

WIRELESS TELECOMMUNICATION PERMIT APPLICATION

Return to:

Department of Community Development
City of Shoreview
4600 North Victoria Street
Shoreview, MN 55126
(651) 490-4680

Site Identification:

Address: _____

Property Identification Number: _____

Legal Description: _____

Applicant:

Name: _____

Address: _____
City State Zip Code

Telephone Number: _____ (daytime) _____ (home)

Fax Number: _____ E-Mail: _____

Property Owner (if different from applicant):

Name: _____

Address: _____
City State Zip Code

Signatures:

Applicant: _____ Date: _____

Property Owner: _____ Date: _____

Date Received by City: _____ By Whom: _____

FILING REQUIREMENTS

THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. Name, address, and telephone numbers for the applicant and, if applicable, the applicant's authorized representative.
2. Address of the proposed site and complete legal description of the property.
3. Written permission of the property owner and currently certified Abstract of Title or an Owner's Duplicate Certificate of Title and copies of all unrecorded documents necessary to establish the identity of the property owner.
4. A city-wide map showing the location of the proposed WTF and the location of any existing and known or planned future facilities of the licensed carrier within the City.
5. A site plan drawn to scale that illustrates the parcel on which the WTF will be located; buildings located on the parcel; buildings located within 100 feet or within the height radius of the facility, whichever is greater; location of existing trees and landscaping; the location of the proposed WTF; and proposed fencing, access and parking. The City Planner may require that this site plan be prepared by a licensed and registered surveyor to ensure its accuracy.
6. Elevations for all proposed facilities including antennas, towers, and equipment enclosures including design information on colors and materials.
7. Color photo simulations (view from east, west, north, and south or as determined by the City Planner) that illustrates the facility's relative size and visibility from adjoining properties and public rights-of-way.
8. Grading, landscaping, and lighting plan, if deemed necessary by the City Planner.
9. For new towers, a report from a qualified and licensed professional engineer and/or statement from the manufacturer that describes the capacity for collocation.
10. An application fee and escrow deposit in an amount prescribed from time to time by City Council resolution on file with the City Manager and a signed WTF Escrow Deposit Agreement (see Section 203.080).
11. Confirmation that the applicant is properly licensed by the FCC or is the authorized representative of a wireless telecommunication provider.
12. Information necessary to demonstrate the applicant's compliance with Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules.
13. A copy of the applicant's proposed lease with the property owner or other form of agreement between applicant and property owner. Proprietary information may be blacked out from the document copies submitted to the City.

FILING REQUIREMENTS continued

14. If the proposed WTF is to be located on a City water tower, a written statement addressing the requirements in Section 207.040(B)(5).
15. Other information as may be reasonably required by the City Planner.
16. Completed application form and filing fee of \$1,000.00. (make check payable to City of Shoreview). An escrow deposit in an amount prescribed from time to time by City Council resolution on file with the City Manager and a signed WTF Escrow Deposit Agreement (see Section 203.080).

REVIEW PROCEDURE

1. Preapplication Conference. The applicant shall present a sketch of the proposed WTF to the City Planner who shall review the sketch and the City's WTF standards with the applicant at a preapplication conference. The City Planner may, at his or her discretion, forward the sketch to the Planning Commission, the City Council, another appropriate citizen committee or commission, or to neighboring property owners for review and comment.
2. Review Process.
 - a. Planning Commission/City Council Review. In accordance with Section 203.020 (B), applications for a WTF permit shall be reviewed by the Planning Commission and City Council.
 - i. Planning Commission Review. Upon receipt of a completed application, the City Planner shall schedule a hearing before the Planning Commission which shall be preceded by ten days mailed notice to the property owners of record located within 350 feet of the parcel on which the WTF will be located. The Planning Commission shall make findings based upon the standards in Section 207.040(B)(3) and shall submit its recommendations to the City Council.
 - ii. City Council Review. Upon receipt of the Planning Commission recommendation, 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 WTF permit. The decision of the City Council shall be based the WTF standards and on substantial evidence provided in the written record. Notice of the Council's decision shall be provided to the applicant in writing. If the application is approved by the City Council, a WTF Permit and a Building Permit shall be issued upon the execution of a WTF Agreement in accordance with Section 203.080(E), compliance with the conditions of approval, and demonstration that the WTF complies with all applicable building, fire, and safety codes.
3. Recovery of City Costs. At the time of application for a WTF permit, an escrow deposit shall be posted in an amount determined from time to time by City Council resolution. The City may charge against this deposit to recover its costs for reviewing the WTF application. These costs may include, but are not

