



BROADCAST TOWERS/PERSONAL WIRELESS SERVICE FACILITIES

..... CONDITIONAL USE PERMIT APPLICATION.....

(Please print or type)

Application Date ____ / ____ / ____

Applicant (first) (initial) (last) _____ PHONE NO.: _____

Mailing Address (city) (state) (zip) _____

Property Owner (first) (initial) (last) _____ PHONE NO.: _____

Mailing Address (city) (state) (zip) _____

Property Location (street address) _____

Property Legal Description (if metes and bounds, attach survey of the property) (subdivision) (block) (lot) _____

Current use of property

Proposed use of property

TERM OF PERMIT: ____ 1 YEAR ____ MORE THAN 1 YEAR (requires City Commission approval)

SITE PLAN (attach a drawing of the property showing the following)

- | | |
|--|--|
| _____ Scale, north arrow, legal description of property | _____ Landscaping and fencing of yard |
| _____ Location and height of all structures | _____ Off-street parking and loading |
| _____ Setback from property lines and between structures | _____ Driveway location & design |
| _____ Proposed changes and uses | _____ Location, type, height and lighting of all signs |

_____(Applicant signature) _____(date) _____(Property owner signature) _____(date)

GENERAL INFORMATION

NOTIFICATION AND PUBLIC HEARING: Property owners within 200' of the subject property shall be notified within at least 10 working days of the Planning and Zoning Commission public hearing. Upon considering the recommendation of the Director of Planning, the Planning and Zoning Commission shall approve or disapprove the application.

APPEALS PROCEDURE: Any decision of the Planning and Zoning Commission may be appealed to the City Commission by presenting a petition to the City Commission within 10 days after the decision of the Planning and Zoning Commission and specifying the grounds for the appeal. A vote of 3/4 of the City Commission is required to overrule a vote of the Planning and Zoning Commission denying a conditional use permit.

CANCELLATION: A conditional use permit is automatically cancelled if not used within 6 months.

REVOCAION: A conditional use permit may be revoked by the Planning and Zoning Commission at a public hearing upon failure of the applicant to remedy a violation of the conditions of the permit within a specified time period (10 to 30 days) as specified in a written notice to the applicant by the Code Enforcement Officer or Building Inspector.

RENEWAL PERIOD: A conditional use permit shall expire within 1 year unless otherwise specified by the Planning and Zoning Commission. Application for renewal of a permit shall be made prior to 20 days before permit expiration. A permit for more than 1 year shall be approved by the City Commission.

DEFINITIONS

Broadcast Tower - A radio, television or microwave structure exceeding 120 ft., with or without guide wires, used to transmit and/or receive commercial radio, television or microwave communications.

Personal Wireless Service Facility - A structure used for the provision of personal wireless services, excluding ham radios, such as antenna, towers, poles and equipment buildings but not otherwise a Broadcast Tower.

Co-Location - The use of a single support structure by more than one Personal Wireless Service Facility provider.

APPLICATION FILING FEE: (\$150.00)

cash/check # _____

Amount paid _____

ZONING DISTRICT REQUIREMENTS

REQUIRED ZONING DISTRICT: BROADCAST TOWER: A-O PWSF: A-O, C-1 TO I-2
REZONING REQUIRED: _____ NO
SETBACKS: FRONT _____ SIDE _____ REAR _____
MINIMUM LOT SIZE: _____

CURRENT ZONING DISTRICT:
_____ YES, attach rezoning application
MAXIMUM HEIGHT: _____

CONDITIONAL USE REQUIREMENTS

The proposed use meets all the minimum standards established in applicable city ordinances; and will not be detrimental to the health, welfare and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring properties.

