

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on December 3, 2009, at 7:05 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Fayetteville, Georgia.

**MEMBERS PRESENT:** Douglas Powell, Chairman  
Tim Thoms, Vice-Chairman  
Jim Graw  
Al Gilbert

**MEMBERS ABSENT:** Bill Beckwith

**STAFF PRESENT:** Pete Frisina, Director of Planning & Zoning  
Dennis Dutton, Zoning Administrator  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**GUESTS:** Ms. Donna Lee and her son of the Lee Center  
Kimberly Adams of the Georgia Wireless Association

**Welcome and Call to Order:**

Chairman Powell called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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**1. Discussion of proposed amendments to the Fayette County Zoning Ordinance, in its entirety. *This is part of a year long review of the Zoning Ordinance.***

Pete Frisina asked the PC to discuss the PUD-PBC first since Ms. Donna Lee was present. The PC concurred.

Pete Frisina pointed out the proposed amendments allow for flexibility in terms of creating a nonresidential development with mixed uses. He reminded the PC that a PUD is a flexible zoning in that it gives a developer or land owner the ability to create a Development Plan to be reviewed at a Pre-recommendation Meeting by the Staff and the PC prior to the public hearing. He stated the PC and/or Staff can request changes to be made prior to the public hearing. He said once the Development Plan and a list of uses are approved and the developer or land owner wish to make changes, they must go back through the entire process. He noted this would also allow the County to approve the different use areas for the development which will include the appropriate separation, buffering, and vehicular circulation between uses internal to the development to protect public safety and alleviate incompatibility. He presented the proposed amendments as follows:

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Chairman Powell explained that the PC wishes to keep O-I zoning district separate from M-1 zoning district. He noted uses were previously added to the M-1 zoning district; however, more requests have been made to expand the uses and the PC decided to create a zoning district to accommodate small start-up businesses with an office in the front and a warehouse in the rear. He said by the development of a PUD-PBC zoning district, the PC would have the opportunity to review and approve the Development Plan and uses from the beginning.

**J.**      **Planned Business Center**

**1.**      **Purpose. The intent of the Planned Business Center is to provide planned, mixed-use nonresidential development. A PUD-PBC should encourage innovative and creative design and promote high standards in the layout and design.**

Pete Frisina stated he had met earlier today with Chairman Powell and he would be adding to “Purpose” to address small business centers to serve start-up businesses.

Chairman Powell suggested adding “Small” prior to “Business” in the title.

Tim Thoms concurred.

Jim Graw expressed concern about the zoning district being named Planned Business Center because it sounds like a business-like environment and allowing commercial and industrial uses seems to be going away from a business aspect.

Tim Thoms suggested deleting “should” and adding “shall”.

**2.**      **Permitted Uses: All those uses allowed in the O-I, C-C, C-H, and M-1 zoning districts.**

Jim Graw asked what would stop someone from having any of the uses allowed in the O-I, C-C, C-H, and M-1 zoning districts. He expressed concern about the numerous uses which could possibly be allowed. He suggested deleting “C-H”.

Pete Frisina advised the C-C zoning district does not permit self-storage.

Jim Graw suggested listing the allowable uses for the developer and/or property owner to choose from.

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Dennis Dutton replied the developer and/or property owner would be bound by the Development Plan and the PC and the BOC shall approve all uses allowed.

### 3. *Minimum Dimensional and Other Requirements.*

- a. *Minimum Lot Size: Minimum of ten (10) acres.*
- b. *Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.*
- c. *Front, side, and rear yard setbacks and buffers along the exterior boundaries of the development shall be consistent with either the O-I, C-C, C-H, or M-1 Zoning District, as applicable to the use.*
- d. *The Development Plan shall indicate the different use areas for the proposed development. Appropriate separation, buffering, and vehicular circulation between uses internal to the development shall be established to alleviate incompatibility and protect public safety.*
- e. *Location: Areas with a land use designation of Commercial or Light Industrial as indicated on the Fayette County Future Land Use Plan.*

Al Gilbert suggested deleting “Commercial” because there might be some commercial areas which the PUD-PBC may not be compatible with. He also suggested reviewing the Land Use Map to see if there are areas which should be designated Light Industrial.