limited to, City staff time over and above that covered by the application fee, consultant fees, and fees for third-party review. If a WTF permit is approved, as a condition of approval, deposit of additional escrow funds may be required. The City will charge against this deposit to offset the City's costs to monitor construction and ensure compliance with the conditions of approval and standards in this ordinance. These charges may include, but are not limited to, City staff time, consultant fees, and fees for third-party review, monitoring, and inspection. Once construction has been completed and the permittee has complied with all conditions of approval, any remaining deposit funds shall be refunded to the party or entity that posted the escrow deposit. Refund of the deposit shall not be construed to limit the City's ability to recover future costs associated with review or monitoring on-going operation of the WTF or future modifications, amendments, or transfer of the facility.

4. Review and Revocation. The City Planner shall periodically inspect the WTF for compliance with the provisions of the WTF agreement. If the permittee is not in compliance with the terms of the agreement, a hearing shall be scheduled before the City Council for the purpose of determining whether to terminate the agreement.
5. Criteria for Review. The WTF Permit may be granted provided the proposed use is listed as a permitted use for the district in which it is located and upon showing that the standards and criteria of the Development Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of the Development Ordinance and the Comprehensive Guide Plan.
6. Length of Approval. Any use permitted under the terms of the WTF Permit approval shall be established and conducted in conformity to the terms of such permit and any conditions designated in connection therewith. The approval shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the City Council from acting or amending the Development Ordinance to change the status of said approval.
7. Agreement. If the City Manager or City Council approves the application, a WTF Permit and a Building Permit may be issued upon the execution of a Wireless Telecommunication Tower/Antenna Agreement. The agreement or a summary of the agreement approved by the City Manager in recordable form, shall be signed by the applicant and property owner and the terms of the agreement shall include those identified in Section 203.080(D).

CRITERIA FOR REVIEW

SECTION 207.040 Towers and Antennas.

(3) Wireless Telecommunication Facility Standards (WTFs).

- (a) Siting. Antennas located on or attached to existing structures are regulated by the provisions of the zoning district for each parcel. New towers shall only be located on parcels that fall within the Telecommunications Overlay District. New towers are not permitted in public rights-of-way.
- (b) Color and Architecture. All WTFs shall, to the extent possible, be concealed or camouflaged and use materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment. If a WTF is proposed on any part of a building or

structure, it must blend with the building or structure's design, architecture and color, including exterior finish.

- (c) Landscaping. WTFs that are not concealed or camouflaged shall be landscaped with a buffer of plant materials as determined appropriate for the site. Existing mature trees and other vegetation at the site shall be preserved to the maximum extent possible.
- (d) Signs. The use of any portion of a WTF for signs or advertising other than warning or equipment information signs is prohibited.
- (e) Lighting. Wireless telecommunication antennas or towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority. When incorporated into the approved design of the WTF, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
- (f) Monopole. New wireless telecommunication towers shall be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment.
- (g) Setbacks. WTFs shall comply with the principal structure setbacks of the underlying zoning district and the following additional standards:
 - (i) The WTF is set back from all residential dwellings units at least one foot for each foot in height.
 - (ii) WTFs shall not encroach upon any easements unless permission is obtained from the underlying property owner and holder of the easement.
 - (iii) WTFs shall not be located between a principal structure and a public street.
 - (iv) The required setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the City, when the WTF is integrated into an existing or proposed structure such as a building, light or utility pole.
- (h) Height.
 - (i) The height of any commercial telecommunications tower shall not exceed 60 feet in the TOD-1 district and 75 feet in the TOD-2 district.
 - (ii) Antennas located on an existing structure taller than the limit established by the Telecommunication Overlay District may extend up to 5 feet above the height of the structure.
- (i) Safety/Environmental Standards.
 - (i) Interference with Public Safety Telecommunications. No WTF shall interfere with public safety telecommunications. All WTFs shall comply with FCC regulations and licensing requirements.

