

## **ARTICLE 15**

### **WIRELESS TELECOMMUNICATIONS FACILITIES (WTF)**

#### **SECTION 1500 - Purpose and Intent**

The purpose and intent of this Article is to regulate the placement, construction, and modification of Wireless Telecommunications Facilities in order to minimize its negative impact on the character and environment of the County and to protect the health, safety and welfare of the public. The provisions of this ordinance will establish a reasonable and efficient process for the review and approval of applications, and assure an integrated and comprehensive review of the environmental impacts of such facilities. The County recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to both the County and its residents. Therefore, it is not the County's intent to unreasonably interfere with the development of the competitive wireless telecommunications marketplace in Decatur County. Specifically the purposes of these regulations are:

1. To regulate the location of Wireless and Cellular Telecommunications Towers and Facilities within the County;
2. To protect residential areas and land uses from potential adverse impacts of Wireless and Cellular Telecommunications Towers and Facilities;
3. To minimize adverse visual impacts of Wireless and Cellular Telecommunications Towers and Facilities through careful design, placement, landscaping, preservation of natural vegetation and innovative camouflaging techniques and a reduction of the need for new Towers;
4. To promote and encourage shared use and co-location of Wireless and Cellular Telecommunication Facilities as a primary option rather than encouraging the construction of additional single-use towers;
5. To avoid potential damage to adjacent properties caused by Wireless and Cellular Telecommunications Towers and facilities by ensuring such structures are soundly and carefully designed, constructed, screened, modified, maintained, and removed;
6. To the greatest extent feasible, ensure that Wireless and Cellular Telecommunications Towers and Facilities are compatible with surrounding land uses.

#### **SECTION 1502 – Definition**

Wireless Telecommunications Facility (**WTF**) is defined as an unstaffed facility for the transmission and/or reception of wireless communication services which generally consist of a tower antennae array, transmission cable, equipment facilities, and a support structure.

#### **SECTION 1504 – Permitted Uses and Permanent Special Exceptions**

- 1. Permitted Uses include:**

A. Co-location is a permitted use if: The placement of antennae array, is located on a legally existing or previously approved WTF, a previously constructed broadcast tower, or an existing communications tower where the engineering specifications of the tower permit the placement of antennae array without an increase in the height of the tower.

B. Attached Wireless TeleCommunications Facilities is a permitted use if: The placement of antennae array is integrated within another existing structure and no more than 15 feet height increase is required to the existing structure.

C. Replacement of a legal, existing WTF, Support Structure, or Antennae Array is a permitted use if it is replaced with a similar facility of equal or smaller size, and subject to the application procedures and general requirements of this Ordinance.

D. Placement of antennae array or WTF as permitted under Zoning Districts B-3, I-1, and I-2 of the Decatur County Zoning Ordinance, and as permitted as a Permanent Special Exception when authorized by the Decatur County Board of Zoning Appeals in Zoning District A-2 and B-2 pursuant to Decatur County Zoning Ordinance.

#### **SECTION 1506 – Exemptions**

The following Wireless TeleCommunication Facilities are exempt from the provisions of this ordinance: Federal, State, and County government agencies; police, fire, ambulance and other emergency dispatch; F.M. and Private Business Band, amateur (ham) radio; antennas used solely for residential household television and radio reception and satellite dishes measuring two meters or less in diameter.

#### **SECTION 1508 – Conditions of Approval**

A. All WTF and Support Structures shall be designed for and constructed in accordance with the provisions for co-location.

B. Applicants agree to make a good faith effort on terms consistent with general industry standards to accommodate requests for co-location that originate from a provider, WTF owner, or from the planning department.

C. Property owners or their agents shall accept and accommodate the provisions for co-location prescribed by this ordinance and shall agree to the renting or leasing of space on a Support Structure or WTF for co-location at a fair market price and without discriminatory terms.

D. Upon completion of the Support Structure or WTF, owners and operators of the Support Structure or WTF agree to make a good faith effort to accommodate co-location (placement of additional antennae arrays) in a timely manner, including the WTF or Antennae Arrays proposed by other service providers.

E. No approval for a WTF or Support Structure shall become valid until authorization or a written statement of no objection has been obtained from all relevant federal, state and local agencies with regulatory authority and submitted to the Decatur County Planning and Zoning Office.

### **SECTION 1510 – General Requirements**

The following requirements apply to all WTF that are erected or placed within the Decatur County jurisdictional area after the effective date of this Ordinance:

A. For each application, the property owners, WTF owners, and wireless communications service providers shall be considered co-applicants and shall be jointly and severally subject to the provisions of this ordinance.