Pete Frisina advised there could possibly be verbiage to require either the property be existing M-1 or designated Light Industrial on the Land Use Map or to target areas and/or corridors.

Tim Thoms expressed concern that there is not that much property zoned M-1.

Jim Graw concurred and added that by approving PUD-PCB, M-1 property would be eliminated.

Pete Frisina explained that the M-1 zoning district was written for factories and there are no factories. He added there is a reason why property owners keep coming back to the County requesting revisions to the current uses. He said the market may not support M-1 and we may be past M-1.

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Al Gilbert commented there are locations which will not want to or be able to rezone to PUD-PCB.

Pete Frisina reported the three (3) existing centers which will probably request to rezone to PUD-PBC have commercial uses currently, such as, small scale retail, personal services, book stores, discount diaper store, office, and self-storage.

Tim Thoms suggested adding a height limit.

Chairman Powell recognized Ms. Donna Lee of the Lee Center located on SR 314.

Ms. Lee advised she owns 12 acres on one (1) side of Bethea Road and 30 acres on the other side of Bethea Road. She confirmed her property was rezoned in 1986, and the BOC required certain commercial uses and to build certain types of buildings fronting SR 314, which were more costly, because of the request by the community who did not want to have warehouses and industrial structures facing SR 314. She remarked that the Resolution stated that the County wanted to have a more welcoming appearance for people entering into Fayette County because SR 314 is the major thoroughfare coming from the airport. She said the requirement was applied to both sides of Bethea Road; however, the rezoning was only for the south portion of the property. She explained she now has store front structures facing SR 314 which do not have roll-up doors and therefore, cannot be leased for industrial and/or warehouse uses, yet she was required to build this type of facility by the County. She commented she had seen uses change since 1975. She remarked renters now want nicer and more office space so the uses are evolving. She stated she is only trying to keep up with the demands of her perspective renters. She stressed she was asking to be given what she thought they had in the first place.

Pete Frisina advised he would further review the proposed amendments and also list the uses which would be prohibited.

The PC concurred.

- 5-40. Standards for Telecommunications Antennas and Towers. (Amended in its entirety and adopted 12/10/98)
- A. Purpose and Intent. The purpose of this ordinance is to establish minimum development standards for the regulation of commercial telecommunications transmissions 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 accessory equipment and buildings. The intent of this ordinance is to: (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. Applicability.

1. District Height Limitations. The requirements set forth herein shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
2. Public Governmentally Owned Property. ~~Notwithstanding anything contained herein to the contrary, this section shall not prevent the Board of Commissioners of Fayette County from authorizing the location or use of a tower for public purposes. In the event the Board of Commissioners of Fayette County authorizes the use of a tower for public purposes, the applicable criteria of this section shall not apply.~~ **These requirements shall not apply to any governmentally owned property.**  
(Amended 04/11/02)

Chairman Powell advised the proposed amendment would no longer prohibit the Board of Education from locating a tower on their property.

Jim Graw asked if towers would be allocated to locate at parks and ball fields.

Pete Frisina replied this would be the BOC's decision.

Tim Thoms asked what constitutes governmentally owned property.

Pete Frisina replied governmentally owned property included properties owned by Board of Commissioners, City, State, Federal, and Board of Education.

Tim Thoms suggested listing who would be considered under governmentally owned property.

Chairman Powell suggested adding “and governmentally owned property may be used for the location of telecommunication facilities” at the end of the last sentence.

Jim Graw asked why basically the entire paragraph was being deleted.

Pete Frisina replied the County does not have nor have they ever had any control over public schools. He pointed out that, as written, there were restrictions on County owned property.

Pete Frisina pointed out that the BOC has the right to do whatever they want to do.

