

ARTICLE XIV: TELECOMMUNICATION FACILITIES

SECTION 14.1: Purpose and Intent

The purpose of this section is to establish general guidelines for the siting of wireless telecommunications facilities (WTFs) specifically towers and antennas. The Intent of the guidelines is to:

- A. Protect residential areas from potential adverse impacts by encouraging the location of facilities in nonresidential areas
- B. Enhance the ability of providers of wireless telecommunications services to provide those services quickly, effectively and efficiently
- C. Encourage the joint use of new and existing sites
- D. Minimize the total height of towers within the community
- E. Encourage service providers to locate and configure facilities in such a way as to minimize adverse impacts through careful design, siting, landscaping, buffering and innovative camouflaging techniques.

SECTION 14.2: Definitions

The following terms and definitions are specifically applicable to this Article.

ANTENNA: Any exterior apparatus designated for telephonic, radio, television, personal communications service, pager network, or any other communication through the sending and/or receiving of electromagnetic waves of any frequency and bandwidth.

COMMERCIAL COMMUNICATION TOWER: A freestanding structure that is intended for transmitting or receiving television, radio, telephone, or similar communications, excluding STL's (Studio to Transmitter Link) transmitting devices which have the following characteristics: (a) line of sight transmission, (b) a height no greater than the minimum height above a tree line for a transmission to a taller tower, (c) transmission that is limited to radio or television broadcast purposes, and (d) the STL is located on appropriately zoned property in accordance with the Ordinance.

COMMUNICATION ATTACHMENT: Any and all devices intended for transmitting and receiving telephone, television, radio or similar communication, but shall exclude attachments used for Studio to Transmitter Links (STLs).

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

CO-LOCATION: The practice of placing communication attachments to any existing tower, building or structure that currently accommodates other communication attachments.

DISK ANTENNA: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources, commercial dish antennas for the purposes of this ordinance is defined as being less than four (4) meters in diameter, while the commercial dish antennas are usually those larger than four (4) meters in diameter and typically used by broadcasting stations.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

GUYED TOWER: A telecommunications tower that is supported in whole or in part by guy wires and ground.

HEIGHT: The height of a tower generally is the distance from the base of the tower to the top of the structure. Height is more specifically defined herein.

PERSON: Any natural person, a partnership of two (2) or more persons having a joint or common interest, corporation, partnership, limited partnership, limited liability company, or other entity or form of entity, including an association of persons or entities.

PUBLIC UTILITY: Persons, corporations, or governments supplying gas, electric, transportation, water sewer or land line telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

SELF-SUPPORT/LATTICE TOWER: A telecommunication tower that is constructed without guy wires and ground anchors.

STEALTH ANTENNA: Antennas which are designed to be concealed within an architectural feature of a building or a tower that is built to look similar to a natural element in the environment such as a tree.

TOWER: A structure that is designed and constructed primarily for the purpose of supporting one or more antennas.

SECTION 14.3 Applicability and Exceptions

All WTF proposals made in the city, whether for new construction or for modification of existing facilities, shall be subject to the regulations set forth in this code, except as provided below. WTFs shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential public services.

14.3.1 Exceptions

The following are exempt from the provisions of this section and are allowed to remain as either a legal or legal non-conforming use:

A. Existing Uses

WTFs that currently exist on the date of adoption of this ordinance, or for which a valid building permit has been obtained and is in effect on the date of adoption of this ordinance are considered legal if they comply with the standards of this Article and are considered legal non-conforming otherwise. This exemption does not apply to future modifications of existing facilities.

B. Industrial/scientific Equipment

Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC are exempt from the requirements of this Article.

C. Amateur Radio Station Operators or Receive-only Antennas

Any tower or antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas is exempt from requirements of this Article.

D. Home Satellite Services

Satellite dish antennas less than two (2) meters in diameter, including direct-to-home satellite services, when used as a secondary use of the property are exempt.

E. COW

A COW or other temporary WTF may be used in any area of the city for a period not to exceed thirty (30) days, unless extended by permit issued by the planning manager or unless the city has declared an area-wide emergency.

F. Public Safety WTFs and Equipment

Public safety WTFs and equipment, including, but not limited to, the regional 911 system is exempt from the requirements of this Article.

SECTION 14.4: General Standards

A. FCC Licensing

The City will only process WTF permit applications upon a satisfactory showing of proof that the applicant is an FCC licensed telecommunications provider or that the applicant has agreements with an FCC licensed telecommunications provider for use or lease of the facility.

B. Compliance with Other Laws

Applicants must show, to the satisfaction of the Economic Development Director that the proposed tower is in compliance with current FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules, and regulations.

C. Principal or Accessory Use

WTFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of WTFs on that lot.

D. Co-Location Requirement

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or other structure can accommodate the applicant's proposed antenna within a one mile (1) search radius (one half mile (1/2) for towers under one hundred twenty feet in height, one quarter mile (1/4) for towers under eighty feet in height) of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements
3. Existing towers or structures do not have sufficient structural capacity to support applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the

antenna on the existing towers or structures would cause interference with the applicant's proposed antenna

5. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable
6. Property owners or owners of existing towers or structures are unwilling to accommodate reasonably the applicant's need
7. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable
8. Any evidence submitted to the governing authority in order to meet the requirements of this section shall be documented by a qualified and licensed professional engineer

SECTION 14.5: Types of WTF Permitted

A. Towers

Monopole construction required. All towers will be of a tapering monopole construction.

