

7.09 **REGULATION FOR COMMUNICATION TOWERS, ANTENNAS
AND RELATED FACILITIES**

- (1) **Intent.** It is the intent of this section to allow for the necessary radio, television, cellular and other wireless communication to encourage co-location and utilization of existing structures; and, to minimize visual impacts to surrounding properties.
- (2) **Definitions.** For the purpose of this section, the following definitions shall apply:
- (a) **Alternative Tower Structure.** Clock towers, bell steeples, light poles, electric transmission tower facilities, silos and similar mounting structures that camouflage or conceal the presence of antennas.
- (b) **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.
- (c) **Co-Location.** Location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or structure.
- (d) **FAA.** Federal Aviation Administration.
- (e) **FCC.** Federal Communications Commission.
- (f) **Pre-Existing Tower/Antenna.** Any tower or antenna for which a building permit or special exception permit has been properly issued prior to the effective date of this amendment.
- (g) **Tower.** Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmissions towers, microwave towers,

common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

(3) **Applicability.**

- (a) The requirements of this section shall apply to all communication towers and antennas, except for towers and antennas owned and operated by federally licensed amateur radio station operators or are receive only antennas.
- (b) Pre-existing towers and antennas shall also be exempt from these regulations.
- (c) Antennas or towers located on property owned, leased or otherwise controlled by a unit of government shall be exempt from the requirements of this section provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

(4) **Antennas.**

- (a) **Permitted Use.** - Installing an antenna on an existing alternative tower structure or existing tower shall be permitted in any zoning district, provided the antenna adds no more than 20 feet to the height of the existing structure. Where the addition of the antenna adds more than 20 feet to the height, a special exception permit shall be required.
- (b) **Design.** - If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of neutral color that is identical, or closely compatible with, the color of the supporting structure in order to limit visual impact.

(5) **Communication Towers.**

- (a) **Special Exception Use.** Communication towers shall be a special exception in the General Agricultural, Exclusive Agricultural, General Commercial, and Industrial districts.

(b) **Utilizing Existing Structures.** No permits for a new tower shall be issued unless the applicant demonstrates that the telecommunication equipment planned for the new tower cannot be accommodated on an existing or approved tower or structure. In the event that the Town determines that it is necessary to consult with a third party in considering the factors listed below, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. The applicant may provide names of consultants that the applicant believes are qualified to assist in resolving the issues. Such demonstration may include one or more of the following reasons:

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet the engineering requirements.
- (3) Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
- (4) The planned equipment would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing antennas would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.
- (5) The fees, costs or contractual provisions required by the owner to share an existing tower or structure are cost prohibitive.

(c) **Co-Location.** Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically and in all respects to

accommodate both the applicant's antenna and comparable antenna for up to two additional users. Towers must be designed to allow for future rearrangement of antennas upon lattice towers and to accept antennas mounted at varying heights.

- (d) **Construction.** All telecommunication towers constructed, erected or located within the jurisdictional limits of this ordinance shall comply with all applicable state and local building codes, as well as the applicable standards for towers that are published by the Electronic Industries Association.
- (e) **Design.** Proposed or modified towers shall blend in with the surrounding environment, except as may be required by rules of the FAA and FCC. Any associated utility buildings shall also blend in with the character of the district in which it is located.
- (f) **Lighting.** Telecommunication towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, it shall be designed to cause the least disturbance to surrounding views as possible.
- (g) **Signage.** No signs or billboards, other than warning or equipment information signs, shall be located on any telecommunication tower.
- (h) **Security and Landscaping.** Ground mounted equipment and utility buildings shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. The base of the telecommunication tower shall be fenced with materials impervious to sight and secured so that it is not accessible by the general public.
- (i) **Setbacks.** Telecommunication towers shall be setback from adjacent property lines a minimum of 50 percent of the tower height. When part of a parcel is being leased for a tower, setbacks shall be measured from the boundary of the leased area to the adjacent property line.

(j) **Height Restrictions.** The maximum height of a proposed telecommunications tower shall be 200 feet, or in an Airport Overlay District as governed by Outagamie County height limitations, and shall be designed for co-location.

(k) **Separation Between Towers.** Separation distances between towers shall be measured by a straight line between the base of an existing tower and the base of the proposed tower. No proposed tower shall be permitted to locate within 5000 feet of an existing tower without Planning Commission and Town Board approval.

(l) The towers shall be shielded, filtered and grounded in a manner consistent with the FCC and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions. Additionally, the owner and operator of such towers shall execute an agreement holding Town of Greenville harmless for any transmission or reception interference caused by such tower.

(m) The tower owner shall provide for co-location at market rates for others servers.

(6) **Removal of Abandoned Antennas and Towers.** Any antenna or telecommunication tower that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove them within 90 days of receipt of notice from the Town of Greenville notifying the owner of such abandonment. If the antenna or tower is not removed within the said 90 day period, the Town of Greenville may remove such antenna or tower at the owners expense. If there are two or more users of a single tower, then the provision shall not become effective until all users cease operation.

(7) **Application Procedure.**

(a) **Permitted Use.** No tower or antenna shall be installed or constructed without first obtaining a building permit. As part of the building permit application, the applicant shall provide to the Town of Greenville Zoning Administrator, in addition to the Building

Inspector, a scaled site plan indicating location, type and height of the proposed tower and appurtenant equipment. The site plan shall also indicate setback distances and separation distances from existing or approved tower sites. A landscape plan should also be submitted that includes both vegetative and non-vegetative screening materials. To ensure that abandoned towers and antennas are properly dealt with, the applicant shall submit a performance bond or other financial guarantee to the Town sufficient in an amount equal to 10% of the total tower cost.

- (b) **Lease Review Fees.** All reasonable and appropriate legal fees expended by the Town during review of an application or lease agreement shall be paid for by the applicant.

- (b) **Special Exception Use** - No tower or antenna shall be installed or constructed in districts that require a special exception permit without following the requirements of Section 7.23 of the Town Code.

