommodate multiple co-locators to serve the reasonably anticipated users of wireless communication facilities. Any application for a new tower must contain a scientific study demonstrating that the conditional uses previously authorized for this use are inadequate to serve the community of Independence. The renewal of conditional uses shall be subject to a finding that the permittee has even-handedly administered the requests from all vendors of Wireless Communication Services. A conditional use permit may be renewed by the applicant for additional five-year increments for a total of 25 years. The sole review criteria for renewal of a wireless communication conditional use shall be whether the facility and the applicant shall have fully complied with all conditions and requirements of the original installation.

C. All Wireless Communication facilities are prohibited in all residential zones, and within 350 feet of any residential zones. Any existing facilities at the time of annexation or rezoning must be phased out (amortized) over a period of five years from the date of annexation or rezoning. If a Wireless Communication Facility is not used for a period of one year, the conditional use permit shall automatically expire at the end of the one year period. The facility shall be dismantled within ninety days of the expiration of the conditional use permit. Applicant shall keep timely records of the use and maintenance of the site during the life of the permit.