

Article 19: Telecommunications Towers

Section 346: Purpose

The general purpose of this Section is to regulate the placement, construction and modification of telecommunications towers, support structures, and antennas in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the provision of wireless telecommunications in Franklin County. Specifically, this Section is intended to:

- A. Provide for the appropriate location and development of telecommunications facilities and systems with the least amount of impact for the citizens and businesses of Franklin County;
- B. Minimize adverse visual impacts of communications antennas and support structure through the careful design, siting, landscape screening and innovative camouflaging techniques;
- C. Maximize the use of existing and new support structures so as to minimize the need to construct new or additional facilities;
- D. Maximize the co-location of facilities on any new support structures;
- E. Ensure that any new telecommunications tower or structure is located in an area compatible with the neighborhood or surrounding community to the extent possible;
- F. Ensuring that regulation of telecommunications towers and structures does not have the effect of prohibiting the provision of personal wireless services, and does not unreasonably discriminate among functionally equivalent providers of such service.
- G. Ensuring that annual inspections and provisions providing for ongoing maintenance are in place.
- H. Provide for the appropriate mechanism to remove abandoned and unstable towers.

Section 347: Legislative Findings and Regulatory Compliance

- A. The Telecommunications Act of 1996 preserves the authority of the County to regulate the placement, construction, and modification of Towers and Antennas Support Structures and to protect the health, safety and welfare of the public.
- B. The County has been granted the authority to enact legislation to regulate the construction, placement, and operation of Telecommunications towers and antennas pursuant to its zoning powers established in Chapter 64 of the Revised Statutes of Missouri and additionally pursuant to the general and specific police powers established by statute authorizing the regulations herein to protect the public health, safety and welfare.
- C. All antennas and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other state or federal agency with the authority to regulate communications antennas and support structures. No approval for any placement, construction or modification of any antenna or structure permitted by this Section shall be granted for any applicant having an unresolved violation of this Section or any other governmental regulatory requirement related to such structures.

Section 348: General Requirements

The requirements set forth in this Section shall be applicable to all commercial towers, antennas, and other support structures approved after the effective date of this amendment. This shall not apply to amateur radio

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or receive-only towers and support structures. See Section 356 for regulations regarding amateur radio towers.

A. Zoning

Commercial antennas and support structures are allowed according to the following table:

Zoning District	NUA	SD	RD	RD1	RD-2	CD	CA-HS	CA-3	ID
500' tower within 1 mile of designated sites	Admin Permit II								
Commercial Use, height of 200' or less, within .5 miles of numbered or single lettered highway right-of-ways	Admin Permit II	X	X	X	X	Admin Permit II	Admin Permit II	Admin Permit II	Admin Permit II
Stealth Structure, 80' or less in non-commercial and non-industrial districts or 120' or less in commercial and industrial districts	Admin Permit I	Admin Permit I	Admin Permit I	CUP	CUP	Admin Permit I	Admin Permit I	Admin Permit I	Admin Permit I

B. Construction and Appearance of Tower

1. All antenna support structures shall be built in compliance with all state and local building codes. A Franklin County Building Permit shall be acquired prior to the erection of any antenna, tower, or support structure.
2. Towers, cabinets, and all associated structures, including fences, shall have an exterior finish compatible with the natural or built environment of the site. Antennas attached to a building or stealth structure shall be of a color identical to or closely compatible with the surface to which they are mounted.
3. The placement of advertising on structures regulated by this Section is prohibited, unless a sign is designed as part of a stealth structure. Any sign that is part of a stealth structure shall also be in compliance with any sign regulations.
4. No telecommunication tower, except the 500' towers, shall be of a type or height, or placed in a location that the Federal Aviation Administration would require the telecommunication tower to be lighted or painted. The applicant shall be required to certify that the proposed telecommunication tower is not required to be painted or illuminated by any FAA rule or regulation. Equipment cabinets and shelters may have lighting as approved by the Director. A lighting plan shall be required with the submittal of the tower site plan.
5. Separation from other towers. Any telecommunication tower built after the date of these regulations shall be separated from any other communication tower a distance of at least one (1) mile.

