

**TITLE 10
CHAPTER 33**

TELECOMMUNICATIONS FACILITIES OVERLAY DISTRICT

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10-33-1 Purpose: The purpose of the Telecommunications Facilities Overlay District is to facilitate the location of necessary wireless telecommunications facilities, including towers, sufficient to provide service to area businesses and residents while preserving the viewsheds and character of the community, especially in residential districts.

10-33-2 Definitions:

- A. Ancillary facilities: the structures and equipment required for operation of the telecommunication equipment, including but not limited to antennae, repeaters, equipment housing structure, footings and foundations, and ventilation or other electrical or mechanical equipment.
- B. Antenna (e): an exterior apparatus, electrical conductor or group of electrical conductors, the surface of which is designed for telephonic, radio or television communications by sending and/or receiving radio frequency or electromagnetic waves, including those sent and/or received by wireless communication facilities. Antennae include the following types:
 - 1. Ancillary antenna, which are antennae less than 12 inches in their largest dimension and are not directly used to provide personal wireless communication services.
 - 2. Omni-direction (whip) antenna, which receives and transmits signals in a 360 degree pattern
 - 3. Directional or parabolic (panel or disk) antenna, which receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
 - 4. Satellite Dish antenna, which receives signals that are reflected from satellites
 - 5. Other, which means all other transmitting or receiving equipment not specifically described herein.
- C. Attached wireless communication facility. A wireless communication facility that is affixed to an existing structure, e.g., an existing building, wall or roof, mechanical equipment or alternative tower structure.
- D. Attachment. An antenna or other piece of related equipment affixed to a transmission tower.
- E. Co-location. The use or placement of two or more antenna systems or platforms by separate FCC license holders on a single support structure, transmission tower, or building.
- F. Equipment enclosures. A small structure, shelter, cabinet or vault used to house and protect electronic equipment necessary for processing wireless communication signals.

- G. Fall zone: The area within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within there might be a potential hazard from falling debris or a collapsing mount.
- H. Front yard: An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.
- I. Height: The distance measured from above ground level to the highest point of a wireless communication facility, including the antenna array. For purposes of measuring height, all antennas or other attachments mounted on a structure shall be included in the measurements to determine overall combined height.
- J. Mount: The structure or surface upon which antennae are mounted:
1. Roof-mounted: mounted on the roof of a building
 2. Side mounted: mounted on the side of a building
 3. Ground mounted: mounted on a monopole, mast, pole or tower
 4. Structure mounted: mounted on a structure other than a building
- K. New facility. The installation of a new transmission tower. New attachments are not new facilities.
- L. Pre-existing towers and pre-existing antennae. Any tower or antennae for which a building permit has been properly issued prior to the effective date of this ordinance.
- M. Provider. A person in the business of designing and/or using WCF including radiotelephones, personal communication services, enhanced/specialized mobile radios and commercial paging services.
- N. Roof line: The highest point of a roof, excluding chimneys, parapets, tanks, ventilating fans, towers, steeples, flagpoles, or similar structures.
- O. Support structure. The structure to which wireless communication antennae and other necessary hardware are mounted. For purposes of this ordinance, the terms "support structure", "tower", and "transmission tower" shall be interchangeable. Support structures include, but are not limited to:
1. Lattice tower: A freestanding support structure which consists of an open framework of crossed metal braces on three or four sides which stabilize the tower and which is built without guy wires and ground anchors.
 2. Monopole: A freestanding support structure consisting of a single upright pole sunk into the ground and/or attached to a foundation and engineered to be self-supporting without guy wires or ground anchors.
 3. Guyed tower: A tower which is supported, in whole or in part, by the use of cables (guy wires) and ground anchors.
- P. Tower footprint. The area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or overhanging equipment, attachments or structural members but excluding ancillary facilities and guy wires and anchors.
- Q. Tower height. The distance measured vertically from the highest point when positioned for operation to the lowest point, which is defined as the bottom of the base of the structure being measured at either roof level for a roof-mounted structure or at ground level for a freestanding structure. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point of the tower.
- R. Tower pad. The area encompassing the tower footprint, ancillary facilities, fencing and screening.
- S. Wireless communication facilities (WCF). An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. Wireless communication facilities are composed of two or more of the following components: Antenna, support structure,

equipment structures, and security barrier. For the purposes of this section, amateur radio transmission facilities are not WCF's.

10-33-3 Permitted Uses:

- A. In Industrial, Business Park and Highway Districts, all WCF meeting the height requirements of those districts are permitted uses subject to Design Review approval. Those height limits are 38' in the Limited Industrial District, Service Industrial and Industrial Park Districts and 28' in the Highway District. Also permitted, without Design Review, are roof and side mounted antennae necessary for the conduct of business extending no more than 8 feet above the roof line.
- B. In the Old Town, Mainstreet and Commercial Districts, any WCF extending 3' or less above the roofline. Design Review is not required.
- C. In the North Commercial Districts, any WCF extending 5' or less above the roofline. Design Review is not required.
- D. In the Public District, all WCF whose heights do not exceed those of the most restrictive abutting district are permitted uses.
- E. Any WCF not exceeding 3' in height above the roofline in any residential district. Towers erected for use by amateur radio operators may exceed the 3' above roofline restriction if it is demonstrated that the increased height is technically necessary to enable functional amateur radio communications.
- F. Monopoles for personal communication devices not exceeding 6' in height attached to existing light, power or telephone poles in any zone.
- G. WCF's not exceeding 9 feet in height attached to existing public facilities. The owner of the facility may require screening, security measures, liability coverage, and may control access to the facility.
- H. Towers erected for use by amateur radio operators not exceeding 40' in height. Amateur radio towers in excess of 40' shall be reviewed by a committee of three amateur radio operators to determine whether the additional height is technically necessary to enable functional amateur radio communications.

