

THE TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NUMBER 67

AN ORDINANCE CREATING "TELECOMMUNICATIONS TOWERS  
AND FACILITIES," PROVIDING FOR THE REGULATION OF THE  
PLACEMENT, DEVELOPMENT, CONSTRUCTION AND ERECTION  
OR MODIFICATION OF WIRELESS TELECOMMUNICATIONS TOWERS.

WHEREAS, on 8 February 1996, Congress enacted the Federal Telecommunications Act of 1996, P. L. Number 104-104, to deregulate the telecommunications industry, providing a more competitive environment for wired and wireless telecommunications in the United States;

WHEREAS, a concomitant effect of increased competition in the market for wireless telecommunications services in an increased demand for antenna sites on towers and other antenna support structures necessary for providing wireless service via existing and new technologies;

WHEREAS, the Telecommunications Act of 1996 preserves the authority of the Town of Dauphin Island to regulate placement, construction, and modification of towers, antenna support structures and telecommunications facilities, as hereinafter defined, in order to protect the health, safety and welfare of the public; and,

WHEREAS, the Town of Dauphin Island solicited industry comment regarding the ordinance and met with representatives of the wireless telecommunications industry in order to facilitate industry input and suggestions concerning the proposed ordinance and to work through various alternatives and possible revisions in order to better accommodate the needs of the Town of Dauphin Island and the industry.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF  
DAUPHIN ISLAND, ALABAMA:

An ordinance entitled: "THE TOWN OF DAUPHIN ISLAND, ALABAMA ORDINANCE  
NUMBER 67 designated, "TELECOMMUNICATIONS TOWERS AND FACILITIES" is hereby  
created.

## **ARTICLES**

### **ARTICLE 1: AUTHORITY AND ENACTMENT**

The town council of the Town of Dauphin Island, Alabama in pursuance of the authority granted by Title 11, Chapter 52, Article 4, Sections 70-84 inclusive, Code of Alabama, 1975 and 1979 cumulative supplements hereby ordains and enacts into law in the following articles:

### **ARTICLE 2: SHORT TITLE AND JURISDICTION**

This ordinance shall be known and maybe cited as “TELECOMMUNICATION TOWERS AND FACILITIES”, of the Town of Dauphin Island, Alabama. The area subject to this ordinance shall be that incorporated portion of Dauphin Island subject under the jurisdiction of the Mayor and Town Council.

### **ARTICLE 3: PURPOSES AND INTENT**

#### **3.1 General Purpose and Intent**

The general purpose of this Ordinance is to regulate the placement, construction and modification of towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Town of Dauphin Island, Alabama and its police jurisdiction.

#### **3.2 Specific Purpose and Intent**

- 3.2.1** To regulate the location of towers and telecommunications facilities in the Town of Dauphin Island and its police jurisdiction;
- 3.2.2** To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities;
- 3.2.3** To minimize adverse visual impact of towers and telecommunications facilities through careful site selection, design, landscaping and innovative camouflaging techniques;
- 3.2.4** To promote and encourage shared use of co-location towers and Antenna Support Structures as a primary option, rather than construction of additional single-use towers;
- 3.2.5** To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound;
- 3.2.6** To ensure that towers and telecommunications facilities are compatible with surrounding land uses;
- 3.2.7** To facilitate the provision of wireless telecommunications services to the residents and businesses of the Town of Dauphin Island and its police jurisdiction in orderly fashion.

### **ARTICLE 4: DEFINITIONS**

The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this article, except, where the context clearly indicates a different meaning;