Tim Thoms commented this may be a conflict of interest. He said it would be a bad precedent for the BOC to allow construction of a tower on County owned property and deny the request for the adjacent property. He stated any governmental entity who regulates private enterprise should lead the way in complying with the regulations.

Jim Graw concurred and remarked he was concerned about safety. He said he did not want to see a tower constructed at a ball field which could fall on someone.

Al Gilbert advised when the County Maintenance Building on McDonough Road and the Animal Shelter on SR 74 South were built that all landscaping and building setback requirements were broken. He said the BOC came under pressure and they decided the County would abide by their ordinances; however, this only lasted until there were changes in the members because one (1) board cannot bind the next board. He remarked the PC does not have the right to try to bind or control what the BOC does.

Jim Graw replied the PC is a regulating body and a part of their duties is to look after the health, safety, and welfare of the citizens.

Chairman Powell remarked the BOC would not allow a tower to just be “thrown up”.

Tim Thoms made the following statement: “To eliminate cell tower regulations on County owned property is a disservice to the citizens of this county and appears to me to be a direct conflict to having regulations for anyone. At a minimum, the county should set an example for cell tower regulations. If the regulations are adequate for private entities, they should be just as relevant for public entities. A good case could be made that a cell phone tower that would have been placed on private property may very well be placed on public property instead due to the fact that there are no requirements that have to be met for the publicly owned property. If the regulations are not needed for the county, then they should not be required for any property owner. I do not think Fayette citizens want to allow cell towers without any regulations.”

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Jim Graw concurred.

3. Amateur Radio Antennas. This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is under ~~seventy (70)~~ 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, shall be deemed a pre-existing tower and shall not be required to meet the requirements of this ordinance, other than the applicable requirements of Sections 5-40.C., F. and G. Permitted Uses, Development Requirements, and Supplemental Requirements herein. Additions to or the enlargement of towers and/or tower facilities that were constructed and antennas that were installed prior to December 10, 1998, shall not be deemed to constitute the expansion or enlargement of a nonconforming use or structure. (Amended 10/25/01)
  - b. Co-location of antenna on a pre-existing tower which does not comply with the setback requirements of this ordinance may locate proposed accessory equipment buildings within the existing fenced area provided the minimum setbacks of the existing tower facilities are met. All other requirements of ~~Section 5-40 stated herein~~ shall apply. (Amended 10/25/01)
  - e. ~~Per Section 5-40.H. herein, an annual Tower In Use Certification shall be required and any pre-existing towers or antennas that are not in use for a continuous period of twelve (12) months shall be removed.~~
5. Replacement of an existing tower structure is permitted provided that all of the following apply: (Add in its entirety 05/25/00)
  - a. The replacement tower is constructed on site within close proximity to the existing tower at the same or greater setbacks than previously established;
  - b. The replacement tower complies with the height requirements for the area in which it is located;
  - c. The tower being replaced is removed from site within ~~fifteen (15)~~ 15 calendar days from the issuance of the Certificate of Occupancy for the new tower;
  - d. Additional co-location opportunities on the new tower are made available

with the minimum users required based on tower height;

- e. Proposed accessory equipment buildings comply with established setbacks for existing tower facilities without increasing nonconformity; and,
- f. A site plan for the new tower ~~facilities~~ facility is administratively approved.

C. Permitted Uses.

- 1. General. Permitted uses shall not require administrative site plan approval or public hearings, but shall comply with the applicable requirements of ~~Sections 5-40.F.~~ Development Requirements and ~~G.~~ Supplemental Requirements herein and all other applicable ordinances. Prior to the installation of any antenna or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator, which notice shall include the location, size, and configuration of such antenna and equipment. Written notice shall be certified by a licensed professional engineer and shall verify that the additional antenna will comply with wind load requirements as designed and installed. A Zoning Compliance form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and permits and inspections shall be required. (Amended 10/25/01)

Specific Permitted Uses.

