



## **FLORENCE PLANNING COMMISSION ITEM UPDATE/SUMMARY**

**MEMO DATE:** April 21, 2016

**MEETING DATE:** April 26, 2016

**STAFF:** Glen Southerland, Assistant Planner

**SUBJECT:** Wireless Telecommunications Code Update

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### **SUMMARY:**

This memo serves as supplementary background for the Planning Commission Meeting Work Session Agenda item regarding draft code updates to Title 10, Chapter 33: Telecommunications Facilities Overlay District.

On March 8, 2016, application was received from Sharon Gretch of Md7, representing Verizon Wireless, for amendments to Florence's wireless telecommunications code. Staff took this opportunity to update the code to reflect changes that had been made at the federal level since the code's inception in 2003. No changes, other than those related to implementation of the recent lighting code update, have been made to this chapter since 2003.

Staff also took this opportunity to reorganize the code to make it clearer and more user friendly. The chapter was arranged into process and criteria sections. Staff has also strived to make these changes to other sections of code, some of which you have recently reviewed, in order to make the code more transparent.

A number of codes were used to model changes to Chapter 33, but the majority of the content remains, reorganized, from its previous form. Definitions were added which were suggested by the League of Oregon Cities in 2012 in response to changes made to FCC regulations at the time allowing wireless facilities to be expanded by a certain degree without review.

Following this work session, PC 16 06 TA 01 will have a public hearing at the Planning Commission's May 10, 2016 regularly scheduled meeting.

Attached to this document are both applicant proposed amendments to Chapter 33 and staff proposed amendments.

Please feel free to contact me if you have any questions.

**ATTACHMENTS:**

**Attachments to Findings of Fact:**

Ch. 33 Applicant Proposed Code Amendments

Ch. 33 Staff Proposed Code Amendments

**TITLE 10  
CHAPTER 33**

**TELECOMMUNICATIONS FACILITIES OVERLAY DISTRICT**

**SECTION:**

10-33-4: Conditional Uses

10-33-6: Setbacks

**10-33-4: CONDITIONAL USES:**

- A. In Industrial, Business Park and Highway Districts, any WCF in excess of the height limits in ~~Section A No. 1~~ above.
- E. Any WCF exceeding the limits in ~~Section D No. 4~~ above.

**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.~~

**OPTION A:**

- ~~C. The setback of the structure shall be governed by the setback requirements of the underlying zone. [In all zoning districts, the Planning Commission may allow a variance to any required setback upon the request of the applicant if:] (Applicant proposed "In all zoning districts, the Planning Commission shall have the authority to vary any required setback upon the request of the Applicant if:")~~
  - ~~1. the Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.~~
  - ~~2. the Applicant can show that the proposed encroachment of the setback minimizes the potential adverse impacts through natural topography, reasonable design, landscape and/or construction practices.~~

**OPTION B:**

- ~~C. The setback of the structure shall be governed by the setback requirements of the underlying zone. However, the setback from a residential dwelling not on the subject parcel shall be no less than 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.



**TITLE 10**  
**CHAPTER 33**

**TELECOMMUNICATIONS FACILITIES OVERLAY DISTRICT**

**SECTION:**

10-33-1: Purpose

10-33-2: Definitions

10-33-3: Siting Permits, Exemptions, Site Review & Conditional Uses, and Applications

~~10-33-3: Permitted Uses~~

10-33-4: Development Standards~~Conditional Uses~~

~~10-33-5: Application~~

~~10-33-6: Setbacks~~

~~10-33-7: Lighting~~

~~10-33-8: Interference~~

~~10-33-9: Access~~

~~10-33-10: Review Criteria~~

10-33-~~511~~: Maintenance

10-33-~~612~~: Decommissioning

10-33-~~713~~: Severability

10-33-8: Review of Regulations

**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. Base Station. Any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a tower, but not installed as part of an antenna.
- ~~EE.~~ 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.
- ~~FG.~~ Equipment enclosures. A small structure, shelter, cabinet or vault used to house and protect electronic equipment necessary for processing wireless communication signals.
- ~~GH.~~ 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.
- ~~HI.~~ 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.
- ~~IJ.~~ 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.
- ~~JK.~~ 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

89 ~~KL~~. New facility. The installation of a new transmission tower. New attachments are not new  
90 facilities.

91  
92 M. Personal Wireless Service Facility. A type of Radio Frequency Transmission Facility  
93 that provides telecommunication service as defined by the Federal Telecommunications  
94 Act of 1996. These facilities include technologies that currently exist or that may be  
95 developed in the future, including but not limited to cellular, personal communications  
96 services, specialized mobile radio, enhanced specialized mobile radio, paging, and  
97 similar Federal Communications Commission (FCC)-licensed commercial wireless  
98 telecommunications services.

