



City of Lake Elmo

3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

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NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Monday, October 23, 2006, at 7:00 p.m.

AGENDA

1. Pledge of Allegiance
2. Agenda Approval
3. Minutes
 - a. September 6, 2006
 - b. September 11, 2006
 - c. September 20, 2006
 - d. September 25, 2006
 - e. October 2, 2006
4. Public Hearing: Amend Code ~ Accessory Buildings
5. Zoning Ordinance
6. City Council Update
7. Adjourn



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Antennas

- 154.500 Purpose and Intent
- 154.501 General Standards
- 154.502 Tower Design
- 154.503 Co-Location Requirement
- 154.504 Setbacks
- 154.505 Accessory and Secondary Use Antennas
- 154.506 Personal Wireless Service Antennas
- 154.507 Satellite Dishes
- 154.508 Commercial and Public Radio and Television Transmitting Antennas, and Public Utility Microwave Antennas
- 154.509 Additional Submittal Requirement

Public Property / Right-of-Way

- 154.520 Coverage
- 154.521 Liability

Land Filling and Exc/Grading Operations

Specialized Housing

ANTENNAS

154.500 PURPOSE AND INTENT. (Taken from Wireless Telecommunication Tower Permit)

The wireless telecommunication tower permit regulations are intended to:

- (A) Reasonably accommodate the provision of wireless telecommunication services to the general public;
- (B) Minimize adverse visual effects of wireless telecommunication towers, antennae, or accessory equipment through careful design and siting standards;
- (C) Avoid potential damage to adjacent properties from tower failures through structural standards and setback requirements; and
- (D) Maximize the use of existing and approved towers, structures, and/or buildings for the location of new wireless telecommunication towers in order to reduce the number of the structures needed to accommodate wireless telecommunication services.

154.501 GENERAL STANDARDS.

The following standards shall apply to all cellular telephone, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish, short-wave radio transmitting and receiving antennas, and other personal wireless service

antennas. Wireless telecommunication facilities located in public rights-of-way are exempt from this section, except otherwise specifically provided by this Chapter.

(A) All obsolete and unused antennas shall be removed within twelve (12) months of cessation of operation at the site.

(B) All antennas shall be in compliance with all City building and electrical code requirements and as applicable shall require related permits.

(C) Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications and shall be verified and approved by a professional engineer.

(D) When applicable, written authorization for antenna erection shall be provided by the property owner.

(E) The use of any portion of a wireless telecommunication tower for signs other than warning or equipment information sign is prohibited. No advertising message shall be affixed to the antenna structure or tower.

(Taken from 300.12 Height.)

~~A. Antennas shall not be located on structures in excess of sixty five (65) feet in height unless the structures are existing water towers and the antennas are only an accessory use on the water towers.~~

(Taken from Wireless Telecommunication Tower Permit). ~~No person shall install a wireless telecommunication facility or any portion thereof, at a height greater than is allowed for structures in the underlying zoning district without first being issued a wireless telecommunication tower permit.~~

(F) Height.

(1) In all residential zoning districts, the maximum height of any wireless telecommunication tower including all antennas and other attachments, shall not exceed 1 foot for each 1 foot the tower is setback from a residential dwelling unit up to a maximum of 195 feet for parcels of 40 acres or more and 125 feet for parcels between 10 to 40 acres in size.

(2) In all non-residential zoning districts, wireless telecommunication tower and antennae shall not exceed 195 feet in height above ground for a freestanding wireless telecommunication tower, and 195 feet in height above ground as measured by the lowest ground elevation adjacent to a building on which the tower/antenna is located, including all antennas and other attachments where the zoning district is adjacent to a residential zoning district. The setback from a common lot line shall be 2 feet for each 1 foot of tower height.

(F) The height of the antenna shall be the minimum necessary to function satisfactorily, as verified by an electrical engineer or other appropriate professional.

(G) Antennas shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.