- 4.1.1 ANTENNA SUPPORT STRUCTURE:** Any building or other structure forty five (45) feet in height or taller and which complies with the maximum height allowed in the district in which it is located, other than a tower which can be used for location of telecommunications facilities;
- 4.1.2 APPLICANT:** Any individual, firm, partnership, association, corporation, company, or other legal entity that applies for a tower development permit;
- 4.1.3 APPLICATION:** The process by which an individual submits a request to develop, construct, build, operate, modify or erect a tower. The application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Town of Dauphin Island concerning such a request;
- 4.1.4 ARCHITECT:** Any registered Architect duly licensed by the State of Alabama offering or performing any service, work, act or thing within the scope of the practice of architecture;
- 4.1.5 CAMOUFLAGE:** The design of a tower or telecommunications facility to minimize a visual impact and to blend into the surrounding environment. The term "Camouflage" does not necessarily exclude the use of un-camouflaged lattice, guyed or monopole tower designs;
- 4.1.6 TOWN:** The Town of Dauphin Island, Alabama and its police jurisdiction;
- 4.1.7 DESIGNATED CITY ENGINEER:** That Engineer duly licensed with the State of Alabama, County of Mobile and the Town of Dauphin Island, Alabama; appointed by the City Council of Dauphin Island as the "Designated City Engineer";
- 4.1.8 ENGINEER:** Any engineer licensed in the appropriate field by the State of Alabama;
- 4.1.9 INDIVIDUAL:** Any individual, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit;
- 4.1.10 OWNER:** Any individual with fee title, or with written permission from an individual with fee title, to any plot of land within the Town of Dauphin Island and its police jurisdiction, who desires to develop, construct, build, operate, modify or erect a tower upon such land;
- 4.1.11 TELECOMMUNICATIONS FACILITIES:** Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which an individual seeks to locate or has installed upon or near a tower or Antenna Support Structure. However, the term "Telecommunications Facilities" shall not include the following:
- a) any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned industrial or commercial;
  - b) any residential satellite earth station antenna regardless of zoning category;
- 4.1.12 TOWER:** A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities.

- 4.1.13 GUYED TOWER:** A structure erected for mounting communications transmission and receiving devices. The structure is usually an open, triangular or rectangular shape and maintains its width the entire length of its structure. The distinction of this tower lies in its support system, which includes anchored guyed-wire at varying angles to support its entire length.
- 4.1.14 MONOPOLE TOWER:** An upright, self-supporting structure, erected for mounting communications transmitting and receiving devices. This structure is cylindrical in shape and is wider at the base for sufficient strength to be self-supporting. It usually decreases in diameter toward the top. It derives its name from its single anchoring leg or pillar.
- 4.1.15 SELF SUPPORTED TOWER:** A triangular based structure with three support legs as its base, erected for mounting communications transmission and receiving devices. This structure is wider at its base and becomes smaller at its apex. These structures also gain its strength through its lattice-like, cross-member structure.
- 4.1.16 SATELLITE EARTH STATION:** A ground link network which acts as a relay loop between an orbiting satellite for receiving and transmitting signals. Its main purpose is to extract the satellite signal and process it for distribution. These stations are placed at strategic locations to complete a communications network.
- 4.1.17 REPEATER:** A receiving and transmission site used to gather communication signals and amplifies it for further distribution. A repeater is the key to broadcasting a signal over extended distances and varying terrain.

## **ARTICLE 5: DEVELOPMENT OF TOWERS**

### **5.1 ZONING REQUIREMENTS:**

- 5.1.1** A tower shall be a permitted use in zoning districts: C-1, C-2, IM. A tower shall be a prohibited use in all other zoning districts. No individual shall build, erect or construct a tower upon any plot of land within the town limits of the Town of Dauphin Island, Alabama and its police jurisdiction, without first having been granted Planning Approval by the Planning Commission of the Town of Dauphin Island in the manner provided in this Article.

The primary local carrier site (block 139, lot 3) for current telephone service is located in a R-1 zoning district. This site will be an exception to the above zoning restriction. The nonconforming use of this lot expires if site is vacated or no longer in use for a period of 180 days and all equipment and structures must be removed.

As a condition precedent to the construction, erect on, modification or operation of a tower, the owner is required to indemnify, and hold the Town whole and harmless, from and against all costs liabilities, and claims for damages of any kind arising out of the construction, erection, modification, repair, operation. Presence or location of its Tower and telecommunications facilities, or arising out of any acts or omissions of the owner or the owner's agents, employees, engineers, contractors subcontractors or invitees.

