



Commercial Communication Structure (CCS) Requirements

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TYPES OF COMMERCIAL COMMUNICATION STRUCTURE PERMITS

CLASS 1 CO-LOCATION-NEW TOWER: to construct a new commercial communication structure (tower).

CLASS 1 CO-LOCATION-SUBSTANTIAL MODIFICATION includes any of the following:

- For structures with an overall **height of 200 feet or less**, increases in the overall height of the structure by more than 20 feet (as measured from the original permitted height).
- For structures with an overall **height of more than 200 feet**, increases in the overall height of the structure by 10% or more (as measured from the original permitted height).
- For structures with an **increase in the width of the support structure by 20 feet or more** (as measured from the original permitted width).
- For **increases** in the area of an **existing equipment compound** to a total area of more than 2,500 square feet.

CLASS 2 CO-LOCATION: the placement of a new mobile service facility (antennas or other equipment) on an existing support structure (tower or building) and is not considered a Class 1 Co-location with substantial modifications.

GENERAL REQUIREMENTS

Permits are required for all Class 1 and Class 2 Co-Locations pursuant to the requirements of **Section 420-89 of the Village Zoning Ordinance**

DEFINITIONS pursuant to Section 420-89 of the Village Zoning Ordinance

AIRPORT OVERLAY DISTRICT PERMIT: A permit or site plan approval from the City of Kenosha pursuant to Section 13 of the City of Kenosha Zoning Ordinance related to any land in the Village within the established approach, overflight or height overlay districts.

ANTENNA: Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

BUILDING PERMIT: A permit issued by the Village that authorizes an applicant to conduct construction activity that is consistent with the Village's Building Code.

CAMOUFLAGED MOBILE SERVICE SUPPORT STRUCTURE: A mobile service support structure that is used for the purpose of making it less obtrusive and/or more aesthetically pleasing with appropriate materials and/or coloration that conceals the structure by making it more difficult to see in that it blends in with the surrounding landscape. A water tower, a transmission tower and a silo are examples of camouflaged mobile service support structure.

CLASS 1 CO-LOCATION: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does need to engage in substantial modification.

CLASS 2 CO-LOCATION: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or does not need to engage in substantial modification.

CO-LOCATION: Class 1 or Class 2 co-location or both.

COMMERCIAL COMMUNICATION STRUCTURE: Includes the mobile service support structure and the mobile service facility as defined in this section.

COMMERCIAL COMMUNICATION STRUCTURE PERMIT: A permit, other than a building permit, or approval issued by the Village which authorizes any of the following activities by an applicant:

- (1) A Class 1 co-location.
- (2) A Class 2 co-location.
- (3) The construction of a mobile service support structure.
- (4) The construction of a mobile service facility.

DISTRIBUTED ANTENNA SYSTEM: A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

EQUIPMENT COMPOUND: An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

EXISTING STRUCTURE: A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Village.

FALL ZONE: The area over which a mobile service support structure is designed to collapse.

MOBILE SERVICE: Has the meaning given in 47 U.S.C. § 153(33).

MOBILE SERVICE FACILITY: The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

MOBILE SERVICE PROVIDER: A person/company who/that provides mobile service.

MOBILE SERVICE SUPPORT STRUCTURE: A freestanding structure that is designed to support a mobile service facility.

PROPAGATION MAP: A map that shows signal strength and other engineering evidence from the proposed site in relation to existing and other proposed mobile service support structures.

PUBLIC UTILITY: Has the meaning given in § 196.01(5), Wis. Stats.

SEARCH RING: A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors, including topography and the demographics of the service area.

SUBSTANTIAL MODIFICATION: The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

- (1) For structures with an overall height of 200 feet or less, increases in the overall height of the structure by more than 20 feet (as measured from the original permitted height), unless a greater height is necessary to avoid interference with an existing antenna.
- (2) For structures with an overall height of more than 200 feet, increases in the overall height of the structure by 10% or more (as measured from the original permitted height), unless a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- (3) For structures with an increase in the width of the support structure by 20 feet or more (as measured from the original permitted width), unless a larger area is necessary for co-location. The increase is measured at the level of the appurtenance added to the structure as a result of the modification.
- (4) For increases in the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

SUPPORT STRUCTURE: An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

UTILITY POLE: A structure owned or operated by an alternative telecommunications utility, as defined in § 196.01(1d), Wis. Stats.; public utility, as defined in § 196.01(5), Wis. Stats.; telecommunications utility, as defined in § 196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats., and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in § 182.017(1g)(cq), Wis. Stats.; video service, as defined in § 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

GENERAL STANDARDS FOR A CLASS 1 CO-LOCATION NEW TOWER

1. If the site is located within the City of Kenosha Airport Overlay District, then the Commercial Communication Structure shall comply with the requirements of a City of Kenosha Airport Permit. Adding or changing antennas or other equipment on the tower or at the base of the tower does not required City of Kenosha approval.
2. Allowed in any Zoning District as a permitted principal use on lots that are a minimum of 1-acre in size and having a minimum lot frontage on a public street of 100 feet.
3. Allowed in any Agricultural, Institutional, Commercial, Manufacturing, PR-1 or PR-2 zoning district as a permitted accessory use provided that the lots and frontage on a public street meet the minimum lot area and frontage requirements of the underlying zoning district or 2.5 acre in size and having a minimum lot frontage on a public street of 100 feet; whichever is greater.
4. Allowed in any agricultural, institutional, commercial, manufacturing, PR-1 or PR-2 Zoning District as a permitted accessory use mounted on a building or other structure.
5. All new towers constructed after January 1, 2014 shall be separated by a minimum of 2,640 feet, except as noted below:
 - o collocation is not possible on the existing freestanding mobile support structure that would be within 2,640 feet of the new freestanding mobile support structure or

- o the proposed new freestanding mobile support structure is a camouflaged mobile service support structure. A Camouflaged mobile service support structure is defined in Section 420-89 of the Village Zoning Ordinance as *"A mobile service support structure that is used for the purpose of making it less obtrusive and/or more aesthetically pleasing with appropriate materials and/or coloration that conceals the structure by making it more difficult to see in that it blends in with the surrounding landscape. A water tower, a transmission tower and a silo are examples of camouflaged mobile service support structure."*
6. Existing towers constructed before January 1, 2014 may be reconstructed on the same site without meeting the 2,640 separation distance requirements.
 7. Setbacks and height requirements. The height of any commercial communication structure is measured from the base of the structure at grade to its highest point, including any associated aerials, projections or other attached apparatus. The setback distance shall be measured from the furthest extent of the tower, its aerials, guy wire anchor locations or other equipment or from the foundation of a building.
 - o If located within any Institutional, Commercial or Manufacturing zoning district then the setback of any building/structure/equipment associated with a commercial communication structure shall meet the minimum setback requirements specified in the specific zoning district in which it is being located.
 - o If located in any Residential, Park and Recreational or Agricultural zoning district then the setback of any building/structure/equipment associated with a commercial communication structure shall comply with the setback requirements specified in the B-1, Neighborhood Business District.
 - o Antennas, whips, panels, or satellite and/or digital dishes attached to an existing building shall not exceed the height allowed in the underlying zoning district.
 - o Antennas, whips, panels, or satellite and/or digital dishes attached to an existing structure, such as water towers, transmission towers, silos or other utility poles, shall not extend more than 20 feet above the existing height of said structure.
 - o Any building/structure/equipment associated with a commercial communication structure shall not be located within the 100-year floodplain.
 - o If an applicant provides the Village with an engineering certification showing that a mobile service support structure is designed to collapse within a smaller area than the setback or fall zone area required in this subsection, then the required setback shall be reduced unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
 8. Support structures shall be designed, engineered and constructed to handle multiple carriers.
 9. The building within the equipment compound shall be designed to complement with existing architecture in the area and the fenced equipment compound shall be landscaped with mature foundation plants designed to enhance the facility. Any equipment allowed to be located outside the building within the equipment compound shall be screened from sight by mature landscaping and shall be located or designed to minimize their visibility.
 10. Equipment compounds are required to be surrounded with a six (6) foot high, vinyl coated, chain-link fence pursuant to the requirements of **Article XI of the Zoning Ordinance (Chapter 420)**, unless otherwise approved by the Zoning Administrator.
 11. All equipment at the base of the tower, except a backup generator, is required to be located within a building that complies with the standards set forth in **Section 420-57 H of the Village Zoning Ordinance**.
 12. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes, shall be located within the equipment enclosure and screened from public view.
 13. If required to be lit, red or white lights shall be non-flashing and non-pulsating, unless a different style of lighting is required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration.
 14. The Village does not warrant any communication structure against design or structural failure. The Village does not certify that any design is adequate and the Village accepts no liability through the issuance of a commercial communication permit.
 15. Commercial Communication Structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the Village.

ABANDONMENT, REMOVAL AND SECURITY FOR REMOVAL REQUIREMENTS

Abandonment: Any commercial communication structure that is not operated for a continuous period of 12 months shall be considered abandoned. Time may be extended upon review and approval of the Zoning Administrator, if the tower owner demonstrates a good faith effort to secure new tenants.