C. Fall Zone and Setbacks

1. In the CA, CA-3, and ID zoning districts, towers shall be separated from any off-site single family, multi-family residential or non-residential structure a distance equal to 1.5 times height of the tower. This area of separation shall be known as the Fall Zone.
2. In the NUA, SD, RD, RD1, CD and RD-2 zoning districts, the distance from the base of the tower to the property line shall be not less than 1.5 times the height of the tower. The Fall Zone shall be contained within the property lines.
3. Towers shall be setback from all public or private rights of way a distance equal to the height of the tower.
4. If a property cannot be found in a desired area that is large enough to fully contain the fall zone on the property, an easement shall be obtained for the fall zone area or a letter from a certified engineer verifying the subject tower will collapse on itself and be contained within the property lines.
 - a. Both the easement and the letter from the engineer are subject to the approval of the Planning and Zoning Commission or the Land Use Administrator.
 - b. If the tower is required to get an easement, this easement shall be recorded and submitted to the Planning and Zoning office before the tower may be built.
5. Ground anchors of all guyed towers, if permitted, shall be located on the same parcel or within an easement on an adjoining parcel. These ground anchors shall meet the setbacks of the applicable zoning district, unless the setback is from the property on which the tower lies.

D. Security and Layout of Site

1. Screening and buffering.
 - a. A communication tower facility shall be landscaped with a buffer of plant materials, not less than 10 feet in width and 6 feet in height, that effectively screens the view of the communication tower base and accessory structures from adjacent property that is residentially zoned or is a residential use. This may be waived by the Land Use Administrator where natural growth and land forms provide an equivalent buffer.
 - b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
 - c. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the Land Use Administrator.
2. Fencing. A communication tower shall be:
 - a. Enclosed by fencing not less than six (6) feet in height and equipped with an appropriate anti-climbing device
3. All antennas and support structures shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build or modify antennas or support structures.
4. Vehicle or outdoor storage on any tower site is prohibited.

5. At least one on-site parking for periodic maintenance and service shall be provided at all antenna or tower location.

E. Shared use

1. All new towers with a height of 60 to 100 feet shall be built to accommodate at least one other user. All new towers with a height greater than 100 feet and less than 150 feet shall be built to accommodate the co-use of at least two (2) additional providers. New towers with a height of 150' or more shall be built to accommodate of the co-use of at least three (3) additional providers.
2. Prior to the issuance of any permit to construct a new tower or to modify any tower existing on the effective date of this amendment, the owner shall provide to the County a written and notarized agreement committing to make said tower available for use by others subject to reasonable technical limitations and reasonable financial terms. The willful and knowing failure of a tower owner to agree to shared use or to negotiate in good faith with potential users shall be unlawful and shall, among other remedies of the County, be cause for the withholding of future permits to the same owner to install, build or modify antennas or towers within the County.
3. Prior to the issuance of any permit to install any new towers, the tower owner shall furnish the Land Use Administrator an inventory of all of that owner's towers in Franklin County. The inventory shall include the towers' street location, parcel number, structure type, and height.
4. Prior to any application for the construction of a new commercial tower or stealth structure, a copy of the application or a summary containing the height, design, location and type and frequency of antennas shall be delivered by certified mail to all known potential tower users as identified by a schedule maintained by the Department of Planning and Zoning. Proof of such delivery shall be submitted with the application to the County. The Land Use Administrator may establish a form required to be used for such notifications.
5. Any party believing that a cell tower owner has breached its duty to negotiate in good faith for shared use shall immediately notify the applicant and the Land Use Administrator in writing. A notice of such breach shall explain the precise basis for the claim and shall be accompanied by payment of an administrative review fee of \$500 to the County to offset the cost of review. If deemed necessary by the Land Use Administrator, he/she may engage at the cost of the party alleging the violation, a neutral, qualified technical consultant to provide an opinion on feasibility or cost of the shared use request.
6. Prior to approval of any application for a new tower, the tower owner shall submit a signed and notarized document guaranteeing that they will allow local public service providers to use the tower at no charge. The County Commission will determine which agencies can take advantage of this provision.
7. Prior to the tower being built, the tower site shall be assigned an address from the Franklin County Information Technology Department (IT) and this address shall be supplied to the Planning and Zoning Department.

F. Height of tower

1. The maximum height for a commercial communication tower is 200 feet.
2. The maximum height for a stealth structure located within a non-commercial or non-industrial district shall be 80 feet.
3. The maximum height for a stealth structure located within a commercial or industrial zoning district shall be 120 feet.

G. Other requirements

Tower signal shall not interfere with other communications facilities.

H. Exemptions

1. It is the position of Franklin County that towers owned and controlled by any governmental entity or emergency management agency serves a vital function to the health, safety and welfare to all citizens. Accordingly, these regulations shall not restrict the right of governmental or municipal agencies (state, city or county government) or emergency services (such as fire departments or districts, ambulance districts, and police agencies) to locate and establish such facilities as are considered essential for the provision of adequate emergency services to the public.
2. The actual construction of communication towers for entities which are otherwise exempt shall be subject to building codes in place at time of construction.