- a. Installing an antenna on an existing structure, so long as said installation adds no more than ~~twenty (20)~~ 20 feet to the height of said existing structure (including buildings, light poles, water towers, or other free standing non-residential structures excluding signs).
- b. Installing an antenna on any existing tower, so long as said installation does not exceed the maximum height of administrative tower approval for that location. (Amended 10/25/01)
- c. Adding on to an existing mechanical or accessory building, or placement of additional equipment cabinets or buildings at a tower site as part of co-location, subject to approval by the Zoning Administrator, County Engineer, and Fire Marshal. (Amended 10/25/01)

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D. Use by Right Administrative Approvals.

General. The following provisions shall require an administrative approval and shall comply with ~~Sections 5-40.F.~~ **Development Requirements** and ~~G.~~ **Supplemental Requirements** herein and all other applicable ordinances. Applicants shall apply to the **Planning and Zoning Department** in conjunction with the site plan review process.

1. **Highway Corridor**. Locating towers along the following highway corridors, rather than in residential areas, is specifically encouraged and is permitted as a floating zone (within any zoning district) provided all the following requirements are met:
  - a. The State and County Highways included within the Highway Corridor are S.R. 54 (East and West), S.R. 85 (North and South), S.R. 92 (North and South), S.R. 74, S.R. 314, S.R. 279, S.R. 138, 85 Connector, and Bernhard Road (future east-west arterial).
  - b. The Highway Corridor tower floating zone permits towers as a Use by Right in any zoning district when located within 1,000 feet of the right of way on either side of the above roads in unincorporated areas of Fayette County, provided the tower complies with all required regulations ~~of Section 5-40.~~  
(Amended 05/25/00)
  - c. Towers within the Highway Corridor are restricted to a maximum of 250 feet in height as an administrative approval, shall be either a monopole or lattice tower, and shall be engineered to accommodate a minimum of five (5) users.  
(Amended 03/25/99)
  - d. Towers in excess of 250 feet in height in the Highway Corridor shall require public hearings, can be either a monopole or lattice tower at the discretion of the Boards, and shall be engineered to accommodate six (6) or more users depending on the height of the tower. (Amended 03/25/99)
  - e. The minimum distance between any existing or planned towers in the Highway Corridor shall be one (1) linear mile. The minimum distance requirement shall apply to existing and planned towers within any local government jurisdiction.

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Kimberly Adams suggested clarifying what a “planned tower” was because it is mentioned in several different areas of the ordinance.

Pete Frisina replied he would clarify “planned tower”.

- f. No equipment buildings, support structures, or tower equipment can be visible from the highway. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) feet in height when planted and spaced every ten (10) feet on center, and supplemented with shrubs a minimum of three (3) feet in height when planted and spaced every eight (8) feet on center, for a completely screened, opaque look around the entire fenced tower facility.

2. ~~County Owned Property. Towers may locate on County owned property (except public schools) at a maximum height of 250 feet as a Use by Right Administrative Approval. The County Attorney shall negotiate compensation for the leased lot for the tower. Prior to site plan approval, the tower owner and subsequent users of the tower shall be required to execute a written agreement, in a form acceptable to the County Attorney, which releases the County from all liability regarding the tower. (Amended 03/25/99)~~

3. Other Specific Administrative Approvals.

- a. Locating any tower or alternative tower structure that is 180 feet or less in height in areas other than the Highway Corridor, provided a licensed professional engineer certifies that said tower can structurally accommodate the required number of shared users, and that the Zoning Administrator concludes the tower satisfies the requirements of Sections ~~5-40.F.~~ **Development Requirements** and ~~G.~~ **Supplemental Requirements** and that the tower meets the following height and usage criteria: (Amended 03/25/99)

- (1) Single user: up to ~~seventy (70)~~ **70** feet;
- (2) Two users: up to 120 feet; (Amended 03/25/99)
- (3) Three users: up to 150 feet; and, (Amended 03/25/99)
- (4) Four or more users: up to 180 feet. (Added 03/25/99)

- b. All new towers located in the A-R zoning district shall be required to be constructed as monopoles and shall be a minimum of ~~1,000~~ 750 feet from the nearest residence, excepting only the residence located upon the same lot as the tower.

