COUNTY DEPARTMENT AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina/Dennis Dutton
Meeting Date:	Thursday, May 26, 2011	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III. Definitions, Sec. 3-1. and Article V. General Provisions, Sec. 5-47. Standards for Telecommunications Antennas and Towers.

Background/History/Details:

On December 9, 2010, the revised Zoning Ordinance was adopted in its entirety. Since implementation, staff has discovered minor housekeeping revisions regarding the application submittal process. The Planning Commission held a Workshop on March 17 to discuss the proposed amendments. On April 6 and April 14, staff presented the proposed amendments to the Board of Commissioners. The Board of Commissioners authorized staff to advertise the proposed amendments for public hearings before the Planning Commission and the Board of Commissioners for adoption. The proposed amendments are basically "housekeeping" items and clarification of the definition of a Planned Tower.

The Planning Commission recommended: APPROVAL 5-0.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2011-03 authorizing proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III. Definitions, Sec. 3-1. and Article V. General Provisions, Sec. 5-47. Standards for Telecommunications Antennas and Towers.

If this item requires funding, please describe:

Funds are not needed at this time, but will be part of an overall cost to update the Fayette County Code.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Thursday, April 14, 2011
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Minutes

Board of Commissioners
April 14, 2011
7:00 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, April 14, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the April 14, 2011 Board of Commissioners meeting to order at 7:01 p.m. Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Horgan moved to accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

OLD BUSINESS:

3. Discussion of proposed amendments to the Fayette County Code of Ordinance, Chapter 20. Zoning Ordinances, Sec. 5-47. Standards for Telecommunications Antennas and Towers.

Zoning Administrator Dennis Dutton explained the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Sec. 5-47. Standards for Telecommunications Antennas and Towers to the Board. Chairman Frady and Commissioners Brown, Horgan, and McCarty commended Mr. Dutton and the Planning and Zoning Department for their work in this matter.

Commissioner Brown moved to authorize staff to proceed with the scheduling of a public hearing for the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Sec. 5-47. Standards for Telecommunications Antennas and Towers. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

THE FOLLOWING ITEM(S) WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MAY 5, 2011, AND BY THE BOARD OF COMMISSIONERS ON MAY 26, 2011.

5. Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance regarding Article III. Definitions, Sec. 3-1. and Article V. General Provisions, Sec. 5-47. Standards for Telecommunications Antennas and Towers.

Pete Frisina confirmed the proposed amendments were the same as discussed at the previous Workshop. He advised the BOC had directed staff to advertise the proposed amendments for the public hearings. He stated the proposed amendments clarified exactly what is considered as a "Planned Tower" which eliminates problems with competing towers. He remarked other proposed amendments were basically "housekeeping" items and items which had been relocated from one area in the ordinance to another. He added the proposed amendments comply with the regulatory ruling regarding time limitations for the County to make a decision regarding the tower application.

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

ARTICLE III. DEFINITIONS

Sec. 3-1. Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The word "shall" is always mandatory while the word "may" is merely discretionary. The following specific definitions shall apply:

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower Facility. The area containing ***a*** tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors.

Tower Height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna (see *Building Height.*)

Tower, Planned. Any tower that is in the ***public hearing procedure,*** ~~approval~~ site ***application*** process or has been approved, but not yet constructed (see Article V.)

Tower structure, Alternative. Tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free-standing clock towers and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells and/or similar alternative design tower structures.

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to December 10, 1998.

ARTICLE V. GENERAL PROVISIONS

Sec. 5-47. Standards for Telecommunications Antennas and Towers.

A. *Purpose and Intent.* The purpose of this ordinance is to establish minimum development standards for the regulation of commercial telecommunications transmission towers, including, but not limited to: cellular and Personal Communications Systems (PCS) towers, broadcasting towers, two-way radio towers, fixed-point microwave dishes, commercial satellites and receiving dishes, and related equipment cabinets and/or buildings. The intent of this ordinance is: (1) to implement the provisions of the Telecommunications Act of 1996, on a local level; (2) to control placement of towers and antennas in a way that minimizes the adverse visual impact to nearby properties by locating towers and antennas in non-residential areas or in areas where the adverse impact on the community is minimal; and (3) to advocate the shared use of new and existing tower sites through co-location, thereby discouraging the proliferation of towers throughout Fayette County.

B. *Authority.* Only the Board of Commissioners has the authority to reduce or waive the requirements under this section through the public hearing procedure.

C. *Applicability.*

1. *District Height Limitations.* Height limits specified for each zoning district shall not apply to towers and antennas. The requirements set forth herein shall govern the height of towers and antennas.
2. *Governmentally Owned Property.* These requirements shall not apply to any governmentally owned property, including: properties owned by the Board of Commissioners, Board of Education, or a municipality, as well as, the State or Federal government, that are used for the location of any tower facility.
3. *Amateur Radio Antennas.* This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is less than 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator.
4. *Pre-Existing Towers and Antennas.*
   a. Any tower or antenna which existed prior to December 10, 1998, that does not comply with the requirements herein shall be deemed legally nonconforming. Any enlargement of a pre-existing tower or tower facility, shall meet the requirements herein. Co-location of an antenna which does not increase the height of the tower or placement of additional equipment cabinets or buildings within the existing tower facility shall be allowed under the provisions of Site Plan Requirements.
   b. Replacement of a pre-existing legally nonconforming tower structure is permitted provided that all of the following apply:
      i. The replacement tower is constructed within 25 feet of the existing tower and is not greater in height than the existing tower.

ii. The tower being replaced is removed from site within 90 calendar days from the issuance of the Certificate of Occupancy for the replacement tower;

iii. Additional co-location opportunities on the new tower are made available with the minimum users required based on tower height; and

iv. A site plan indicating the location of the replacement tower shall be required.

D. *General Requirements.*

1. Towers and tower facilities shall be on a lot which meets the minimum lot size for the zoning district in which it is located. Towers and tower facilities may be located on a lot containing another use. Towers and tower facilities may occupy a leased area being a portion of the lot.
2. Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.
   a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower plus 10 feet.
   b. All towers shall be set back from all adjoining properties zoned non-residential a distance of 100 feet.
   c. All towers shall be set back from the street right-of-way (existing or required) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see County Code, Development Regulations.)
   d. All towers, excluding alternative tower structures, shall be set back from any off-site residence a distance equal to three (3) times the tower height or a minimum of 500 feet, whichever is greater.
   e. Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.
3. Towers located on the same lot as a private school or day care center shall be set back a distance equal to the height of the tower from all facilities, excluding parking areas. This provision shall not apply to an alternative tower structure which is allowed in conjunction with a Private School Conditional Use.
4. All towers, excluding alternative tower structures, shall be structurally designed to accommodate the following minimum numbers of carriers based on height of the tower:
   a. up to 70 feet : one (1) carrier;
   b. greater than 70 up to 120 feet : two (2) carriers;
   c. greater than 120 feet up to 150 feet : three (3) carriers;
   d. greater than 150 feet up to 180 feet : four (4) carriers;
   e. greater than 180 feet up to 250 feet : five (5) carriers; and
   f. greater than 250 feet: six (6) carriers.
5. All tower facilities, excluding tower facilities associated with alternative tower structures, shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with slat inserts for screening. Access to the telecommunication tower shall be through a locking gate. In addition, a minimum of three (3) strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.
6. A landscaped strip 10 feet in width surrounding the perimeter of the tower facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) feet in height when planted and spaced every 10 feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and

natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Zoning Administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan. These requirements shall not apply to a tower facility associated with an alternative tower structure.

7. Maximum height for all towers and antennas is 500 feet. Tower height shall be measured from the natural grade of the ground at the location of the tower to the highest point of the tower, including any antenna. If minimal grading (elevation of one [1] to two [2)] feet above natural grade) is required to level the ground for the tower base, tower height shall be measured from the finished grade approved by the County Engineer.