- (ii) Unauthorized Climbing. WTFs shall be designed to discourage unauthorized climbing.
 - (iii) Noise. If the proposed WTF includes a back-up generator or otherwise results in significant increased sound levels, sound buffers may be required including, but not limited to, baffling, barriers, enclosures, walls, and plantings.
 - (iv) Radio Frequency (RF) Emissions and Interference. WTFs must comply with Federal Communication Commission standards for RF emissions and interference.
 - (v) Maintenance. All commercial towers or WTFs shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
- (j) Collocation Requirements. Except as herein and after provided, WTFs within the City shall comply with the following collocation requirements:
- (i) All proposed WTFs must be located on an existing structure 55 feet or greater in height located within ½ mile of the site being considered by the applicant.
 - (ii) All wireless telecommunication providers shall cooperate with each other in collocating WTFs and shall exercise good faith in collocating with other licensed carriers and in the sharing of sites, including the sharing of technical information to evaluate the feasibility of collocation. In the event that a dispute arises as to a collocation issue, the City may require a third-party technical study to evaluate the feasibility of collocating at the expense of either or both wireless telecommunication providers.
 - (iii) All new wireless telecommunications towers and any pre-existing towers owned by a wireless telecommunication provider shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically located thereon.
 - (iv) If determined appropriate by the City, all new wireless telecommunication towers 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.
- (k) Exceptions to Collocation Requirements. The City may waive any or all of the collocation requirements if it is determined that:
- (i) The planned WTF would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
 - (ii) The planned WTF would cause interference materially impacting the usability of other existing or planned WTFs at the structure as documented by a qualified radio frequency engineer selected by the City and the interference cannot be prevented.

(iii) Existing structures within the applicant's search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer selected by the City.

(4) Equipment Enclosures. Equipment enclosures accessory to a commercial antenna or WTF shall comply with the following standards:

- (a) Equipment enclosures shall be of the smallest size necessary.
- (b) To the extent possible, equipment enclosures shall be located where existing trees, structures, and/or other site features screen them from view.
- (c) All equipment enclosures shall be screened from view by suitable vegetation, except where non-vegetative screening (e.g., a decorative wall) better reflects and complements the character of the neighborhood.

(5) Installation Requirements on City Water Towers. Installation of commercial antennas or WTFs on City water towers will be permitted when the City is fully satisfied that the following requirements are met:

- (a) The commercial antenna or WTF or maintenance thereof will not increase the risks of contamination to the City's water supply.
- (b) There is sufficient room on the structure and/or grounds to accommodate the proposed commercial antenna or WTF.
- (c) The presence of the commercial antenna or WTF will not increase the water tower maintenance costs to the City.
- (d) The presence of the commercial antenna or WTF will not be harmful to the health of workers maintaining the water tower.
- (e) All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.

(2) Collocation Requirements. Except as herein and after provided, wireless telecommunication towers/antennas within the City shall comply with the following collocation requirements:

- (a) All proposed wireless telecommunication towers/antennas must be located on an existing tower or building that exceeds 75 feet in height and is located within a quarter mile of the site being considered by the applicant.
- (b) All proposed wireless telecommunication facilities 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 if the tower is over 75 feet in height.
- (c) All proposed wireless telecommunication facilities must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

