

CHAPTER TWENTY TWO

CHRISTIAN COUNTY TOWER REGULATIONS

Section 22-10 Purpose - The purpose of this regulation is to find practical solutions to the siting of any tower or any telecommunication facility and its functionally equivalent services. The regulation allows for reasonable and fair action necessary to protect and advance the public interests. Maintaining quality of life by balancing community and individual interests with community health and safety is the responsibility of local government when delivering services which benefit all citizens of Christian County.

Section 22-12 Definitions:

Antenna. The surface from which wireless radio or television signals are sent and received.

Co-location. The use of a single mount on the ground by more than one (1) carrier or company and/or several mounts on an existing building by more than one (1) carrier or company.

Equipment Shelter. An enclosed structure, cabinet, shed or box at the base of the mount used to contain batteries and electrical equipment. Also known as base transceiver stations.

Functionally Equivalent Service. According to the Telecommunications Act, these five (5) services are considered functionally equivalent services and must receive the same treatment by local government.

1. Cellular
2. Personal Communications Services (PCS)
3. Enhanced Specialized Mobile Radio
4. Specialized Mobile Radio
5. Paging

Guyed Tower. A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice Tower. A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Licensed Carrier. A company authorized by the FCC to construct and operate a commercial mobile radio or television services system.

Monopole. A type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform for panel antennas arrayed at the top.

Mount. The structure or surface upon which antennas are mounted. Types of mounts include roof-mount, side-mount, ground-mount(tower) and structure-mount.

PCS (Personal Communications Services). An advanced form of radiotelephone services, capable of transmitting and receiving voice, data, text and video messaging. PCS operates in the 1850-1990 MHz range.

Telecommunications Facility. Any antennas, microwave dishes, guy wires or cable that send or receive radio frequency signals, including such accessory structures as towers, equipment shelters and fences. The definition shall not include 1) towers located in an area zoned for commercial or manufacturing use able to meet the setback requirements set forth within this regulation, such tower may be accessory to the principal use, 2) any antenna one (1) meter or less in diameter located in any zone, 3) any antenna in excess of one (1) meter in diameter which is utilized for the reception of broadcast license, 4) communication towers and antennas used for non-commercial purposes, such as ham radio operation or receive only antennas, do not require a permit as long as the above-mentioned setback requirements are adhered to.

Section 22-20 Division III Permit is required for the construction or significant expansion, of any telecommunication facility or tower located within Christian County. A permit is required for any existing telecommunication facility located within Christian County where the mounting of additional antennas add more than twenty (20) feet to the height of the existing tower or where the placement of any additional supporting structures or equipment increase the square footage of the existing telecommunication facility compound while still meeting all other Christian County Planning & Zoning requirements. In granting a Division III permit, the Planning & Zoning Commission may require conditions mitigating the impact of the tower location on surrounding properties. These conditions may include in part, screening of the compound surrounding the requirement shelter and tower, lighting, tower height, landscaping of the site, including building materials and architectural requirements when located within or adjoining a residential district, co-location and abandonment of the site.

- A. **Home Occupation Communications tower and antennas** must adhere to all conditions set forth within this regulation. Any tower associated with a home occupation and exceeding fifty (50) feet in height requires a Division III permit.
- B. **Application requesting the Division III permit** must include the following information:
1. A to-scale site plan showing property lines, existing land use and zoning, surrounding land use and zoning, access roads, proposed structures, setbacks of proposed structures from property lines, type of proposed mount, proposed landscaping, screening or fencing, parking areas, any proposed signage and proposed lighting of the facility.
 2. A written report describing the tower height and design, lighting of the tower and the tower's capacity, including the number and type of antennas that it can accommodate as a co-location site.
 3. A statement in writing that other existing towers or structures do not provide a suitable location or co-location for the proposed tower. Evidence submitted may cite the geographic location of other structures, insufficient height or structural strength to meet engineering requirements, unreasonable costs or contractual provisions required for co-location, or other significant factors making co-location an unreasonable option.

4. A statement in writing providing a position on the proposed tower and a location in the equipment room for a Christian County emergency service antenna or for use by other emergency management agencies that are granted this right by Christian County. This position will be provided at no cost to Christian County Emergency Management antennas or any other emergency management entity.

C. **Granting a Division III Permit** - The Planning & Zoning Commission will consider, but is not limited to, the following factors:

1. Height of the proposed tower.
2. Proximity of the tower to residential structures and boundaries.
3. Height of tower determines distance from any other structure.
4. Surrounding land uses.
5. Surrounding topography.
6. Surrounding tree and vegetative cover.
7. Design of the tower, including characteristics that reduce visual obtrusiveness.
8. Availability of existing towers and other structures suitable for co-location.
9. Receipt of a \$500.00 fee, in addition to a \$1.00 per foot fee for the overall height of the tower, plus a .10 per square foot fee for any structures on site to be used in conjunction with the proposed tower.

D. **Fees**

1. **Division I permit**, with a flat fee of \$50.00, is required for the installation of an antenna or satellite on an existing structure or tower, including structures other than a tower, such as a building, water tower, light pole or other non-residential structure, provided the applicant notifies the Planning & Zoning Administrator and that the antenna (including any supporting masts, etc.) meet all other Christian County Planning & Zoning Requirements. When approved, the mount shall be considered to be an accessory use to the principal use. This flat fee is a fee which is to be paid on any number of antenna or satellite being installed on an existing tower and will not add to the height of the existing permitted or grandfathered tower. The fee will be ten cents (.10) per square foot (with a \$100 minimum fee), for any buildings constructed, and/or \$1.00 per foot for the overall height of the tower, shall be paid for upon permit approval before any construction begins.
2. **Division III Application** is \$500.00. Once the application is approved and obtaining the Division III permit, a Division I application shall be submitted and approved before construction begins.