(H) When applicable, proposals to erect new antennas shall be accompanied by any required federal, state, or local agency licenses.

(I) If a new tower is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user, including but not limited to other cellular communication companies, local police, fire and ambulance companies. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. A pole or tower that is integrated into an existing or proposed structure, such as a light pole, power line support device, or similar structure is exempt from this provision.

(J) Except as may be applicable in cases where a conditional use permit is required, antennas and support structures for federally licensed amateur radio stations and used in the amateur radio service are exempt from Subd. 3, 6, and 9 above and Section 21175.03, and must comply with Subd. 12 below.

(K) Amateur radio towers must be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of amateur radio service, antennas mounted on such a tower may be modified or 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 manufacturer's specifications.

154.502 ~~450.112~~ PROHIBITED AREAS.

Wireless telecommunication towers shall not be allowed in the following areas:

- (A) Residentially zoned parcels of less than 10 acres unless the wireless telecommunication tower and ground facilities accessory thereto are located within 100 feet of the right-of-way of a public utility transmission line;
- (B) Open space easements or conservation easements; and/or
- (C) Airport impact zones without consent of the F.A.A.

154.503 ~~450.113~~ ALLOWED TOWER SITES.

Applicants for a wireless telecommunication tower permit shall make a reasonable effort to locate the towers and accessory ground facilities in the following areas:

- (A) On an existing public utility power line support structure, within an existing public utility power line right-of-way, or within 100 feet of the right-of-way;

- (B) On publicly owned property, as approved by the City Council; and/or
- (C) On agriculturally or residentially zoned parcels greater than 10 acres.

154.502 TOWER DESIGN.

(A) Wireless telecommunication towers shall comply with the following standards unless the City Council grants a variance as necessary to reasonably accommodate the wireless telecommunication tower. Variance procedures shall be processed according to the zoning code.

(B) Design.

(1) Towers shall be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact.

~~(1) To blend into the surrounding environment through the use of color and architectural treatment;~~

~~(b) To be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment;~~

(2) Wireless communication towers shall be of a monopole design unless the City Council determines that an alternative design requested by the applicant would better blend into the surrounding environment. This provision does not apply to amateur radio towers or commercial and public radio or television towers.

(3) All proposed wireless telecommunication tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least 1 additional user if the tower is between 75 feet and 100 feet in height; and

(4) Where possible, all proposed wireless telecommunication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

CO-LOCATION REQUIREMENTS

~~Except as hereinafter provided, antenna utilized to provide wireless telecommunication services shall be located on existing towers or structures which exceed 75 feet in height and which are located within 1/4 mile of the antenna site being proposed by the applicant. In the event that co-location is not possible, the applicant must demonstrate that a good faith effort to co-locate on existing towers and structures was made but an agreement could not be reached.~~

154.503 CO-LOCATION REQUIREMENT. A proposal for a new tower shall not be approved unless the City Engineer finds that the antennas cannot be accommodated on an existing or approved tower, building, or structure within a one mile search radius (one-half mile search radius for towers under one hundred 100 feet in height) of the proposed tower due to one or more of the following reasons:

(A) The planned equipment would exceed the structural capacity of the existing or approved tower, building, or structure 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 planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified engineer and interference cannot be prevented at a reasonable cost.

(C) Existing or approved towers, buildings, or structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

(D) Existing or approved towers, buildings, or other structures do not exist in the service area, or do not meet the needs of the user. Documentation shall be provided at the time of application clearly demonstrating why existing structures do not meet the needs of the users.

(E) The applicant shall demonstrate that a good faith effort to co-locate on existing towers or structures was made, but an agreement could not be reached.