B. Each permit application for placement of a WTF, WTF Support Structure or Antennae Array shall be accompanied by the following:

(1) An Application, Rezoning Application, or Variance Application form with original signatures from the property owners, service providers, and tower owners.

(2) A written statement with illustrations that describe the proposed WTF and facilities including the type of construction, tower height, and provisions for co-location.

(3) A listing of all existing and proposed WTF facilities with specifications for all WTF from the center of Decatur County and for a distance of fifteen (15) miles in each direction. Each named WTF facility shall include information on facility capacity for co-location, the height and type of each facility, and the coverage patterns and types of service provided for each existing or proposed WTF facility.

(4) A Site Plan which is comprised of a scaled drawing setting forth property lines, distances, existing site improvements/buildings/structures, existing or proposed roadways and easements, proposed WTF location, and proposed landscaping.

(5) A Visual Impact Analysis that includes current photographs of man-made or natural features adjacent to the WTF and a photographic presentation that depicts current site conditions with a super-imposed image of the proposed facility to demonstrate the anticipated views and the facility upon its completion.

(6) A copy of the Facility Maintenance and Removal Agreement signed by all applicants that binds the applicants and all successors in interest to properly maintain and/or remove the facility upon abandonment in compliance with the terms of this Ordinance.

(7) Decatur County shall not authorize the placement of any WTF or Support Structure unless Decatur County obtains an indemnification from the applicants that releases Decatur County from all liability arising out of the construction, operation, removal or repair of a WTF or antennae array. Parties to the Wireless Communications Agreement agree to

not sue or seek any monies or damages from Decatur County; to indemnify and hold harmless Decatur County, its elected/appointed officials, agents, servants and employees from all claims, demands or causes of action along with the resulting losses, expenses, costs, attorney fees, liabilities, damages, orders, judgments and decrees which arise out of or result from a Wireless Communication Facility owner, operator, agent, employee, or servant for negligent acts, errors or omissions.

(8) A policy of insurance maintained with a reputable company that insures the WTF or Support Structure with minimum and adequate insurance coverage for liability, bodily injury, and property damage for the entire period the WTF is in existence. Decatur County shall be named as an additional insured on the policy. A certificate of insurance shall be submitted verifying the insurance coverage at the time the application is made. Failure to maintain insurance coverage shall be a violation of this Ordinance.

(9) Each application for placement of a WTF or Antennae Array shall be subject to Co-Location Review as set forth in this Ordinance.

C. Each WTF that is approved for construction under this Ordinance shall be required to have the ability to co-locate four (4) or more facilities.

#### **SECTION 1512 – Performance / Construction Standards**

A. A perimeter fence at least Eight (8) feet in height shall be installed to contain the WCF and all accessory structures and/or facilities.

B. Security lighting is not required. If security lighting is installed, it shall be confined to accessory structures and shall be directed downward to minimize glare or intrusion onto adjoining properties. No WTF, Support Structures or Antennae Array that require illumination shall be permitted.

C. Any landscaping that is installed shall be properly maintained or replaced to maintain a presentable appearance for the structure.

D. Off-premise or advertising signage is prohibited. Each WTF or Support Structure shall have identification signage that states the name of the facility owner and a Twenty-four (24) hour emergency telephone number.

E. Attached WTF shall be appropriately integrated with or within existing structures with due consideration given to siting/placement, color, camouflage, size and type of construction. Attached WTF shall be designed to minimize visual impact and Antennae Arrays shall not exceed the height of the existing structure by more than fifteen (15) feet.

F. Noise producing equipment shall be insulated to guarantee no increase in noise to surrounding areas to the WTF. Backup generators, if utilized, shall only be operated during power outages and for testing and maintenance purposes.

G. The towers shall be constructed using Stealth Construction and shall be self-supporting without utilizing cables for support. In the event an alternate form of construction is more suitable to a proposed WTF location site, the Decatur County Plan Commission or Decatur County Board of Zoning Appeals may authorize an alternate form of construction upon a showing of sufficient documentation.

H. All WTF Support Structures, accessory buildings, poles, antennas, and other external facilities shall be painted a neutral color or galvanized grey. Paint color shall be designed to minimize visibility and blend with the surrounding environment. All facilities shall be repainted as necessary.

I. The WTF shall follow the setback requirements for each zoning district.

J. At such times that a WTF ceases operation for a period of Twelve (12) months, the company shall physically remove the WTF and facility within Ninety (90) days from the Twelve (12) month period from when the operation ceased.

K. Removal of all machinery, equipment, shelters, security barriers, and waste materials to a minimum of Five (5) feet below grade and shall restore the location of the WTF facility to its natural condition.

