

**AN ORDINANCE OF THE CITY OF RIVERSIDE, ALABAMA
AMENDING CODE OF ORDINANCES ESTABLISHING GUIDELINES FOR**

**COMMUNICATIONS TOWERS
CONSTRUCTION, AND PLACEMENT IN THE TOWN OF RIVERSIDE, ALABAMA.
ORDINANCE NO. 1999 – 0909**

A. PURPOSE:

The Town of Riverside hereby establishes minimum considerations and criteria to review communication towers with the construction of new towers as the option of last resort. Other options of locating antennae on existing towers, building rooftops and/or other structures must first be considered. The intent of these guidelines is to ensure compatibility of towers to adjacent land uses, reduce any adverse impacts on nearby properties and prevent the proliferation of towers throughout the Town.

B. APPLICABILITY:

Communication towers to be located within the corporate limits of the Town of Riverside shall all be subject to these guidelines.

C. OBJECTIVES:

With all due consideration to public health, safety and general welfare, proposals for the location of communication towers shall be subject to the following:

1. **Structural Safety.** All proposed towers shall comply with the applicable building codes and the Electronic Industries Associations RS 222 Code to prevent any danger to the health and safety of residents, employees or travelers in the event of a tower's structural failure due to bad weather conditions or acts of God.
2. **Protection of Views/Vistas.** Given the topography of the proposed site and surrounding areas, adverse visual impacts on public rights-of-way and adjacent and surrounding properties, occurring from the siting of a tower, shall be kept to an absolute minimum.
3. **Land and Use Compatibility.** With due consideration awarded to the character of use and the development of a proposed communication tower site, compatibility of such a site with adjacent and surrounding land uses shall be ensured.
4. **Physical Design Considerations.** The proposed tower facility shall be designed with all due consideration to the natural surroundings of the site. The siting of the tower shall occur in harmony to the surrounding landscape, development pattern and in compliance with the highest industry standards.
5. **Existing Communications Services.** The proposed tower facility will be in strict compliance with Federal Communications Commission (FCC) and other applicable agency standards to prevent interference with existing communications services available in the area.

6. Health Effects. To prevent detriment to health and general welfare of surrounding residents, any proposed tower shall comply with all applicable federal and state health standards.

D. DEFINITIONS:

1. Antenna. An electromagnetic device, which conducts radio signals through an attached cable or wave-guide, to or from a radio transmitter or receiver. Such devices typically include 'whips', 'panels' and 'parabolic dishes'.
2. Antenna Support Structure. Any structure on which radio antennae and cabling can be attached, such as steel towers with guy-wires (guy towers); wooden, steel or concrete single poles (monopoles); self-supporting steel towers with three or four 'leg's (towers); rooftops of existing buildings or structures such as elevated water storage tanks.
3. Cellular Site. A parcel of land or a building (leased or purchased) on which one or more transmitter/receiver stations for wireless communication systems, including accessory facilities for equipment storage and operations is located. Where vacant land or low-lying existing structures are in consideration, usually, a support structure for transmitter/receiver antennae are required.
4. Mini-cellular Site. A parcel of land or building (leased or purchased) on which one or more transmitter/receiver stations for wireless communication systems is located to accommodate towers and/or antennae not exceeding twenty (20) feet in height above the existing structure, and 'whips', 'panels' and 'parabolic dishes' not exceeding 100 square feet. Such sites are chosen to accommodate the use of existing structures such as buildings, billboards and water towers.
5. Special Use Permit. the construction of any new wireless telecommunications facility including a new tower or other support structure; or the substantial co-location/modification of wireless telecommunication equipment on existing tower or support structure; or the co-location or modification of wireless telecommunication equipment on existing tower or support structure that is defined as an Eligible Facility; or the modification of any complex, facility or support structure that is deemed by the City of Riverside not to be general maintenance.

E. CRITERIA FOR DEVELOPMENT:

The Planning Commission shall review all requests for new tower permits to site a communication tower, in the Town of Riverside. The following criteria, considered as minimum standards, shall be complied with, protect public health, safety and general welfare. The Planning Commission possesses the discretion to impose higher standards, if it deems them necessary, to further the objectives of these guidelines.

1. Setback Standards

- a. All towers, guy wires and accessory facilities shall meet the minimum yard and setback requirements of the zoning district on which it is located.
- b. When located adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property shall be fifty (50) feet.
- c. Should exceptional cases with hardships due to unusual conditions occur on the site, the Planning Commission reserves the right to reduce the standard setback; however,

such reductions shall not occur at the expense or detriment to affected residents or residential property.

2. Appearance

- a. All towers shall be designed such that they have the least negative visual impact on the surrounding areas.
- b. Unless otherwise required by the Federal Aviation Administration (FAA) or other applicable agencies, all towers shall maintain a galvanized steel finish in order to reduce the visibility of the structure.
- c. The design of the tower compound shall, to the extent possible, maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
- d. A site approved for the location of a tower shall not install monopoles in or within 1000 feet of residential areas and areas of special aesthetic concern such as commercial revitalization areas, historic districts and scenic corridors.

3. Lighting

Unless required by the FAA, no artificial lighting shall be used on a tower. The Planning Commission will review all available lighting options and approve the choice that would cause the least disturbance to the surrounding areas and views. Unless restricted by the FAA, 'dual lighting' with red light at night and strobe light during the day, shall be preferred. Any form of security lighting shall be permitted in accordance Section E-5, Security Devices.

4. Landscaping

- a. The view of a tower compound shall be effectively screened, with the use of landscaped buffers, from residential properties and public rights-of-way.
- b. A dark, vinyl coated security fence shall be placed around the tower compound. A standard buffer strip of eight (8) feet in width will be placed outside the fence and around the perimeter, to comprise of an attractive combination of trees, shrubs, vines and/or ground cover to grow, at maturity, to the full height of the security fence. For sites within 1000 feet of a residence, the Planning Commission reserves the right to impose higher buffer standards to include a decay-resistant, solid wood fence; earth berms, brick wall, masonry wall or a combination of these. All fencing and landscaping shall be maintained by the lessor/owner.
- c. In areas, such as remote, agricultural or rural locations, or developed heavy industrial sites, where the visual impact of towers would be minimal, the Planning Commission may reduce the landscaping requirements.
- d. A tower sited in a large, wooded lot may use a large land area of preserved natural growth (trees, shrubs and other vegetation) around the tower compound as a buffer.
- e. All cellular facilities utilizing underground vaults instead of above ground switching gear buildings shall be exempted from any buffer requirements.

5. Security Devices

All facilities shall be fully secured with a dark, vinyl coated steel chain link fence, at a minimum height of eight (8) feet, around the perimeter of the compound. Such fence may have barbed wire, if necessary. Applicable landscaping and buffers shall be incorporated in accordance with Section E-4, Landscaping. Other security measures shall include locks and alarms. If necessary approved barbed or razor wire and special lighting for the compound shall be permitted by the Planning Commission.

6. Removal of Obsolete Towers

Any tower, no longer serving the original, intended use for communications, shall be promptly removed at the owner's expense. The owner shall provide the Town Clerk with a copy of the notice to cease communications operations, forwarded to the FCC, and shall remove the obsolete tower and all accessory structures within ninety (90) days of the date of notice to the FAA stating the cease of operations. In cases of a single tower with multiple operators, this provision shall not take effect until all users have ceased operations.

F. APPLICATION:

Any application submitted for the approval of siting a communications tower shall be accompanied by the following minimum:

1. A brief, written statement addressing conformance with the health, safety and welfare objectives of these guidelines.
2. A site plan, drawn at an appropriate scale, showing the location and dimensions of all buildings, structures and improvements including setbacks, drives, parking, fencing, landscaping and other information pertinent and necessary to meet the conditions of these guidelines.
3. An artist's rendering of the proposed tower, accessory facilities and the compound showing colors, materials, treatment and evidence of lighting or other FAA requirements for tower color as proposed and submitted to the FAA.
4. The justification for the proposal of a new tower shall be provided by way of documentation showing that all other options to co-locate or locate on an existing building or structure, within the proposed service area, have been exhausted. A written affidavit documenting the attempts and subsequent failure to share an existing tower or the lack of an existing tower shall be provided.
5. A certification of shared use design, provided by a qualified, professional engineer, registered in State of Alabama, stating the number of shared users that the proposed tower design will ultimately be able to accommodate.
6. As built surveys, approved by a qualified, professional engineer, registered in the State of Alabama, stating that the completed cellular site was built in accordance with the submitted site plan including the installation of any required buffer strip.

Any application submitted for the approval of modifying or co-locating a communications tower shall be accompanied by the following:

1. The process for permitting and the information required under this Ordinance shall be the same as in the preceding Section, except that there shall be no Artist's Rendering nor Justification required for an application qualifying for the modification or co-location process.
2. Any other application items that are deemed not applicable will be identified prior to the submission of the application for Special Use Permit by the City or the City's consultants.