All property, equipment and telecommunications facilities kept, installed, located, stored or maintained in or upon property owned by the Town of Dauphin Island shall be so kept, installed located, stored or maintained a the owner's risk. The Town and its officers, employees and agents shall not be responsible for any loss or damage to equipment or facilities which might result from hurricanes, tornadoes, lightning, wind storms, hail, flying debris or other Acts of God.

- 5.1.2** To encourage co-location and to minimize the number of telecommunication towers, such towers shall be evaluated as an accessory use on or attached to any structure, including existing telecommunications towers, with Planning Commission approval.
- 5.1.3** A tower may be located in an approved zone on a lot containing other principal uses. The size of the approved zone for tower locations may be smaller than the minimal lot size of the applicable zoning district provided the lot on which it is located complies with the applicable minimal lot size or is a legal nonconforming lot. The area within which the telecommunications facilities are located shall be subject to all other requirements of this ordinance unless otherwise provided herein.
- 5.1.4** A temporary tower may be located on the Town of Dauphin Island property at facilities provided by the Town of Dauphin Island to accommodate the temporary tower. The owner of the temporary tower shall be subject to fees and agreements set forth by the Town of Dauphin Island .

## **5.2 APPLICATION FOR PLANNING APPROVAL AND PERMITS:**

- 5.2.1** Application to appear before the Planning Commission must be submitted to the Town Building Inspector, in writing, no less than 14 days prior to the next regularly scheduled monthly meeting of the Planning Commission. A Special Meeting may be called at the discretion of the Chairman of the Planning Commission, for a fee of \$500, but no earlier than 14 days after the application is received. The application must be accompanied by two (2) sets of full sized drawings and 11 sets of 11 x 17 drawings consisting of Site Plans, Construction Plans and Storm Water Retention Plans . Storm Water Retention Plans are only required if same are applicable, and therefore must be approved by the Designated Town Engineer. All drawings shall be to scale and show property lines, stamped, dated and signed by a professional engineer licensed by the State of Alabama. The application shall include all other requirements set forth in this Article. The applicant shall be required to meet all other requirements set forth in this ordinance;
- 5.2.2** The Town Building Inspector may issue permits to build, erect or construct a tower upon a plot of land within the town limits of the Town of Dauphin Island and its police jurisdiction, only after approval by the Planning Commission of the Town of Dauphin Island has been obtained, in writing by the applicant;
- 5.2.3** The building permit shall not be transferable and shall be issued only to the applicant. The permit shall expire if the foundation work for the entire scope of the permitted project has not been completed within six (6) months of the date of issuance. Request for a one (1) time, six (6) months extension submitted in writing to the Town Building Inspector, prior to the expiration of the permit, and no less than 14 days prior to the next scheduled meeting of the Planning Commission, will be considered by the Planning Commission;
- 5.3** Towers shall be permitted to a height of two hundred (200) feet. Variance requests to exceed the maximum height may be considered by the Board of Adjustment.
- 5.4** The Town of Dauphin Island may authorize the use of Town property in appropriately zoned districts in accordance with applicable law; however, the Town of Dauphin Island shall have no obligation whatsoever to use Town property for such purposes;
- 5.5** No new tower shall be built, constructed or erected in the Town of Dauphin Island and its police jurisdiction unless such tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the applicant's final design. For the purposes of this paragraph, "applicant's final design"

shall mean the telecommunications facilities on the applicant's tower within six (6) months of the completion of tower construction.

