

1 **BILL NO. 2013-10**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED DEVELOPMENT CODE
4 GOVERNING THE COLLOCATION, REMOVAL AND REPLACEMENT OF CERTAIN
5 WIRELESS COMMUNICATION FACILITIES SO AS TO CONFORM TO FEDERAL LAW, AND
6 TO PROVIDE FOR OTHER RELATED MATTERS.

6 Proposed by: Flinn Fagg, Director of Planning

Summary: Amends provisions of the Unified
7 Development Code governing the collocation,
8 removal and replacement of certain wireless
9 communication facilities so as to conform to
10 Federal law.

9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Ordinance No. 6190 and the Unified Development Code adopted as
12 Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended
13 as set forth in Sections 2 and 3 of this Ordinance.

14 SECTION 2: Title 19, Chapter 12, Section 70, is hereby amended by amending the
15 entry for the use "Wireless Communication Facility, Non-Stealth Design (Qualifying for Conditional
16 Use Approval)" so that the list of Conditional Use Regulations reads as follows:

17 **Conditional Use Regulations:**

18 1. The applicant must submit to the Department, for administrative review and approval, a site plan
19 and an elevation drawing. The Director shall review the documents to determine [if the proposed
20 facility conforms to the conditions listed below for this use.] the applicable treatment of the proposed
21 facility under these Conditional Use Regulations. If the Director, in his discretion:

22 a. Determines that the proposed facility is a collocation of new transmission equipment, a
23 removal of transmission equipment or a replacement of transmission equipment that:

24 i. Does not increase the tower height by more than 10% or height of additional antenna
25 array plus 20 feet, whichever is greater;

26 ii. Does not add more than 4 new equipment cabinets or 1 new shelter; and

27 iii. Does not contain a protrusion of more than 20 feet or the width of the tower,
28 whichever is greater;

1 the Director shall approve the application as if permitted by right.

2 [a.] b. [Approves] Determines that Paragraph (a) above does not apply and approves the proposed
3 facility to proceed as a conditional use, the Director shall provide written notice of preliminary
4 approval to the applicant, with a copy to the office of the City Council. [Within 10 days after the
5 notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a
6 member of the City Council files with the Director a written request for the Council to review the
7 approval.] That preliminary approval becomes final within 10 days after the notice has been mailed
8 or delivered to the applicant, unless within that period a member of the City Council files with the
9 Director a written request for the Council to review the approval. If such a request to review is filed,
10 the application must first be reviewed and approved by the Council.

11 [b.] c. Determines that Paragraph (a) above does not apply and that the proposed facility does not
12 conform to the conditions listed below, a Special Use Permit will be required for the use. Any
13 determination by the Director that a Special Use Permit will be required is not subject to appeal.

14 2. The facility must qualify as one or more of the following:

- 15 a. An antenna that is to be collocated on an existing antenna tower or other existing structure.
- 16 b. An antenna tower that is to be located on property in the C-V Zoning District.
- 17 c. An antenna tower that is to be located:
 - 18 i. On property in the C-M or M Zoning District; and
 - 19 ii. A minimum distance of 600 feet from residentially zoned property.
- 20 d. An antenna tower that is proposed to be located on property developed with a utility
21 substation, and is to be located within that substation.
- 22 e. A slim line design pole wireless communications facility.

23 3. Within an area designated as a Historic Preservation District, the proposed facility must first be
24 reviewed by the Historic Preservation Commission before the Director considers granting approval
25 as a conditional use.

26 4. The design and location of the proposed facility must be deemed by the Director to be compatible
27 with surrounding uses, and the facility must include appropriate screening and
28 landscaping to ensure such compatibility.

1 5. The frequencies used by the communication provider shall be in conformance with Federal
2 Communication Commission standards, as certified by a competent professional (such as a
3 radio frequency engineer).

4 SECTION 3: Title 19, Chapter 12, Section 70, is hereby amended by amending the
5 entry for the use “Wireless Communication Facility, Stealth Design” so that the list of Conditional Use
6 Regulations reads as follows:

7 1. The applicant must submit to the Department, for administrative review and approval, a site plan
8 and an elevation drawing. The Director shall review the documents to determine [if the proposed
9 facility conforms to the conditions listed below for this use.] the applicable treatment of the proposed
10 facility under these Conditional Use Regulations. If the Director, in his discretion:

11 a. Determines that the proposed facility is a collocation of new transmission equipment, a
12 removal of transmission equipment or a replacement of transmission equipment that:

13 i. Does not increase the tower height by more than 10% or height of additional antenna
14 array plus 20 feet, whichever is greater;

15 ii. Does not add more than 4 new equipment cabinets or 1 new shelter; and

16 iii. Does not contain a protrusion of more than 20 feet or the width of the tower,
17 whichever is greater;

18 the Director shall approve the application as if permitted by right.

19 [a.] b. [Approves] Determines that Paragraph (a) above does not apply and approves the proposed
20 facility to proceed as a conditional use, the Director shall provide written notice of preliminary
21 approval to the applicant, with a copy to the office of the City Council. [Within 10 days after the
22 notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a
23 member of the City Council files with the Director a written request for the Council to review the
24 approval.] That preliminary approval becomes final within 10 days after the notice has been mailed
25 or delivered to the applicant, unless within that period a member of the City Council files with the
26 Director a written request for the Council to review the approval. If such a request to review is filed,
27 the application must first be reviewed and approved by the Council.

28 [b.] c. Determines that Paragraph (a) above does not apply and that the proposed facility does not

1 conform to the conditions listed below, a Special Use Permit will be required for the use. Any
2 determination by the Director that a Special Use Permit will be required is not subject to appeal.

3 2. No residential use may exist on the property.

4 3. The design must conform to the definition of the term “Wireless Communication Facility, Stealth
5 Design,” as set forth in LVMC 19.18.020 and as determined by the Director.

6 4. Within an area designated as a Historic Preservation District, the proposed facility must first be
7 reviewed by the Historic Preservation Commission before the Director considers granting approval
8 as a conditional use.

9 5. The design and location of the proposed facility must be deemed by the Director to be compatible
10 with surrounding uses, and the facility must include appropriate screening and
11 landscaping to ensure such compatibility.

12 6. The frequencies used by the communication provider shall be in conformance with Federal
13 Communication Commission standards, as certified by a competent professional (such as a
14 radio frequency engineer).

15 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.12.070
16 is deemed to be a subchapter rather than a section.

17 SECTION 5: The Department of Planning is authorized and directed to incorporate
18 into the Unified Development Code the amendments set forth in Sections 2 and 3 of this Ordinance.

19 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
20 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
21 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
22 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
23 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
24 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
25 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
26 invalid or ineffective.

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SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:
Val Stead 2-19-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk