

SECTION 13 TELECOMMUNICATION TOWERS

SUBDIVISION 1. PURPOSE

These regulations are intended to:

1. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in the County;
2. Minimize adverse visual effects of towers through careful design and citing standards;
3. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful citing, and setback requirements;
4. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the County.

SUBDIVISION 2. PERMITS

All telecommunication towers shall require a conditional use permit as regulated in Section 22 of the Murray County Zoning Ordinance, except, antennas incidental to residential use; or the addition of an antenna or antennas on existing structures including, but not limited to, buildings, flag poles, church steeples, cupolas, ball field lights, and power lines support devices, where no modifications are required to the existing structure if the antenna does not increase the height of the structure by more than 20 feet. Towers shall be allowed only in "A" Agricultural District, "B-1" General Business District and "I-1" Industrial District. Applications shall include the following information:

1. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;
2. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower;
3. The location of all public and private airports within a three (3) mile radius of the tower site;
4. An FAA notice of non-hazard;
5. FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed;
6. An erosion control plan for the tower site;
7. A site plan that shows topography, location and size of proposed tower facility, support structures, accessory buildings, access driveways, public roads, parking, fences, signs, setbacks, screening and proposed removal of vegetation.

SUBDIVISION 3. TOWER AND ANTENNA DESIGN REQUIREMENTS

Proposed or modified towers shall meet the following design requirements:

1. Towers and antennas shall 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;
2. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair;
3. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards;
4. Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code;
5. Metal towers shall be constructed of, or treated with, corrosive resistant material;
6. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
7. All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower and guy wire anchors shall be enclosed by a fence with a minimum height of six (6) feet chain link fence with a locked gate. A minimum of three (3) strands of barbed or razor wire shall be installed on top of the chain link fencing.

SUBDIVISION 4. TOWER SETBACKS

Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

1. Towers shall be setback from all property lines an amount equal to the height of the structure. The minimum distance to the nearest dwelling shall be the height of the tower plus 100 feet
2. Guy wires for towers shall be located no closer than 30 feet to any property line and shall meet the public road right of way setbacks of the district in which it is located.
3. No tower shall be erected within 1000 feet of the ordinary high water mark of any public water basin.

SUBDIVISION 5. CO-LOCATION REQUIREMENTS

All commercial wireless telecommunication towers erected, constructed, or located within the County shall comply with the following requirements:

1. Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
2. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within the search ring of the service area 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 qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned 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 as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;
 - C. Existing or approved towers and buildings within the search radius that are 60 feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
 - D. Other foreseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
3. Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and a least 3 additional antennas if the tower is 200 feet or over in height, or for a least 2 additional antennas if the tower is under 200 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept mounted at varying heights.
4. An agreement stating that the site will be designed for multiple users with applicant and property owner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the conditional use permit. This agreement shall become a part of the permit.

SUBDIVISION 6. ANTENNAS MOUNTED ON EXISTING BUILDINGS OR TOWERS

The placement of telecommunication antennas, including wireless telecommunication antennas on existing buildings, towers or structures, shall meet the requirements of the underlying land use district and this section. A site plan and building plan must be submitted to the Environmental Services Office as part of the permitting process.

SUBDIVISION 7. ACCESSORY UTILITY BUILDINGS

All buildings and structures accessory to a tower shall:

1. Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for the land use district in which they are located.
2. Have ground mounted equipment 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.

SUBDIVISION 8. TOWER LIGHTING

Towers shall not be illuminated by artificial means only as required by the Federal Aviation Administration or the Federal Communications Commission or state agency.

SUBDIVISION 9. ABANDONED OR UNUSED TOWERS

Abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless; a time extension is approved by the Environmental Services Office. Failure to remove the structure shall be cause for the County to remove the tower and associated equipment and assess the cost against the property for collection with the real estate taxes.

SUBDIVISION 10. PUBLIC SAFETY TELECOMMUNICATIONS INTERFERENCE

Commercial wireless telecommunications services shall not interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Environmental Services Office at least 10 calendar days in advance of any changes to allow for monitoring of interference levels during the testing process.

SUBDIVISION 11. NON-CONFORMING TOWERS

In order to avoid requiring new towers and to minimize the number of towers needed to serve the county the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of the adoption of this section of the ordinance may be permitted to increase tower height, after being issued a conditional use permit. The Planning Commission shall consider the following criteria as part of the conditional use permit process:

1. Tower safety concerns including tower collapse, falling ice, and airplane traffic;
2. Comparative visual impact to the surrounding lands of the proposed tower height increase;
3. Disturbance or conflict with agricultural uses on the property;
4. Other factors which tend to reduce conflicts or incompatible with the character and need of the area.