Pete Frisina advised the sites which meet 1,000 feet have been utilized but there is insufficient coverage and more towers are needed.

Kimberly Adams, confirmed the 1,000 foot requirement was one (1) of the highest in the state of Georgia.

E. Public Hearing Required.

1. General. If the proposed tower or antenna is not included under the specific permitted uses, ~~Section 5-40.C.~~ Permitted Uses or included as a specific administratively approved use, ~~Section 5-40.D.~~ Use by Right Administrative Approvals then a public hearing shall be required for the approval of the construction of a tower or the placement of an antenna in all zoning districts. All such uses shall comply with ~~Sections 5-40.F.~~ Development Requirements and ~~G.~~ Supplemental Requirements herein and all other applicable ordinances. Applicants shall apply for a public hearing through the Planning and Zoning Department.
  - a. In granting an approval, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
2. Factors Considered in Public Hearing Applications. The Board of Commissioners or its designee (governing authority) shall consider the following factors in determining whether to approve an application, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria, if in the sole discretion of the governing authority, the goals of this ordinance are better served thereby: (Amended 12/15/05)
  - a. Height of the proposed tower;
  - b. Proximity of the tower to residential structures and residential zoning district boundaries;

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- c. Nature of uses on adjacent and nearby properties;
  - d. Surrounding topography;
  - e. Surrounding tree coverage and foliage;
  - 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;
  - h. ~~Two (2)~~ **One and one-half (1.5)** mile separation (non-highway corridor); and (Adopted 12/15/05)
  - i. One (1) mile separation (highway corridor). (Adopted 12/15/05)
3. In granting its approval, the County, through the Board of County Commissioners or its designee, may impose special conditions that it feels are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property.

F. Development Requirements.

1. Tower facilities may be located only in the following zoning districts, with the exception of towers located within an established Highway Corridor floating zone:
- Manufacturing and Heavy Industrial District (M-2);  
Light Industrial District (M-1);  
Highway Commercial District (C-H);  
Community Commercial District (C-C); ~~and~~  
Agricultural Residential (A-R); **and**  
**R-70 Single-Family Residential District.**

Pete Frisina advised that the R-70 zoning district was added because there is not adequate coverage in the area located basically north of SR 54 West which was blanket zoned in 1973.

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Tim Thoms stated the PC had discussed allowing a tower in the R-70 zoning district as a Conditional Use due to R-70 being a two (2) acre minimum lot.

Pete Frisina asked what conditions should be added. He pointed out a 300 foot tower would require approximately 14 acres of land.

Jim Graw suggested requiring towers located in the R-70 zoning district to be shorter than those permitted in other zoning districts.

Robyn Wilson pointed out the shorter the tower, the less number of carriers, which would then require more towers.

Kimberly Adams stated it was a trade off, taller towers and less of them or shorter towers and more of them.

2. Lot Area. Tower facilities shall be on a lot which meets the minimum lot size for the district in which it is located. Tower facilities may be located on a lot containing another principal or accessory use. A tower may occupy a leased lot being a portion of the lot (parent lot). For purposes of determining if a tower or antenna complies with the minimum tower setbacks, the boundaries of the entire lot (parent lot) shall control.
3. All new towers over ~~seventy (70)~~ 70 feet in height shall not be located within two (2) linear miles from any existing or planned tower that is over ~~seventy (70)~~ 70 feet in height, with the exception of proposed towers within the Highway Corridor. The minimum distance requirement shall not apply from existing government-owned towers where co-location is not permitted.
4. ~~Towers shall not be located on the same lot as a school or day care center.~~ **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.**
5. Setbacks: Setbacks for tower, tower facilities, and anchors shall be measured from the boundaries of the entire lot (parent lot), not the boundaries of the leased lot ~~to the nearest tower facilities including all equipment, slabs, or other structures associated with the operation of the tower.~~

- a. All towers ~~and tower facilities~~ located outside the Highway Corridor shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower ~~or 200 feet, whichever is greater.~~

Chairman Powell suggested adding “plus ten (10) feet” or “plus ten (10) percent” at the end of the sentence. He said this is basically a safety issue.