~~154.504 — EXCEPTIONS TO CO LOCATION REQUIREMENTS.~~

~~The City Council shall waive any or all of the co location requirements if it is determined that:~~

~~(A) The antennae and/or tower accessory equipment would cause the structural capacity of an existing or approved tower or building to be exceeded, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate the antennae or tower accessory equipment at a reasonable cost;~~

~~(B) The antennae and/or tower accessory equipment would cause interference materially impacting the usability of existing antennae or tower accessory equipment as documented by a qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;~~

~~(C) Existing or approved towers and buildings within the applicant's search radius cannot or will not accommodate the antennae and/or tower accessory equipment at~~

~~a height necessary to function reasonably as documented by a qualified radio frequency engineer; and/or~~

~~(D) Other unforeseen reasons make it infeasible to locate the antennae and/or tower accessory equipment upon an existing or approved tower or building.~~

154.504 SETBACKS. All towers and accessory equipment shall comply with each of the minimum setback requirements:

(A) In all residential zoning districts, ~~wireless telecommunication towers and~~ accessory equipment shall be set back 1 foot for each foot of tower height plus 20 feet.

(B) In all zoning districts, towers may encroach into the rear or side yard setback areas, provided that the rear or side yard property line abuts a commercial or business zoned property and the wireless telecommunication tower does not encroach upon any easements.

(C) Wireless telecommunication towers shall not be located between a principal structure and a public street.

(D) A required setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow for the integration of a wireless telecommunication tower with an existing or proposed structure such as a church steeple, power line support device, or light standard.

(E) A required setback may be reduced or its location in relation to a public street varied upon providing the city with a licensed professional engineer's certification that the wireless telecommunication tower is designed to collapse or fail within a distance or zone shorter than the required setback distance.

(F) The setback for a tower or accessory equipment may be reduced or its location in relation to a public street varied, at the discretion of the City, to allow the integration of the structure into an existing or proposed structure, such as a light standard, power line support device, or similar structure.

154.505 ACCESSORY AND SECONDARY USE ANTENNAS. The following standards shall apply to all accessory and secondary use antennas including radio and television receiving antennas, satellite dishes, TVROs two (2) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers.

(A) Accessory or secondary use antennas shall not be erected in any required yard (except a rear yard) or within public or private utility and drainage easements, and shall be set back a minimum of three (3) feet from all lot lines.

(B) Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of one (1) foot from all lot lines.

(C) Accessory or secondary use antennas and necessary support structures or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district, except support structures and antennas used in amateur radio service may extend a maximum of two (2) times the normal height restriction for the affected zoning district.

(D) The installation of more than one (1) tower per property shall require the approval of a conditional use permit.

154.506 PERSONAL WIRELESS SERVICE ANTENNAS.

(A) Residential District and Public/Institutional District Standards.

(1) Antennas Located Upon A Public Structure Or Existing Tower: Personal wireless service antennas located upon public structures or existing towers shall require the processing of a conditional use permit and shall comply with the following standards:

(a) The applicant shall demonstrate by providing a coverage or capacity analysis prepared by a professional engineer that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the personal wireless service system and to provide adequate-wireless coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive zoning district.

(b) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated in the rear or side yard of the principal use and shall be screened from view by landscaping where appropriate.

(c) A conditional use permit is issued in compliance with the provisions of Section 21025 of this Chapter.

(2) Antennas Not Located Upon A Public Structure Or Existing Tower: Personal Wireless Service antennas not located upon a public structure or existing tower shall require the processing of a conditional use permit and shall comply with the following standards:

(a) The applicant shall demonstrate by providing a coverage or capacity analysis prepared by a professional engineer that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the wireless

system and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district.

(b) If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:

1. The pole not exceed seventy-five (75) feet in height.

2. The setback of the pole from the nearest residential structure is not less than the height of the antenna. Exceptions to such setback may be granted if a qualified structural engineer specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.

(c) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated in the rear or side yard of the principal use and shall be screened from view by landscaping where appropriate.

(d) At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure.

(e) The conditional use permit provisions of Section 21015 of this Chapter are considered and determined to be satisfied.