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100 LN. Pre-existing towers and pre-existing antennae. Any tower or antennae for which a  
101 building permit has been properly issued prior to the effective date of this ordinance.

102  
103 MO. Provider. A person in the business of designing and/or using WCF including  
104 radiotelephones, personal communication services, enhanced/specialized mobile radios  
105 and commercial paging services.

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107 NP. Roof line: The highest point of a roof, excluding chimneys, parapets, tanks, ventilating  
108 fans, towers, steeples, flagpoles, or similar structures.

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110 Q. “Substantially change the physical dimensions” means:

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112 (1) the mounting of the proposed antenna on the tower would increase the existing  
113 height of the tower by more than 10 percent, or by the height of one additional  
114 antenna array with separation from the nearest existing antenna not to exceed 20  
115 feet, whichever is greater, except that the mounting of the proposed antenna may  
116 exceed the size limits set forth in this paragraph if necessary to avoid  
117 interference with existing antennas; or

118  
119 (2) the mounting of the proposed antenna would involve the installation of more than  
120 the standard number of new equipment cabinets for the technology involved, not  
121 to exceed four, or more than one new equipment shelter; or

122  
123 (3) the mounting of the proposed antenna would involve adding an appurtenance to  
124 the body of the tower that would protrude from the edge of the tower more than  
125 20 feet, or more than the width of the tower structure at the level of the  
126 appurtenance, whichever is greater, except that the mounting of the proposed  
127 antenna may exceed the size limits set forth in this paragraph if necessary to  
128 shelter the antenna from inclement weather or to connect the antenna to the  
129 tower via cable; or

130  
131 (4) the mounting of the proposed antenna would involve excavation outside the  
132 current tower site, defined as the current boundaries of the leased or owned

property surrounding the tower and any access or utility easements currently related to the site.

**OR.** 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.

**PS.** 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.

**QT.** 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.

**RU.** Tower pad. The area encompassing the tower footprint, ancillary facilities, fencing and screening.

**SV.** 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.

**W.** Wireless tower. Any structure built for the sole for primary purpose of supporting FCC-licensed or authorized antennas and their associated facilities used to provide FCC-licensed services. Also known as a Support Structure, as defined above.

### **10-33-3: PERMITTED USES**



176 **10-33-3: SITING PERMITS, EXEMPTIONS, SITE REVIEW & CONDITIONAL USES, AND**  
177 **APPLICATIONS:**

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179 **A. SITING PERMITS REQUIRED.** Except as provided in subsection B below of this  
180 section, no wireless communications facility may be sited in the City without a siting  
181 permit having first been obtained through site Administrative Review or Conditional Use  
182 Permit.

183  
184  
185 **B. EXEMPTIONS.** A siting permit is not required for the following when meeting the height  
186 requirements of the district where it is located:

- 187  
188 **1.** Siting of dish or other antennae with a diameter or height of 3 feet or less,  
189 respectively, solely for the benefit of persons residing on a property or necessary  
190 for the conduct of business.
- 191  
192 **2.** Amateur radio towers, also known as Ham radios, and associated equipment.
- 193  
194 **3.** Ordinary maintenance or repair of a wireless communications facility.
- 195  
196 **4.** Modification of an existing support tower or base station for the collocation of or  
197 attachment of new transmission equipment or removal or replacement of existing  
198 transmission equipment, pursuant to 47 U.S.C. § 1455, and notwithstanding any  
199 provision of this Chapter to the contrary, provided that such modification does not  
200 “substantially change the physical dimensions” of such support tower or base  
201 station from the dimensions approved as part of the original decision or building  
202 permit for the support tower or base station, that the applicant requesting a  
203 modification or expansion of a support tower or base station establishes by  
204 substantial evidence that the requested separation between antennas is the  
205 minimum necessary to avoid interference, and, to the extent feasible, that the  
206 additional equipment or modified equipment shall maintain the appearance and  
207 design of the original facility, including, but not limited to, color, screening,  
208 landscaping, stealth or camouflage design, mounting configuration, and  
209 architectural treatment. However, any modification to a support tower or base  
210 station which “substantially changes the physical dimensions” of either the  
211 support tower or base station, and any other modification to a wireless  
212 communications facility that does not qualify as a support tower or base station,  
213 shall be subject to the siting permits and authorizations as required by this  
214 Chapter.
- 215  
216 **5.** Siting of temporary wireless communications facilities that are used by a public  
217 agency for emergency communications, emergency preparedness, or other  
218 public health or safety purposes.

220 6. Replacement of an existing support tower that does not “substantially change the  
221 physical dimensions” of the existing support tower.

