

Sec. 2106. - Radio, television, satellite dish and communications antennas and towers.

- (a) No guy wires or other accessories associated with any antenna or tower shall cross, encroach, or otherwise project beyond any lot line or over any electric power lines.
- (b) In a residential district, no antenna shall be located between the principal building and the front lot line. The maximum overall height for a ground-mounted antenna, including mounting hardware, shall be 15 feet. The maximum diameter for satellite dish antennas shall be three feet. Roof-mounted satellite dishes shall not exceed the height limit of the zoning district. Roof-mounted satellite dish antennas shall be located on the rear yard side of a building's roof, so as not to be visible from the front lot line. Ground-mounted satellite dishes shall be set back the installed height of the antenna from all lot lines and no satellite dish shall overhang any lot line. All satellite dishes shall be mounted at least 12 feet from any electric wires. If it is not possible for the satellite dish to be located as required, the property owner may seek a variance from the zoning board of appeals.
- (c) In a nonresidential zone, no satellite dish antenna shall be located between any principal building and the front lot line. All satellite dish antennas over 12 feet in diameter and all ground-mounted satellite dishes over 15 feet in overall height shall require special exception approval by the planning commission. Roof-mounted satellite dishes shall not exceed the zoning district height limit. Where placement of the satellite dish will cause it to be visible from a residential district or a public right-of-way, it shall be screened from view. The screening may consist of structures, plant materials, earth berms and/or fences. At least 75 percent of the antenna, to a height of six feet above the average ground elevation, must be screened from view of the abutting lot or right-of-way.
- (d) Wireless communications towers and antennas. Wireless communications towers and antennas shall be permitted as special exception uses in the B-1 General Business districts, CBD Central Business districts, RP Research Park districts, the I-1 Industrial and I-2 Industrial districts and upon any publicly owned land within the boundaries of the city. All wireless communication towers and antennas are subject further to the following conditions:
 - (1) Operational requirements necessitate locating within the zoning district, and co-location on or joint use of any existing tower or similar antenna support facility is not possible.
 - (2) The tower or antenna shall not be unreasonably injurious to the safety or aesthetics of any nearby properties. The design and appearance of the tower or antenna shall minimize distraction, maximize aesthetic appearance, and ensure compatibility with any existing structure(s) and other surrounding structures and properties. The city will not consider those areas of regulation preempted by federal law.
 - (3)

Co-location, or the provision of more than one antenna on a single tower at a single location, shall be required. Before approval is granted for a new facility, the applicant shall demonstrate that co-location at an existing site is not possible.

- (4) Co-location shall be deemed to be "possible" for the purposes of this section where all of the following are met:
 - a. The applicant will undertake to pay fair market rent or other market compensation for co-location.
 - b. The site on which co-location is being considered, including reasonable modification or replacement of a facility, is feasible.
 - c. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment(s) in relation to the structure, antennas, and the like.
 - d. Existing towers or structures are located within the geographic area which meets the applicant's engineering requirements.
 - e. The fees, costs, or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding those for new tower development are presumed to be unreasonable.
- (5) In furtherance of the city's objective of requiring co-location, where possible, should it be necessary to erect a new tower or similar structure, the applicant shall provide a letter of intent to lease excess space on a facility and commit itself to:
 - a. Respond to any requests for information from another potential shared use applicant;
 - b. Negotiate in good faith and allow for leased shared use, provided it can be demonstrated that it is possible; and
 - c. Make no more than a reasonable charge, based upon fair market value, for a shared use lease.
- (6) The antenna/tower shall meet all current engineering and any other applicable standards of all federal, state and local governmental agencies. The applicant shall also provide evidence satisfactory to the planning commission demonstrating that the proposed tower and related facilities are consistent with the current state of technology in the wireless industry.
- (7) A condition of approval of a wireless communication antenna/tower shall be a provision acceptable to the city for the removal of all or part of the facility by users and/or owners upon the determination that the antenna has not been used for 180 days or more.

Removal includes the proper receipt of a demolition permit from the building official and proper restoration of the site to the satisfaction of the building official after removal.

- (8) Should a new antenna or cellular repeater co-locate on an existing wireless tower or an existing electric transmission tower, special exception approval shall not be necessary and site plan approval for a new antenna, cellular repeater and any related equipment building may be granted administratively, pursuant to the provisions of article 27 of this ordinance. Where a new antenna, cellular repeater is co-located on a structure other than an existing wireless tower or electric transmission tower, special exception approval shall not be necessary and site plan approval for a new antenna, cellular repeater and any related equipment building may be granted by the planning commission pursuant to the provisions of this ordinance.
- (9) To ensure proper removal of the tower and/or antenna when it is no longer being used and/or abandoned, any application for a new tower and/or antenna shall include a description of security to be posted at the time of receiving a building permit for the facility. The security shall, at the election of the applicant, be in the form of cash, bank letter of credit, or surety bond acceptable to the city. An agreement to remove and maintain the tower/antenna, in a form approved by the city attorney and recordable at the office of the register of deeds, is also required, establishing a requirement of the applicant and the owner of the property to remove the facility in a timely manner with the applicant and owner being responsible for the payment of any costs and attorney's fees incurred by the city in securing removal. The applicant shall provide the city with a copy of its agreement with the tower owner, which shall include removal language acceptable to the city. In the event the applicant is proposing to place its facilities on an existing tower, then the agreement referred to above may be signed by the applicant only, and shall contain provisions satisfactory to the city attorney regarding timely removal of the facilities and adequate remedies. The requirements of this subsection shall be binding upon all successors, heirs, and/or assigns of the applicant.
- (10) All tower bases and related equipment shall be screened from view from any major arterial, public walking paths and any adjoining residential areas, consistent with article 28, landscaping, screen walls and woodlands protection. All ice bridges shall be located below the screening or base.
- (11) Monopole antenna structures and stealth support structures are the only acceptable types of structures, except in the CBD. Only roof-mounted structures are permitted in the CBD.
- (12)

