

## **CHAPTER 93: TOWERS, REFLECTORS, ANTENNAS**

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### **§ 93.01 Purposes**

The purposes of this chapter are:

- (a) To provide for broadcasting or reception towers or antennas which are intended for transmitting and receiving television, radio, cellular, or telephone communications to be situated on non-residential sites.
- (b) To establish guidelines for the placement of towers and antennas.
- (c) To balance the need of providers of telecommunications services to provide quick, effective service with the safety and welfare of the public pursuant to state and federal law.

### **§ 93.02 Scope**

The regulations set forth in this chapter govern broadcasting and communication towers/antennas in all non-residential districts.

### **§ 93.03 Required Conditions**

Any commercial, radio, television, cellular, or microwave towers, reflectors, antennas, or support structures must be in commercially zoned areas within the City limits.

### **§ 93.04 Permit And Site Plan Required**

Broadcasting and communications towers or antennas may not be constructed unless the Planning and Zoning Commission has reviewed and the City Council has approved a Tower Permit (TP) and site plan. The following procedures shall apply:

(a) Any person wishing to construct a new broadcasting or communication tower/antenna shall make application to the Planning and Zoning Department for a tower permit (TP). A fee as prescribed in § 21.00 of Appendix 1 - Fee Schedule will be charged for this permit. A detailed site plan shall be submitted with the TP application for each tower/antenna location, and shall contain the following:

(1) Location of proposed tower/antenna, including the zoning and land use of adjacent property.

(2) All significant structures within one-half mile of the proposed tower/antenna location. Significant structures, including all publicly or privately owned buildings (excluding utility poles), and street or traffic light standards that are over 75 feet in height.

(3) Propagation for the area as provided for the initial site determination (if applicable).

(4) A detailed landscape/screening plan that includes the complete pad site.

(5) Name, address, and telephone number of the person or entity responsible for removal of a tower/antenna in the event of abandonment. Should any of this information change after a TP has been approved, such updated information shall be provided to the Planning and Zoning Department within ten (10) days.

(6) Copies of FAA application or approval.

(7) Explanation justifying the requested height of the tower/antenna.

(8) Written confirmation from owners, or their authorized agents, of structures identified as significant according to subsection (a) (2) above that details the reason(s) why the proposed tower/antenna cannot be co-located on a significant structure or building.

(b) The application shall be placed on the agenda for review at the next available meeting of the Planning and Zoning Commission. Any decision by the Commission to deny a TP shall be in writing and supported by substantial evidence contained in a written record. The denial of a TP may be appealed to the City Council.

(c) Upon appeal, the application for a TP shall be placed on the next regularly scheduled City Council meeting. The City Council shall approve or deny the application for the TP no later than sixty (60) days after the original filing with the Planning and Zoning Department. If the application is not denied within said sixty (60) day period, then the application shall be deemed to be approved. Any decision by the City Council to deny a TP shall be in writing and supported by substantial evidence in a written record.

### **§ 93.05 Approval for Changes to Existing Towers/Antennas**

Broadcasting and communication towers or antennas that are to be constructed on the sites of previously permitted towers, antennas, buildings or structures within any zoning district shall not require a special use permit and may be approved by the Planning and Zoning Commission subject to the following:

(a) The Planning and Zoning Commission shall approve or reject the request within thirty (30) days after the filing of the request. If the application is not denied within the thirty (30) day period, then it shall be deemed approved.

(b) Any decision by the Planning and Zoning Commission to deny a request for a change or alteration to a previously permitted tower, antenna, building, or structure shall be in writing and supported by substantial evidence contained in a written record. The written decision of denial by the Planning and Zoning Commission shall also indicate that the applicant may appeal, within ten (10) days, the decision of the Planning and Zoning Commission to the City Council. In the event of such an appeal, the provisions of § 93.04, subsection (c), shall govern.

(c) If the tower or antenna will increase the overall height of an existing tower, antenna, building, or structure by more than 15 feet, then a TP shall be required and the provisions of § 93.04, subsection (c), shall govern.

### **§ 93.06 Tower/Antenna Height**

(a) No commercial radio, television, cellular, or microwave reflector tower/antenna or support structure shall exceed 50 feet in height. Tower/antenna height is approved as part of the TP and administrative approval process under this section.

(b) Publicly owned towers/antennas shall not be subject to maximum height requirements.

(c) No commercial radio, television, cellular or microwave reflector tower/antenna or support structure shall be within 500 feet of any like tower.

### **§ 93.07 Entire Lot**

For purposes of determining whether the installation of a tower/antenna complies with development regulations, setback requirements, and other zoning regulations, the dimensions of the entire lot shall control, even though the tower/antenna may only be located on portions of such lots.

### **§ 93.08 Antenna Support Structure**

(a) Towers/antennas and required accessory buildings located within commercial and industrial districts shall comply with the building setbacks for the specific zoning district.

(b) A minimum setback equal to the height of the tower/antenna shall be required from any residential zoning district line.

### **§ 93.09 Existing Towers/Antennas**

Any tower or antenna lawfully existing at the time of the passing of this ordinance may continue to exist under the standards in effect at the time that the tower/antenna was originally permitted. However, any changes or alterations to such previously permitted tower/antenna shall be subject to this ordinance.

### **§ 93.10 Federal Requirements**

All towers/antennas must meet current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other federal agency having authority to govern towers/antennas.

### **§ 93.11 Abandoned Towers/Antennas**

Any tower/antenna that has not been in operation for a continuous period of twelve (12) months shall be considered abandoned, and the owner or person in control shall remove the same within ninety (90) days after receipt of written notice from the City at such owner's expense. If there is more than one user of a single tower/antenna, then this subsection shall not apply until all users cease using the tower/antenna.

### **§ 93.12 Public Towers/Antennas**

All publicly owned antennas or communication structures shall be license, lease, or other form of approval has been obtained from the City.

### **§ 93.13 Television Satellite Dish Regulations**

(a) The purpose of this section is to provide for installation of satellite dish antennas designed and used for reception of television or other electronic communications broadcast or relayed from an earth satellite.

(b) Required conditions:

(1) Administrative approval of site plan by Building Official.

(2) It may be a solid, open mesh, or bar configured structure, typically eight (8) to twelve (12) feet in diameter, in the shape of a shallow dish or parabola.

(3) A satellite dish antenna may be located in a residentially zoned district if it complies with the following conditions:

- (i) The dish is ground-mounted.
- (ii) The dish is not located in a front yard; or in the front yard or exterior side yard of a corner lot; or in the front yard or exterior rear yard of a through lot.
- (iii) The dish complies with the setback requirements for accessory structures for the district in which it is located. For this purpose, satellite dishes that are attached to a structure shall be considered a part of the structure; satellite dishes that are freestanding shall be considered an accessory building.
- (iv) The dish does not exceed twelve (12) feet in height above the existing grade.
- (v) Only one satellite dish antenna shall be permitted per lot.
- (vi) Satellite dish antennas with a diameter measuring less than one meter (3.28 feet) may be installed in a manner consistent with typical television antennas.
- (vii) Satellite dish antennas in residentially zoned districts shall be used only for private, non-commercial purposes.