

TELECOMMUNICATION ANTENNAS AND TOWERS

A. DEFINITIONS

As used in this article, the following terms shall have the meaning indicated.

1. Alternative tower structure. Man-made structures such as elevated tanks, electric utility transmission line towers, nonresidential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Freestanding signs are not considered to be alternative tower structures.
2. Antenna. Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. FAA. Federal Aviation Administration.
4. FCC. Federal Communications Commission.
5. Governing authority. The Town Board of the Town of Glenmore.
6. Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
7. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy wires, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structure, and the like.

B. APPLICABILITY

District Height Limitations.

The requirements set forth in this article shall govern the location of towers that exceed, and antennas that are installed at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower exceed the following height limitations:

- a. for a single user, up to ninety (90) feet in height;
- b. for two users, up to one hundred twenty (120) feet in height; and
- c. for three or more users, up to one hundred fifty (150) feet in height.

C. CONDITIONAL USE PERMIT

1. Requirements.

a. A Conditional Use Permit shall be required prior to construction of any tower, placement of any antenna or additions to tower/antenna.

b. Towers and antennas may only be located in Rural-Residential, Agriculture, General Industrial and Commercial Business zoning districts.

c. If a Conditional Use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

e. Prior to the leasing of space on any tower, lessee shall apply for a permit from the Town of Glenmore. If a building is needed to accommodate the leased tower space, conditional use approval will be required.

f. Submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.

2. Factors Considered in Granting Conditional Use Permits.

The governing authority shall consider the following factors in determining whether to issue a Conditional Use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

a. Height of the proposed tower.

b. Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment.

c. Proximity of the tower to residential structures and residential district boundaries.

d. Nature of uses on adjacent and nearby properties.

e. Surrounding topography.

f. Surrounding tree coverage and foliage.

g. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

h. Proposed ingress and egress.

i. Availability of suitable existing towers and other structures as discussed in Section C. 3 of this article.

j. Abandonment surety bond.

3. Availability of Suitable Existing Towers or Other Structures.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. 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.

e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

4. Setbacks and Separation.

The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required:

a. Towers must be set back a distance equal to the height of the tower plus twenty (20) feet from the offsite structure and/or adjacent property.

b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

5. Landscaping.

The following requirements shall govern the landscaping surrounding towers for which a Conditional Use permit is required provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby:

a. Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screen the view of the tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

D. GUIDELINES AND REQUIREMENTS

1. Purpose and Goals.

The purpose of this article is to establish general guidelines for the location of towers and antennas. The goals of the article are to:

a. encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;

b. strongly encourage the joint use of new and existing tower sites;

c. encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

d. encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;

e. enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

2. Principle or Accessory Use.

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.

Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

Any space leased out on a new or existing tower shall apply for a permit from the Town of Glenmore.

3. Inventory of Existing Sites.

Each applicant for an antenna and or tower shall provide to the Plan Commission and the Town Board an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height, and design of each tower.

The Plan Commission and the Town Board may share such information with other applicants applying for administrative approvals or Conditional Use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Plan Commission and Town Board are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics and Lighting.

The guidelines set forth in Section D GUIDELINES AND REQUIREMENTS shall govern the location of all towers, and the installation of all antennas governed by this article provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby.

a. Towers shall maintain a galvanized steel finish, or subject to any applicable standards of the FAA and be painted a neutral color so as to reduce visual obtrusiveness.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. All towers and structures shall comply with the "Obstruction Marking and Lighting" requirements, amended from time to time, of the Federal Aviation Administration in cooperation with the Federal Communications Commission. Where "Dual Lighting Systems" are optional, it shall be mandatory that white strobe lighting be used during daylight hours only and the red light shall be utilized at night.

e. Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than six (6) feet above the ground on a placard no larger than one and one-half (1-1/2) sq. ft.

5. Federal Requirements.

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

6. Building Codes, Safety Standards.

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

Every telecommunication facility shall be designed and constructed so as to comply with the requirements of Secs. Comm 62.35 to 62.41, Wisconsin Administrative Code, as amended from time to time. Every telecommunication facility shall incorporate sufficient anti-climbing measures into the facility to reduce the potential for trespass and/or injury.

If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.

If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

E. REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. If there are two (2) or more users of a single tower, then the antenna and/or tower shall not become abandoned until all users cease using the structure.

The governing authority may require the removal of said antenna and/or tower. Written notice from the governing authority must be given to the owner of such abandoned antenna and/or tower if removal is required. The owner of such antenna and/or tower shall remove the same within ninety (90) days of receipt of notice from the governing authority.

If such antenna and/or tower is not removed within said ninety (90) days, the governing authority may remove such antenna and/or tower at the expense of the antenna and/or tower owner, or at the expense of the property owner in the case where the owner of the antenna and/or tower is leasing the property upon which the antenna and/or tower is installed.

MOBILE (CELL) ANTENNAS AND TOWERS

A. PURPOSE

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

B. DEFINITIONS

1. Class 1 collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

2. Class 2 collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

3. Mobile service. A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves.

4. Search ring. A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

5. Substantial modification. The modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

a. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.

c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

d. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

C. APPLICATION PROCESS FOR A NEW TOWER OR CLASS 1 COLLOCATION

1. A mobile tower siting permit is required for the siting and construction of any new mobile service support structure and facilities. A collocation permit is required for a class 1 collocation.
2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. A permit application will be provided by the town upon request to any applicant.
4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If the town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period:

a. Plan Commission review of the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinances.

b. Town Board final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback required in a zoning ordinance, that setback does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is \$3000. [not to exceed \$3,000 per s. 66.0404(4)(d)]

D. APPLICATION PROCESS FOR CLASS 2 COLLOCATION

1. A collocation permit is required for a class 2 collocation.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

3. A permit application will be provided by the town upon request to any applicant.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject. (Ref. section X. Glenmore Zoning Ordinance) As part of the final inspection the applicant will furnish before and after photos to show what was added to the tower.

5. If an applicant submits to the Town an application for a permit to engage in an described in this ordinance, which contains all of the information required under this ordinance, the Town shall

consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

6. Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:

- a. Make a final decision whether to approve or disapprove the application.
- b. Notify the applicant, in writing, of its final decision.
- c. If the application is approved, issue the applicant the relevant permit.
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

7. The fee for the permit (including building permit) is \$500. [not to exceed \$500 per s. 66.0404(4)(d)]

E. SAFETY

1. Every mobile tower shall incorporate sufficient anti-climbing measures to reduce the potential for trespass and/or injury.

2. Mobile towers must be set back a distance equal to the height of the tower plus 20 feet from adjacent property lines. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

3. Mobile towers and antennas shall not be used to display advertising.

F. SURETY

A surety bond in the amount of \$20,000 is required from each applicant for a new mobile tower or class 1 or class 2 collocation for removal of a tower or antenna that is abandoned.