Section 349: Zoning Permit

A. The placement as follows of Antenna and Towers are permitted with a Zoning Permit:

1. The attachment of additional or replacement of antennas or shelters to any tower existing on the effective date of this amendment or subsequently approved in accordance with these regulations, provided that additional equipment shelters or cabinets are located within the existing tower compound area.
2. The attachment of additional or replacement antennas or shelters to any tower existing on the effective date of this amendment or subsequently approved in accordance with these regulations and requiring the enlargement of the existing tower compound area as long as all other requirements of this Section and the underlying zoning district are met.
3. The mounting of antennas on any existing building or structure such as a water tower, provided that the presence of the antennas is concealed by architectural elements or satisfactorily camouflaged by painting of a color identical surface to which they are attached.
4. The mounting of antennas on or within any existing high-voltage electric transmission tower, but not exceeding the height of such tower by more than 10 feet.
5. The installation of antennas or the construction of a tower or support structure on buildings or land owned by the County following the approval of a lease agreement by the County Commission.

B. Application procedures

1. The following items shall be submitted to apply for a Zoning Permit:
 - a. Completed application.
 - b. Processing Fee (\$75).
 - c. A site plan, based on a survey, showing the following:
 - i. All existing and proposed improvements including buildings, drives, walkways, parking areas and other structures.
 - ii. The nearest public and private rights-of-way.
 - iii. The location and height of the existing or proposed tower
 - iv. Any modifications to the site.
 - d. An elevation of the structure clearly showing the proposed modifications.
 - e. Written authorization from the owner to apply for this permit.
2. In the case of a new tower being proposed on County property, the materials required for a CUP shall be required, unless waived by the Land Use Administrator.
3. The Land Use Administrator shall issue a decision on all Zoning Permits within 45 days of the date of the application. The Land Use Administrator may deny the application or approve the application as submitted or with such modifications as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purposes of this Section. The Land Use Administrator shall consider the General Requirements in Section F-4 and the Required Findings in Section F-9 as well as any other considerations consistent with this amendment. The decision shall be issued in writing, and in the case of a denial, shall state the specific reasons for the denial.

Section 350: Administrative Permit I

- A. The one time replacement of any tower, increasing the height of an existing tower or the placement of a stealth structure as follows of are permitted with an Administrative Permit I:
1. The one-time replacement of any tower existing on the effective date of this amendment or subsequently approved in accordance with these regulations so long as the purpose of the replacement is to accommodate shared use of the site or to eliminate a safety hazard. The new tower shall be of the same type as the original except that a guyed or self-supporting (lattice) tower may be replaced by a monopole. The height of the new tower may exceed that of the original by not more than 20 feet with a maximum height of 200 feet.
 2. The construction of a stealth structure provided that all related equipment shall be placed underground or concealed within the structure when the structure is located in any district other than a district authorizing industrial uses. Equipment may be placed in a cabinet if the stealth structure is incidental to an industrial, commercial, institutional or other non-residential use.
 - a. The stealth structure shall be disguised as part of the object to which it is attached or otherwise concealed from view as much as possible. Stealth structures may be attached to or disguised as a flag pole, light pole, power pole, manmade tree, clock tower, steeple, or other structure at least 3 stories in height which shall not detract visually from the initial use as approved by the Land Use Administrator.

- b. All stealth structures shall be designed by a State certified engineer to verify that the existing or proposed structure can support the proposed fixture.
 - c. The overall height of any proposed stealth structure shall be consistent with similar structures in the area that are being replicated, with a maximum height of 80 feet in non commercial or industrial zoning districts and a maximum height of 120 feet in commercial and industrial districts. This shall include all antennas and fixtures.
 - d. In no case shall a proposed stealth structure be out of character with the area, as determined by the Land Use Administrator. The primary use and appearance of the stealth fixture shall be consistent with the zoning district in which the structure lies.
3. A stealth fixture shall not extend more than ten (10) feet higher than the structure to which it is being attached with a maximum height of 80 feet in residential zoning districts and 120 feet in commercial and industrial districts, or be greater than thirty (30) inches in diameter at any point of the fixture or mounting hardware.
 4. Increasing the height of a commercial tower by not more than 20 feet with a maximum height of 200 feet. The fall zone and setback requirements still apply.
 5. Towers erected and maintained for a period not to exceed 30 days for the purpose of replacing an existing tower, testing an existing or proposed network, or special events requiring mobile towers.