Removal: It is the express policy of the Village and this section that commercial communication structures be removed once they are no longer in use and not a functional part of providing service and that it is the mobile service support structure owners' responsibility to remove such structure(s) and restore the site to its original condition or a condition approved by the Zoning Administrator. This restoration shall include the removal of any

subsurface structure or foundation, including concrete used to support the structure down to 10 feet below the surface. After a communication structure is no longer in operation, the tower owner shall have 90 days to effect removal and restoration unless weather prohibits such efforts. The commercial communication structure owner shall record a document with the Kenosha County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure. A copy of the recorded document shall be provided to the Village.

Security for removal: The owner of the commercial communication structure shall provide to the Village, prior to issuance of a commercial communication structure permit, a performance bond in the amount of \$20,000 or a bond equal to a written estimate from a qualified tower removal contractor to guarantee throughout the life of the structure that the structure will be removed when no longer in operation. The Village will be named as the obligee in the bond and must approve the bonding company.

A draft performance bond shall be submitted with the initial application for Village review for Class 1 Co-location permits. Prior to issuance of the required permit, the original performance bond shall be provided to the Village.

MINIMUM SUBMITTAL REQUIREMENTS

Proof of legal interest. If the applicant is not the owner of the property, then either proof of the applicant's legal interest in the property (e.g., accepted offer to purchase, lease, etc., which may be appropriately redacted to preserve confidential information) or written authorization signed by the owner for the applicant to act as the owner's agent in connection with the application.

Sworn statement and service area map. For Class 1 Co-Location Permit Applications, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. If the service area is inadequate, map the areas where service is inadequate.

Inventory and propagation map. For Class 1 Co-Location Permit Applications, an inventory, propagation map and a listing of all of the applicant's existing towers and antennas which are located within the Village boundaries and within 2,650 feet of the exterior of the Village boundaries. The inventory shall specify the location, antennae height, and structure type of each of the applicants existing towers currently in operation, and an indication of the ability of the existing structures to accommodate additional collocation antennas.

City of Kenosha Airport Permit. For Class 1 Co-Location Permit Applications, if the site is located within the City of Kenosha Airport Overlay District, then the tower shall comply with the requirements of a City of Kenosha Airport Permit and a copy of said permit shall be provided to the Village.

Construction plans, that describes the project including the tower, equipment and network components, such as antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed project. The plans shall indicate security measures (i.e. access, fencing, lighting, camera, knox padlock, etc.). All plans shall comply with the requirements described in **Section 420-57 of the Village Zoning Ordinance** and shall include:

- ✓ Title sheet
- ✓ Survey and site plan
- ✓ Grading and drainage plan
- ✓ Construction plan including fence details
- ✓ Lighting plan
- ✓ Landscape and open space plan
- ✓ Signage plan

Structural Analysis illustrating that the tower can support multiple carriers.

Village Lease Agreement approved by the Village Board if located on Village owned property.

Draft Security for Removal Performance Bond. For Class 1 Co-Location, a draft performance bond shall be submitted with the initial application for Village review related to the required security of removal. Prior to issuance of the required permit, the original performance bond shall be provided to the Village.

Architectural Control Committee approval, required where Declarations require such approval

Commercial Communication Structure Signature Document. Signatures of the property owner, tower owner, tenant/carrier and applicant filing the application.

ADDITIONAL PERMITS MAY BE REQUIRED DEPENDING ON SCOPE OF WORK

Erosion Control: If any land disturbance is proposed, then an Erosion Control Permit shall be submitted with this application. Contact the Village Engineering Department with any questions at 262.925.6729.

Driveway/Culvert. Contact the Village Community Development Department with any questions at 262.925.6717.

Commercial Accessory Building. If a new building is proposed, then a Commercial Accessory Building Permit Application is required to be submitted. Contact the Village Building Inspection Department with any questions at 262.694.9304.

Electrical, Plumbing or HVAC. If the work includes any electrical, plumbing or HVAC permit applications then those respective Permit Applications are required to be submitted. Contact the Village Building Inspection Department with any questions at 262.694.9304.

PERMIT REVIEW AND ISSUANCE OF PERMIT

- Permits may require up to 10 business days to process. If during the Village's review of the application, information is missing or additional information is required, the permit will be put on hold until the information is received, then the 10 day review period will start again once the additional information is received. The Applicant will be contacted when the permit is ready to be issued with total permit fees due and permit conditions.
- Before digging call Diggers Hotline at 1-800-982-0299 to have all underground utilities marked.

INSPECTIONS AND COMPLIANCE

- All required inspections shall be scheduled at least 2 business days in advance by calling 262.925-6726 with the permit number.
- Upon completion, a **Letter of Compliance** (on company letterhead) shall be submitted by the applicant to the Village Zoning Administrator to verify the work complies with the approved plans and permit conditions.