8. No signage shall be placed on a tower structure or antenna.

~~9. *Application Requirements.* All applicants for new tower construction shall include the following information at time of application submittal: site and landscape plans drawn to scale; a report including all tower specifications and a description of the tower with technical reasons for its design; documentation establishing the structural integrity for the tower's proposed uses; the general capacity of the tower and information necessary to assure that ANSI standards are met; a statement of intent on whether excess space will be leased; proof of ownership of the proposed site or authorization to utilize it; and copies of any easements necessary.~~

~~10~~ 9. *Inventory of Existing or Planned Tower Sites.* No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower or any planned towers can accommodate the applicant's proposed antenna. All evidence shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All of the following shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna:

a. Each applicant for a new tower and antenna shall contact the owners of all existing and planned tower sites, including those located within the zoning jurisdictions of municipalities and/or other counties, that are within the search area of the applicant's proposed tower or antenna location, and provide the Planning and Zoning Department with an inventory of said tower sites at the time of application submittal. The inventory shall include the following information:

   i. All tower owners and the number of carriers for each tower site;

   ii. The site location, total height, and design type of each tower;

   iii. Details of all existing and planned towers or structures located within the search area and the ability of such to meet the applicant's engineering requirements, including, but not limited to: sufficient height, structural support strength, and electromagnetic interference with antenna(s) on the existing towers or structures;

   iv. Other limiting factors that render existing towers and structures unsuitable; and

   v. Letters of rejection for requests to co-locate on all existing and planned towers within the service area of the proposed tower.

b. The Planning and Zoning Department may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided; however, that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

c. If it is determined that the applicant cannot feasibly locate an antenna on an existing tower or planned tower, the applicant shall demonstrate that the proposed new tower is designed to accommodate the required number of carriers.

~~11.~~ ~~*Site Plan Requirements*. All tower applicants for new towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations (see County Code.) Additional information indicated on the site plan shall include, total tower height including antennas, type and design of any tower facility, including equipment buildings or cabinets, ingress/egress, landscaping and buffer requirements, setbacks, fencing, zoning of adjacent property, and other information necessary to assess compliance with this ordinance. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.~~

~~The following scenarios shall not require submittal of a site plan:~~

~~a. Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other free standing non-residential structures excluding signs and towers.)~~

~~b. Co-locating an antenna on any existing tower, so long as, said installation does not exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.~~

~~c. Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility.~~

~~Prior to the placement or co-location of any antenna, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a certification from a licensed professional engineer verifying that the antenna will comply with wind load requirements and weight limits for the structure or tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and any applicable building permits/inspections shall be required.~~

~~12~~10. *Aesthetics and Lighting Requirements*. The following compatibility standards shall govern the aesthetics and lighting of any tower facility, including the installation of antennas on towers.

a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

b. If an antenna is installed on a structure other than a tower, the antenna and equipment cabinets shall be architecturally compatible with, the color and texture of the supporting structure. Roof mounted equipment cabinets shall be screened so as to make the equipment visually unobtrusive.

c. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

~~13~~11. *Federal Requirements.* All towers shall meet current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antenna, including modulation studies on frequency usage, to avoid interference with existing systems in operation. ~~Prior to submittal for an administrative site plan approval, applicants shall be required to submit a copy of the Determination of No Hazard to Air Navigation from the FAA and a copy of the Carrier's FCC license.~~

~~14~~12. *Building Codes and Safety Standard Requirements.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards or that such tower constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 60 days to bring such tower into compliance.

~~15~~13. *Removal of Abandoned Antennas and Towers.* Prior to the abandonment of any tower or antenna, a copy of the notice of Intent to Abandon required by the FCC shall also be submitted to the Fayette County Planning and Zoning Department. Any antenna or tower, including pre-existing towers and antennas, that is not in use for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

~~16~~14. *Performance Bond Required.* Prior to the issuance of a ~~Zoning Compliance~~ Certificate ***of Occupancy*** ~~to erect~~ ***for*** a new tower structure, every applicant shall be required to deposit a performance bond with Fayette County. The amount of the bond ***shall be equal to 10 percent of the total construction cost or a minimum of $5,000, whichever is greater.*** ~~not less than $5,000 nor more than 10percent of construction costs, shall be set by the Zoning Administrator~~. Such bond shall be required upon compliance with all aspects of this section and shall be applicable to any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or other party performing services in connection with any Certificate of Zoning Compliance issued by the Planning and Zoning Department. The required performance bond shall be released only upon demolition of the tower and restoration of the site to the pre-development conditions. ~~The format of the bond shall be approved by the County Attorney~~ ***The approved format of the bond is available in the Planning and Zoning Department.***

E. *Supplemental Requirements.* In addition to the General Requirements above, the following Supplemental Requirements shall apply as specified below.

1. *Highway Corridor.* Locating towers along the following highway corridors is permitted as an overlay zone provided all the following requirements are met:
   a. The State and County Highways included within the Highway Corridor are S.R. 54, S.R. 85, S.R. 92, S.R. 74, S.R. 314, S.R. 279, S.R. 138, and 85 Connector.
   b. The Highway Corridor tower overlay zone permits towers in any zoning district when located within 1,000 feet of the right-of-way on either side of the aforementioned roads in unincorporated areas of Fayette County.
   ~~c. An Administrative Approval can be granted for towers of 250 feet or less in height within the Highway Corridor provided that the tower meets all other applicable requirements.~~
   ~~d~~c. Towers in excess of 250 feet in height in the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.
   ~~e~~d. All new towers, excluding alternative tower structures, located within the Highway Corridor that are 70 feet or greater in height shall not be located within one (1) statute mile from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing governmentally-owned towers where co-location is not permitted or from alternative tower structures.
2. *Outside of the Highway Corridor.*
   a. Outside of the Highway Corridor, a tower may be located only in the following zoning districts:
      Manufacturing and Heavy Industrial District (M-2);
      Light Industrial District (M-1);
      Highway Commercial District (C-H);
      Community Commercial District (C-C);
      Agricultural Residential (A-R); and
      R-70 Single-Family Residential District.
   ~~b. An Administrative Approval can be granted for towers of 180 feet or less in height outside of the Highway Corridor provided that the tower meets all other applicable requirements.~~
   ~~c~~b. Towers in excess of 180 feet in height outside of the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.
   ~~d~~c. All new towers, excluding alternative tower structures, located outside of the Highway Corridor that are 70 feet or greater in height shall not be located within one and one-half (1.50) statute miles from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing government-owned towers where co-location is not permitted or from alternative tower structures.
3. *Alternative Tower Structures.*
   a. The purpose of an alternative tower structure is to diminish, camouflage, or conceal the appearance of towers and antennas to reduce the visual impact on surrounding properties and streets. Depending on the nature of the site, the proposed alternative tower structure shall be appropriate and in character with its surroundings. For

example, the use of a monopine is more fitting on a site with stands of mature trees; whereas, the use of a flag pole or light pole alternative tower structure is more suitable for the developed portion of a site.

b. Alternative tower structures shall comply with the General Requirements herein with the exception of the setback requirements from off-site residences, security fencing requirements, landscape requirements, and tower separation requirements of both the Highway Corridor and outside of the Highway Corridor. Alternative tower structures shall be allowed in the Highway Corridor, outside of the Highway Corridor in the zoning districts listed herein, and in conjunction with the following existing Conditional Uses:
   i. Church or Other Place of Worship;
   ii. Developed Residential Recreational/Amenity Areas;
   iii. Private School; and
   iv. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities.

c. Alternative tower structures, in conjunction with the above listed Conditional Uses, shall meet the setbacks established in the General Requirements or the Conditional Use setbacks, whichever is greater.

~~d. An Administrative Approval can be granted for an alternative tower of 120 feet or less in height provided that the tower meets all other applicable requirements.~~

~~e~~d An alternative tower in excess of 120 feet in height shall require public hearings before the Planning Commission and Board of Commissioners.

~~f~~e. A maximum of one (1) alternative tower structure shall be allowed per lot.

~~g~~f. The alternative tower structure shall match the visual simulation depiction and engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site.

~~h~~g. *Design Review and Approval Process*: Alternative tower structures shall go through a Design Review and Approval Process before the Planning Commission.

The purpose of this Design Review and Approval Process is to determine that the alternative tower structure type is appropriate for the site and surrounding area and set requirements for the alternative tower structure type, placement on the site, equipment structures, fencing and landscaping.

