

Chapter 32.5

TELECOMMUNICATIONS

ARTICLE I. IN GENERAL

Sec. 32.5-1. Purpose.

The purpose of this chapter is to establish regulations governing the installation of wireless communications in the City of Monroe and to create a rational policy for the siting of wireless communications systems within the City of Monroe while protecting the public against adverse impacts on the public welfare and the city's aesthetic resources.

(Ord. No. 9792, 4-14-98)

Sec. 32.5-2. Definitions.

Communication tower means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structure.

Height of tower means the distance from the ground elevation of the base of the structure to the top of the structure or any attached wireless transmission or relay equipment.

Residential setback means the distance from the property line of any residential use to the base of the tower of a wireless facility.

Telecommunications means the transmission, between or among points specified by the user, of information for the user's choosing, without change in the form or content of the information as sent and received.

Wireless communication site includes the property or land owned or leased for use by a telecommunications carrier for the purpose of operating a wireless facility, and all other improvements thereon, including parking and ingress and egress and any other related easements.

Wireless facility includes the tower, antennae, relay equipment, perimeter fences and any other equipment or buildings necessary for the operation of wireless reception and transmission.

Wireless transmission and relay equipment means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of telecommunication signals external to, inside or attached to the exterior of any building or other structures.

Wireless site plan includes any documentation required to support an application for location of a wireless communication site, set forth in section 32.5-15, application requirements, and section 32.5-16, conditions, of this chapter.

(Ord. No. 9792, 4-14-98)

Sec. 32.5-3. Administration.

A communications tower and/or antenna, or wireless transmission and relay equipment may be permitted upon determination that all of the applicable conditions in this chapter are met. Every permit issued for a communications tower and/or antenna, wireless transmission and relay equipment and a wireless facility shall become invalid unless the work authorized by such permit is commenced within six (6) months after the date of issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time work is commenced. One (1) extension of time, for a period not to exceed six (6) months, may be allowed for the permit. The extension shall be requested in writing to the zoning administrator and justifiable cause demonstrated. Extensions shall be determined by the planning director. Wireless transmission and relay equipment located in or on existing structures are exempt from the following height and residential setback requirements.

Zones in which uses are permitted through Planning Approval of a Wireless Site Plan are:

TABLE INSET:

Zones	Maximum Height	Minimum Setback to Property Line of Residential Use
I-2	None	200 feet
I-1	None	200 feet
B-4, B-3, O-L	260 feet	200 feet
B-5, B-2	85 feet	200 feet

(Ord. No. 9792, 4-14-98)

Secs. 32.5-4--32.5-14. Reserved.

ARTICLE II. APPLICATIONS

Sec. 32.5-15. Application requirements.

The applicant for a building permit for construction of a communications tower, wireless facility, wireless communication site, or for location or co-location on an existing structure must file an application for certificate of occupancy with the planning and zoning office and with the inspections office.

An application for location and/or co-location on an existing structure, or replacement of an existing tower, wireless facility, or wireless communication site will be reviewed by the division of planning and zoning. For such an application to be approved, all requirements outlined in this

chapter must be met to the fullest extent possible by the owner/lessor of the wireless communication site, and/or the owner/ lessor of the wireless facility.

The applicant for a wireless site plan approval by the planning commission will file an application for planning approval with the office of planning and zoning.

The following documents must be included in all applications submitted, to the extent applicable:

- (a) One (1) copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
- (b) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, required parking, fences, and landscape plan. A survey from a licensed land surveyor or civil engineer should indicate the distance from any existing residential land uses on adjacent property to the wireless facility.
- (c) A current map, or update of an existing map on file with the city, showing locations of the applicant's antennae, facilities, and existing towers serving any property within the city.
- (d) A certificate from a licensed structural engineer of tower capacity by type and number of the communication tower, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222, latest revision, standards.
- (e) Identification of the owners of all antenna and equipment to be located on the site.
- (f) Written authorization from the site owner, or authorized agent, allowing applicant to submit the application.
- (g) If required, certification by the applicant that the proposed activity is in compliance with Federal Aviation Administration (FAA) requirements.

(Ord. No. 9792, 4-14-98)

Sec. 32.5-16. Conditions.

Applicants for a new wireless facility must show that all applicable conditions are met.