B. Rooftop or Building Mounted

1. Towers and antennas shall be designed to blend into the surrounding environment to the extent possible, through the use of color and camouflaging architectural treatment, unless the FAA or other federal or state authorities require otherwise or that the goal of the co-location would be better served by an alternate design.
2. Towers shall be of a monopole design unless the zoning authority determines that an alternative design would better blend in to the surrounding environment.
3. The use of guyed wires is prohibited.

SECTION 14.6: Zoning District

The location of new Wireless Telecommunications Facilities shall be in accordance with the provisions of *Article IV*; however, antennas which do not add more than twenty (20) feet may be added to certain existing facilities or structures in accordance with the following regulations:

- A. Existing towers regardless of the zoning district; and
- B. Free-standing non-residential structures such as a water tower which are located within industrial areas and are fifty (50) feet or taller.

SECTION 14.7: Minimum Distances and Setbacks on lots

A. Separation distances between towers.

1. Monopole, lattice or guyed Telecommunication Towers shall not be located within one-quarter (1/4) mile or one thousand three hundred and fifty (1,350) feet of any existing monopole, lattice or guyed telecommunication tower.
2. Separation distances between towers shall be measured from the base of tower to base of tower, excluding pad, footing, or foundation. The

separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower.

B. Distance from Residential Uses

The distance from the perimeter of the tower or monopole to any residence shall be equal to the height of the tower plus thirty (30) feet.

C. Lot setbacks.

All towers, support structures, accessory buildings and guy wires shall be in accordance with the required setback requirements of the base zoning district.

D. Calculation of Setback

For purposes of determining whether the installation of WTFs complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the WTFs may be located on leased parcels within that lot.

SECTION 14.8: Tower Specifications

A. Height

Unless further restricted in this Ordinance, WTFs which are proposed as a stand-alone tower may not exceed the following height and usage criteria:

1. For a single user, up to ninety (90) feet in height; and
2. For two (2) or more users, up to one hundred twenty (120) feet in height.
3. Towers integrated into an architectural element of an existing or proposed structure such as a church steeple shall not exceed the height of the existing architectural element, unless a variance is obtained from the City Council.

B. Lighting

1. Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas.
2. Should lighting be required by state or federal law, such lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. White strobe lights may not be used unless required by the FCC.

C. Signs

Towers shall not display signs or advertisements for commercial or non-commercial purposes, unless such signs are for the purpose of providing warning or specific equipment information and or/unless required by any federal or state regulations.

D. Colors

Except where superseded by the requirements of a state or federal regulatory agency possessing jurisdiction over Telecommunication Towers, towers shall be constructed of galvanized or unpainted metal or shall be painted in a neutral color, designed to blend into the surrounding environment such as gray.

E. Co-Location Standards

Any proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over on hundred (100) feet in height or for at least one (1) additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

SECTION 14.9: 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. Use of approved tower sites is approved for telecommunication purposes only. Secondary uses such as maintenance shops, contractor's offices or similar uses shall be reviewed as a conditional use and approved by the City Council upon recommendation of the Planning Commission.

SECTION 14.10: Buffering and Landscaping

An eight (8) foot fence or wall as measured from the finished grade of the site shall be required around the base of any telecommunication tower and around any necessary buildings or structures.

- A.** A minimum five (5) foot landscaping buffer shall be installed around the entire perimeter of the site outside of the required fence or wall consistent with the requirements of Article XI. Additional landscaping may be required around the perimeter of a fence or wall if deemed necessary to buffer adjacent properties.
- B.** Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. The governing authority may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area is not adversely impacted.

SECTION 14.11: Removal of Abandoned or Unused Facilities

The owner of a telecommunication tower which has been abandoned or is unused shall provide the Economic Development Department with a copy of the notice to the FCC of intent to cease operations. The obsolete tower and accessory structures shall be removed within six (6) months after the date of ceasing operations. In the event that a tower and its associated facilities are not removed within six (6) months of 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.

SECTION 14.12 : Applications for New Construction of WTFs

Application for approval of a telecommunications facility or tower shall require site plan review, a public hearing before the Planning Commission and approval by the City Council. Submittal requirements and accompanying applications shall in accordance with the requirements of *Article V*.

- A.** Anyone who applies to construct a WTF or to modify or add to an existing WTF shall demonstrate to the City's satisfaction that the proposed facility is located at the least obtrusive and the most appropriate available site to function in the applicant's grid system. Such compliance shall be judged by using the following criteria:
1. That the height of towers has the least visual impact and that the height is no greater than necessary to achieve service area requirements and to provide for potential co-location.
 2. That the owner or operator has, to the greatest extent practical, selected a site that provides the least visual impact on residential areas. This shall be demonstrated by an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility.
 3. That the site selected is not visually prominent when viewed from surrounding areas, especially residential areas.
 4. That the facility will be camouflaged to the maximum extent feasible.