G. ZONING DISTRICTS

Towers shall be permitted in the zone districts as stated in the Town of Riverside Zoning Ordinance:

H. FEES AND PENALTY

To prevent the taxpayers from having to bear the cost related to the issue of permitting and regulating wireless telecommunications facilities,

1. At the time that a person submits an application for a Special Use Permit for a new telecommunications tower, such person shall pay a non-refundable application fee of \$5,000.00 to the City. If the application is for a Special Use Permit for modifying or collocating on an existing telecommunications tower or high structure, where no increase in height of the tower or structure is required, the fee shall be \$2,500.00.
2. The total amount of the funds needed as set forth in the City's Fee schedule may vary with the scope and complexity and/or the completeness of the application or the amount of time spent responding to an applicant's arguments as regards the requirements of this Ordinance or other applicable law, rule or regulation.
3. The applicant will be charged when the City consultants with an outside engineer in the reviewing and evaluating of applications and plans is needed.
4. Any person violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500.00) and may be sentenced to serve no more than six months in the County Jail or both.

***CELL TOWER LAND USE REQUIRES APPROVAL OF A SPECIAL USE PERMIT APPLICATION**
(See Appendix A. See Appendix B for Co-location Permit Application)

From Riverside Zoning Ordinance

Section 55.00. USES ALLOWED. ^{2,4}

Except as otherwise provided by law or in this Ordinance, no building, structure or land shall be used or occupied except in the zoning districts indicated and for the purposes permitted in this section. The general use categories specified by Table V-2 are defined in Articles VII through IX.

Uses allowed in each district are determined from the following table. Categories for each use are:

- A. Use By Right [R]. Allowed as of right; applicant need only submit the necessary plans for review to the Building Inspector.
- B. Conditional Use [C]. Further review and special permission is required from the board of adjustment as per Section 152.04.
- C. Not Permitted [N]. Use not allowed in this district.
- D. Planning Commission Approval [P]. Uses permitted upon approval of location and the site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located.
- E. Subject to Supplemental Use District Regulations [*]. See Section 56.00 for supplemental regulations.

USES	DISTRICTS								B3	M1	M2
	A1	R1	R2	R3	R4	R5	INST1				
Industrial											
Construction Service	P	N	N	N	N	N	N		P	P	P
Heavy Industry	N	N	N	N	N	N	N		N	P	P
Junkyard/Salvage Yard	N	N	N	N	N	N	N		N	N	C
Maintenance Service	N	N	N	N	N	N	N		P	P	P
Manufacturing, General	N	N	N	N	N	N	N		N	P	P
Manufacturing, Light	N	N	N	N	N	N	N		P	P	P
Research Lab	N	N	N	N	N	N	N		P	P	P
Resource Extraction	C	N	N	N	N	N	N		N	C	C
Sanitary Landfill	N	N	N	N	N	N	N		N	N	C
Communication/Transmission Tower/Antennae	C	N	N	N	N	N	R		P	P	P
Vehicle and Equipment Repair	N	N	N	N	N	N	N		R	P	P
Vehicle and Equipment Sales	N	N	N	N	N	N	N		R	P	P
Warehousing, Wholesaling, Distribution, Enclosed	P	N	N	N	N	N	N		P	P	P
Warehousing, Wholesaling, Distribution, Unenclosed	P	N	N	N	N	N	N	1	N	P	P

APPENDIX

Appendix A - Special Use Permit Application - pgs A1-A3



City of Riverside
APPLICATION FOR
SPECIAL USE PERMIT

Per City of Riverside Ordinance 1999-0909

Please fill out this form completely, supplying all necessary information and documentation to support your request.

APPLICANT

NAME:

DATE:

BUSINESS NAME (If applicable):

MAILING ADDRESS:

CITY/STATE/ZIP:

PHONE:

E-MAIL:

PROPERTY INFORMATION

PARCEL ID NO. : 22 - ____ - ____ - ____ - ____ - ____ . ____

Find online at <https://map.stclairco.com/parcelviewer/>

PROPERTY ADDRESS:

SUBDIVISION / LOT / UNIT NO. :

PROPERTY OWNER:

APPLICANT'S INTEREST IN PROPERTY: Owner Contractor Other-

Applicant's that are not the Property Owner of record must submit the Authorized Agent Form.