The Design Review and Approval Process application shall include the following:
   i. An analysis of the nature and character of the site and how the alternative tower structure is appropriate in context to the site and the view from surrounding properties and streets;
   ii. A visual simulation consisting of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets; and
   iii. Engineering detail and specification drawings from the manufacturer/ supplier of the alternative tower structure specifically proposed for the site which shall indicate all applicable requirements herein.

~~i~~h. *Monopine Towers.*

i. Monopine towers shall maintain the natural conical appearance of a loblolly pine tree. Antennas shall be placed a minimum of five (5) feet below the top of the tower, as measured from the highest point of the antenna to maintain said appearance.

ii. Foliage shall be green in color and the tower shall be brown in color. The antennas shall be green to blend with the foliage and the foliage shall extend a minimum of one (1) foot beyond the antennas. The foliage shall be UV resistant to reduce degradation and fading and constructed to withstand winds of 110 MPH, certification of such shall be supplied with the application. Foliage shall be placed on the tower down to the height of the foliage of surrounding trees. The structure shall have sufficient limbs at the time of initial installation so that there is no gap between the existing canopy and the lower most limbs of the monopine.

iii. The installation of the foliage on the monopine shall be installed prior to final inspections. Foliage on the monopine shall be maintained and/or replaced to the specifications established by the engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site to retain the screening of the antennas. Upon notice from the County that the foliage is in need of maintenance and/or replacement, the tower owner shall have 90 days to make such repairs.

~~j~~i. Flag pole and light pole alternative tower structures shall utilize internal antennas and slick stick design. Flag poles utilized as an alternative tower structure shall be exempt from the Article V.

F. *Public Hearings Required* ***to Reduce or Waive Requirements***.

1. Public hearings before the Planning Commission and Board of Commissioners are necessary ***to reduce or waive requirements*** for ~~the approval of~~ a proposed tower, antenna, or equipment cabinet or building that ~~is not allowed under the Permitted Uses or Administrative Approvals, and/or~~ cannot comply with the ~~Development~~ ***General*** Requirements, ***and/or*** Supplemental Requirements~~, or Alternative Tower Structures~~. The procedure for said public hearings shall follow the procedure for rezoning (see Article XI.) Applicants shall apply for public hearings through the Planning and Zoning Department. The application with deadline submittal and public hearing dates is available in the Planning and Zoning Department. The application shall include the following:

a. A scaled Concept Plan***, drawn on the signed/sealed survey,*** graphically indicating the lot and leased area, total tower height including antennas, type and design of the tower structure, the boundary of the tower facility, all applicable setbacks (both on and off-site), ingress/egress, landscaping areas, and zoning of the subject property and adjacent property;

b. An Inventory of Existing or Planned Tower Sites per the standards listed under Supplemental Requirements;

c. A balloon test shall be conducted prior to the public hearings. The balloon shall be flown for a minimum of four (4) daylight hours from the location of the proposed tower, at the requested height. The application shall include the date and time of the

balloon test and an alternative date, in case of inclement weather. The initial balloon test shall be held on a Saturday and the alternative date may be held on any day of the week. A sign announcing the dates of the balloon test shall be posted on the property by the County a minimum of five (5) calendar days prior to the initial balloon test; and

d. The applicant shall submit a visual simulation, based on the balloon test, a minimum of seven (7) calendar days prior to the Planning Commission public hearing. Failure to meet this deadline will postpone the tower application to the next scheduled cycle of public hearings. The visual simulation shall consist of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets. An Affidavit certifying that the correct location and height of the tower were utilized in the balloon test shall be submitted with the visual simulation photographs.

2. *Factors Considered in Public Hearing Applications.* The following factors shall be considered when evaluating a tower application:

a. Height of the proposed tower;

b. ~~Proximity~~ ***Distance*** of the tower to residential structures and residential zoning district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Topography of the site and its effect on the efficiency of the tower in terms of coverage;

e. Surrounding tree coverage and foliage and its effect on the efficiency of the tower in terms of coverage, as well as, its effect on the visual impact of the tower on surrounding properties and streets;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. The degree of the tower's compliance with the one (1) statute mile separation (inside the Highway Corridor) or one and one-half (1.5) statute mile separation (outside the Highway Corridor.)

In granting its approval ***to waive or reduce requirements***, the County, through the Board of ~~County~~ Commissioners or its designee, may impose conditions that are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property. ***A site application shall be submitted within 60 days of the date of approval by the Board of Commissioners or the proposed tower will no longer be deemed a planned tower.***

G. ***Site*** *Application Requirements.* All applicants for new tower construction shall include the following ~~information at time of application submittal~~:

a. ***completed application forms signed and notarized;***

b. proof of ownership of the ~~proposed site~~ ***parent tract (latest recorded Warranty Deed)*** ~~or authorization to utilize it~~;

c. site ~~and landscape plans drawn to scale;~~ ***plan prepared by a Engineer or Architect registered by the State of Georgia;***

Chairman Thoms pointed out the Official Code of Georgia Sec. 43-23-1-3 allows a Landscape Architect to prepare a Site Plan.

Pete Frisina replied staff would amend the ordinance and add "Landscape Architect."

d. landscape plans ***(see General Requirements)***;
e. ***provide number of carriers based on maximum height of tower;***
f. ***provide inventory of Existing or Planned Tower Sites (see General Requirements)***;
g. a report including all tower specifications and a description of the tower with technical reasons for its design;
h. documentation establishing the structural integrity for the tower's proposed uses;
i. the general capacity of the tower and information necessary to assure that ANSI standards are met;
j. a statement of intent on whether excess space will be leased;
k. ~~copies of any easements necessary;~~
l. ***a copy of the Determination of No Hazard to Air Navigation from the FAA; and***
m. ***a copy of the Carrier's FCC license (as applicable for an antenna).***

Site Plan Requirements. All tower applicants for new towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations (see County Code.) Additional information indicated on the site plan shall include:

a. ***a signed/sealed survey by a land surveyor registered in the State of Georgia of the parent tract, leased area, and ingress/egress easement, indicating the metes and bounds for each;***
b. total tower height including antennas;
c. type and design of any tower facility, including ***location of*** equipment buildings or cabinets;
d. ***distance from nearest off-site residences;***
e. fencing ***and gate details***;
~~s. landscaping and buffer requirements;~~
f. ***all applicable*** setbacks ***for the tower, tower facility, and anchors for guyed tower, as applicable;***
g. ***distance between towers;***
h. zoning ***and acreage*** of ***parent tract;***
i. ***zoning of*** adjacent property***; and***
j. ~~and~~ other information necessary to assess compliance with this ordinance.

Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.

The following scenarios shall not require submittal of a site plan:

a. Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other free standing non-residential structures excluding signs and towers.)

b. Co-locating an antenna on any existing tower, so long as, said installation does not exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.

c. Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility.

Prior to the placement or co-location of any antenna, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a certification from a licensed professional engineer verifying that the antenna will comply with wind load requirements and weight limits for the structure or tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and any applicable building permits/inspections shall be required.

H. ***Site*** *Application Timeframes.* The County shall act on applications for co-locations within 90 days, and all other applications within 150 days. The Zoning Administrator has 30 days to determine if an application is complete. If the Zoning Administrator requests additional information within the 30 day review period, the time it takes the applicant to respond will not count towards the 90 or 150 day time limits. ***Upon notice that an application is incomplete, the applicant has 30 days to submit all information necessary to complete the application. Failure to complete the application in this timeframe shall result in an automatic withdrawal of the application and proposed tower will no longer be deemed a planned tower.***

~~G~~I. *Tower Approval Expiration.* Approval ***of a site application by the applicable departments*** for a tower ~~granted either administratively or through the Board of Commissioners, or its designee,~~ shall expire ~~24~~ ***12*** months from the date of approval ***and will no longer be deemed a planned tower***, unless a Certificate of Occupancy has been issued for the tower ***or the building permit remains active.***

Chairman Thoms asked if there was any public input from the one (1) person in the audience. Hearing none, he closed the floor from public comment.

Al Gilbert remarked the tower industry had provided valuable input into the tower ordinance.