(3) Temporary Mobile Towers: Personal wireless service antennas in Public/Institutional Districts located upon a temporary mobile tower used on an interim basis shall require the processing of a Conditional Use Permit and shall comply with the following standards:

(a) Temporary mobile towers are exempt from co-location and permanent tower structure design standards contained in Section 21175.02, Subd. 9 and Subd. 10, Section 21175.03, and Section 21175.10.

(b) The termination date of the permit shall not exceed one hundred and twenty (120) days. Temporary mobile towers located on a site longer than one hundred and twenty (120) days shall require the processing of a Conditional Use Permit subject to the standards contained in Sections 21020 and 21175.

(c) Guyed towers are prohibited.

(d) Mobile units shall have a minimum tower design windload of eighty (80) miles-per-hour, or be setback from all structures a distance equal to the height of the tower.

(e) All towers shall be protected against unauthorized climbing.

(f) The height of the tower shall not exceed ninety (90) feet.

(g) Temporary towers shall be prohibited in residential zoning districts.

(B) Commercial Or Business District Standards:

(1) Antennas Located Upon An Existing Structure or Tower. Personal wireless service antennas located upon an existing structure or co-located on an existing tower shall require the processing of a conditional use permit.

(a) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated in the rear or side yard of the principal use and shall be screened from view by landscaping where appropriate.

(b) A conditional use permit is issued in compliance with the provisions of Section 21025 of this Chapter and the following standards.

1. Antennas mounted on public structures shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.

2. Building-mounted antennas shall not extend more than ten (10) feet above the roof, and shall be setback at least five (5) feet from the roof edge.

3. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color which matches the exterior of the building..

(2) Antennas Not Located Upon An Existing Structure or Existing Tower: Personal Wireless service antennas not located upon an existing structure shall require the processing of a conditional use permit and shall comply with the following standards:

(a) The applicant shall demonstrate by providing a coverage or capacity analysis prepared by a professional engineer that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the wireless system and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive zoning district.

(b) If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:

1. The pole not exceed seventy-five (75) feet in height.

2. The setback of the pole from the nearest residential structure is not less than the height of the antenna. Exceptions to such setback may be granted if a qualified structural engineer specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.

(c) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated in the rear or side yard of the principal use and shall be screened from view by landscaping where appropriate.

(d) At the discretion of the City, a security fence which shall meet the requirements set forth in the fence ordinance and with a maximum opacity of fifty (50) percent shall be provided around the support structure.

(e) The conditional use permit provisions of Section 21015 of this Chapter are considered and determined to be satisfied.

(3) Temporary Mobile Towers: Personal wireless service antennas located upon a temporary mobile tower used on an interim basis until a permanent site is constructed shall require the processing of a Conditional Use Permit and shall comply with the following standards:

(a) Temporary mobile towers are exempt from co-location and permanent tower structure design standards contained in Section 21175.02, Subd. 9 and Subd. 10, Section 21175.03, and Section 21175.10.

(b) The termination date of the permit shall not exceed one hundred and twenty (120) days. Temporary mobile towers located on a site longer than one hundred and twenty (120) days shall require the processing of a Conditional Use Permit subject to the standards contained in Sections 21020 and 21175.

(c) Guyed towers are prohibited.

(d) Mobile units shall have a minimum tower design windload of eighty (80) miles-per-hour, or be setback from all structures a distance equal to the height of the tower.

(e) All towers shall be protected against unauthorized climbing.

(f) The height of the tower shall not exceed ninety (90) feet.

154.507 SATELLITE DISHES.

(A) Residential District and Public and Quasi-Public District Standards. Single satellite dish TVROs greater than one (1) meter in diameter may be allowed as a conditional use within the residential zoning districts of the City and shall comply with the following standards:

(1) All accessory and secondary use provisions of Sections 21175.02 and 21175.06 of this Chapter are satisfactorily met.

(2) The lot on which the satellite dish antenna is located shall be of sufficient size to assure that an obstruction-free receive window can be maintained within the limits of the property ownership.

(3) Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the satellite dish antenna in a manner in which growth of the landscape elements will not interfere with the receive window.