PROPOSED PROJECT INFORMATION

TYPE: Event New Site Modification Co-Location

EXISTING STRUCTURE: Yes No

ESTIMATED VALUE OF PROJECT:

PROJECT DESCRIPTION:

1. All information contained in the application and on any accompanying documents is true and correct.
2. Proposed construction will not take place on any granted easement, public or private, nor violate any covenant or restriction applicable to the subject property.
3. Applicant / Owner / Contractor(s) will conform to all municipal regulations currently in place.
4. All work performed under said permit will be in accordance with the approved plans and plat diagram as submitted with this application, except for changes as may be authorized by the Building Inspector.
5. Applicant / Owner is aware that inspections will be required and that all necessary inspections will be conducted in accordance with the Riverside Code of Ordinances.
6. The permit will become null and void if no work / inspections are conducted within 90 days of approval.
7. Work will not commence until after the permit application is approved.
8. The applicant acknowledges that additional City of Riverside zoning and/or permitting review requirements may be identified during the review of this permit application and the fulfillment of such requirements is the responsibility of the applicant.
9. Any tower, no longer serving the original, intended use for communications, shall be promptly removed at the owner's expense.
10. The applicant will be charged any excess required for the reviewing and evaluating of a complex application.

The undersigned acknowledges that all information contained herein is true and correct and that all requirements are understood.

Signature of Applicant

Printed name of Applicant or Representative

Date: _____

CONTRACTOR INFORMATION
(If Applicable)

Name of Contractor:

Address:

Mobile Phone:

Email:

Type of Work:

Name of Contractor:

Address:

Mobile Phone:

Email:

Type of Work:

<u>BASE FEE (due upon submission)</u>	
Event	varies
New Tower Site	\$5,000.00
Site Modification	\$2,500.00
Site Co-Location	\$2,500.00
Other	varies

- Submit Application Packet to the City Clerk - Hard copies are not required initially. Fees may be paid on-line upon applicant's request. Applications will not be processed until all required information is received and payment of fees is processed.
- Application Packet to include - (in PDF format)
 - Completed Application and payment of Base Fee;
 - If the facilities will be located on property that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement or other documentation evidencing that the owner authorizes the facilities or agrees in principle, provided that, if a representation is made to the City that the facility has been authorized in principle by the owner but the applicant subsequently fails to furnish the City documentation that finalized any such agreement, the City may refuse to issue the requested permit until that documentation is proved or, if the City issues the requested permit before receiving such final documentation, the subject permit may be revoked and any license rescinded;
 - A brief, written statement addressing conformance with the health, safety and welfare objectives of Ordinance 1999-0909 guidelines.
 - A site plan, drawn at an appropriate scale, showing the location and dimensions of all buildings, structures and improvements including setbacks, drives, parking, fencing, landscaping and other information pertinent and necessary to meet the conditions of these guidelines.
A scaled site plan includes:
 - Property boundaries;
 - Proposed facility and exact location;
 - Existing land use;
 - The Applicant/Provider's network coverage objective;
 - Site access location and surface material;
 - Existing and proposed structures and topography;
 - Proposed landscaping, fencing, parking areas, signage and lighting;
 - A map of the geographic area that will be served and demonstrating the need for placing the facilities;
 - Street right-of-way excavation detail as needed.
 - An artist's rendering of the proposed tower, accessory facilities and the compound showing colors, materials, treatment and evidence of lighting or other FAA requirements for tower color as proposed and submitted to the FAA (New Site Only).
 - The justification for the proposal of a new tower shall be provided by way of documentation showing that all other options to co-locate or locate on an existing building or structure, within the proposed service area, have been exhausted. A written affidavit documenting the attempts and subsequent failure to share an existing tower or the lack of an existing tower shall be provided (New Site Only).
 - A certification of shared use design, provided by a qualified, professional engineer, registered in State of Alabama, stating the number of shared users that the proposed tower design will ultimately be able to accommodate.
 - As built surveys, approved by a qualified, professional engineer, registered in the State of Alabama, stating that the completed cellular site was built in accordance with the submitted site plan including the installation of any required buffer strip.
- A review of the application by the appropriate department and a site inspection will be conducted.
- Depending on the complexity of your project, turnaround time will typically take between one (1) to three (3) weeks.
- Note: Issuance of a permit for a new site is subject to the approval of the Zoning Commission and the City Council following a public hearing. A representative of the requesting company must attend said public hearing(s) in order to answer any questions related to said request.
- Upon approval of your permit application, you will be contacted by the License and Permit Department regarding any additional license, permits and fees required.
- Once all fees have been collected, your Special Use Permit will be issued. You may not begin work until the permit is issued, signed for and picked up from the License and Permit Department.
- Once work has begun, it is the responsibility of the applicant to schedule all required inspections through the License and Permit Department.

Appendix B - Tower Co-Location Application - pgs B1-B3



City of Riverside

TOWER CO-LOCATION APPLICATION REVIEW

Per City of Riverside Ordinance 1999-0909

Please fill out this form completely.