Al Gilbert made a motion to approve the proposed amendments and to add "Landscape Architect" as suggested by Chairman Thoms. Jim Graw seconded the motion. The motion unanimously passed 5-0.

03/17/11 – PC Wkshop
04/06/11 – BOC Wkshop
04/14/11 – BOC Public Hearing (Old Business)
05/05/11 – PC Public Hearing
05/26/11 – BOC Public Hearing

PROPOSED AMENDMENTS TO THE FAYETTE COUNTY ZONING ORDINANCE

Sec. 3-1. Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The word "shall" is always mandatory while the word "may" is merely discretionary. The following specific definitions shall apply:

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower Facility. The area containing ***a*** tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors.

Tower Height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna (see *Building Height.*)

Tower, Planned. Any tower that is in the ***public hearing procedure,*** ~~approval~~ site ***application*** process or has been approved, but not yet constructed (see Article V.)

Tower structure, Alternative. Tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free-standing clock towers and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells and/or similar alternative design tower structures.

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to December 10, 1998.

Sec. 5-47. Standards for Telecommunications Antennas and Towers.

A. *Purpose and Intent.* The purpose of this ordinance is to establish minimum development standards for the regulation of commercial telecommunications transmission towers, including, but not limited to: cellular and Personal Communications Systems (PCS) towers, broadcasting towers, two-way radio towers, fixed-point microwave dishes, commercial satellites and receiving dishes, and related equipment cabinets and/or buildings. The intent of this ordinance is: (1) to implement the provisions of the Telecommunications Act of 1996, on a local level; (2) to control placement of towers and antennas in a way that minimizes the adverse visual impact to nearby properties by locating towers and antennas in non-residential areas or in areas where the adverse impact on the community is minimal; and (3) to advocate the shared use of new and existing tower sites through co-location, thereby discouraging the proliferation of towers

throughout Fayette County.

B. *Authority*. Only the Board of Commissioners has the authority to reduce or waive the requirements under this section through the public hearing procedure.

C. *Applicability.*

1. *District Height Limitations*. Height limits specified for each zoning district shall not apply to towers and antennas. The requirements set forth herein shall govern the height of towers and antennas.
2. *Governmentally Owned Property*. These requirements shall not apply to any governmentally owned property, including: properties owned by the Board of Commissioners, Board of Education, or a municipality, as well as, the State or Federal government, that are used for the location of any tower facility.
3. *Amateur Radio Antennas.* This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is less than 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator.
4. *Pre-Existing Towers and Antennas.*
   a. Any tower or antenna which existed prior to December 10, 1998, that does not comply with the requirements herein shall be deemed legally nonconforming. Any enlargement of a pre-existing tower or tower facility, shall meet the requirements herein. Co-location of an antenna which does not increase the height of the tower or placement of additional equipment cabinets or buildings within the existing tower facility shall be allowed under the provisions of Site Plan Requirements.
   b. Replacement of a pre-existing legally nonconforming tower structure is permitted provided that all of the following apply:
      i. The replacement tower is constructed within 25 feet of the existing tower and is not greater in height than the existing tower.
      ii. The tower being replaced is removed from site within 90 calendar days from the issuance of the Certificate of Occupancy for the replacement tower;
      iii. Additional co-location opportunities on the new tower are made available with the minimum users required based on tower height; and
      iv. A site plan indicating the location of the replacement tower shall be required.

D. *General Requirements.*

1. Towers and tower facilities shall be on a lot which meets the minimum lot size for the zoning district in which it is located. Towers and tower facilities may be located on a lot containing another use. Towers and tower facilities may occupy a leased area being a portion of the lot.
2. Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.
   a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower plus 10 feet.
   b. All towers shall be set back from all adjoining properties zoned non-residential a distance of 100 feet.
   c. All towers shall be set back from the street right-of-way (existing or required) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see County Code, Development Regulations.)

d. All towers, excluding alternative tower structures, shall be set back from any off-site residence a distance equal to three (3) times the tower height or a minimum of 500 feet, whichever is greater.

e. Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.

3. Towers located on the same lot as a private school or day care center shall be set back a distance equal to the height of the tower from all facilities, excluding parking areas. This provision shall not apply to an alternative tower structure which is allowed in conjunction with a Private School Conditional Use.

4. All towers, excluding alternative tower structures, shall be structurally designed to accommodate the following minimum numbers of carriers based on height of the tower:

   a. up to 70 feet : one (1) carrier;
   b. greater than 70 up to 120 feet : two (2) carriers;
   c. greater than 120 feet up to 150 feet : three (3) carriers;
   d. greater than 150 feet up to 180 feet : four (4) carriers;
   e. greater than 180 feet up to 250 feet : five (5) carriers; and
   f. greater than 250 feet: six (6) carriers.

5. All tower facilities, excluding tower facilities associated with alternative tower structures, shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with slat inserts for screening. Access to the telecommunication tower shall be through a locking gate. In addition, a minimum of three (3) strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.

6. A landscaped strip 10 feet in width surrounding the perimeter of the tower facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) feet in height when planted and spaced every 10 feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Zoning Administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan. These requirements shall not apply to a tower facility associated with an alternative tower structure.

7. Maximum height for all towers and antennas is 500 feet. Tower height shall be measured from the natural grade of the ground at the location of the tower to the highest point of the tower, including any antenna. If minimal grading (elevation of one [1] to two [2)] feet above natural grade) is required to level the ground for the tower base, tower height shall be measured from the finished grade approved by the County Engineer.

8. No signage shall be placed on a tower structure or antenna.

~~9. *Application Requirements.* All applicants for new tower construction shall include the following information at time of application submittal: site and landscape plans drawn to scale; a report including all tower specifications and a description of the tower with technical reasons for its design; documentation establishing the structural integrity for the tower's proposed uses; the general~~

~~capacity of the tower and information necessary to assure that ANSI standards are met; a statement of intent on whether excess space will be leased; proof of ownership of the proposed site or authorization to utilize it; and copies of any easements necessary.~~

~~10~~ 9. *Inventory of Existing or Planned Tower Sites*. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower or any planned towers can accommodate the applicant's proposed antenna. All evidence shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All of the following shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna:

a. Each applicant for a new tower and antenna shall contact the owners of all existing and planned tower sites, including those located within the zoning jurisdictions of municipalities and/or other counties, that are within the search area of the applicant's proposed tower or antenna location, and provide the Planning and Zoning Department with an inventory of said tower sites at the time of application submittal.

The inventory shall include the following information:

i. All tower owners and the number of carriers for each tower site;

ii. The site location, total height, and design type of each tower;

iii. Details of all existing and planned towers or structures located within the search area and the ability of such to meet the applicant's engineering requirements, including, but not limited to: sufficient height, structural support strength, and electromagnetic interference with antenna(s) on the existing towers or structures;

iv. Other limiting factors that render existing towers and structures unsuitable; and

v. Letters of rejection for requests to co-locate on all existing and planned towers within the service area of the proposed tower.

b. The Planning and Zoning Department may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided; however, that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

c. If it is determined that the applicant cannot feasibly locate an antenna on an existing tower or planned tower, the applicant shall demonstrate that the proposed new tower is designed to accommodate the required number of carriers.

