

statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Sec. 1702. Separability.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Sec. 1703. Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Sec. 1704. Effective date.

This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

ARTICLE XVIII. TELECOMMUNICATIONS TOWERS*

Sec. 1801. Purpose.

The purpose of these guidelines is to establish minimum considerations and criteria for the review of communications towers, hereafter referred to as towers. It is the city council's express intent that the construction of new towers be an option of last resort, to the extent feasible, location of antennae on existing towers, building rooftops, and other suitable structures should first be sought. These guidelines are designed to ensure the

*Cross reference—§ 501.2(5), Telecommunications towers in the R-A Agricultural district.

compatibility of towers with and avoid adverse impacts to nearby properties and discourage the proliferation of towers throughout the city.

(Ord. No. 398, § 3, 7-7-03)

Sec. 1802. Applicability.

All communication towers are subject to these guidelines except the following:

- (1) Amateur radio, receive and transmit antennas. This section shall not govern any tower, or the installation of any antenna, that is one hundred (100) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or used exclusively and incidentally for the purposes to support a commercial business.
- (2) Existing towers and antennas. If an additional antenna is co-located on an existing tower after the adoption of the ordinance, then security fencing and landscaping requirements are applicable as part of the permitting process except that operating existing towers shall not be required to be subject to this provision if there is no increase in the height of the tower or of the antenna on such towers present structural capability.
- (3) Residential communications disk less than four (4) feet in diameter.

(Ord. No. 398, § 4, 7-7-03)

Sec. 1803. Objectives.

The proposed locations and design of all communications towers shall duly consider the following public health, safety, and general welfare objectives.

- (1) *Structural safety.* The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes (including the minimum design loads chapter) of the standard building codes, Southern Building Code Congress, International, Inc., so as not to endanger the health and safety of

residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

- (2) *View protection.* The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.
- (3) *Land use compatibility.* The proposed tower facility will be compatible with the surrounding land uses, given the character of use and development of the location.
- (4) *Design harmony.* The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as the highest industry standards.
- (5) *Existing communications services.* The proposed tower facility will comply with FCC and other applicable agency standards so as not to interfere with existing communications services to the area.
- (6) *Health effect.* The proposed tower will comply with all applicable federal, state and county health standards so as not to cause detrimental health effects to persons in the surrounding area.
- (7) *Protection against climbing.* The proposed tower facility and antenna support structure shall be protected against unauthorized climbing or other access by the public.
- (8) *Licenses and permits.* The operator of every personal wireless services antenna shall submit to the building inspector copies of all licenses and permits by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

(Ord. No. 398, § 5, 7-7-03)