Kimberly Adams explained a tower is designed to collapse and not fall over sideways.

The PC concurred except for Tim Thoms who preferred “plus ten (10) percent”.

- b. All towers ~~and tower facilities~~ located outside the Highway Corridor shall be set back from all adjoining properties zoned non-residential a distance equal to the height of the tower ~~or 100 feet, whichever is greater.~~

Chairman Powell suggested adding “plus ten (10) feet” or “plus ten (10) percent” at the end of the sentence. He said this is basically a safety issue.

The PC concurred except for Tim Thoms who preferred “plus ten (10) percent”.

- c. All towers ~~and tower facilities~~ located within the Highway Corridor shall be set back as follows:
  - (1) A minimum of 100 feet from the ultimate planned right of way line;
  - (2) A minimum of 50 feet from all adjoining properties zoned non-residential;
  - (3) A minimum of 200 feet from all adjoining properties zoned residential or A-R or the height of the tower, whichever is greater; and
  - (4) A minimum of ~~1,000~~ 750 feet from the nearest residence, except for a residence located on the same lot as the tower.

**d. Tower facilities shall comply with the required setbacks and/or buffers of the applicable zoning district.**

- ~~6.~~ **e.** All anchors for guyed towers shall comply with the minimum setbacks of the zoning district.

6. Security Fencing. All tower facilities shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with vinyl slat inserts for screening. Access to the communication tower shall be through a locked 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.
7. Landscaping. Unless otherwise specified herein, the Development Regulations of Fayette County shall apply.
  - a. The tower and related facilities shall be landscaped with a standard buffer that shall consist of a landscaped strip ten (10) feet in width surrounding the perimeter of the tower and any accessory structures. The buffer shall consist entirely of evergreens, and once installed shall be a minimum of six (6) feet in height at time of planting.
  - b. 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 a sufficient buffer, in lieu of the required landscaping. If existing vegetation to remain is 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.
  - c. Landscaping shall be installed on the outside of required fence.
8. 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 11 to two 21 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. (Amended 02/24/00)

G. Supplemental Requirements.

1. 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.
2. 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 nor any towers in the approval process 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 tower or 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 service operating 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 ~~must~~ ***shall*** include the following information:
    - (1) All property owners and the lessees for each tower site;
    - (2) The site location, total height, and design type of each tower;
    - (3) Details of all existing and any planned towers or structures located within the geographic service 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;

- (4) Comparison of all fees or costs required to co-locate on an existing

tower or structure versus construction of a new tower if proposed. Applicants shall submit in writing a detailed estimate of total co-location development costs for each site and the estimated cost for development of a new tower;

- (5) Other limiting factors that render existing towers and structures unsuitable; and
  - (6) 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, the applicant ~~must~~ ***shall*** ~~then~~ demonstrate that the proposed new tower is designed so that it can accommodate additional antennas as height requirements permit. No single-purpose towers over 70 feet will be permitted unless conclusive proof can be submitted that there is no other feasible alternative.
3. **Site Plan Approval**. All tower applicants for new towers or co-location on existing towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations. Additional information indicated on the site plan ~~must~~ ***shall*** include, total tower height including antennas, type and design of all tower facilities, including equipment buildings or cabinets, maximum effective radiated power, 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.

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4. **Aesthetics and Lighting**. The following compatibility standards shall govern the aesthetics and lighting of all tower facilities, including the installation of antennas on

towers.

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the F.A.A., be painted a neutral color, so as to reduce visual obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment as much as possible.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be architecturally compatible with, the color and texture of the supporting structure, and if roof mounted shall be screened by a parapet wall, so as to make the antenna and related equipment visually unobtrusive.
  - d. Towers shall not be artificially lighted, unless required by the F.A.A. 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.
5. Federal Requirements. All towers ~~must~~ **shall** meet current standards and regulations of the Federal Aviation Administration (F.A.A.), the Federal Communications Commission (F.C.C.), 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 written approval from the F.A.A. which states that the proposed communications towers does not encroach onto or through any established public or private airport approach path or federal airspace as established by the F.A.A.