**5.6 APPLICATION TO DEVELOP A TOWER SHALL INCLUDE:**

- 5.6.1** The name, address and telephone number of the owner and/or lessee of the parcel of land upon which the tower is to be situated, the written consent of the owner, documentation showing that all possible avenues for sharing space have been exhausted and an affidavit stating that space on the proposed tower will be made available to future users on a fair market basis. Any modifications to the facility to accommodate the co-located antenna shall be borne by the co-locating telecommunications carrier.
- 5.6.2** The legal description, parcel identification number, key number and address of the parcel upon which the tower is situated;
- 5.6.3** The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a three thousand (3000) foot radius of the proposed new tower site, including the Town of Dauphin Island owned property. The applicant must demonstrate by provisions of an affidavit that the telecommunications antenna to be attached to the proposed telecommunications tower cannot be accommodated on those existing structures or an approved telecommunications tower site located within a three thousand (3000) foot radius of the proposed telecommunications tower due to one (1) or more of the following reasons:
- a) The telecommunications antenna would exceed the structural capacity of the existing structure or approved telecommunications tower;
  - b) The telecommunications antenna could cause radio frequency (RF) or other types of interference with telecommunication system planning or the use and operation of existing telecommunication, antennas located on the current structure or approved telecommunication tower site or;
  - c) The existing structure or approved telecommunication tower site does not have the telecommunication network capacity at the required height, or adequate space or area upon which to locate or operate the necessary equipment, or by which additional telecommunication antenna and equipment can be placed and operated effectively and reasonably;
  - d) Other reasons, as determined by the Planning Commission, that make it impracticable to place the equipment planned by the applicant on existing and approved towers and other appropriate structures or the leased property;
- 5.6.4** Written documentation that the applicant:
- 1) Made diligent, but unsuccessful efforts for a minimum of forty five (45) days prior to the submission of the application to install or co-locate the applicant's telecommunications facilities on towers or usable antenna support structures located within a three thousand (3000) foot radius of the proposed tower site;
  - 2) Provides written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or co-located on another tower or usable antenna support structure located within three thousand (3000) foot radius of the proposed tower site, and must be

located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications;

- 5.6.5 Provides written, technical evidence from a professional engineer licensed in the State of Alabama that the proposed structure meets the standards set forth in Article 7, "Structural Requirements," of this ordinance;
- 5.6.6 Provides written technical evidence from a professional engineer licensed in the State of Alabama that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion fire or other danger due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas, corrosive or other dangerous chemicals within the site;
- 5.6.7 Provides a map of the Town of Dauphin Island including its police jurisdiction and the first three thousand (3000) feet of all bordering communities showing the design and location of the applicant's entire existing wireless telecommunications network. Said map shall also show the location of the proposed tower and antenna sites which are the subject of the application, their dimensions and specifications of the site;
- 5.6.8 Provides certification from a professional engineer licensed in the State of Alabama documenting co-location capability of the applicant's telecommunications tower. The applicant must also furnish copies and proof of notification of proposed location at a specific site to other telecommunications carriers with potential interest in co-location by "Certificate of Mailing" through the United States Postal Service. The notice shall disclose the identity of the applicant, the type tower, the exact location of the tower and an invitation to co-locate and if co-location is desired, to furnish the applicant in writing with details of their needs, i.e., height, type of antenna, wave guide size and part number, foot print for equipment; within thirty (30) days of receipt of the notice.
- 5.6.9 Provides written technical evidence from professionals that the telecommunication facility complies with applicable regulations of the Federal Aviation Administration and Federal Communication Commission.
- 5.6.10 Demonstrates that the telecommunication facility is designed and will be constructed to ensure that the structural failure or collapse of the facility will not create a safety hazard to adjoining properties or structures.
- 5.6.11 Provides a landscaping plan showing how the applicant will comply with requirements in Article 12.

**ARTICLE 6: SETBACKS**

6.1.1 All towers shall be set back as follows:

In C-1, C-2, and IM Zones in which a telecommunications tower is a permitted use, the setbacks for such towers or their associated equipment structures shall be:

Monopole Tower:	Front: 30 Ft.	Sides: 5 Ft.	Rear: 5 Ft.
Self Supporting			

Tower:	Front: 30 Ft.	Sides: 5 Ft.	Rear: 5 Ft.
Guyed Tower:	Front: 100% of Tower Height	Sides: 100% of Tower Height	Rear: 100% of Tower Height

The parcel or lease parcel on which any tower and its associated equipment structures are to be constructed shall be of sufficient size to meet the setback requirements outlined in this Article and the Fencing and Landscaping requirements outlined in Articles 11 and 12;

6.1.2 Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel or lease parcel on which it is located. For corner lots, the "Front Setbacks" for the appropriate type of tower shall be used to determine the setback from both streets.

