

8C.7C Height limitations.

1. A new, replacement, or modified utility pole or wireless support structure installed in a public right-of-way located within the city limits of an incorporated city for the purpose of siting a wireless facility, including a small wireless facility under the provisions of [this chapter](#) shall not exceed the greater of ten feet in height above the tallest utility pole existing on or before July 1, 2017, located within five hundred feet of the new, replacement, or modified utility pole in the same public right-of-way, or forty feet in height above ground level. Except as provided in [section 8C.7A, subsection 2](#), paragraph “c”, an authority shall not require a special or conditional use permit for the installation of a utility pole or wireless support structure that complies with the height limitations of [this subsection](#).

2. Notwithstanding [subsection 1](#), a person may construct, modify, or maintain a utility pole or wireless support structure along, across, and under a public right-of-way in excess of the size limits provided in [subsection 1](#), to the extent permitted by the authority’s applicable zoning regulations.

3. A person shall comply with nondiscriminatory undergrounding requirements that prohibit wireless service providers from installing structures in a public right-of-way without prior zoning approval in areas designated as an underground district pursuant to a resolution or ordinance adopted by an authority prior to the date the application is filed or in areas zoned and used for single-family residential use, provided that such requirements shall not prohibit the replacement of existing structures.

4. Nothing in [this section](#) shall be deemed to limit the ability of a public utility to install a utility pole for the purposes of electric utility transmission or distribution within a public right-of-way subject to an authority’s planning and zoning regulations.

[2017 Acts, ch 112, §5](#)