222  
223 C. SITE REVIEW & CONDITIONAL USES: All non-exempt WCFs are required to undergo  
224 site review and obtain a Siting Permit through an Administrative Review process.  
225 Exempt and non-exempt WCFs which do not meet the height requirements listed as part  
226 of FCC 10-33-4-B below are conditional uses and must obtain a Conditional Use Permit.  
227 Any WCF proposed within an Open Space District requires a Conditional Use Permit.  
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230 D. APPLICATION: The applicant shall submit:

231  
232 1. A site plan, drawn to scale.

233  
234 2. Elevations of all proposed buildings and structures, together with a depiction of  
235 proposed screening.

236  
237 3. A landscaping plan.

238  
239 4. The engineered design capacity of the WCF relative to the number and type of  
240 antennae it is designed to accommodate, at the location of such antennae in  
241 such a manner as to optimize performance, minimize visual impact, and  
242 encourage co-location.

243  
244 5. A feasibility study showing why this facility is necessary, and if not co-located,  
245 why it cannot be co-located. The study must show that co-location is unfeasible  
246 due to one or more of the following reasons: structural support limitations, safety  
247 considerations, lack of available space, failure to meet service coverage needs,  
248 consent cannot be obtained, or unreasonable economic constraints.

249  
250 6. Evidence of conformance with FAA requirements.

251  
252 7. Details of proposed security measures and content and location of warning signs.  
253 Such signs shall include notification of any hazardous materials onsite, and a  
254 24/7 contact number for emergency use.

255  
256 8. Evidence that the proposed WCF meets FCC electromagnetic radiation emission  
257 standards.

258  
259 9. Narrative showing compliance with conditional use criteria and/or design review  
260 criteria.

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262 **10-33-4: DEVELOPMENT STANDARDS~~CONDITIONAL USES:~~**  
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- ~~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.~~

A. SETBACKS:

1. WCFs shall not be located in front yards.
2. Telecommunication facilities meeting the height requirements of the underlying district shall meet the setbacks required in that district.
3. The setback of the structure shall be governed by the setback requirements of the underlying zone. In all zoning districts, the Planning Commission may allow a variance to any required setback upon the request of the applicant if:
  - a. the Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.
  - b. the Applicant can show that the proposed encroachment of the setback minimizes the potential adverse impacts through natural topography, reasonable design, landscape and/or construction practices.
  - c. The setback of the structure shall be governed by the setback requirements of the underlying zone. However, the setback for a WCF from a residential dwelling not on the subject parcel shall be no less than the height of the proposed 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.

B. HEIGHT LIMITS BY DISTRICT: Height limits for each district apply to all wireless telecommunications facilities, including those exempted from Siting Permits. Wireless

telecommunications facilities in excess of these height limits may be permitted through a Conditional Use Permit process.

1. **Limited Industrial, Service Industrial, Marine, Pacific View Business Park and Highway Districts.** All non-exempt WCF meeting the height requirements of those districts are subject to Siting Permits. Those height limits are 38' from ground-level in the Limited Industrial District, Service Industrial, Marine, and Pacific View Business Park Districts and 28' from ground-level in the Highway District. Permitted without review or siting permits are roof and side-mounted antennae necessary for the conduct of business extending no more than 8 feet above the roof line.

2. **Old Town, Mainstreet, Professional Office/Institutional and Commercial Districts.** WCF may extend 3' above the roofline.

3. **North Commercial District.** WCF may extend 5' above the roofline.

4. **Public and Estuary Districts.** WCF heights may not exceed those of the most restrictive abutting district.

5. **Residential Districts.** WCF may not exceed 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 radio communications if approved through Administrative Review.

6. **Public Facilities.** Monopoles for personal communication devices attached to existing light, power, or telephone poles may not extend more than 6' in height in any zone. WCFs attached to existing public facilities may not exceed 9' in height. The owner of the facility may require screening, security measures, or liability coverage, and may control access to the facility.

7. **Amateur Radio Towers.** Towers erected for use by amateur radio operators may not exceed 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 and reviewed through Administrative Review.

C. **COLLOCATION REQUIRED.** All wireless communications facilities located in the right-of-way shall be collocated or attached to replacement utility structures. All wireless communications facilities located outside the right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same structure or jeopardize the physical integrity of the structure upon which collocation will be made, consent cannot be obtained for collocation on the structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives.