**ARTICLE 7: STRUCTURAL REQUIREMENTS**

All towers, accessory buildings or structures shall require a building permit and any other permits normally required by the Town of Dauphin Island and must be designed and certified by a professional engineer licensed in the State of Alabama to be structurally sound and, at minimum, in conformance with the current Standard Building Code as adopted by the Town of Dauphin Island, as may be amended from time to time, and any other standards outlined in this Article. Any accessory building or structure serving the tower shall be designed to be reasonably compatible with the architecture and physical character of the immediate neighborhood.

- 7.1.1 Towers must be located and equipped with step bolts and ladders to provide ready access for inspection purposes;
- 7.1.2 Guide wires or other tower accessories must not cross or encroach upon any street or other public place or over any electric power lines or trespass upon any other privately owned property without written consent of the owner;
- 7.1.3 All towers must be constructed of approved corrosion resistant noncombustible material. The minimum type of construction for isolated radio towers, not more than one hundred (100) feet in height, must be of type IV;
- 7.1.4 Towers must be designed to resist a minimum 100 MPH sustained wind load (for building) and in accordance with the American Society of Civil Engineer's (ASCE), 7-88 minimum load design standards under the Building Code Congress International's "Standard Building Code" as adopted by the Town of Dauphin Island, the Electronics Industry Standard and the Telecommunications Industry Standard (IS/THIS), 222-E Standards, as published by the Electronic Industries Association, which may be amended from time to time. The proposed tower shall be designed and constructed to insure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties;
- 7.1.5 All towers must be permanently and effectively grounded.

**ARTICLE 8: SEPARATION OR BUFFER REQUIREMENTS**

8.1.1 Towers shall be separated from all residentially zoned lands, by a minimum of one hundred (100) feet or a distance equal to one hundred fifty (150%) percent of the height of the proposed tower, whichever is greater. Reductions to the setback requirements for monopole of self supporting towers may be considered by the Board of Adjustments under the following circumstances and under Article 20 of this Ordinance.

- a) Two (2) or more providers agree to co-locate on the same tower;
- b) Camouflaging or sheathing techniques approved by the Planning Commission are incorporated into the design of the telecommunications tower;
- c) Full compliance with all setbacks would result in the removal of mature trees that would otherwise be saved by reducing the setback;
- d) The line of sight is obscured from primary vehicular and pedestrian movements on the adjacent properties by intervening buildings, trees, landscaping or other such screen;
- e) Compliance with the additional setback would prevent co-location;
- f) Increased buffering and mitigation techniques are introduced;

**8.1.2** Tower separation distances for the purpose of compliance with this Article shall be measured from the base of a tower to the closet point of residentially zoned land;

**8.1.3** The distance between the base of the tower and any building or structure which is a federally designated historical building or structure shall be equal to one hundred fifty (150%) percent of the height of the tower.

#### **ARTICLE 9: METHOD OF DETERMINING TOWER HEIGHT**

Measurement of tower height for the purpose of determining compliance with all requirements of this Article shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from grade.

#### **ARTICLE 10: ILLUMINATION**

Tower illumination is limited to the minimum required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred (300%) percent of the height of the tower from the tower, and when required by federal law, dual mode lighting shall be requested from the FAA.

#### **ARTICLE 11: FENCING**

A security fence consisting of nine (9) gauge galvanized chain link fabric with slats, eight (8) feet in height, measured from the finished grade of the site, with an additional three (3) strands of barbed wire facing outward, shall be installed around tower sites including the tower structure itself, the base pad and any other telecommunications facilities or associated structures. Unless more stringent fencing regulations are required by FCC Regulations, The Town of Dauphin Island Planning Commission may require a minimum six (6) foot masonry wall or other decorative type fence measured from the finished grade of the tower site and further require that said fence be compatible with the area around the tower site. For purposes of identification of this Article, a finished masonry wall includes, but is not limited to stucco, brick or any other decorative cover or finish.