E. **Additional Requirements** - All towers must meet or exceed current federal standards and regulations of the FAA, the FCC, and any other agency of the federal or state government regulating the construction and specifications of towers and antennas. If such standards change, the tower and antenna owners governed by this ordinance shall bring such tower or antenna in compliance with the revised standards within the time mandated by the controlling agency.

- F. **Tower Design for Co-Users** - Each applicant agrees to cooperate with the County and other applicants by designing towers in such a way that other users may co-locate upon the same tower. New towers constructed within Christian County with height in excess of sixty (60) feet should be capable of accommodating two additional carriers or telecommunications facilities for more than one other provider of communications services (hereinafter referred to as "additional capacity"). Such additional capacity, if any, shall be designated on the application and site plans presented to the County scheduling the public hearings before the Planning and Zoning Commission. However, in no event shall an applicant be required to allow collocation of facilities if to do so would result in technical interference with the delivery of the applicant's service. Amateur antennae can be considered in satisfying the secondary co-location criteria for commercial towers. Applicants must notify the Christian County Planning & Zoning Department in writing of the name and address of any and all co-users of a tower or antenna.

Section 22-25 Administrator Procedures

1. Any proposal to lease space on County owned property or structures must be approved by the Christian County Commission and the Planning & Zoning Administrator.
2. All towers governed by this ordinance and constructed within Christian County must be permitted by Christian County Planning & Zoning and adhere to all Christian County Unified Development Codes.
3. All towers shall be inspected by the designated official from the Planning & Zoning Department before a Certificate of Occupancy is issued, and a copy of the Certificate of Occupancy must be on file in the Christian County Planning and Zoning office. A copy of all required subsequent inspections must be filed with the Planning & Zoning Office.

Section 22-30 Telecommunication Facilities Requirements

- A. **Fencing** - All Facilities shall be secured with a minimum six (6) foot security fence, the towers equipped with appropriate anti-climbing devices, and clearly marked "No Trespassing".
- B. **Storage** - No accessory equipment or vehicles will be allowed to be stored on site unless used in direct support of the Communication Facility, unless repairs to the tower are then currently in progress.
- C. **Setbacks:**
 1. Towers must be setback from the property line and any building within a distance equal to the overall height of the tower constructed except the tower structure itself. Guy wires and other support structures shall maintain a minimum of ten (10) feet from the property line in any district.

2. All accessory buildings must adhere to the minimum setback requirements. (Refer to Section 13-10 Setbacks)

D. Landscaping:

1. The street frontage or front yard of any tower located within any residential area shall maintain the yard in a manner consistent with the residential character of the surrounding neighborhood. The perimeter of the telecommunications facility site shall be screened, at a minimum, with a course of coniferous trees, at least six (6) feet in height at the time of planting, ten (10) feet on center if Planning & Zoning deems applicable. The perimeter must also be secured by a 6 foot high chain link security fence and, at Planning & Zoning's discretion, may be opaque. Guy wires supporting the tower must be enclosed by a 6 foot high chain link fence. The applicant shall, upon application for a Division III permit, submit a landscaping/site plan detailing the plantings and/or other features such as privacy fencing, earthen berm or natural vegetation buffering the proposed site to be approved.
2. Existing mature tree growth and natural land forms on or surrounding the communication facility should be preserved to the maximum extent possible. In some cases natural growth around the property perimeter may be a sufficient buffer to waive the above- mentioned landscape requirements. This will be decided by the Planning & Zoning Commission during the Division III hearing.
3. Towers located within any agricultural area must have the perimeter of the communication facility screened with a minimum 6 foot high security fence, which may be required to be opaque at the Planning & Zoning administrator's discretion. Those towers located within two hundred and fifty (250) feet of a residential district may be subject to the landscaping requirements within the nearby residential districts or at the discretion of Planning & Zoning.

E. Lighting - Towers shall not be artificially illuminated except as required by the Federal Aviation Administration (FAA). At the time of construction dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower which is equal to three (3) times the proposed height of the tower. The lighting shall be designed within the required guidelines, yet should cause the least impact on surrounding or nearby properties. Security lighting around the base of the tower must have direct rays confined to the property and may be required to be incandescent in nature.

F. Materials - The tower shall be maintained with a galvanized steel finish or, subject to FAA standards, painted a neutral color to lessen visual impact or camouflaged to harmonize with the surrounding environment. The support buildings within a telecommunication facility shall, to the extent possible, be designed to blend into the surrounding setting in which they are being sited. This may include, in addition to landscaping and screening, residential style architecture with pitched roof, siding, and color and will be subject to a .10 cent per square foot fee to be paid at the time of application approval.

Section 22-35 Discontinued Use

1. Any tower no longer in use for the original purpose granted by the Division III permit or serving as an approved co-location site must be dismantled and removed within one (1) year of the cessation of operations. The owner of the tower must notify the Christian County Planning & Zoning Department with a copy of any notice given to the FCC relating to its intent to cease operations. Upon removal, the tower owners will reclaim the site by obtaining the proper grading permits from the Christian County Planning & Zoning Department and reclaiming the disturbed area. An extension to the one (1) year period may be granted by the Christian County Planning and Zoning Administrator if a good faith effort is made to resolve the situation.
2. When tower use is abandoned for a continuous period of 12 months, the tower owner shall remove the tower. The tower company shall post a \$75,000 bond or irrevocable for tower removal prior to issuance of a construction permit.

Section 22-40 Christian County reserves the right to rent space on existing towers for county transmitters, receivers or repeaters. All new telecommunications towers shall include a position on the tower and a location in the equipment room for Christian County emergency service antennas and equipment at no cost to Christian County (Refer to Section 22-20).