GENERAL REQUIREMENTS:

1. No form of pollution shall emanate beyond the immediate property line of the permitted use.
2. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

SPECIFIC REQUIREMENTS:

1. Maximum height of pole or tower structure of 80 feet within commercial zones or within 200 feet of an existing residential structure.
2. Maximum height of pole or tower structure of 120 feet within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized.
3. Only one pole or tower structure allowed per lot or tract within a commercial or industrial zone.
4. The applicant shall attempt to locate the proposed facility on an existing structure, as per subsections k-m of this section. If co-location of the proposed wireless facility is not possible (as per subsections k-m of this section) then the applicant for a personal wireless facility must submit at least two alternative designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection "h" below) that is treated with an architectural material (e.g. "stealth" design) so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed such as a tree, flag pole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half height of the proposed tower shall be planted at the time of installation.
5. Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 feet measured in a direct line of another tower.
6. Minimum setback of one-half the street right of way from front property line, ten feet from side yard and ten feet from rear, unless greater requirements as noted on subdivision plat.
7. A masonry wall shall be required as a buffer if pole or tower structure is located within the front or side yard, or adjacent to a residential use or zone.
8. The equipment structure installed at the base of the proposed tower shall not be greater than 180 square feet and constructed to conform to the predominant architectural environment.
9. A landscape buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting.
10. The pole or tower structure will be constructed or installed with the capabilities of locating thereon additional personal wireless service facilities when tower of pole is greater than 80 feet in height. The applicant agrees to cooperate with other personal wireless service facility providers in co-locating additional facilities on permitted support structures.
11. A permittee shall exercise good faith in co-locating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference with broadcast or reception capabilities as composed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodation other users, the city may require a third party technical study at the expense of either both applicant and permittee.
12. All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a co-location alternative for their proposed personal wire service facility site, which efforts shall be documented to the city and shall include, but not be limited to, providing technical details sufficient to determine co-locations efforts. If the applicants asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to co-locate the personal wireless facility at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers.
13. Failure to comply with the co-location requirements of this section may result in the denial of a permit request or revocation of an existing permit.
14. If any applicant provided false or misleading information on their application, or in the application process to obtain a permit for a personal wireless facility, then their application may be denied or revoked at the expense of the applicant or the permittee.
15. If the property is leased, term of conditional use permit shall be co-terminus with that term of lease of property.
16. Construction of tower and equipment facilities shall meet applicable building codes and wind loads.

DEPARTMENTAL REQUIREMENTS

REQUIRED CONDITIONS	DEPARTMENT	MONTH/DAY
Complies with regulations	Health Inspection	/
Meet standard requirements	Fire Inspection	/
Subject to section (138-118)	Planning	/
Permit #	Building/Electrical/Plumbing	/
	Other	/

CITY BOARD REQUIREMENTS

PLANNING & ZONING COMMISSION DATE ____/____/____ APPROVED ____ DISAPPROVED ____ 1 YEAR ____ OTHER ____
 REQUIRED CONDITIONS: _____

CITY COMMISSION DATE ____/____/____ APPROVED ____ DISAPPROVED ____ 1 YEAR ____ OTHER ____
 REQUIRED CONDITIONS: _____

ACKNOWLEDGEMENT AND AGREEMENT TO CONDITIONS

Note: Approval of this permit does not constitute approval to construct, alter or repair. Appropriate building permits must be obtained. The foregoing is a true and correct description of the existing conditions and contemplated action and I will have full authority over the operation and/or construction of same, and hereby agree to comply with all ordinances of the City and applicable Deed Restrictions and assume all responsibility for such compliance. I further agree to discontinue any violations of the conditions of the permit upon notice given to me or anyone in charge of the above property by the Code Enforcement Officer. If the permit is revoked I agree to cease operation of the use upon notification of revocation. I understand that any violation of this ordinance is subject to a Five Hundred Dollar (\$500.00) fine for each day of violation. **Please note that approval of this permit may result in a higher sanitation rate on your utility bill.**

 (Applicant signature)

 (date)

In consideration of the above application, a permit is hereby granted for the above action conditioned upon the terms and specifications set forth above, and the faithful observance of all provisions of the City Building Code, Zoning Ordinance, and all other ordinances applicable to the same.

 City Manager (or Agent)

 (date)