#### **ARTICLE 12: LANDSCAPING**

The tower site shall be screened on all sides that may be visible from said rights of way or property with landscape buffering consisting of tight evergreen hedge not less than six (6) feet in height

which must be one hundred (100%) percent opaque within one year of planting and located outside of the security fence, unless otherwise approved by the Town of Dauphin Island Planning Commission. All landscape buffering must be maintained by the tower owner during the term of the tower site lease or the operation of the tower, whichever is longer. Existing trees shall be preserved to the maximum extent possible, and may be used as a substitute for, or in supplement towards meeting the landscaping requirements provided such substitution or supplementation provides effective screening;

The Town of Dauphin Island Planning Commission may require landscaping in excess of the aforementioned requirements in this Article, in order to enhance the compatibility with surrounding areas.

### **ARTICLE 13: NOISE**

No equipment shall be operated at towers and telecommunications facilities so as to produce noise in excess of applicable noise standards of ordinances adopted by the Town of Dauphin Island and in affect at the time and as may be amended from time to time, except during emergencies, or periodic routine maintenance which requires the use of a backup generator, where the noise standards may be temporarily exceeded.

### **ARTICLE 14: ELECTROMAGNETIC RADIO FREQUENCY EMISSIONS**

- 14.1.1** The Federal Telecommunications Act of 1996 (FTA) gives the FCC sole jurisdiction to regulate radio frequency (RF) emissions, and telecommunications towers which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts;
- 14.1.2** In order to provide information to its citizens, copies of ongoing FCC information concerning telecommunications towers and facilities and radio frequency emission standards shall be made available. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

### **ARTICLE 15: ACCESS**

All parcels upon which towers are located must provide porous access ways and at least one (1) parking space constructed of porous material.

### **ARTICLE 16: MAINTENANCE**

- 16.1.1** Tower owners shall at all times exercise ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public;
- 16.1.2** Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, State and local regulations, and in such manner that will not interfere with the use of other property;
- 16.1.3** All tower sites, towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good order, repair and clean condition so that same shall not menace or endanger the life or property of any individual. Mobile or immobile equipment not used in direct support of a tower facility, shall not be stored or parked on the site of the telecommunications tower unless said equipment is being used for maintenance or repairs to the tower;
- 16.1.4** In the event the use of a tower is discontinued by the tower owner, or if the tower owner ceases to operate the tower, the tower owner shall provide written notice to the Town of Dauphin Island of

it's intent to discontinue use or cease operations, and the date when the use shall discontinue. All abandoned or unused telecommunications facilities shall be removed by the owner owner/operator within ninety (90) days of the cessation of use, unless ownership and use thereof has been transferred to a third (3<sup>rd</sup>) party. A tower shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days. Telecommunications towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempted from this provision by the Town of Dauphin Island Planning Commission; which may extend this time period or waive this requirement, if it is shown that the facility has not been abandoned;

**16.1.5** The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers shall be strictly prohibited.

**16.1.6** Emergency Contact Sign: The owner, phone number, and antenna position shall be inscribed on one (1) sign, not larger than 6" x 24", and posted on the gate to the facility by each telecommunications company operating at that location.

#### **ARTICLE 17: CAMOUFLAGE**

All towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to blend into the surrounding environment. At a minimum, all towers not requiring FAA designated marking shall have an exterior finish which is galvanized. At a minimum, all towers shall have an exterior finish that will blend in with the environment as designated by the Planning Commission.

#### **ARTICLE 18: TELECOMMUNICATIONS FACILITIES ON ANTENNA SUPPORT STRUCTURES**

Any telecommunications facilities, which are not attached to a tower, may be permitted as an accessory use to any antenna support structure at least forty five (45) feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of said structure shall, by written certification to the Building Inspector of the Town of Dauphin Island, establish the following at the time plans are submitted for a building permit that:

**18.1.1** The telecommunications facilities shall not extend more than twenty (20) feet above the maximum height of the antenna support structure;

**18.1.2** The antenna support structure and telecommunications facilities comply with the current Building Code as adopted by the Town of Dauphin Island, and may be amended from time to time.

