

SECTION 1107.00 SPECIAL PROVISIONS.

SECTION 1107.04 TELEVISION AND RADIO ANTENNAS.

1107.04 SUBD. 1. PURPOSE AND INTENT.

In order to accommodate the communication needs of the residents, business and industry while protecting the health, safety and general welfare of the City of Belle Plaine, the following regulations are imposed in order to:

1. Facilitate the use of wireless communication services, television and radio antenna, for residents, business and industry of the City of Belle Plaine;
2. Minimize adverse effects of towers through careful design and siting standards;
3. Avoid potential damage to adjacent properties from tower or antenna failure through structural standards and setback requirements; and
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

1107.04 SUBD 2. AMATEUR RADIO TOWERS.

Amateur radio support structures (towers) shall not exceed a height above ground level of seventy-five (75) feet, unless a conditional use permit has been granted. They shall be mounted on the roof a dwelling or other building or located in the rear yard unless there is not sufficient space to erect them in those locations. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturers specifications.

1107.04 SUBD. 3. TOWER LOCATIONS.

Antennas on a public structure or existing structures are allowed in all districts by resolution approved by the City Council. Towers not exceeding seventy-five (75) feet in height may be erected after the issuance of a building permit. All towers shall be of a monopole construction and subject to the regulations listed in the City of Belle Plaine Aviation Ordinance. Towers exceeding seventy-five (75) feet in height may be allowed only by a conditional use permit in the following zoning districts:

- B-2, Highway Commercial
- B-3, Central Business
- I-C, Industrial/Commercial
- I-2, Industrial

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#### 1107.04 SUBD. 4. TOWER SETBACKS.

The following setbacks shall apply:

1. The setback of the tower shall be at a ratio of one (1) foot of setback for every two (2) feet of height of tower (i.e. a one hundred (100) foot tower would require a fifty (50) foot setback from all property lines and street right-of-way).
2. In the event that any portion of the property directly abuts a district zoned residential or rural residential, the setback to these districts shall be at a ratio of one (1) foot for every one (1) foot of height of structure (i.e. a one hundred (100) foot tower would require a one hundred (100) foot setback from any property line which is residentially or rural residentially zoned).

#### 1107.04 SUBD 5. TOWER LIGHTING.

Towers shall be required to meet Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) requirements and shall not be artificially lighted unless required by the FAA to do so. If the tower does require artificial lighting, a letter stating this need and a description of the lighting shall be provided to the City Council prior to approval. The lighting, unless required by the FAA to be otherwise, must be diffused.

#### 1107.04 SUBD. 6. CO-LOCATION REQUIREMENTS.

All commercial towers erected, constructed or located within the City of Belle Plaine shall comply with the following requirements:

##### 1. SEARCH AREA.

A proposal for a new commercial tower shall not be approved unless the applicant has provided proof that the proposed tower cannot be accommodated on an existing or approved tower or building within a one (1) mile search radius of the proposed tower, due to one (1) or more the following reasons:

- A. The antenna would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- B. The antenna would cause interference materially impacting the usability of other existing or planned antenna at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
- C. Existing or approved towers and buildings within the search radius cannot accommodate the planned antenna at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
- D. Other unforeseen reasons that make it unfeasible to locate the planned antenna equipment upon an existing or approved tower or building.

##### 2. CO-LOCATION.

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Any proposed commercial tower shall be designed structurally, electronically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the tower is over seventy-five (75) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

#### 1107.04 SUBD. 7. STRUCTURAL AND LANDSCAPING REQUIREMENTS:

Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
2. Commercial towers shall be of a monopole design, unless the City Council determines that an alternative design would better blend into the surrounding environment.
3. Landscaping plans for the base of the tower must be submitted with the application of the conditional use permit or building permit, should a conditional use permit not be needed. These plans must be compatible with the surrounding character of the area and must be approved either by the City Council or City staff prior to the issuance of the conditional use permit or building permit.
4. Screening plans for accessory equipment or buildings shall be provided and include a one hundred percent (100) opaque barrier to be constructed of either brick masonry walls or solid wood fencing of a height of no more than six (6) feet.

#### 1107.04 SUBD. 8. ABANDONED OR UNUSED TOWERS AND ANTENNAS.

Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within six (6) months of cessation of operations at the site unless a time extension is approved by the City Council. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City of Belle Plaine and the costs of removal assessed against the property.
2. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna location. The replacement of portions of a tower previously removed requires the issuance of a new

conditional use permit.

1107.04 SUBD. 9. PUBLIC SAFETY TELECOMMUNICATION INTERFERENCE.

Commercial wireless telecommunications services shall not interfere with public safety telecommunications. Before the introduction of new service or changes in existing services, telecommunication providers shall notify the City at least ten (10) days in advance of any changes and allow the City to monitor interference levels during the testing process.

1107.04 SUBD. 10. SIGNS AND ADVERTISING.

The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.

1107.04 SUBD. 11. ADDITIONAL SUBMITTAL REQUIREMENTS.

In addition to information listed elsewhere in this Section, conditional use permit applications for towers shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which:
  - A. describes the tower height and design including a cross section and elevation;
  - B. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  - C. describes the tower's capacity, including the number and type of antennas it can accommodate;
  - D. documents what steps the applicant will take to avoid interference with established public safety telecommunications;
  - E. includes an engineer's stamp and registration number; and,
  - F. additional information necessary to evaluate the request.
2. For all commercial towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. If the tower exceeds two hundred (200) feet, a letter of approval from the Federal Aviation Administration.
4. A letter from the Federal Aviation Administration if artificial lighting is deemed necessary.

1107.04 SUBD. 12. SATELITTE DISHES.

Satellite dishes greater than one (1) meter in diameter shall be allowed only by a conditional use permit in all districts. Design plans shall include provisions for screening and shall be submitted with the conditional use permit application.