COMPANY INFORMATION

NAME OF COMPANY(Not Agent):

DATE:

BUSINESS NAME (If applicable):

MAILING ADDRESS: CITY/STATE/ZIP: PHONE:

E-MAIL:

TOWER INFORMATION

ASR #:

TOWER STREUCTURE TYPE:

OVERALL TOWER HIGHT ABOVE GROUND WITH APPURTENANCES:

CERTIFIED STRUCTURAL ANALYSIS:

ELECTRICAL WORK NECESSARY:

MECHANICAL WORK NECESSARY: Owner Contractor Other-

PROPOSED PROJECT INFORMATION

TYPE: Event New Site Modification Co-Location

EXISTING STRUCTURE: Yes No

ESTIMATED VALUE OF PROJECT:

PROJECT DESRIPTION:

1. A structural analysis of the towers is required to demonstrate that the existing tower has the capacity to safely support the antenna modifications.
2. If no electrical or mechanical work is necessary, a notarized statement attesting this fact must be provided.
3. Applicant / Owner / Contractor(s) will conform to all municipal regulations currently in place.
4. All work performed under said permit will be in accordance with the approved plans and plat diagram as submitted with this application, except for changes as may be authorized by the Building Inspector.
5. Applicant / Owner is aware that inspections will be required and that all necessary inspections will be conducted in accordance with the Riverside Code of Ordinances.
6. The permit will become null and void if no work / inspections are conducted within 90 days of approval.
7. Work will not commence until after the permit application is approved.
8. The applicant acknowledges that additional City of Riverside zoning and/or permitting review requirements may be identified during the review of this permit application and the fulfillment of such requirements is the responsibility of the applicant.
9. Any tower, no longer serving the original, intended use for communications, shall be promptly removed at the owner's expense.
10. The applicant will be charged any excess required for the reviewing and evaluating of a complex application.

The undersigned acknowledges that all information contained herein is true and correct and that all requirements are understood.

Signature of Applicant

Printed name of Applicant or Representative

Date: _____

CONTRACTOR INFORMATION
(If Applicable)

Name of Contractor:

Address:

Mobile Phone:

Email:

Type of Work:

Name of Contractor:

Address:

Mobile Phone:

Email:

Type of Work:

<u>BASE FEE (due upon submission)</u>	
Event	varies
New Tower Site	\$5,000.00
Site Modification	\$2,500.00
Site Co-Location	\$2,500.00
Other	varies

WHAT HAPPENS NEXT?

- Submit Application Packet to the City Clerk - Hard copies are not required initially. Fees may be paid on-line upon applicant's request. Applications will not be processed until all required information is received and payment of fees is processed.
- Application Packet to include - (in PDF format)
 - Completed Application and payment of Base Fee;
 - If the facilities will be located on property that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement or other documentation evidencing that the owner authorizes the facilities or agrees in principle, provided that, if a representation is made to the City that the facility has been authorized in principle by the owner but the applicant subsequently fails to furnish the City documentation that finalized any such agreement, the City may refuse to issue the requested permit until that documentation is proved or, if the City issues the requested permit before receiving such final documentation, the subject permit may be revoked and any license rescinded;
 - A brief, written statement addressing conformance with the health, safety and welfare objectives of Ordinance 1999-0909 guidelines.
 - A site plan, drawn at an appropriate scale, showing the location and dimensions of all buildings, structures and improvements including setbacks, drives, parking, fencing, landscaping and other information pertinent and necessary to meet the conditions of these guidelines.
A scaled site plan includes:
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 - Proposed facility and exact location;
 - Existing land use;
 - The Applicant/Provider's network coverage objective;
 - Site access location and surface material;
 - Existing and proposed structures and topography;
 - Proposed landscaping, fencing, parking areas, signage and lighting;
 - A map of the geographic area that will be served and demonstrating the need for placing the facilities;
 - Street right-of-way excavation detail as needed.
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- Note: Issuance of a permit for a new site is subject to the approval of the Zoning Commission and the City Council following a public hearing. A representative of the requesting company must attend said public hearing(s) in order to answer any questions related to said request.
- Upon approval of your permit application, you will be contacted by the License and Permit Department regarding any additional license, permits and fees required.
- Once all fees have been collected, your Special Use Permit will be issued. You may not begin work until the permit is issued, signed for and picked up from the License and Permit Department.
- Once work has begun, it is the responsibility of the applicant to schedule all required inspections through the License and Permit Department.

Office of the City Clerk
 379 Depot Street
 Riverside, AL 35135
RiversideClerk@riverside-al.com

