

## ATTACHMENT B

### H. *Conditional Use Permits For Towers.*

1. *Purpose.* The purpose of these restrictions is to:

- a. Minimize the adverse effects of towers on aesthetic and property values through careful design, siting and vegetative screening;
- b. Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
- c. Lessen traffic impacts on local streets; and
- d. Maximize use of existing towers to reduce the number of towers needed.

2. *Applicability.* In addition to the provisions and restrictions listed above for a conditional use permit, the following requirements for conditional use permit shall also apply to all zoning districts where towers are permitted as a conditional use and to all zoning districts where towers are permitted as a principal or accessory use where:

- a. The tower exceeds one hundred (100) feet in height; or
- b. The tower is on a building, exceeds twenty (20) feet in height as measured from the top of the building and the combined height of the building and tower exceeds one hundred (100) feet.

3. *Exemptions.* An antenna and tower for the following uses are exempt from these requirements and are permitted uses in any district if accessory to a permitted use and if they comply with the applicable regulations of the district in which situated:

- a. Ham radios.
- b. Citizen band radios.

4. *Approval standards.* All applications for a conditional use permit for a tower shall comply with the following requirements. Site includes all property described by the legal description submitted with the conditional use permit application and may be only part of a larger parcel.

- a. Structures shall be set back from adjoining residential-zoned property, property or streets sufficient to:
  - (1) Contain on-site substantially all ice-fall or debris from tower failure;
  - (2) Preserve the privacy of adjoining residential zoned property. The site is of sufficient size to comply with this standard if:
    - (a) Accessory structures comply with the setback standards in the zoning district;

(b) The tower base is set back from adjoining residential-zoned property, public property or a street by a distance equal to fifty percent (50%) of the height of the tower up to one hundred (100) feet, plus one (1) foot for each foot over one hundred (100) feet in height, unless the tower is designed for collocation of at least two (2) additional carriers, in which case the setbacks for structures in the zoning district where the tower is located shall be complied with or the distance between the tower base and guy wire anchors, whichever is greater;

(c) The tower is set back from adjoining land in other districts by the rear yard setback required in the adjoining district;

(d) Guy wire anchors are set back at least twenty-five (25) feet from an adjoining residential-zoned property, public property or a street; and

(e) Guy wire anchors are set back at least the rear yard setback from adjoining land in other districts.

b. Set back requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located. The tower shall be set back from other on- and off-site towers and supporting structures far enough so one (1) tower will not strike another tower or support structure if a tower or support structure fails.

c. The tower shall have the least practicable adverse visual effect on the environment.

d. Existing on-site trees and shrubs shall be preserved to the maximum extent practicable.

e. Traffic associated with the facility shall not adversely affect adjoining streets. Vehicular access shall be limited to a major street if the site adjoins both a major and local street.

f. Adequate off-street parking shall be provided to accommodate workers, employees, invitees and others who may be on location on account of the location of the tower.

g. The applicant shall demonstrate that the planned equipment cannot be accommodated on an existing or approved tower or location.

5. *Application contents.* An application for approval of a conditional use permit for a new tower shall include the following in addition to the application requirements of Subsection (C):

a. A site plan drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; and uses, structures and land-use designations on the site and adjoining parcels;

b. A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features; and

c. Evidence that the planned transmission facilities cannot be accommodated on an existing or approved tower and that the planned tower cannot be accommodated on an existing or approved tower site. The Board of Aldermen may consider expert testimony to determine whether other towers or sites could accommodate the planned facilities and whether fees and costs associated with the use of an existing or planned tower or site is reasonable.

6. *Conflict with FCC or FAA regulations.* In the event there is a conflict between these regulations and Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations, the FCC or FAA regulations shall govern. (Ord. No. 020227 §1(3.21), 2-27-02)