F. **ACCESS:** Access to commercial WCFs shall be from an arterial or a collector street.

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344 G. GENERAL REQUIREMENTS:  
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- 346 1. Tower sharing. WCFs shall incorporate co-location either with another existing  
347 facility, or offer the option for another entity to co-locate on the proposed facility.  
348
- 349 2. Towers exceeding height limits. Towers which exceed height limits shall be the  
350 minimum necessary to meet the needs of the applicant, provide reasonable  
351 service to the Florence area, and provide for future collocation of facilities to  
352 prevent the siting of additional towers.  
353
- 354 3. Security. Antennas must be secured from public access, either by vertical or  
355 horizontal separation, fencing, locked access, or other measures as appropriate.  
356
- 357 4. Tower color/finish. For towers not regulated by the Oregon Department of  
358 Aviation, or Federal Aviation Administration, a finish (paint/surface) must be  
359 provided that reduces the visibility of the structure. The proposed WCF design  
360 eliminates, to the greatest extent possible, the visibility of the proposed facility  
361 from adjacent streets, residences, parks and viewpoints. Colors and materials  
362 chosen to minimize visibility.  
363
- 364 5. Landscaping/Screening. The base of a tower and all necessary equipment or  
365 structures located at grade must be fully screened from the street and any  
366 abutting sites as follows:  
367
- 368 a. In commercial or industrial zones, a landscaped area at least 5 feet deep  
369 meeting the requirements of FCC 10-34-3-7 must be provided around the  
370 base of a tower and all accessory equipment or structures located at  
371 grade.  
372
- 373 b. In residential, open space, or other zones, or within 50 feet of a  
374 residential zone, a landscaped area at least 15 feet deep meeting the  
375 requirements of FCC 10-34-3-7 around the base of all accessory  
376 equipment or structures located at grade.  
377
- 378 6. State and Federal Requirements. The site shall comply with electromagnetic  
379 radiation emission standards as established by the FCC. No WCF shall interfere  
380 with public safety telecommunications. Applicants must provide certification from  
381 a registered engineer that the proposed facility will be in compliance with FCC  
382 emissions standards with the permit application. The applicant shall also provide  
383 certification from a registered engineer that the proposed facility will be in  
384 compliance with FAA and Oregon Department of Aviation standards with the  
385 permit application.  
386

- 387 7. Lighting. No lighting shall be permitted except as required by the Oregon  
388 Department of Aviation, FAA, or as necessary to provide security to the site.  
389 Refer to section 10-37 of this Title for lighting requirements.  
390  
391 8. Fall zone. The applicant shall provide a fall zone adequate to protect  
392 surrounding uses, especially residences.  
393  
394 9. Liability Coverage. The owner/operator shall certify that they have obtained  
395 sufficient liability insurance to cover damage from tower failure or collapse.  
396  
397 10. Personal wireless service facilities. Lattice towers are not allowed.  
398  
399 11. Noise requirements. Applications to locate or replace accessory equipment in or  
400 within 50 feet of a residential zone must be accompanied by a signed and  
401 stamped acoustical engineer's report demonstrating that noise levels from the  
402 equipment are in full compliance with noise regulations contained within FCC 6-  
403 1-2-3.  
404

405 **10-33-5: APPLICATION:** The applicant shall submit:

406  
407 ~~A. A site plan drawn to scale.~~

408  
409 ~~B. Elevations of all proposed buildings and structures, together with a depiction of proposed~~  
410 ~~screening.~~

411  
412 ~~C. A landscaping plan.~~

413  
414 ~~D. The engineered design capacity of the WCF relative to of the number and type of~~  
415 ~~antennae it is designed to accommodate, and the location of such antennae in such a manner~~  
416 ~~as to optimize performance, minimize visual impact, and encourage co-location.~~

417  
418 ~~E. A feasibility study showing why this facility is necessary, and if not co-located, why it~~  
419 ~~cannot be co-located. The study must show that co-location is unfeasible due to one or more of~~  
420 ~~the reasons: structural support limitations, safety considerations, lack of available space, failure~~  
421 ~~to meet service coverage needs, or unreasonable economic constraints.~~

422  
423 ~~F. Evidence of conformance with FAA requirements.~~

424  
425 ~~G. Details of proposed security measures and content and location of warning signs. Such~~  
426 ~~signs shall include notification of any hazardous materials onsite, and a 24/7 contact number for~~  
427 ~~emergency use.~~

428  
429 ~~H. Evidence that the proposed WCF meets FCC electromagnetic radiation emission~~  
430 ~~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 as necessary to provide security to the site. Refer to section 10-37 of this Title for lighting requirements.~~

**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-~~511~~: 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-~~612~~: 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-~~713~~: 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.

**10-33-8: REVIEW OF REGULATIONS:** New federal or state standards. In the event that either the federal or state government adopts mandatory or advisory standards more stringent than those described in this chapter, the Planning staff will prepare a report and recommendation on any necessary revisions to the City's adopted standards.

Ordinance No. 17, Series 2003

Section 10-33-7 amended by Ord. No. 12, Series 2014, effective 12-31-14

Section 10-33-14 and Sections 10-33-2, 10-33-3, 10-33-4, 10-33-5, 10-33-6, and 10-33-7 modified by Ord. No. XX, Series 2016, effective XX-XX-16