
Sec. 125-361. Antenna support structure.

- (a) *Preapplication conference for approval process.* Construction of any antenna support structure shall require a permit, to be issued upon approval following completion of procedures provided by this section. Any applicant or agent thereof seeking to construct an antenna support structure shall schedule a courtesy review with the department of planning prior to the submission of the permit application, in order to review the requirements of this section. The applicant shall bring to the conference the legal description of the proposed antenna support structure site and zoning lot, a conceptual plan of the antenna support structure, and an elevation drawing of the antenna support structure site improvements.
- (b) *Submission requirements.* All applications for an antenna support structure permit shall contain the following items:
- (1) The applicant shall be the antenna support structure owner or authorized agent. The application shall be signed and notarized by the owner of the property upon which the antenna support structure is being built, with the property owners acknowledgment of the requirements relating to abandonment of antenna support structures, as provided in section 125-365. Documentation shall be submitted as to telecommunication carrier utilizing the antenna support structure.
 - (2) Site and landscape plan drawn to scale, legal description of the antenna support structure site and zoning lot, north arrow and demonstration of compliance with applicable land development regulations.
 - (3) An elevation, drawn to scale, of the zoning lots view from city right-of-way and any abutting residential use or property.
 - (4) Documentation of compliance with FAA and any applicable local aviation authority regulations.
 - (5) Documentation to ensure that any antennas to be placed on the antenna support structure meet all relevant FCC regulations and radio frequency emission standards.
 - (6) Copies of any relevant easements.
 - (7) The applicant must include in the application an affidavit of good faith intent to allow the co-location of wireless communication antennas by other telecommunication carriers at a reasonable market rate.
 - (8) The applicant shall provide a notice of the proposed location to other telecommunication carriers with potential interest in co-location by satisfactory evidence of actual notice. Copies of any such notices must be submitted with the application. Notice shall direct the carriers interested in collocation to contact the planning department. If a potential user requests co-location in writing to the planning department, the burden shall be on the applicant to demonstrate that co-location cannot be accommodated pursuant to subsection (b)(10) of this section.
 - (9) The applicant shall provide the applicable propagation models and/or search ring maps for the telecommunication carrier which has demonstrated an intent to locate a wireless communication antenna on the proposed antenna support structure and shall identify all existing structures within the telecommunication carrier's search ring of equal or greater height than the proposed antenna support structure.
 - (10) The applicant must demonstrate by provision of an affidavit from a registered professional engineer with expertise in the telecommunications industry that the wireless telecommunication antenna to be attached to the antenna support structure cannot be accommodated on the identified existing structures or on a commercial communication tower within the telecommunication carrier search ring due to one or more of the following reasons:

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- a. Both the owner/operator of the existing antenna support structure and the applicant have verified that an additional antenna array would exceed the structural capacity of the existing support structure, and the existing antenna support structure cannot reasonably be replaced with a new tower at its current location.
 - b. Documentation from a registered professional engineer with expertise in the telecommunication industry that the wireless telecommunication antennae would cause RF or other type of interference to be interfered with by the operation of existing or proposed wireless telecommunication antennas, located on or near the existing structure.
 - c. The existing antenna support structure does not have the space or availability at the required height, or adequate area upon which to locate and operate the necessary equipment effectively and reasonably.
 - d. The lease terms on an existing tower are not economically reasonable or are substantially higher than current market rates.
- (11) Documentation establishing the structural integrity for the antenna support structures proposed use.
 - (12) An affidavit from the property owner or applicant acknowledging acceptance of the requirements of section 125-365.
 - (13) A lease agreement demonstrating that one or more telecommunication carriers intend to locate wireless communication antenna on the proposed antenna support structure.
 - (14) An affidavit from the applicant documenting the specific number of antennas the proposed antenna support structure is designed to carry.
 - (15) Prior to issuance of a certificate of completion, the applicant shall document liability coverage in an amount satisfactory to the department as reasonably commensurate with the nature of the structure.
- (c) *Action on application.* The following procedures and requirements shall apply to any application for construction of an antenna support structure:
- (1) The planning department will review the completed application to ensure conformity with this article. Such review shall be completed within a period of 30 days. If there are no violations, the department shall forward such completed application to the city planning board with a written report.
 - (2) The city planning board shall review the proposed application and make a recommendation to the city commission. If the board recommends disapproval, the reason shall be stated.
 - (3) The city commission shall hold a hearing and approve or disapprove the proposed application. In so doing, it shall adopt written findings, based upon competent substantial evidence. The application may not be approved in the event public health, safety and general welfare are not properly provided for.
- (d) *Standards for review.* It is the intent of this section to provide reasonable opportunities for siting of telecommunications towers and other wireless facilities consistent with federal and state guidelines while also providing for protection of the public welfare through the city's exercise of its police powers. The city shall consider and weigh the aesthetic impact and compatibility issues of the proposed antenna support structure with the public benefit derived from having an efficient and reliable wireless communications system when determining whether or not to approve the application. Consideration shall be based upon these factors:
- (1) Height of the proposed antenna support structure.
 - (2) Proximity of the antenna support structure to residential structures and residential district boundaries.
 - (3) Nature of uses on adjacent and nearby properties.

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- (4) Surrounding topography.
 - (5) Surrounding tree coverage and foliage.
 - (6) Design of the antenna support structure, with particular attention to design characteristics which have the effect of reducing or eliminating visual obtrusiveness, to the extent reasonably possible.
 - (7) Proposed ingress and egress.
 - (8) Availability of suitable existing antenna support structures and other structures. No new antenna support structure may be permitted unless the applicant demonstrates to the city's reasonable satisfaction that no existing antenna support structure or other suitable structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing antenna support structure or other structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing antenna support structures or other suitable structures are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing antenna support structures or other suitable structures are not of sufficient height to meet the applicant's engineering requirements;
 - c. Existing antenna support structures or other suitable structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing antenna support structure or other suitable structure, or the antenna on the existing antenna support structure would cause interference with the applicant's proposed antenna;
 - e. The fees, costs or contractual provisions required by the applicant in order to share an existing antenna support structure or other structure or to adapt such structure for sharing are unreasonable. Costs exceeding a new antenna support structure are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing antenna support structures or other structures unsuitable.

(Code 1983, § 22-159; Ord. No. J-452, § 1, 9-21-1998; Ord. No. K-128, §§ 1, 2, 1-22-2002)