

**CHAPTER 1140
Communication Towers**

1140.01	Purpose.
1140.02	Definitions.
1140.03	Permit process.
1140.04	Chapter regulations to supplement other regulations.

1140.01 PURPOSE.

The communication tower regulation is intended to preserve the opportunity for improved services and technological advances from such consumer oriented public services and at the same time to preserve the quality of life in residential areas close to tower installations including to protect the health and safety of residents from possible adverse impacts of emissions; protect the visual quality and natural beauty of the community; and to provide guidelines for zoning compliance to protect the general welfare, health and safety of the City's residents.

(Ord. 95-10. Passed 3-13-95.)

1140.02 DEFINITIONS.

(a) "Communication tower" means a structure designed and constructed primarily for the purpose of or used for the purpose of supporting one or more antennae for telephone, radio, television, and similar communication purposes, including but not limited to self-supporting lattice towers, guyed towers or monopole towers. Any accessory supports or structures associated with the operation and use of the communication tower are included within the meaning.

(Ord. 00-17. Passed 3-13-00.)

(b) "Communication distribution system" includes broadcast antennae for cellular telephone, AM and FM, microwave and television systems.

(Ord. 95-10. Passed 3-13-95.)

1140.03 PERMIT PROCESS.

(a) No communication tower over thirty-five feet in height above grade shall be installed or constructed in the City without first obtaining a special permit for the same from the Planning and Zoning Commission.

(b) The Commission shall approve, disapprove or approve with conditions a special permit for a communication tower over thirty-five feet in height based on a site plan to be submitted by the applicant as prescribed by the Commission. In making its decision, while upholding the purpose of this section the Commission shall consider that the proposed tower and attendant installation be subject to the following:

(1) The tower shall be permitted only in B-1, B-2, B-3, B-4, M-1, M-2, M-3, M-4, M-5 and S-1 zoning districts.

(2) Sited so that all reasonable alternatives for tower placement have been clearly and convincingly demonstrated so that the installation will minimize the visual intrusion of the tower.

- (3) Shared with other users to minimize the proliferation of towers within the City.
 - (4) Detailed in a site plan to include complete structure elevations and a perspective view showing the tower as viewed from all the property lines/lot lines of the proposed site.
 - (5) Located to minimize the visual impact at base elevation of the proposed structure by a comprehensive landscape plan.
- (c) Proposed towers shall conform with the following development standards:
- (1) The installation shall be 1,000 feet from the nearest residential use or district, including planned districts for residential use or public park.
 - (2) Minimum setback from all property lines shall be a distance equal to the height of the tower. Setback shall be defined as the distance from the property line to the nearest portion of the structure.
 - (3) Underground wiring to the site shall be required.
 - (4) Equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall not be stored or parked on the site except in connection with a repair or maintenance being made to the installation.
 - (5) No employees shall be employed on a regular basis at the installation site.
 - (6) Obsolete or unused facilities shall be removed within twelve months of ceasing operation.
 - (7) Notwithstanding the requirements of paragraph (c)(1) above, the Commission may approve with conditions a special permit for proposed towers within 1,000 feet of the nearest residential use or district, including planned districts for residential use or public parks.
- (d) The following are exempt from the special permit provisions of this section:
- (1) Communication towers less than thirty-five feet in height above grade that are not located in a residential district or a planned district for residential use.
 - (2) Ham radio installations in residential districts or a planned district for residential uses providing:
 - A. The tower is no higher than the highest point of the residence. If the tower is retractable, it shall be measured when retracted.
 - B. The tower is an accessory use to a permitted principal use of the property.
 - C. The tower shall be placed to the rear of the principal use.
 - D. Site approval is granted by the Zoning Officer.
 - E. All FAA and FCC requirements and building and electrical permit requirements are met.
- (e) A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City for each application for a special permit for a communication tower.
(Ord. 00-17. Passed 3-13-00.)

1140.04 CHAPTER REGULATIONS TO SUPPLEMENT OTHER REGULATIONS.

The foregoing regulations are in addition to any other regulation of the City regarding the construction, installation and maintenance of a communication tower or any other structure or building. (Ord. 95-10. Passed 3-13-95.)