

Tower Setback

14-1 DEFINITIONS

- (a) Alternative tower structure - shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (b) Antenna - any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.
- (c) FAA - the Federal Aviation Administration.
- (d) FCC - the Federal Communications Commission.
- (e) Height - when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- (f) Telecommunication Facility - any structure used for the purpose of supporting one or more antennas or microwave dishes, including self-supporting lattice towers, guy towers or monopole towers. The term included radio and television transmission towers, alternative antenna support structures such as buildings and rooftops and other existing support structures.

14-2 USE REGULATIONS

TELECOMMUNICATIONS TOWERS

The goals of this ordinance are to:

- (a) encourage the locations of towers in non-residential areas and minimize the total number of towers and tower sites throughout the community;
- (b) encourage strongly the joint use of new and existing tower sites;
- (c) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (d) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas and;
- (e) to provide adequate sites for the provision of telecommunication services with minimal negative

impact on the resources of the County.

14-3 Applicability

District Height Limitations

The requirements set forth in this ordinance shall govern the location of towers that exceed, and antenna that are installed at greater than fifty (50) feet in height.

14-3.1 Amateur Radio and Receive-Only Antennas

This ordinance shall not govern any tower, or the installation of any antenna, that is

- (a) Under fifty (50) feet in height or is owned and operated by a federally-licensed amateur radio station operator, or is
- (b) Used exclusively for receive-only antennas.

14-3.2 Existing Structures and Towers

The placement of an antenna on an existing structure such as a building, sign, light pole, water tank or other free-standing non-residential structure or existing municipal, utility or commercially owned tower or pole shall be permitted so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower and provided, however, that such permitted use shall include the placements of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use.

14-4 GENERAL GUIDELINES AND REQUIREMENTS

14-4.1 Principal or Accessory Use

Antenna and towers may be considered either principal or accessory uses when considering area requirements of a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a

nonconforming use or structure.

14-4.2 Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide to the Planning and Zoning Department an inventory of its existing facilities that are either within the jurisdiction of the governing authority or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower. The Planning and Zoning Department is not, by sharing such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

14-4.3 Aesthetics; Lighting

The guidelines set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided, however, that the Board of Supervisors may waive any of these requirements if it determines that the goals of the ordinance are better served thereby.

- (a) Towers shall either maintain a galvanized steel-finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
- (b) At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the built environment.
- (c) If an antenna is installed on a structure other than an tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the

governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

- (e) No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting and existing sign structure.

14-4 FEDERAL REQUIREMENTS

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

14-5 BUILDING CODES

To ensure the structural integrity of towers, The owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations.

14-6 INFORMATION REQUIRED

Each applicant requesting a special use permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to access compliance with this ordinance. Additionally, applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed tower. The photograph, with the simulated image, shall include the foreground, the mid ground and the background of this site.

- 14-7.1 An engineering report certifying that the proposed tower is compatible for co-location with a

minimum of three (3) similar users including the primary user, must be submitted by the applicant.

14-7.2 The applicant shall provide copies of their co-location policy.

14-7.3 The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antenna are no higher in elevation than necessary.

14-8 FACTORS CONSIDERED IN GRANTING SPECIAL USE PERMITS FOR NEW TOWERS OR POLES.

The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one (1) or more of these criteria if the governing authority, concludes that the goals of this ordinance are better served thereby.

- (a) Height of the proposed tower or pole;
- (b) Proximity of the tower or pole to residential structure and residential district boundaries;
- (c) Nature of the uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress;
- (h) Co-location policy;
- (i) Language of the lease agreement;
- (j) Consistency with the Comprehensive Plan and the purposes to be served by zoning; and
- (k) Availability of suitable existing towers and other structures as discussed below.

14-9 AVAILABILITY OF SUITABLE EXISTING TOWERS OR OTHER STRUCTURES

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

- (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development is presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

14-10 SETBACKS

The following setback requirements shall apply to all towers and antennas for which a special use permit is required, provided, however, that the governing authority may reduce the standard setback requirements if the goals of this ordinance would better be served thereby.

- (a) Towers must be set back a distance equal to 200% of the height of the tower from any off-site residential structure and in no case less than four hundred (400) feet.
- (b) Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

14-11 SECURITY FENCING

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device, provided, however, that the governing authority may waive such requirements, as it deems appropriate.

14-12 LANDSCAPING

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required, provided, however, that the governing authority may waive such requirements if

the goals of this ordinance would better be served thereby.

- (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
- (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

14-13 LOCAL GOVERNMENT ACCESS

Owners of towers shall provide the County co-location opportunities without compensation as a community benefit to improve radio communication for County departments and emergency services provided it does not conflict with the co-location requirement of 18-7.1.

14-14 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the County may require the landowner to have it removed.

14-15 REVIEW FEES

The following fees shall be paid:

Thirty-five hundred dollars (\$3,500.00) or actual billing from consultant, which ever is greater, for communications tower review. (See 19-2(e)also.)