B. Application procedures

1. The following items shall be submitted to apply for an Administrative Permit:
 - a. Completed application.
 - b. Processing Fee (\$250).
 - c. A site plan, based on a survey, showing the following:
 - i. All existing and proposed improvements including buildings, drives, walkways, parking areas and other structures.
 - ii. The nearest public and private rights-of-way.
 - iii. Fall zone radius and any necessary easements.
 - iv. The location and distance to the nearest off-site residential or non-residential structures.
 - v. Required setbacks.
 - vi. Required buffer and landscape areas and any hydrologic features on the site.
 - vii. The location and height of the existing or proposed tower.
 - viii. Details about the lighting of the site if applicable.
 - ix. Any modifications to the site.
 - x. Information about the security of the tower compound area, including the fence and gate.
 - d. An elevation of the structure clearly showing any proposed modifications.
 - e. A list of the users of the tower.
 - f. Written authorization from the property owner to apply for this permit.
 - g. In the case of a replacement tower or tower addition, a letter of intent committing the tower owner and any successors to allow shared use of the tower (The site plan shall

demonstrate how the shared facilities would potentially be situated on the proposed site).

2. The Land Use Administrator shall issue a decision on all Administrative Permits within 45 days of the date of the application. The Land Use Administrator may deny the application or approve the application as submitted or with such modifications as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purposes of this Section. The Land Use Administrator shall consider the General Requirements in Section F-4 and the Required Findings in Section F-9 as well as any other considerations consistent with this amendment. The decision shall be issued in writing, and in the case of a denial, shall state the specific reasons for the denial.

Section 351: Administrative Permit II

A. The placement as follows of Towers are permitted with an Administrative Permit:

1. 500’ towers as part of a joint operation of cell towers as permitted by Section 70.210 of the Missouri State Statutes, within 1 mile of the below designated sites, that support a trunking system that is supported by regional interoperability initiatives.
 - a. Designated Sites:

Site Name	Site Latitude	Site Longitude	Height
Union	38.480556	-91.040556	500
New Haven	38.59925	-91.22361	500
Gerald	38.454444	-91.265833	500
Mount Hope	38.298917	-90.87525	500
Spring Bluff	38.233889	-91.267972	500
Waterloo	38.394167	-91.161583	500
New Haven New	38.632722	-91.332222	500
Alternate Burlington Northern	38-18-39	91-05-31	500
Alternate Site	38-25-42.14	90-50-46.99	500

- b. The purpose of the alternate sites is if a company is unable to use one of the designated sites, it may opt to use one of the two alternate sites.
 - c. In cases where the original sites are already in use the alternate sites shall become null. If the alternate sites are already in use, two of the original sites shall become null.
2. Towers, 200’ or less, located in the Agricultural Non-Urban (ANU), Commercial Activity Highway Service (CA), Commercial Activity 3 – Community Business (CA3) or Industrial Development (ID) zoning districts and are located within .5 miles of a numbered highway right-of-way or single lettered highway right-of-way.

B. Application procedures

1. The following items shall be submitted to apply for an Administrative Permit II:
 - a. Completed application.
 - a. Processing Fee (\$1500).
 - b. A site plan, based on a survey, showing the following:
 - i. All existing and proposed improvements including buildings, drives,

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- ii. walkways, parking areas and other structures.
 - iii. The nearest public and private rights-of-way.
 - iv. Fall zone radius and any necessary easements.
 - v. .5 mile radius to numbered highway right-of-way, single lettered right-of-way or 1 mile radius to the designated latitude and longitude site.
 - vi. The location and distance to the nearest off-site residential or non-residential structures within 600 feet.
 - vii. Required setbacks.
 - viii. Required buffer and landscape areas and any hydrologic features on the site.
 - ix. The location and height of the existing or proposed tower.
 - x. Details about the lighting of the site if applicable.
 - xi. Any modifications to the site.
 - xii. Information about the security of the tower compound area, including the fence and gate.
- c. Computer generated coverage maps in color with adequate explanation and labeling.
 - d. An access permit from the Highway Department or MoDOT for the driveway entrance.
 - e. An elevation of the structure clearly showing any proposed modifications.
 - f. A list of the users of the tower.
 - g. Written authorization from the property owner to apply for this permit.
 - h. A letter of intent committing the tower owner and any successors to allow shared use of the tower (The site plan shall demonstrate how the shared facilities would potentially be situated on the proposed site).

