

SECTION 9.15 GENERAL PROVISIONS FOR ALL COMMUNICATION TOWERS **Amended February 9, 2015**

A. In recognition of the Telecommunications Act of 1996, it is the intent of the City of Lowell to allow communication providers the opportunity to locate telecommunications towers and related facilities within the City in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of its citizens. Wireless towers may be considered undesirable with other types of uses, most notably residential uses, therefore special regulations are necessary to ensure that any adverse effects to existing and future development are mitigated.

B. Accordingly, the City finds that regulations related to telecommunications towers are warranted and necessary to:

1. To direct the location of communication towers within the jurisdiction of this Ordinance;
2. To protect residential areas and land uses from potential adverse impacts of telecommunications towers;
3. To minimize visual impacts of telecommunications towers through careful design, siting, landscape screening, and innovative camouflaging techniques;
4. To accommodate the need for telecommunication towers serving residents and businesses of the City;
5. To promote the shared use / co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;
6. To consider the public health and safety aspect relating to telecommunication towers; and avoid potential damage to adjacent properties from tower failure and other occurrences through structural standards and setbacks, engineering and careful siting of telecommunication towers.

C. Refer to Table 7.1-1 for the zoning districts where Telecommunications Towers and Facilities are allowed, provided that the supplemental regulations contained in Chapter 8 and other applicable provisions set forth elsewhere in Ordinance are met,

D. Freestanding monopole towers, with a maximum height of one-hundred ninety-nine and nine-tenths (199.9) feet are allowed by right in I-2 and IU zoning districts provided all other applicable provisions set forth herein and elsewhere in this Ordinance are met. Towers with a height of two-hundred (200) feet or greater shall be subject to the issuance of a conditional use permit.

E. Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. In accordance with the Telecommunications Act of 1996, the City must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.

F. Telecommunication towers may be considered either principal or accessory uses in any zoning district where a tower is allowed to be located. A different existing use or an existing structure on the same lot and/or parcel shall not alone preclude the installation of antennae or tower on said lot or parcel.

G. The replacement of an existing tower of the same tower type, provided the original tower height is not increased, shall be permitted by right in the I-2 and IU zoning district. The replacement tower shall be located in the same footprint or within one hundred (100) feet of the original tower (and on the same lot as the original tower). If the replacement tower is not located on the same footprint, then the replacement tower shall meet the supplemental regulations and applicable screening requirements.

Co-location requirements as specified in Section 8.4.22, shall apply to any replacement tower.