~~11. *Site Plan Requirements*. All tower applicants for new towers shall be required to submit a sealed site plan which complies with all applicable requirements of the Development Regulations (see County Code.) Additional information indicated on the site plan shall include, total tower height including antennas, type and design of any tower facility, including equipment buildings or cabinets, ingress/egress, landscaping and buffer requirements, setbacks, fencing, zoning of adjacent property, and other information necessary to assess compliance with this ordinance. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower~~

~~application, signed and notarized by both the property owner and the tower company representative/agent.~~

~~The following scenarios shall not require submittal of a site plan:~~

~~a. Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other free standing non-residential structures excluding signs and towers.)~~

~~b. Co-locating an antenna on any existing tower, so long as, said installation does not exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.~~

~~c. Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility.~~

~~Prior to the placement or co-location of any antenna, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a certification from a licensed professional engineer verifying that the antenna will comply with wind load requirements and weight limits for the structure or tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and any applicable building permits/inspections shall be required.~~

~~12~~10. *Aesthetics and Lighting Requirements*. The following compatibility standards shall govern the aesthetics and lighting of any tower facility, including the installation of antennas on towers.

a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

b. If an antenna is installed on a structure other than a tower, the antenna and equipment cabinets shall be architecturally compatible with, the color and texture of the supporting structure. Roof mounted equipment cabinets shall be screened so as to make the equipment visually unobtrusive.

c. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

~~13~~11. *Federal Requirements*. All towers shall meet current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antenna, including modulation studies on frequency usage, to avoid interference with existing systems in operation. ~~Prior to submittal for an administrative site plan approval, applicants shall be required to submit a copy of the Determination of No Hazard to Air Navigation from the FAA and a copy of the Carrier's FCC license.~~

~~14~~12. *Building Codes and Safety Standard Requirements*. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the

applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards or that such tower constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 60 days to bring such tower into compliance.

~~15~~13. *Removal of Abandoned Antennas and Towers.* Prior to the abandonment of any tower or antenna, a copy of the notice of Intent to Abandon required by the FCC shall also be submitted to the Fayette County Planning and Zoning Department. Any antenna or tower, including pre-existing towers and antennas, that is not in use for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

~~16~~14. *Performance Bond Required.* Prior to the issuance of a ~~Zoning Compliance~~ Certificate ***of Occupancy*** ~~to erect~~ ***for*** a new tower structure, every applicant shall be required to deposit a performance bond with Fayette County. The amount of the bond ***shall be equal to 10 percent of the total construction cost or a minimum of $5,000, whichever is greater.*** ~~not less than $5,000 nor more than 10percent of construction costs, shall be set by the Zoning Administrator~~. Such bond shall be required upon compliance with all aspects of this section and shall be applicable to any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or other party performing services in connection with any Certificate of Zoning Compliance issued by the Planning and Zoning Department. The required performance bond shall be released only upon demolition of the tower and restoration of the site to the pre-development conditions. ~~The format of the bond shall be approved by the County Attorney~~ ***The approved format of the bond is available in the Planning and Zoning Department.***

E. *Supplemental Requirements.* In addition to the General Requirements above, the following Supplemental Requirements shall apply as specified below.

1. *Highway Corridor.* Locating towers along the following highway corridors is permitted as an overlay zone provided all the following requirements are met:

   a. The State and County Highways included within the Highway Corridor are S.R. 54, S.R. 85, S.R. 92, S.R. 74, S.R. 314, S.R. 279, S.R. 138, and 85 Connector.

   b. The Highway Corridor tower overlay zone permits towers in any zoning district when located within 1,000 feet of the right-of-way on either side of the aforementioned roads in unincorporated areas of Fayette County.

   ~~c. An Administrative Approval can be granted for towers of 250 feet or less in height within the Highway Corridor provided that the tower meets all other applicable requirements.~~

   ~~d~~c. Towers in excess of 250 feet in height in the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.

   ~~e~~d. All new towers, excluding alternative tower structures, located within the Highway Corridor that are 70 feet or greater in height shall not be located within one (1) statute mile from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from

existing governmentally-owned towers where co-location is not permitted or from alternative tower structures.

2. *Outside of the Highway Corridor.*

   a. Outside of the Highway Corridor, a tower may be located only in the following zoning districts:
      Manufacturing and Heavy Industrial District (M-2);
      Light Industrial District (M-1);
      Highway Commercial District (C-H);
      Community Commercial District (C-C);
      Agricultural Residential (A-R); and
      R-70 Single-Family Residential District.

   ~~b.~~ ~~An Administrative Approval can be granted for towers of 180 feet or less in height outside of the Highway Corridor provided that the tower meets all other applicable requirements.~~

   ~~e~~b. Towers in excess of 180 feet in height outside of the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.

   ~~d~~c. All new towers, excluding alternative tower structures, located outside of the Highway Corridor that are 70 feet or greater in height shall not be located within one and one-half (1.50) statute miles from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing government-owned towers where co-location is not permitted or from alternative tower structures.

3. *Alternative Tower Structures.*

   a. The purpose of an alternative tower structure is to diminish, camouflage, or conceal the appearance of towers and antennas to reduce the visual impact on surrounding properties and streets. Depending on the nature of the site, the proposed alternative tower structure shall be appropriate and in character with its surroundings. For example, the use of a monopine is more fitting on a site with stands of mature trees; whereas, the use of a flag pole or light pole alternative tower structure is more suitable for the developed portion of a site.

   b. Alternative tower structures shall comply with the General Requirements herein with the exception of the setback requirements from off-site residences, security fencing requirements, landscape requirements, and tower separation requirements of both the Highway Corridor and outside of the Highway Corridor. Alternative tower structures shall be allowed in the Highway Corridor, outside of the Highway Corridor in the zoning districts listed herein, and in conjunction with the following existing Conditional Uses:

      i. Church or Other Place of Worship;
      ii. Developed Residential Recreational/Amenity Areas;
      iii. Private School; and
      iv. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities.

   c. Alternative tower structures, in conjunction with the above listed Conditional Uses, shall meet the setbacks established in the General Requirements or the Conditional Use setbacks, whichever is greater.

   ~~d.~~ ~~An Administrative Approval can be granted for an alternative tower of 120 feet or less in height provided that the tower meets all other~~

~~applicable requirements.~~

~~e~~d An alternative tower in excess of 120 feet in height shall require public hearings before the Planning Commission and Board of Commissioners.

~~f~~c. A maximum of one (1) alternative tower structure shall be allowed per lot.

~~g~~f. The alternative tower structure shall match the visual simulation depiction and engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site.

~~h~~g. *Design Review and Approval Process*: Alternative tower structures shall go through a Design Review and Approval Process before the Planning Commission.

The purpose of this Design Review and Approval Process is to determine that the alternative tower structure type is appropriate for the site and surrounding area and set requirements for the alternative tower structure type, placement on the site, equipment structures, fencing and landscaping.

The Design Review and Approval Process application shall include the following:

i. An analysis of the nature and character of the site and how the alternative tower structure is appropriate in context to the site and the view from surrounding properties and streets;

ii. A visual simulation consisting of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets; and

iii. Engineering detail and specification drawings from the manufacturer/ supplier of the alternative tower structure specifically proposed for the site which shall indicate all applicable requirements herein.

~~i~~h. *Monopine Towers.*

i. Monopine towers shall maintain the natural conical appearance of a loblolly pine tree. Antennas shall be placed a minimum of five (5) feet below the top of the tower, as measured from the highest point of the antenna to maintain said appearance.

ii. Foliage shall be green in color and the tower shall be brown in color. The antennas shall be green to blend with the foliage and the foliage shall extend a minimum of one (1) foot beyond the antennas. The foliage shall be UV resistant to reduce degradation and fading and constructed to withstand winds of 110 MPH, certification of such shall be supplied with the application. Foliage shall be placed on the tower down to the height of the foliage of surrounding trees. The structure shall have sufficient limbs at the time of initial installation so that there is no gap between the existing canopy and the lower most limbs of the monopine.

iii. The installation of the foliage on the monopine shall be installed prior to final inspections. Foliage on the monopine shall be maintained and/or replaced to the specifications established by

the engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site to retain the screening of the antennas. Upon notice from the County that the foliage is in need of maintenance and/or replacement, the tower owner shall have 90 days to make such repairs.

~~j~~i. Flag pole and light pole alternative tower structures shall utilize internal antennas and slick stick design. Flag poles utilized as an alternative tower structure shall be exempt from the Article V.