(4) The satellite dish antenna is not greater than three (3) meters in diameter.

(5) The conditional use permit provisions of Section 21015 of this Chapter are considered and determined to be satisfied.

(B) Business District Standards. Satellite dish antennas within business districts of the City shall be limited to those listed as permitted accessory and secondary uses in the applicable zoning district subject to the provisions of Sections 21175.02 and 21175.06 of this Chapter.

154.508 COMMERCIAL AND PUBLIC RADIO AND TELEVISION TRANSMITTING ANTENNAS, AND PUBLIC UTILITY MICROWAVE ANTENNAS.

Commercial and public radio and television transmitting and public utility microwave antennas shall comply with the following standards:

(A) Such antenna shall be considered an allowed conditional use within the Public and Quasi-Public District as provided by each district of the City and shall be subject to the regulations and requirements of Section 21015 of this Chapter.

(B) The antennas, transmitting towers, or array of towers shall be located on a continuous parcel having a dimension equal to the height of the antenna, transmitting tower, or array of towers measured between the base of the antenna or tower located

nearest a property line and said property line, unless a qualified structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.

(C) Unless the antenna is mounted on an existing structure, at the discretion of the City, a fence which shall meet the fence ordinance requirements and with a maximum opacity of fifty (50) percent shall be provided around the support structure and other equipment.

154.509 ADDITIONAL SUBMITTAL REQUIREMENT. In addition to the information required elsewhere in this Code, development applications for towers, excluding amateur radio towers, shall include the following supplemental information:

(A) 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.

(B) A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associate facilities when they are abandoned, unused or become hazardous shall be submitted to the City.

(C) A sketch drawn to scale acceptable to the City Planner and City Engineer which illustrates:

- (1) The parcel on which the tower and accessory ground facilities;
- (2) The buildings located and to be located on the tower parcel;
- (3) The buildings located within 100 feet of the perimeter of the tower parcel; and
- (4) Access easements as necessary to the tower parcel.

(D) A sketch drawn to scale or a photo image acceptable to the City Planner and City Engineer which illustrates the relative size of the proposed wireless telecommunication tower or existing structure on which the antenna will be located compared to structures located within 100 feet of the perimeter of the parcel on which the tower is located and which illustrates the visibility of the tower from adjoining parcels located within 100 feet of the perimeter of the parcel on which the tower is located. The City Planner may also require a visual impact demonstration including mock-ups and/or photo montages and plans for painting the tower;

(E) A report from a qualified and licensed professional engineer which:

- (1) Describes the wireless telecommunication tower height and design including a cross-section and elevation;

(2) Certifies the wireless telecommunication tower's compliance with structural and electrical standards;

(3) Documents the height above grade for the mounting positions, which can be used for co-location and the minimum separation distances between the co-location positions; and

(4) Describes the wireless telecommunication tower's capacity to support antennae, including an example of the number and type of antennas that can be accommodated on the wireless telecommunication tower.

(F) A 2-year plan for wireless telecommunication facilities to be located within the city shall be submitted by the applicant. The city acknowledges that the plans are fluid and in all likelihood will change depending upon market demands for the service. The city will maintain an inventory of all existing and reasonably anticipated cell site installations. The applicant shall provide the following written information in each 2-year plan and the plan must be updated with each submittal for a new wireless telecommunication tower permit as necessary:

(1) A description of the radio frequencies to be used for each technology;

(2) A list of all existing sites to be upgraded or replaced, and proposed cell sites within the city for these services by the applicant; and

(3) A presentation size map of the city, which shows the 2-year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.

