

EUREKA TOWNSHIP

WIRELESS TELECOMMUNICATION FACILITY PERMIT

APPLICATION INSTRUCTIONS

The following must be submitted for a complete application:

- Completed Building Permit Application.
- Completed Conditional Use Permit Application, if applicable.
- Application fee and escrow as set forth in Eureka Township Ordinance 7.
- Proof of ownership: Parcel ID will be verified by the Town Clerk; conflicts must be resolved with a proper deed

Ordinance 3, Chapter 4, Section 13 – Tall Non-Agricultural Structures and Alternative Energy Systems – Wireless Telecommunication Facilities (Resolution 59, 8-13-2007).

- ❖ The following towers are permitted in all zoning districts:
 1. Towers located at church sites when camouflaged as steeples or bell towers.
 2. Towers located at government, school, utility and institutional sites.
 3. Wall or roof-mounted towers.
- ❖ All other cell phone towers or wireless communication facilities require a Conditional Use Permit (CUP).
- ❖ Performance Standards
 1. Co-location requirements:

The Town Board must find that the wireless telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, building or structure due to one or more of the following reasons:

 - A. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a licensed professional engineer, and the existing/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 equipment at the tower or building as documented by a licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - C. Existing or approved towers or buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
 - D. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

2. Construction and maintenance of towers:

Proposed or modified towers and antennae shall meet the following design requirements:

- A. Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by Federal or State authorities such as the FAA.
- B. Towers shall be of a monopole design unless the Town Board determines that an alternative design would better blend in to the surrounding environment. Lattice tower designs may be allowed to facilitate co-location.

3. Tower Setbacks:

- A. Towers shall be set back from any property line a minimum distance equal to fifty (50) feet and shall be setback a distance equal to the height of the tower when adjacent to a right-of-way.
- B. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Town Board, to allow integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.
- C. The minimum distance to a residential structure shall be the height of the tower plus fifty (50) feet.
- D. The tower or associated accessory structures shall not encroach upon any public easements.
- E. The setback shall be measured from a point on the base of the tower located nearest the property line to the actual property line.

4. Height:

The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennae or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions of any other applicable section of the Township Zoning Ordinances.

- A. In all zoning districts, the maximum height of any tower, including antennae and other attachments shall not exceed two hundred (200) feet.

5. Tower Lighting:

Towers shall not be illuminated by artificial means and shall not display high intensity strobe lights unless such lighting is specifically required by the FAA or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

6. Signs and Advertising:

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

7. Accessory Utility Buildings:

All utility buildings and accessory structures to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative

screening better reflects and complements the architectural character of the surrounding neighborhood.

8. Abandoned or unused towers or portions of towers shall be removed as follows:

A. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Town Board and the costs of removal assessed against the property.

B. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antennae relocation. The replacement of portions of a tower previously removed shall require the issuance of a new Conditional Use Permit (CUP).

9. Antennae Mounted on Roofs, Walls and Existing Structures:

The placement of wireless telecommunication antennae on roofs, walls and existing towers may be approved by the Zoning Administrator, provided the antennae meet the requirements of this section, after submittal of

A. A final site and building plan as specified in the Township Zoning Ordinance, and

B. A report prepared by a professional engineer indicating the existing structure or tower's suitability to accept the antennae and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated. Accessory equipment for wall or roof mounted antennae must be located within the principle building or, if located on the rooftop, must be enclosed.

10. Interference with Public Safety Telecommunications

No new or existing telecommunications service shall interfere with public safety telecommunications. The Town Board may require that all applications for new service be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Town Board at least ten (10) calendar days in advance of such changes and allow the Town Board to monitor interference levels during the testing process.

11. Lights and Other Attachments

No antennae or tower shall have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers or other illuminating device, except as required by the FAA or the FCC, nor shall any tower have constructed thereon, or attached hereto, in any way, any platform, catwalk, crow's nest or like structure, except during periods of construction or repair.

12. Security Fencing:

Towers shall be provided with security fencing to prevent unauthorized entry.