10-33-4 Conditional Uses:

- A. In Industrial, Business Park and Highway Districts, any WCF in excess of the height limits in No. 1 above.
- B. Any WCF extending more than 3' above the roofline of any building located in the Old Town, Mainstreet or Commercial Districts.
- C. Any WCF extending more than 5' above the roofline of any building in the North commercial Districts.
- D. Any WCF extending more than 3' above the roofline of the primary structure located in any residential district.
- E. Any WCF exceeding the limits in No. 4 above.
- F. All WCF's in any Open Space District.
- G. All WCF's exceeding 9 feet in height attached to public facilities.

10-33-5 Application:

The applicant shall submit:

- A. A site plan drawn to scale.
- B. Elevations of all proposed buildings and structures, together with a depiction of proposed screening.
- C. A landscaping plan
- D. The engineered design capacity of the WCF relative to of the number and type of antennae it is designed to accommodate, and the location of such antennae in such a manner as to optimize performance, minimize visual impact, and encourage co-location.
- E. A feasibility study showing why this facility is necessary, and if not co-located, why it cannot be co-located. The study must show that co-location is unfeasible due to one or more of the reasons: structural support limitations, safety considerations, lack of available space, failure to meet service coverage needs, or unreasonable economic constraints.
- F. Evidence of conformance with FAA requirements.
- G. Details of proposed security measures and content and location of warning signs. Such signs shall include notification of any hazardous materials onsite, and a 24/7 contact number for emergency use.
- H. Evidence that the proposed WCF meets FCC electromagnetic radiation emission standards.
- I. Narrative showing compliance with conditional use criteria and/or design review criteria

10-33-6 Setbacks:

- A. WCF's shall not be located in front yards.
- B. Telecommunication facilities meeting the height requirements of the underlying district shall meet the setbacks required in that district.
- C. Any facility exceeding the height requirements of the underlying zone shall be set back from the property line of all abutting uses at least 1.5 times the height of the facility.
- D. Additional setbacks may be required if there are lighting or noise impacts, or if protection from damage or collapse of the facility warrants additional setbacks.

10-33-7 Lighting: No lighting shall be permitted except as required by the FAA, or necessary to provide security to the site. Lighting shall be down-shielded and of the minimum wattage necessary for the proposed use.

10-33-8 Interference: No WCF shall interfere with public safety telecommunications. The City may require a statement or other evidence from a qualified professional engineer licensed in the State of Oregon that the proposed WCF will not interfere with public safety telecommunications.

10-33-9 Access: Access to commercial WCF's shall be from an arterial or a collector street.

10-33-10 Review Criteria:

- A. Does the facility incorporate co-location either with another existing facility, or offer the option for another entity to co-locate on the proposed facility?
- B. Are the portions of the proposed structure(s) that exceed height limits the minimum necessary to meet the needs of the applicant and provide reasonable service to the Florence area?
- C. Is the site/facility secure? Will warnings and emergency contact information be posted?

- D. Is the site screened, and/or designed to minimize impacts to surrounding land uses and the community? Does the proposed WCF design eliminate, to the greatest extent possible, the visibility of the proposed facility from adjacent streets, residences, parks and viewpoints? Are colors and materials chosen to minimize visibility?
- E. Does the facility meet FAA requirements?
- F. Does the facility comply with electromagnetic radiation emission standards as established by the FCC.
- G. Has the applicant provided a fall zone adequate to protect surrounding uses?
- H. Does the owner/operator have sufficient liability insurance to cover damage from tower failure or collapse?

10-33-11 Maintenance: The owner(s) of any WCF shall provide continuing maintenance of the facility and its accessory structures in a way that guarantees safety, and continuous compliance with any conditions of approval.

10-33-12 Decommissioning:

- A. If an owner plans to abandon or discontinue operation of a WCF, such owner shall notify the City by certified mail of the proposed date of abandonment or discontinuance of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuance.
- B. The City may require, as part of a conditional use permit, that an applicant to post a bond or other financial security in the amount necessary to remove a WCF and its accessory structures in the case of discontinuance of use.
- C. In the event that an owner discontinues use of a transmission facility for more than six consecutive months, the City may require that the owner remove the WCF and associated accessory structures. Failure to remove the WCF without a request for extension of use, or other application to the City for continuation of use, shall allow the City to declare the WCF a nuisance and subject to the abatement procedures of the Florence City Code. The City may utilize the bond or other financial security for abatement.

10-33-13 Severability: If any section, subsection, sentence, clause, phase or portion of this code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

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