**18.1.3** Any telecommunications facilities and their appurtenances, located above the roof of an antenna support structure, are set back at least one (1) foot from the edge of the roof of the antenna support structure. However, this setback requirement shall not apply to the following:

- a) Telecommunications facilities and their appurtenances, located above the roof of an antenna support structure if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the Town of Dauphin Island;
- b) Camouflage antennas which are mounted to the exterior of antenna support structures below the roof, but which do not protrude more than

twenty four (24) inches from the side of such an antenna support structure;

**18.1.4** Requirements of Article 18 may be waived or modified by Town of Dauphin Island Planning Commission approval, upon written application to the Town Planning Commission.

#### **ARTICLE 19: EXISTING TOWERS**

Any existing or approved telecommunications tower may be modified, replaced, demolished and rebuilt to accommodate the co-location of additional telecommunications facilities, as follows:

- a) The tower must be located in a C-1, C-2 or IM Zone upon which such towers are a permitted use "by right". The tower may not be located in a R-1, R-2, RM-1, RM-2, RM-3, RC, CP, or MHP zone.
- b) No individual shall build, erect or construct a tower upon any plot of land within any aforementioned zoning district without written approval of the Town of Dauphin Island Planning Commission under Article 5.2 and obtaining the necessary permits from the Town Building Inspector;
- c) The height of such towers shall be subject to the provisions of Articles's 5.3, 8.1.1, 8.1.2 and 8.1.3 of this ordinance;
- d) A tower which is being built to accommodate the co-location of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this ordinance. However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this ordinance, such setback requirements may be waived by the Planning Commission of the Town of Dauphin Island, to allow the Tower to be rebuilt in its exact previous location, or within a twenty five (25) foot radius of the previous location.

#### **ARTICLE 20: CRITERIA FOR SITE DEVELOPMENT MODIFICATIONS**

- 20.1**
- a) The Planning Commission of the Town of Dauphin Island may grant approval of a site plan development modification pursuant to Article 20.2 , if an individual upon written application to the Planning Commission, demonstrates the following with written evidence:
    - 1) The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area, nor, change the character of the neighborhood in which the tower is proposed to be located; and,
    - 2) The site plan development modification will not create any threat to the public health, safety or welfare;
  - b) In addition to the requirements of the aforementioned subparagraph (a), in the following cases the applicant must also demonstrate with written evidence, the following:
    - 1) In the case of a requested modification to the setback requirement, that the area of the parcel of land upon which the tower is proposed to be located makes compliance with Article 1.4 impossible, and the only

alternative for the individual is to locate the tower at another site which poses a greater threat to public health, safety or welfare or is closer in proximity to a residentially zoned land;

- 2) In the case of a request for modification of the height limit in a zoning district for towers and telecommunications facilities, that the modification is necessary to a), facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or b), meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an electrical engineer;

20.2 Amend Zoning Ordinance Number: 239, to correspond with Article 1.3.1, Development of Towers; Zoning Requirements;

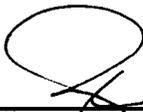
20.3 That if any clauses, articles or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect;

20.4 That all Ordinances or parts of Ordinances in conflict herewith, be and the same hereby repealed;

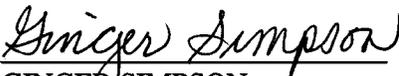
20.5 That this Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

First Reading: February 6, 2001

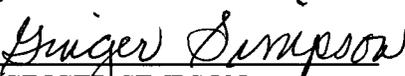
ADOPTED AND APPROVED BY THE COUNCIL OF THE TOWN OF DAUPHIN ISLAND, ALABAMA, THIS THE 20th DAY OF February, 2001

  
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JEFF COLLIER, MAYOR  
TOWN OF DAUPHIN ISLAND, ALABAMA

ATTEST:

  
\_\_\_\_\_  
GINGER SIMPSON  
TOWN CLERK

This is to certify that Ordinance Number 67 Town of Dauphin Island, Alabama was published by posting at the U.S. Post Office, Ship & Shore, and Town Hall Bulletin Boards in the Town from February 21 to February 26, 2001

  
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GINGER SIMPSON  
TOWN CLERK