- (3) Exceptions to Collocation Requirements. The City Council may waive any or all of the collocation requirements if it is determined that:
- (a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, 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 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 planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer.
 - (d) For amateur and citizen band radio facilities.
- (4) Wireless Telecommunication Tower/Antennas Design Requirements. Proposed or modified wireless telecommunication towers/antennas shall meet the following design requirements:
- (a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and architectural treatment.
 - (b) Wireless telecommunication towers shall be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment.
- (5) Setbacks. Wireless telecommunication towers/antennas shall conform with each of the following minimum setback requirements:
- (a) In all residential zoning districts wireless telecommunication towers/antennas shall comply with the setbacks of the underlying zoning district.
 - (b) In all commercial, office, high tech and industrial zoning districts, towers may encroach into the rear or side yard setback areas, provided that the rear or side yard property line abuts another commercial, office, high tech industrial zoned property and the tower does not encroach upon any easements.
 - (c) Wireless telecommunication towers/antenna shall not be located between a principal structure and a public street.
 - (d) Setback Modifications. A required setback may be reduced or the towers location in relation to a public street modified, at the sole discretion of the City Council when:
 - (i) The tower is integrated into an existing or proposed structure such as a church steeple, power line support device, or light standard.

- (ii) The City is provided with a licensed professional engineer's certification that the tower is designed to collapse or fail within a distance or zone shorter than the setback distance required herein above.
- (6) Height. Wireless telecommunication towers/antennas shall conform with the following height requirements:
 - (a) In all residential zoning districts, the maximum height of any tower including all antennas and other attachments, shall not exceed one foot for each one foot the tower is setback from a residential dwelling unit up to a maximum of a 150 feet.
 - (b) In all non-residential zoning districts towers/antennas shall not exceed 175 feet in height above ground for a freestanding tower/antenna, and 175 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.
- (7) Lighting. Wireless telecommunication towers/antennas shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration 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.
- (8) Signs and Advertising. The use of any portion of a wireless telecommunication tower/antenna for signs other than warning or equipment information signs is prohibited.
- (9) Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment.
 - (a) In residential districts, accessory utility buildings shall meet the minimum setback requirements and all other accessory building requirements of the underlying zoning district.
 - (b) In all commercial, office, high tech and industrial zoning districts, accessory utility buildings may encroach into the rear or side yard setback areas, provided that the rear or side yard property line abuts another commercial, office, high tech, and industrial zoned property and the accessory utility building does not encroach upon any easements.
- (10) Ground-mounted Equipment. All ground-mounted equipment accessory to a tower 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.
 - (a) In residential districts, ground-mounted equipment shall meet the minimum setback requirements of the underlying zoning district.
 - (b) In all commercial, office, high tech and industrial zoning districts, ground-mounted equipment may encroach into the rear or side yard setback areas, provided that the rear or side yard property line abuts another commercial, office, high tech, and industrial zoned property and the ground-mounted equipment does not encroach upon any easements.

(11)Interference with Public Safety Telecommunications. No wireless telecommunication facility shall interfere with public safety telecommunications. All wireless telecommunication towers/antennas shall comply with FCC regulations and licensing requirements.

NOTES

1. An application cannot be accepted until each of the filing requirements listed above has been satisfied, unless the City staff waives the requirements or a phased submission is acceptable to City staff.
2. The purpose of requiring the data referenced in the filing requirements is to permit the City to evaluate your proposal relative to City ordinances and policies. Refusal or inability to provide the requested information may jeopardize scheduling of your request for consideration by the Planning Commission. Information submitted with this application will be made available to anyone who may request it.
3. The City of Shoreview recommends that you discuss your proposal with the adjoining property owners before you submit this application. In doing so you may reduce the time required by the City to act on your proposal.
4. Approval of a wireless telecommunication permit does not grant a building permit. These permits must be obtained following City Council approval of the wireless telecommunication facility permit.
5. Contact the Building Inspector for building permit related fees.
6. The watershed district in which the development is located must approve the proposal if one or more acres of land will be disturbed. Applications are available from the Engineering Department.
7. Filling or excavating a wetland may require a permit from the Minnesota Department of Natural Resources (DNR) or the US Army Corps of Engineers. These permits are the responsibility of the developer. These agencies will be notified by the City for all projects that may require their approval.
8. The applicant and property owner shall be responsible for paying any out-of-pocket administrative, engineering, or legal expense incurred by the City to process this application or to enforce any conditions of any resulting approval or permit.
9. A building permit is required for any installation, expansion, or modification of a wireless telecommunications facilities and for any commercial tower. A building permit is required for commercial antennas other than wireless telecommunication antennas if required by the Building Code.