

TOWERS

SECTION 150.60 PURPOSE.

In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the City finds that these regulations are necessary in order to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
2. Minimize adverse visual effects of towers through careful design and siting standards;
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

SECTION 150.61 CO-LOCATION REQUIREMENTS.

All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:

1. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius (one half mile search radius for towers 120 feet or less in height and one quarter mile search radius for towers 80 feet or less in height) of the proposed tower due to one or more of the following reasons:
 - A. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.

- C. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - D. Other unforeseen reasons that make it not feasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
2. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas, for at least 1 additional user if the tower is over 60 feet in height and for at least 2 additional users if the tower is over 100 feet in height.
 3. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

SECTION 150.62 TOWER CONSTRUCTION REQUIREMENTS.

All towers erected, constructed or located within the City, and all wiring therefor, shall comply with the requirements of the Building Code.

SECTION 150.63 TOWER AND ANTENNA DESIGN REQUIREMENTS.

Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
2. Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment or better accommodate multiple use of the tower.

SECTION 150.64 TOWER SETBACKS.

Notwithstanding anything to the contrary in the regulations applicable to a specific zoning district, towers shall conform with each of the following minimum setback requirements:

1. Towers shall meet the setbacks of the underlying zoning district; however, in all non-residential zones, at a minimum, a tower shall be set back from

residentially zoned property by at least 1 foot for each foot of height of the tower, plus ten additional feet.

2. Towers shall be set back from planned public rights of way of the City by a minimum distance equal to one half of the height of the tower including all antennas and attachments.
3. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - A. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - B. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
 - C. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

SECTION 150.65 TOWER HEIGHT.

1. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest point of the tower, including all antennas or other attachments, and if the tower is mounted upon another structure, the height of that structure plus the vertical distance from the tower's point of contact with the structure must be added together to determine the height of the tower.
2. Notwithstanding anything to the contrary in the regulations applicable to a specific zoning district, towers are subject to the following restrictions on height:
 - A. In all residential districts, the maximum height of any tower is 35 feet.
 - B. In all non-residential districts, the maximum height of any tower is one foot for each two feet the tower is set back from residentially zoned property or 165 feet, whichever is less.

SECTION 150.66 TOWER LIGHTING.

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the

approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

SECTION 150.67 SIGNS AND ADVERTISING.

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

SECTION 150.68 ACCESSORY UTILITY BUILDINGS.

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

SECTION 150.69 ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.

Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the City Council. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
2. Unused portions of towers above a manufactured connection shall be removed within 6 months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

SECTION 150.70 ANTENNAS MOUNTED ON ROOFS, WALLS, AND EXISTING TOWERS.

The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved by the City Council, provided the antennas meet the requirements of this Ordinance, after submittal of 1) a final site plan and building plan, and 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated in such report.

SECTION 150.71 INTERFERENCE WITH PUBLIC SAFETY

TELECOMMUNICATIONS.

No new or existing telecommunications service shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the City at least 10 calendar days in advance of such changes and allow the City to monitor interference levels during the testing period.

SECTION 150.72 ADDITIONAL SUBMITTAL REQUIREMENTS.

In addition to the information required elsewhere in this Ordinance, development applications for towers shall include the following supplemental information:

- 1.** A report from a qualified and licensed professional engineer which does the following:
 - A.** Describes the tower height and design including a cross section and elevation;
 - B.** Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - C.** Describes the tower's capacity, including the number and type of antennas that it can accommodate;
 - D.** Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - E.** Includes an engineer's stamp and registration number; and
 - F.** Includes other information necessary to evaluate the request.
- 2.** For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- 3.** Before the issuance of a building permit, the following supplemental information shall be submitted:
 - A.** Proof that the proposed tower complies with the regulations administered by the Federal Aviation Administration; and

- B. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

SECTION 150.73 EXCEPTIONS

The requirements of this Ordinance shall apply to all structures and developments otherwise permitted under this Ordinance except:

1. Planned Unit Developments, when approved as a part of a preliminary and final development plan pursuant to the PUD provisions of this Ordinance.
2. Public utility structures, including but not limited to water towers, lights and signals, power and telephone poles, and poles supporting emergency warning devices.
3. Church sanctuaries, steeples and bell towers; and
4. In accordance with the Federal Communications Commission's preemptive ruling, towers erected for the primary purpose of supporting amateur radio antennas may exceed 30 feet in height provided that a determination is made by the City Council that the proposed tower height is technically necessary to successfully engage in amateur radio communications.

SECTION 150.74. SMALL CELL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY.

- A. Purpose. The purpose of this Section is to establish zoning regulations related to the siting of small cell wireless facilities in the public right-of-way as defined and regulated by City Code Chapter 93. Terms used herein are defined in Section 93.22.
- B. Conditional Use Permit Required. Small cell wireless support structures and/or antennae shall require a conditional use permit when located adjacent to or within the R-1 and R-2 Districts or any PUD District with an underlying designation of R-1 or R-2.
- C. Conditional Use Standards. No conditional use permit shall be granted unless it meets the standards in City Code Section 93.29 (C) and Zoning Ordinance Section 150.14.
- D. No new wireless support structures shall be more than 5 feet from a side lot line extended to the street.

- E. All small cell wireless facilities not within a public right of way shall adhere to all other requirements in Sections 150.60 through 150.73.