F. *Public Hearings Required* ***to Reduce or Waive Requirements***.

1. Public hearings before the Planning Commission and Board of Commissioners are necessary ***to reduce or waive requirements*** for ~~the approval of~~ a proposed tower, antenna, or equipment cabinet or building that ~~is not allowed under the Permitted Uses or Administrative Approvals, and/or~~ cannot comply with the ~~Development~~ ***General*** Requirements, ***and/or*** Supplemental Requirements~~, or Alternative Tower Structures~~. The procedure for said public hearings shall follow the procedure for rezoning (see Article XI.) Applicants shall apply for public hearings through the Planning and Zoning Department. The application with deadline submittal and public hearing dates is available in the Planning and Zoning Department. The application shall include the following:

   a. A scaled Concept Plan***, drawn on the signed/sealed survey,*** graphically indicating the lot and leased area, total tower height including antennas, type and design of the tower structure, the boundary of the tower facility, all applicable setbacks (both on and off-site), ingress/egress, landscaping areas, and zoning of the subject property and adjacent property;

   b. An Inventory of Existing or Planned Tower Sites per the standards listed under Supplemental Requirements;

   c. A balloon test shall be conducted prior to the public hearings. The balloon shall be flown for a minimum of four (4) daylight hours from the location of the proposed tower, at the requested height. The application shall include the date and time of the balloon test and an alternative date, in case of inclement weather. The initial balloon test shall be held on a Saturday and the alternative date may be held on any day of the week. A sign announcing the dates of the balloon test shall be posted on the property by the County a minimum of five (5) calendar days prior to the initial balloon test; and

   d. The applicant shall submit a visual simulation, based on the balloon test, a minimum of seven (7) calendar days prior to the Planning Commission public hearing. Failure to meet this deadline will postpone the tower application to the next scheduled cycle of public hearings. The visual simulation shall consist of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets. An Affidavit certifying that the correct location and height of the tower were utilized in the balloon test shall be submitted with the visual simulation photographs.

2. *Factors Considered in Public Hearing Applications*. The following factors shall be considered when evaluating a tower application:

   a. Height of the proposed tower;

   b. ~~Proximity~~ ***Distance*** of the tower to residential structures and residential

zoning district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Topography of the site and its effect on the efficiency of the tower in terms of coverage;

e. Surrounding tree coverage and foliage and its effect on the efficiency of the tower in terms of coverage, as well as, its effect on the visual impact of the tower on surrounding properties and streets;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. The degree of the tower's compliance with the one (1) statute mile separation (inside the Highway Corridor) or one and one-half (1.5) statute mile separation (outside the Highway Corridor.)

In granting its approval ***to waive or reduce requirements***, the County, through the Board of ~~County~~ Commissioners or its designee, may impose conditions that are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property. ***A site application shall be submitted within 60 days of the date of approval by the Board of Commissioners or the proposed tower will no longer be deemed a planned tower.***

G. ***Site*** *Application Requirements.* All applicants for new tower construction shall include the following ~~information at time of application submittal~~:

a. ***completed application forms signed and notarized;***

b. proof of ownership of the ~~proposed site~~ ***parent tract (latest recorded Warranty Deed)*** ~~or authorization to utilize it~~;

c. site ~~and landscape plans drawn to scale;~~ ***plan prepared by an Engineer, Architect, or Landscape Architect registered by the State of Georgia;***

d. landscape plans ***(see General Requirements)***;

e. ***provide number of carriers based on maximum height of tower;***

f. ***provide inventory of Existing or Planned Tower Sites (see General Requirements)***;

g. a report including all tower specifications and a description of the tower with technical reasons for its design;

h. documentation establishing the structural integrity for the tower's proposed uses;

i. the general capacity of the tower and information necessary to assure that ANSI standards are met;

j. a statement of intent on whether excess space will be leased;

k. ~~copies of any easements necessary;~~

l. ***a copy of the Determination of No Hazard to Air Navigation from the FAA; and***

m. ***a copy of the Carrier's FCC license (as applicable for an antenna).***

Site Plan Requirements. All tower applicants for new towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations (see County Code.) Additional information indicated on the site plan shall include:

a. ***a signed/sealed survey by a land surveyor registered in the State of Georgia of the parent tract, leased area, and ingress/egress easement, indicating the metes and bounds for each;***

b. total tower height including antennas;

c. type and design of any tower facility, including ***location of*** equipment buildings or cabinets;

d. ***distance from nearest off-site residences;***

e. fencing ***and gate details***;

~~s. landscaping and buffer requirements;~~

f. ***all applicable*** setbacks ***for the tower, tower facility, and anchors for guyed tower, as applicable;***

g. ***distance between towers;***

h. zoning ***and acreage*** of ***parent tract;***

i. ***zoning of*** adjacent property***; and***

j. ~~and~~ other information necessary to assess compliance with this ordinance.

Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.

The following scenarios shall not require submittal of a site plan:

a. Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other free standing non-residential structures excluding signs and towers.)

b. Co-locating an antenna on any existing tower, so long as, said installation does not exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.

c. Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility.

Prior to the placement or co-location of any antenna, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a certification from a licensed professional engineer verifying that the antenna will comply with wind load requirements and weight limits for the structure or tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and any applicable building permits/inspections shall be required.

H. ***Site*** *Application Timeframes.* The County shall act on applications for co-locations within 90 days, and all other applications within 150 days. The Zoning Administrator has 30 days to determine if an application is complete. If the Zoning Administrator requests additional information within the 30 day review period, the time it takes the applicant to respond will not count towards the 90 or 150 day time limits. ***Upon notice that an application is incomplete, the applicant has 30 days to submit all information necessary to complete the application. Failure to complete the application in this timeframe shall result in an automatic withdrawal of the application and proposed tower will no longer be deemed a planned tower.***

~~G~~I. *Tower Approval Expiration.* Approval ***of a site application by the applicable departments*** for a tower ~~granted either administratively or through the Board of Commissioners, or its designee,~~ shall expire ~~24~~ ***12*** months from the date of approval ***and will no longer be deemed a planned tower***, unless a Certificate of Occupancy has been issued for the tower ***or the building permit remains active.***

STATE OF GEORGIA;
COUNTY OF FAYETTE

ORDINANCE NO. 2011 - 03

AN ORDINANCE TO AMEND THE FAYETTE COUNTY CODE OF ORDINANCES, CHAPTER 20. ZONING ORDINANCE (2010), AS AMENDED, SPECIFICALLY ARTICLE III (DEFINITIONS) AND ARTICLE V (GENERAL PROVISIONS) SO AS TO AMEND THE REQUIREMENTS FOR TELECOMMUNICATIONS ANTENNAS AND TOWERS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section I. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by amending Sec. 3-1. Tower Facility; Tower, Planned; and
Tower structure, Alternative, to read as follows:

Tower Facility. The area containing a tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors.

Tower, Planned. Any tower that is in the public hearing procedure, site application process or has been approved, but not yet constructed (see Article V.)

Tower structure, A*lternative*. Tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free-standing clock towers and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells and/or similar alternative design tower structures.

Section II. The Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance (2010), as amended, is hereby further amended by deleting Sec. 5-47. (Standards for Telecommunications Antennas and Towers) and in lieu thereof, enacting a new Section Sec. 5-47. (Standards for Telecommunications Antennas and Towers) to read as follows:

Sec. 5-47. Standards for Telecommunications Antennas and Towers.

A. *Purpose and Intent*. The purpose of this ordinance is to establish minimum development standards for the regulation of commercial telecommunications transmission towers, including, but not limited to: cellular and Personal Communications Systems (PCS) towers, broadcasting towers, two-way radio towers, fixed-point microwave dishes, commercial satellites and receiving dishes, and related

equipment cabinets and/or buildings. The intent of this ordinance is: (1) to implement the provisions of the Telecommunications Act of 1996, on a local level; (2) to control placement of towers and antennas in a way that minimizes the adverse visual impact to nearby properties by locating towers and antennas in non-residential areas or in areas where the adverse impact on the community is minimal; and (3) to advocate the shared use of new and existing tower sites through co-location, thereby discouraging the proliferation of towers throughout Fayette County.

B. *Authority*. Only the Board of Commissioners has the authority to reduce or waive the requirements under this section through the public hearing procedure.

C. *Applicability.*

1. *District Height Limitations*. Height limits specified for each zoning district shall not apply to towers and antennas. The requirements set forth herein shall govern the height of towers and antennas.

2. *Governmentally Owned Property*. These requirements shall not apply to any governmentally owned property, including: properties owned by the Board of Commissioners, Board of Education, or a municipality, as well as, the State or Federal government, that are used for the location of any tower facility.