C. Annual Inspections

- 1. To ensure the structural integrity of communication towers, the owner of a tower shall ensure that it is maintained in compliance with standards set forth in this section.
If, upon inspection, the County concludes that a tower fails to comply with these standards a report will sent to the applicant's last known address indicating what standards are not being complied with.
- 2. If the owner fails to bring the tower into compliance within thirty (30) days of the notice, the tower shall be considered abandoned and the County may remove the tower according to Section F-12.

Section 352: Conditional Use Permit

A. All proposals to build a stealth structure, 80' or less, in the Residential Development 1 (RD1) or Residential Development 2 (RD2) zoning district shall require the approval of a Conditional Use Permit following a duly advertised public hearing by the Planning and Zoning Commission.

B. Application procedures

- 1. The following items shall be submitted to apply for a Conditional Use Permit:
 - a. Completed application.
 - b. Fee \$1500.
 - c. Fifteen copies of a detailed site plan, based on a survey, showing the following:
 - i. All existing and proposed improvements including buildings, drives, walkways, parking areas and other structures.

- ii. The nearest public and private rights-of-way.
 - iii. Fall zone radius and any necessary easements.
 - iv. The location and distance to off-site residential or non-residential structures within 600 feet.
 - v. Required setbacks.
 - vi. Required buffer and landscape areas and any hydrologic features on the site.
 - vii. The location and height of the proposed tower.
 - viii. Details about the lighting of the site if applicable.
 - ix. Any modifications to the site.
 - x. Information about the security of the tower compound area, including the fence and gate, if applicable.
 - xi. The access road to the property with the width indicated.
- d. An elevation of the structure clearly showing any proposed modifications.
 - e. A list of the users of the tower.
 - f. Written authorization from the property owner to apply for this permit An access permit from the Highway Department or MoDOT for the driveway entrance.
 - g. A letter of intent committing the tower owner and any successors to allow shared use of the tower (The site plan shall demonstrate how the shared facilities would potentially be situated on the proposed site).
 - h. A map showing the location of all towers within a 1 mile radius to this site, including those in other counties or jurisdictions.
 - i. Fifteen copies of computer generated coverage maps in color with adequate explanation and labeling.
- 2. Some of the above items may be waived at the discretion of the Land Use Administrator.
 - 3. The applications and materials shall be reviewed by the Land Use Administrator for completeness. The Land Use Administrator shall then transmit the application for review and comment to other departments and public agencies that may be affected by the proposed facility.
 - 4. Applications for Conditional Use Permits shall be filed and processed subject to and in the manner and time frame as established in Article 3, Part 5 of the Unified Land Use Regulations.

Section 353: Findings Required

- A. All applications for new towers or modifications to towers shall meet the General Requirements for communications towers as described in Section 348.
- B. Existing non-conforming towers may add and modify antennas as needed, however major changes to the site shall comply with Section 348.
- C. No Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantive evidence that placement of an antenna or support structure is not technologically or economically feasible. The Planning and Zoning Commission may consider current or emerging industry standards and practices, among other information, in determining feasibility.

- D. In addition to the determinations or limitation specified herein and by Section 54 of the Unified Land Use Regulations for the consideration of conditional use permits, the Commission shall also base its decision upon, and shall make findings as to, the existence of the following conditions:
1. No existing towers, structures or buildings within the necessary geographic area for the applicant's tower meet the applicant's necessary engineering requirements considering the following:
 - a. Height,
 - b. Structural strength,
 - c. Resulting signal interference,
 - d. Feasibility of retrofitting,
 - e. Feasibility of redesigning the applicant's tower network, or
 - f. Other limiting conditions that render existing towers, structures or buildings with the applicant's required geographic area unsuitable.
 2. That the design of the tower or structure, including the antennas, shelter and ground layout maximally reduces visual degradation and otherwise complies with provisions and intent of this Section. New towers shall be of a monopole design, unless it is shown that an alternative design would equally or better satisfy this provision.
 3. That the proposal minimizes the number and/or size of towers or structures that will be required in the area.
 4. That the applicant has not previously failed to take advantage of reasonably available shared use opportunities or procedures provided by this amendment or otherwise.
 5. That no land owned by any agency of the federal or state government, or by any political subdivision of the state, is available for locating the structure or tower.

If anyone, but not more than one, of the five determinations is not satisfied, approval may be granted only on a finding of unique circumstances otherwise necessitating approval to satisfy the purposes of this section.