(G) The cost of mailing addresses for all property owners of record located within 1,000 feet of the subject property to be complied by the city;

(H) An application fee in an amount prescribed from time to time by City Council resolution as necessary to reimburse the city for costs incurred to process the wireless telecommunication tower permit application;

(I) Confirmation that the applicant is properly licensed by the F.C.C., or is the authorized representative of a wireless telecommunication provider properly licensed by the F.C.C.;

(J) Written authorization from the property owner describing the area which will be subject to the tower lease and acknowledging that the property owner will be responsible for removal of the wireless telecommunication tower, antennae, and tower accessory equipment which is unused or abandoned for 12 consecutive months;

(K) Documentation of the steps to be taken by applicant to avoid causing destructive interference to co-located previously established public safety communications facilities; and

(L) A detailed landscape plan, which indicates how tower accessory equipment will be screened.

154.512 ~~150.115~~ PLANNING COMMISSION REVIEW.

(A) Upon receipt of a completed application, the City Planner shall schedule a hearing before the Planning Commission which shall be preceded by 10-days mailed notice to the record owners of property located within 1,000 feet of the parcel on which the tower will be located.

(B) The Planning Commission shall make recommendations to the City Council regarding the issuance of the wireless telecommunication tower permit and, in particular, in regard to the following:

(1) Compliance of application with the city regulations and development standards; and/or

(2) Proposed conditions, as necessary, to prevent the wireless telecommunication tower, antennae, and tower accessory equipment from becoming a nuisance to surrounding property owners.

154.513 ~~150.116~~ CITY COUNCIL REVIEW.

(A) Upon receipt of Planning Commission recommendations, the City Council shall review the application. The City Council may approve the application subject to conditions, table its review until a date certain, or deny the application for a conditional use permit. If the application is approved by the City Council, a conditional use permit and a building permit shall be issued upon the execution of a wireless telecommunication tower agreement.

(B) The agreement shall be signed by the applicant and property owner and the terms of the agreement shall include the following:

(1) A list of the conditions of approval to the conditional use permit;

(2) A statement indicating that failure to comply with the conditions of approval shall result in the removal of the wireless telecommunication tower, antennae, or tower accessory equipment;

(3) A statement indicating that the expenses incurred by the city to enforce the provisions of the wireless telecommunication tower agreement shall be reimbursed by the applicant;

(4) A statement, which requires the applicant to utilize the procedures established by the F.C.C. to resolve any complaints received relating to interference allegedly caused by the wireless telecommunication tower; and

(5) A statement indicating that a wireless telecommunication tower which has not been used for 12 consecutive months shall be deemed abandoned and may be required to be removed in the same manner and pursuant to the same procedures as for hazardous and substandard buildings (M.S. §§ 463.15 through 463.261, as they may be amended from time to time).

154.514 ~~150.119~~ CONSTRUCTION PERMITS.

All wireless telecommunication towers erected, constructed, or located within the city, and all wiring therefore, shall comply with the requirements set forth in the Uniform Building Code.

154.515 ~~150.121~~ LIGHTING.

At night, wireless telecommunication towers shall not be illuminated by artificial means.

154.516 ~~150.123~~ INTERFERENCE WITH PUBLIC SAFETY
TELECOMMUNICATION.

No wireless telecommunication facility shall interfere with public safety telecommunications. All wireless telecommunication towers/antennas shall comply with F.C.C. regulations and licensing requirements.

154.517 ~~150.124~~ PROHIBITED SUBDIVISIONS.

Where a wireless telecommunication facility has been located on a residentially or agriculturally zoned parcel greater than 10 acres, except when the facility is located within a power line easement, or within 100 feet of the easement, the parcels shall not be further subdivided unless the resulting parcel on which the wireless telecommunication facility is located continues to be more than 10 acres in size.

154.518 ~~150.125~~ ACCESSORY UTILITY BUILDINGS.

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment.

154.519 ~~150.126~~ GROUND-MOUNTED EQUIPMENT.

All ground mounted equipment accessory to a wireless telecommunication tower shall be enclosed in a building with brick walls and have a dark colored standing seam metal

roof and be further screened with sufficient trees, as determined by the City Planner, and shrubs to substantially reduce the visual impact.

AMATEUR RADIO TOWER ANTENNA

154.520 ~~150.155~~ PURPOSE AND INTENT.