3. *Amateur Radio Antennas.* This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is less than 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator.

4. *Pre-Existing Towers and Antennas.*

a. Any tower or antenna which existed prior to December 10, 1998, that does not comply with the requirements herein shall be deemed legally nonconforming. Any enlargement of a pre-existing tower or tower facility, shall meet the requirements herein. Co-location of an antenna which does not increase the height of the tower or placement of additional equipment cabinets or buildings within the existing tower facility shall be allowed under the provisions of Site Plan Requirements.

b. Replacement of a pre-existing legally nonconforming tower structure is permitted provided that all of the following apply:

i. The replacement tower is constructed within 25 feet of the existing tower and is not greater in height than the existing tower.

ii. The tower being replaced is removed from site within 90 calendar days from the issuance of the Certificate of Occupancy for the replacement tower;

iii. Additional co-location opportunities on the new tower are made available with the minimum users required based on tower height; and

iv. A site plan indicating the location of the replacement tower shall be required.

D. *General Requirements.*

1. Towers and tower facilities shall be on a lot which meets the minimum lot size for the zoning district in which it is located. Towers and tower facilities may be located on a lot containing another use. Towers and tower facilities may occupy a leased area being a portion of the lot.

2. Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.

a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower plus 10 feet.

b. All towers shall be set back from all adjoining properties zoned non-residential a distance of 100 feet.

c. All towers shall be set back from the street right-of-way (existing or required) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see County Code, Development Regulations.)

d. All towers, excluding alternative tower structures, shall be set back from any off-site

residence a distance equal to three (3) times the tower height or a minimum of 500 feet, whichever is greater.

e. Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.

3. Towers located on the same lot as a private school or day care center shall be set back a distance equal to the height of the tower from all facilities, excluding parking areas. This provision shall not apply to an alternative tower structure which is allowed in conjunction with a Private School Conditional Use.

4. All towers, excluding alternative tower structures, shall be structurally designed to accommodate the following minimum numbers of carriers based on height of the tower:
   a. up to 70 feet : one (1) carrier;
   b. greater than 70 up to 120 feet : two (2) carriers;
   c. greater than 120 feet up to 150 feet : three (3) carriers;
   d. greater than 150 feet up to 180 feet : four (4) carriers;
   e. greater than 180 feet up to 250 feet : five (5) carriers; and
   f. greater than 250 feet: six (6) carriers.

5. All tower facilities, excluding tower facilities associated with alternative tower structures, shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with slat inserts for screening. Access to the telecommunication tower shall be through a locking gate. In addition, a minimum of three (3) strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.

6. A landscaped strip 10 feet in width surrounding the perimeter of the tower facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) feet in height when planted and spaced every 10 feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Zoning Administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan. These requirements shall not apply to a tower facility associated with an alternative tower structure.

7. Maximum height for all towers and antennas is 500 feet. Tower height shall be measured from the natural grade of the ground at the location of the tower to the highest point of the tower, including any antenna. If minimal grading (elevation of one [1] to two [2)] feet above natural grade) is required to level the ground for the tower base, tower height shall be measured from the finished grade approved by the County Engineer.

8. No signage shall be placed on a tower structure or antenna.

9. *Inventory of Existing or Planned Tower Sites*. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower or any planned towers can accommodate the applicant's proposed antenna. All evidence shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All of the following shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna:
   a. Each applicant for a new tower and antenna shall contact the owners of all existing and planned tower sites, including those located within the zoning jurisdictions of municipalities and/or other counties, that are within the search area of the applicant's proposed tower or antenna location, and provide the Planning and Zoning Department with an inventory of said tower sites at the time of application submittal.

      The inventory shall include the following information:

      i. All tower owners and the number of carriers for each tower site;

ii. The site location, total height, and design type of each tower;

iii. Details of all existing and planned towers or structures located within the search area and the ability of such to meet the applicant's engineering requirements, including, but not limited to: sufficient height, structural support strength, and electromagnetic interference with antenna(s) on the existing towers or structures;

iv. Other limiting factors that render existing towers and structures unsuitable; and

v. Letters of rejection for requests to co-locate on all existing and planned towers within the service area of the proposed tower.

b. The Planning and Zoning Department may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided; however, that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

c. If it is determined that the applicant cannot feasibly locate an antenna on an existing tower or planned tower, the applicant shall demonstrate that the proposed new tower is designed to accommodate the required number of carriers.

10. *Aesthetics and Lighting Requirements*. The following compatibility standards shall govern the aesthetics and lighting of any tower facility, including the installation of antennas on towers.

a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

b. If an antenna is installed on a structure other than a tower, the antenna and equipment cabinets shall be architecturally compatible with, the color and texture of the supporting structure. Roof mounted equipment cabinets shall be screened so as to make the equipment visually unobtrusive.

c. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

11. *Federal Requirements*. All towers shall meet current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antenna, including modulation studies on frequency usage, to avoid interference with existing systems in operation.

12. *Building Codes and Safety Standard Requirements*. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards or that such tower constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 60 days to bring such tower into compliance.

13. *Removal of Abandoned Antennas and Towers*. Prior to the abandonment of any tower or antenna, a copy of the notice of Intent to Abandon required by the FCC shall also be submitted to the Fayette County Planning and Zoning Department. Any antenna or tower, including pre-existing towers and antennas, that is not in use for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

14. *Performance Bond Required*. Prior to the issuance of a Certificate of Occupancy for a new tower structure, every applicant shall be required to deposit a performance bond with Fayette County. The amount of the bond shall be equal to 10 percent of the total construction cost or a minimum of $5,000, whichever is greater. Such bond shall be required upon compliance with all aspects of this

section and shall be applicable to any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or other party performing services in connection with any Certificate of Zoning Compliance issued by the Planning and Zoning Department. The required performance bond shall be released only upon demolition of the tower and restoration of the site to the pre-development conditions. The approved format of the bond is available in the Planning and Zoning Department.

E. *Supplemental Requirements*. In addition to the General Requirements above, the following Supplemental Requirements shall apply as specified below.

1. *Highway Corridor*. Locating towers along the following highway corridors is permitted as an overlay zone provided all the following requirements are met:
   a. The State and County Highways included within the Highway Corridor are S.R. 54, S.R. 85, S.R. 92, S.R. 74, S.R. 314, S.R. 279, S.R. 138, and 85 Connector.
   b. The Highway Corridor tower overlay zone permits towers in any zoning district when located within 1,000 feet of the right-of-way on either side of the aforementioned roads in unincorporated areas of Fayette County.
   c. Towers in excess of 250 feet in height in the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.
   d. All new towers, excluding alternative tower structures, located within the Highway Corridor that are 70 feet or greater in height shall not be located within one (1) statute mile from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing governmentally-owned towers where co-location is not permitted or from alternative tower structures.
2. *Outside of the Highway Corridor.*
   a. Outside of the Highway Corridor, a tower may be located only in the following zoning districts:
      Manufacturing and Heavy Industrial District (M-2);
      Light Industrial District (M-1);
      Highway Commercial District (C-H);
      Community Commercial District (C-C);
      Agricultural Residential (A-R); and
      R-70 Single-Family Residential District.
   b. Towers in excess of 180 feet in height outside of the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.
   c. All new towers, excluding alternative tower structures, located outside of the Highway Corridor that are 70 feet or greater in height shall not be located within one and one-half (1.50) statute miles from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing government-owned towers where co-location is not permitted or from alternative tower structures.
3. *Alternative Tower Structures.*
   a. The purpose of an alternative tower structure is to diminish, camouflage, or conceal the appearance of towers and antennas to reduce the visual impact on surrounding properties and streets. Depending on the nature of the site, the proposed alternative tower structure shall be appropriate and in character with its surroundings. For example, the use of a monopine is more fitting on a site with stands of mature trees; whereas, the use of a flag pole or light pole alternative tower structure is more suitable for the developed portion of a site.
   b. Alternative tower structures shall comply with the General Requirements herein with the exception of the setback requirements from off-site residences, security fencing

requirements, landscape requirements, and tower separation requirements of both the Highway Corridor and outside of the Highway Corridor. Alternative tower structures shall be allowed in the Highway Corridor, outside of the Highway Corridor in the zoning districts listed herein, and in conjunction with the following existing Conditional Uses:

i. Church or Other Place of Worship;
ii. Developed Residential Recreational/Amenity Areas;
iii. Private School; and
iv. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities.

c. Alternative tower structures, in conjunction with the above listed Conditional Uses, shall meet the setbacks established in the General Requirements or the Conditional Use setbacks, whichever is greater.

d An alternative tower in excess of 120 feet in height shall require public hearings before the Planning Commission and Board of Commissioners.

e. A maximum of one (1) alternative tower structure shall be allowed per lot.

f. The alternative tower structure shall match the visual simulation depiction and engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site.

g. *Design Review and Approval Process*: Alternative tower structures shall go through a Design Review and Approval Process before the Planning Commission.