Section 354: Appeals

Appeals from the decision of the Land Use Administrator shall be made in the same manner as otherwise provided through the Board of Zoning Adjustment.

Section 355: Abandonment and Removal

- A. In general. Any tower no longer in use for its original communications purpose or any tower which is not occupied for a period of twelve (12) months shall be considered abandoned. The owner of the tower shall provide the Governing Authority with a copy of any notice given to the FCC relating to its intent to cease operations.
- B. Removal. Abandoned towers, the Communication Facility and all accessory structures shall be removed at the owner's expense within ninety (90) days of the date of cessation of operations. Upon removal, the tower owner(s) shall re-vegetate the Communication Facility to blend with the existing surrounding vegetation at their expense.

- C. Multiple users sharing a single tower. In the case of multiple antenna operators sharing use of a single tower, the provisions of this section regarding removal of abandoned towers shall not become effective until all users have ceased communications operations, provided all other provisions of this section are fully complied with.
- D. Failure to remove abandoned tower. All obligations imposed by this section shall be the joint obligation of the applicant(s) and, if applicable, the lessee of the property upon which the tower and/or antenna(s) are located. In the event that any tower or antenna is not properly and timely removed as required, then the Land Use Administrator (and any persons he or she has designated) may proceed to remove the abandoned tower and/or antenna(s) and the Communication Facility and thereafter recover the costs of removal, together with the costs of enforcement of this section (including reasonable attorney's fees), from the financial guarantee or from the applicant (s) and owner (s). In this connection the applicant shall provide the County with a financial guarantee in the form of an irrevocable letter of credit or cash or a performance bond, in such amount, which guarantees the removal of the applicable tower and Communication Facility according to the terms thereof.
- E. If the site is to be reused for a Communications Tower after being abandoned for twelve (12) months, a new Permit shall be acquired.

Section 356: Amateur Towers and Antennas

The following restrictions and requirements apply to all amateur radio towers erected after the effective date of these regulations. In all instances, Franklin County shall reasonably accommodate amateur communications and shall impose the minimal practicable regulation necessary. Any amateur radio towers existing on the effective date of these regulations shall be exempt from the provisions of this Section, unless such towers were erected in violation of any Franklin County regulation.

- A. Amateur radio towers shall be permitted in the SD, RD, RD1, RD-2, CD, and CA-3 zoning districts with a maximum height of 65’.
- B. Amateur radio towers shall be permitted in the NUA, CA-HS, and ID zoning districts with a maximum height of 120’.
- C. Amateur radio towers shall comply with the following:
 - 1. Towers shall be set back at least a distance equal to the height of the tower from all surrounding rights-of-way and property lines.
 - 2. Towers, including any guying required, shall be placed in the rear or side yards of the property and shall not be placed in the front yard.
 - 3. Amateur radio operators with less than one acre shall be allowed to erect a maximum of two (2) towers. One additional tower shall be allowed for each additional acre with a maximum of five (5) towers. (Towers may be grouped on the lot according to the needs of the amateur radio operator).
 - 4. Towers shall be engineered to meet the FCC, Part 97 rules and regulations.

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- D. Amateur radio operators that wish to exceed the above height restrictions or that cannot comply with the items in Subsection C 1 thru 3 shall be required to obtain a Conditional Use Permit.
- E. Due to the public service performed by amateur tower operators, all fees for amateur radio tower permits shall be waived.
- F. Amateur Radio Towers that are not located within 500 feet of the owner's residence may be subject to greater requirements regarding security, access, and screening.
- G. Applicants who wish to erect an amateur radio tower shall submit the following:
 - 1. Completed application.
 - 2. Site plan showing locations of all property lines, roadways, and easements, structures, existing towers, and proposed towers.
 - 3. Elevation showing the height and appearance of the proposed tower.
 - 4. For conditional use permits only, the applicant must submit additional documentation to explain or demonstrate why he/she reasonably requires the proposed tower for communication purposes.

Section 357: Commercial Operation or Unlawful Tower or Antennas

Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose any new antenna, tower or Stealth Structure in violation of any provision of this Amendment, regardless of whether such antenna or structure is located on land owned by a governmental entity.

Section 358: Severability

If any section, subsection, sentence, clause, phrase or portion of this amendment 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 hereof.

Section 359: Repeal of Laws in Conflict

This amendment supersedes all past amendments or parts of amendments adopted prior hereto which are in conflict herewith, to the extent of such conflict.