(a) The proposed communications tower, antenna or accessory structure will be placed in a location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements. Priority shall be given applications which desire locations on existing structures, property zoned for industrial use and property dedicated for public use.

(b) Prior to consideration of a permit for location on private property, applicant must show that available sites dedicated for public use and available privately owned sites occupied by towers or existing structures, within the search area that the new site would serve, are unsuitable for operation of the facility under applicable communication regulations and applicant's technical design requirements.

(c) Applicant must show that a proposed communications tower to be located in zoning districts I-2, I-1, O-L, B-5, B-4, B-3 and B-2 for which a height variance has been applied, is designed to accommodate additional antennae and wireless transmission and relay equipment for similar telecommunication services of another provider, and must make space on the proposed tower when technically feasible. Applicant must cooperate and negotiate fairly with other telecommunications providers regarding co-location lease agreements, and must offer available space to other telecommunications providers at a reasonable rate.

(d) A permit for a proposed communications tower within one thousand (1,000) feet of an existing tower or a permitted communication tower site shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and/or applicant's technical design requirements, that there are other limiting factors that render existing towers and structures unsuitable, or that a co-location agreement could not be obtained.

(e) All wireless facilities must adhere to regulations contained in the City of Monroe Code, including, but not limited to site development regulations, visibility, fencing, screening, landscaping, parking access, lot size, exterior illumination, sign, and storage. In addition, the applicant must verify that a sign will be posted on the wireless facility in a reasonably visible location no larger in size than that which is necessary to list the name, address, local telephone number and an emergency response number of the applicant or subsequent owner of the facility. In no circumstances shall any advertising signs or displays be allowed on any wireless facility. No lighting shall be allowed except for aesthetic purposes or as required by FAA regulations or other applicable authorities.

(f) Wireless facilities shall not be located within any residential subdivision or zone which allows residential usage without prior variance approval.

(g) Existing on-site vegetation shall be preserved to the maximum extent practicable.

(h) The entire facility must be aesthetically and architecturally compatible with its environment.

(i) Walls or fences constructed of wood, brick, or masonry at least six (6) feet in height shall be used to secure the site and provide an opaque barrier. Such walls or fences shall be used in combination with landscaping to provide security or increase the buffer to other land uses. Other types of fences shall be allowed only if used in conjunction with evergreen shrubs or hedges when upon maturity are equal to or greater than the height of the fence and are a minimum of four (4) feet in height at planting, for the purposes of providing an opaque barrier.

(j) The communications tower, wireless transmission and relay equipment, antennas, and support structures shall be constructed of a material with a neutral color and shall be designed to blend in with the surrounding landscape, building and uses, unless otherwise required by federal or state laws.

(Ord. No. 9792, 4-14-98)

Sec. 32.5-17. Notification.

The planning and zoning office will notify all property owners within five hundred (500) feet of the site for any proposed new facility or application for structural additions to any existing facility, and will notify all other telecommunications providers which have registered with the planning commission. The planning commission must post signs similar to rezoning signs at least ten (10) days prior to the required public hearing on the application and advertise the public hearing in the newspaper as required in zoning cases.

(Ord. No. 9792, 4-14-98)

Secs. 32.5-18--32.5-24. Reserved.

ARTICLE III. SUPPLEMENTARY REGULATIONS

Sec. 32.5-25. Abandonment.

In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned.

Determination of the date of abandonment shall be made by the director of planning who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional one hundred eighty (180) days within which to (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower for the purpose intended, or (2) dismantle and remove the tower and associated facilities. At the earlier of one hundred eighty-one (181) days from the date of abandonment without reactivation or upon completion of dismantling and removal, all permits issued for the communication towers and wireless facilities shall expire and a penalty in the amount of two hundred fifty dollars (\$250.00) a day shall be imposed upon the record owner of the tower until the date of removal.

(Ord. No. 9792, 4-14-98)

Sec. 32.5-26. Variances.

Variances from the conditions of the telecommunications ordinance, including but not limited to setback, height, fencing, and zoning, may be granted only after hearing and joint approval of the Monroe City Council through a wireless site plan for wireless facilities review. Applications should be submitted to the division of planning and zoning four (4) weeks prior to the city council hearing date.

(Ord. No. 9792, 4-14-98)