The city's amateur radio tower antenna regulations are adopted in order to:

- (A) Facilitate the provision of amateur radio tower antenna services to the residents and businesses of the city;
- (B) Minimize adverse visual effects amateur radio tower antennas through careful design and siting standards;
- (C) Minimize adverse visual effects of amateur radio tower antennas; and
- (D) Avoid potential damage to adjacent properties from amateur radio tower antenna failures through structural standards and setback requirements.

154.521 ~~150.156~~ PERMIT REQUIRED.

No person shall install an amateur radio tower antenna higher than what is permitted in the zone in which it is located without first receiving the appropriate permit.

154.522 ~~150.157~~ AMATEUR RADIO TOWER ANTENNA PERMIT.

- (A) Applications for an amateur radio tower antenna permit shall be submitted to the City Planner, and shall include the following:
 - (B) (1) A survey drawn to scale, which illustrates the parcel on which the antenna will be located, buildings located on the parcel, buildings located within 100 feet of the parcel, and the location of the proposed amateur radio tower antenna;
 - (2) A drawing to scale, which illustrates the antenna's relative size and visibility from adjoining property. Amateur radio tower antenna structures shall not exceed 120 feet in height. The amateur radio tower antenna must be set back from all adjoining property lines a distance no less than the height of the amateur radio tower antenna plus 15 feet;
 - (3) Documentation from the amateur radio tower antenna manufacturer showing construction details and construction materials;
 - (4) Mailing addresses for all property owners of record located within 350 feet of the subject property; and

- (5) A copy of the applicant's F.C.C. amateur radio license.

154.523 ~~150.158~~ PLANNING COMMISSION REVIEW.

(A) Upon receipt of a completed application, the City Planner shall schedule a hearing before the Planning Commission, which shall be preceded by 10-days mailed notice to the record owners of property located within 350 feet of the parcel on which the amateur radio tower antenna will be located.

(B) The Planning Commission shall make recommendations to the City Council regarding the issuance of amateur radio tower antenna permit and, in particular, concerning the following:

- (1) The reasonable necessity for the amateur radio tower antenna;
- (2) The appropriateness of the amateur radio tower antenna design;
- (3) The appropriateness of the amateur radio tower antenna's construction materials and assembly;
- (4) Maintenance requirements; and/or
- (5) The distance of the amateur radio tower antenna from adjoining property lines.

§ 150.159 CITY COUNCIL REVIEW.

(A) Upon receipt of Planning Commission recommendations, the City Council shall review the application. The City Council may approve the application subject to conditions, table its review until a date certain, or deny the application for an amateur radio tower antenna permit. If the application is approved by the City Council, an amateur radio tower antenna and a building permit shall be issued upon the execution of an amateur radio tower antenna agreement.

(B) The terms of the amateur radio tower antenna agreement shall include the following:

- (1) A list of the conditions of approval to the amateur radio tower antenna permit;
- (2) A statement indicating that failure to comply with the conditions of approval shall result in the removal of the amateur radio tower antenna structure;
- (3) A statement indicating that the expenses incurred by the city to enforce the provisions of the amateur radio tower antenna agreement shall be reimbursed by the applicant;

(4) A statement, which requires the applicant to use the procedures established by the F.C.C. to resolve any complaints received relating to interference allegedly caused by the amateur radio tower antenna; and

(5) A statement indicating that the amateur radio tower antenna permit shall be valid during the term of the amateur radio tower antenna agreement and only while the applicant resides on the property.

§ 150.160 REVIEW AND REVOCATION.

The City Planner shall inspect the property at least annually for compliance with the provisions of the amateur radio tower antenna agreement. If the permittee does not comply with the terms of the agreement, a hearing shall be scheduled before the City Council for determining whether to terminate the agreement. The hearing shall be preceded by 10-days mailed notice to occupants of property within 350 feet of the lot on which the amateur radio tower antenna is located.