The purpose of this Design Review and Approval Process is to determine that the alternative tower structure type is appropriate for the site and surrounding area and set requirements for the alternative tower structure type, placement on the site, equipment structures, fencing and landscaping.

The Design Review and Approval Process application shall include the following:

i. An analysis of the nature and character of the site and how the alternative tower structure is appropriate in context to the site and the view from surrounding properties and streets;
ii. A visual simulation consisting of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets; and
iii. Engineering detail and specification drawings from the manufacturer/ supplier of the alternative tower structure specifically proposed for the site which shall indicate all applicable requirements herein.

h. *Monopine Towers*.

i. Monopine towers shall maintain the natural conical appearance of a loblolly pine tree. Antennas shall be placed a minimum of five (5) feet below the top of the tower, as measured from the highest point of the antenna to maintain said appearance.
ii. Foliage shall be green in color and the tower shall be brown in color. The antennas shall be green to blend with the foliage and the foliage shall extend a minimum of one (1) foot beyond the antennas. The foliage shall be UV resistant to reduce degradation and fading and constructed to withstand winds of 110 MPH, certification of such shall be supplied with the application. Foliage shall be placed on the tower down to the height of the foliage of surrounding trees. The structure shall have sufficient limbs at the time of initial installation so that there is no gap between the existing canopy and the lower most limbs of the monopine.
iii. The installation of the foliage on the monopine shall be installed prior to final inspections. Foliage on the monopine shall be maintained and/or replaced to the specifications established by the engineering detail and specification drawings from

the manufacturer/supplier of the alternative tower structure specifically proposed for the site to retain the screening of the antennas. Upon notice from the County that the foliage is in need of maintenance and/or replacement, the tower owner shall have 90 days to make such repairs.

i. Flag pole and light pole alternative tower structures shall utilize internal antennas and slick stick design. Flag poles utilized as an alternative tower structure shall be exempt from the Article V.

F. *Public Hearings Required to Reduce or Waive Requirements.*

1. Public hearings before the Planning Commission and Board of Commissioners are necessary to reduce or waive requirements for a proposed tower, antenna, or equipment cabinet or building that cannot comply with the General Requirements, and/or Supplemental Requirements. The procedure for said public hearings shall follow the procedure for rezoning (see Article XI.) Applicants shall apply for public hearings through the Planning and Zoning Department. The application with deadline submittal and public hearing dates is available in the Planning and Zoning Department. The application shall include the following:

a. A scaled Concept Plan, drawn on the signed/sealed survey, graphically indicating the lot and leased area, total tower height including antennas, type and design of the tower structure, the boundary of the tower facility, all applicable setbacks (both on and off-site), ingress/egress, landscaping areas, and zoning of the subject property and adjacent property;

b. An Inventory of Existing or Planned Tower Sites per the standards listed under Supplemental Requirements;

c. A balloon test shall be conducted prior to the public hearings. The balloon shall be flown for a minimum of four (4) daylight hours from the location of the proposed tower, at the requested height. The application shall include the date and time of the balloon test and an alternative date, in case of inclement weather. The initial balloon test shall be held on a Saturday and the alternative date may be held on any day of the week. A sign announcing the dates of the balloon test shall be posted on the property by the County a minimum of five (5) calendar days prior to the initial balloon test; and

d. The applicant shall submit a visual simulation, based on the balloon test, a minimum of seven (7) calendar days prior to the Planning Commission public hearing. Failure to meet this deadline will postpone the tower application to the next scheduled cycle of public hearings. The visual simulation shall consist of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets. An Affidavit certifying that the correct location and height of the tower were utilized in the balloon test shall be submitted with the visual simulation photographs.

2. *Factors Considered in Public Hearing Applications.* The following factors shall be considered when evaluating a tower application:

a. Height of the proposed tower;

b. Distance of the tower to residential structures and residential zoning district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Topography of the site and its effect on the efficiency of the tower in terms of coverage;

e. Surrounding tree coverage and foliage and its effect on the efficiency of the tower in terms of coverage, as well as, its effect on the visual impact of the tower on surrounding properties and streets;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. The degree of the tower's compliance with the one (1) statute mile separation (inside the

Highway Corridor) or one and one-half (1.5) statute mile separation (outside the Highway Corridor.)

In granting its approval to waive or reduce requirements, the County, through the Board of Commissioners or its designee, may impose conditions that are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property. A site application shall be submitted within 60 days of the date of approval by the Board of Commissioners or the proposed tower will no longer be deemed a planned tower.

G. *Site Application Requirements.* All applicants for new tower construction shall include the following:

a. completed application forms signed and notarized;
b. proof of ownership of the parent tract (latest recorded Warranty Deed);
c. site plan prepared by an Engineer, Architect, or Landscape Architect registered by the State of Georgia;
d. landscape plans (see General Requirements);
e. provide number of carriers based on maximum height of tower;
f. provide inventory of Existing or Planned Tower Sites (see General Requirements);
g. a report including all tower specifications and a description of the tower with technical reasons for its design;
h. documentation establishing the structural integrity for the tower's proposed uses;
i. the general capacity of the tower and information necessary to assure that ANSI standards are met;
j. a statement of intent on whether excess space will be leased;
k. a copy of the Determination of No Hazard to Air Navigation from the FAA; and
l. a copy of the Carrier's FCC license (as applicable for an antenna).

Site Plan Requirements. All tower applicants for new towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations (see County Code.) Additional information indicated on the site plan shall include:

a. a signed/sealed survey by a land surveyor registered in the State of Georgia of the parent tract, leased area, and ingress/egress easement, indicating the metes and bounds for each;
b. total tower height including antennas;
c. type and design of any tower facility, including location of equipment buildings or cabinets;
d. distance from nearest off-site residences;
e. fencing and gate details;
f. all applicable setbacks for the tower, tower facility, and anchors for guyed tower, as applicable;
g. distance between towers;
h. zoning and acreage of parent tract;
i. zoning of adjacent property; and
j. other information necessary to assess compliance with this ordinance.

Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.

The following scenarios shall not require submittal of a site plan:

a. Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other free standing non-residential structures excluding signs and towers.)
b. Co-locating an antenna on any existing tower, so long as, said installation does not exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.
c. Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility.

Prior to the placement or co-location of any antenna, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a certification from a licensed professional engineer verifying that the antenna will comply with wind load requirements and weight limits for the structure or tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and any applicable building permits/inspections shall be required.

H. *Site Application Timeframes*. The County shall act on applications for co-locations within 90 days, and all other applications within 150 days. The Zoning Administrator has 30 days to determine if an application is complete. If the Zoning Administrator requests additional information within the 30 day review period, the time it takes the applicant to respond will not count towards the 90 or 150 day time limits. Upon notice that an application is incomplete, the applicant has 30 days to submit all information necessary to complete the application. Failure to complete the application in this timeframe shall result in an automatic withdrawal of the application and proposed tower will no longer be deemed a planned tower.

I. *Tower Approval Expiration.* Approval of a site application by the applicable departments for a tower shall expire 12 months from the date of approval and will no longer be deemed a planned tower, unless a Certificate of Occupancy has been issued for the tower or the building permit remains active.

Section III. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section IV. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section V. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section VI. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 26th day of May, 2011, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT FRADY, CHAIRMAN

Attest:

_____
Clerk/Deputy Clerk