All towers, structures and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area. When necessary to ensure compatibility with the surrounding area, a visual simulation may be required of the applicant. A visual simulation consists of an artist's or architect's rendering, or a suitable photo rendering of how the tower will appear in the area proposed, taking into account existing buildings and natural features.

- (13) The maximum height of any new wireless communication tower or antenna shall be as determined by the planning commission through the granting of special exception and/or site plan approval. The height permitted shall be the minimum height necessary to meet the applicant's engineering requirements for the site being considered, but in no instance shall it exceed a maximum height of 150 feet. It is understood that the height of a wireless communication tower or antenna may exceed the maximum permitted height specified in the Schedule of District Regulations found in article 20 of this ordinance. Should co-location be proposed upon an existing structure, thereby qualifying for administrative approval, the height proposed may be approved by the administrative official approving the site plan.
- (14) Cell tower site access:
- a. All trees and brush shall be kept cleared for a minimum width of 14 feet for the full length of all cell tower site access drives.
 - b. All topsoil, stumps, and unstable soil shall be removed and backfilled with appropriate granular material and surfaced with gravel, crushed limestone, finely crushed concrete or similar material approved by the planning commission, for a minimum width of 12 feet for the full length of the driveway. The installation shall be reviewed and approved by the city's engineer and/or director of the department of public works.
 - c. An appropriate area shall be provided for vehicles to turn around to exit the site such that ASHTO standards are met. The turnaround area may be incorporated as part of the parking area for service personnel.
- (15) Prior to and as a condition of granting approval for a new wireless communication tower on private property, it shall be necessary for the applicant to demonstrate that it is not feasible to:
- a. Locate the tower on any publicly owned land within the city upon which the public entity reasonably anticipates the need or desirability of a future wireless communication tower for public purposes; and
 - b.

Locate the tower on publicly owned land not owned by the city where such location would minimize the impact on other properties by providing a setback larger than the minimum requirements of the ordinance, while meeting all of the other requirements contained in this section.

- c. Use a cellular repeater to accommodate the demonstrated need for additional wireless communication service.
- (16) Applicants who erect a new wireless communication tower shall design the tower and site to accommodate future co-location of at least six platforms (and the antennas thereon) and associated accessory buildings, and shall make the tower available for use by public service agencies, provided that public service agency equipment mounted on the tower does not adversely affect any existing equipment and mounting the public service agency equipment is technologically possible.
 - (17) New wireless communication towers shall be set back a minimum distance of one foot for each one foot of overall tower and antenna height, except that towers shall be set back a minimum distance of two feet for each one foot of overall towers and antenna height when adjoining property zoned for residential use. The setback shall be measured from the nearest point of the base of the tower to the nearest property line, or unit boundary line in the case of a site condominium development. In nonresidential zones with nonresidential adjoining property, the minimum setback distance may be reduced to not less than the minimum setback required in the zoning district at issue when it is clearly demonstrated by the applicant that the tower has been designed to fall within the leased area in the event of structural collapse. Antennas located on electric transmission towers, existing wireless communication towers, or other tall structures shall be considered to have complied with the setback and height requirements. The setback from a public right-of-way or public or private street may be reduced to one-half the height of the tower. A preexisting, nonconforming tower may be rebuilt to its nonconforming height if the tower owner demonstrates to the planning commission that technology requirements are such that the current height is necessary to maintain current levels of service.
 - (18) Towers and equipment shall be regularly maintained, in accordance with a schedule or similar evidence submitted to the planning commission, in working order and in compliance with all governmental and regulatory agency regulations. Notices of any deficiencies, noncompliance or other violations of any laws, regulations or other requirements pertaining to the tower and its operation from any governmental agency shall be forwarded to the city manager and city attorney within 15 days of the owner's receipt of said notice.

- (19) The applicant shall be required to obtain and maintain general liability insurance with issuers and in such amounts acceptable to the city. The applicant shall provide the city with certificates of insurance, and all renewal certificates, demonstrating that any damages caused by the tower/antenna including, but not limited to, any collapse or malfunction, will be covered. Such insurance shall be maintained at all times that the tower, equipment and/or antenna are located at or on the property.
- (20) Applicants for a new wireless communications tower shall be required to demonstrate that the use of cellular repeaters is not feasible to accommodate the stated need for improved or additional wireless communications services. The city encourages the use of cellular repeaters to eliminate the installation of new towers and to reduce the number of existing towers, antennas and equipment. Cellular repeaters shall be designed and located to minimize their noticeability and blend into current towers and structures. The size and height of location of any proposed repeater units shall be based upon practical considerations and technology that is currently available, and shall not be located within driving sight lines.

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