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6. Building Codes; Safety Standards. 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 ~~sixty~~ 60 days to bring such tower into compliance.

7. County=s Right to Co-locate. Fayette County shall have the right to co-locate emergency/public safety equipment at no cost on any approved tower within the County=s jurisdiction, provided that the co-location of antennas ~~do~~ does not interfere with the normal tower operations. Reserved space on each new tower shall be required for future County co-location.

#### H. Performance Bond Required.

~~Prior to the issuance of a Zoning Compliance certificate to erect a new tower structure, every applicant shall be required to deposit a performance bond with Fayette County. The amount of the Bond, not less than \$5,000 nor more than 10% 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, conlotor, subconlotor, or other party performing services in connection with any Certificate of Zoning Compliance issued by the 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.~~

Jim Graw asked why the requirement of a bond was being deleted.

Pete Frisina replied that a bond has not always been required.

Tim Thoms asked if bonds are required by other jurisdictions.

Kimberly Adams replied that more jurisdictions do not require a bond than those who do require a bond. She pointed out a lease agreement could require a removal clause.

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- I. Tower In Use Certification. ~~An annual Tower In Use Certification shall be required for any tower or antenna previously permitted or currently in use as of June 27, 1996. Said certification shall include the total height of the tower and a list of all current users and their height on the tower. Said certification shall be submitted to the Zoning Department, signed~~

~~and notarized by the tower company representative/agent, by the 31<sup>st</sup> of January each year. Failure to submit said certification may result in the issuance of a violation.~~

**JH.** **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 F.C.C. 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 ~~twelve (12)~~ **12** months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ~~ninety (90)~~ **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.

Al Gilbert advised the tower companies had proposed the location of more than one (1) tower on a tract of land.

Kimberly Adams commented this would be necessary if the existing tower was maxed out structurally. She remarked the theory is to locate on the same tract instead of locating across the street; however, this is very unusual for this to happen. She said it makes more sense to have towers next to each other. She noted the Telecommunications Act does not permit discrimination between carriers.

Pete Frisina said the industry has changed and the ordinance was written at a time when cell phones were a luxury and they are now a necessity and carry a lot of data and technology which does not have the same frequency range as a phone call. He stated the waves are shorter to carry more data and the shorter the waves the less they carry. He added there are new carriers now being added.

Tim Thoms asked if the proposed amendments regulated or permitted temporary telecommunication towers for large events.

Kimberly Adams stated that a temporary telecommunication tower was called COWS (Cells on Wheels) and she would be glad to provide the County with the requirements from other jurisdictions. She advised that COWS are the same concept as a news station using their broadcast truck.

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Chairman Powell replied he would like to see this provision added to the ordinance.

Robyn Wilson requested Ms. Adams to email her the information.

**5-41. Septic Systems and Drain Field Lines. Septic systems, including drain field lines, shall be**

set back a minimum of ten (10) feet from the property line. In the case where a buffer is required, septic systems, including drain field lines, shall be set back a minimum of 25 feet from the property line. Said 25 feet as measured from the property line shall be for required landscape planting only.

5-42. Lot Width, Minimum. The lot width at the building line shall be met for a depth of 80 feet. The principal structure shall be constructed within this area provided the required setbacks are met. Accessory structures do not have to comply with the lot width at the building line; however, they shall comply with the required setbacks and location requirements.

5-43. Subdivision. All divisions of a lot into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all divisions of land involving a new street or change in existing streets, and includes re-subdivision and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however that the following are not included within this definition:

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality county;

Tim Thoms suggested adding “or” after “municipality”.

(b) The division of land into lots of five (5) acres or more where no new street is involved.

5-44. Road Side Sales. Sales of goods or services from a temporary location along a public right-of-way where business is transacted outside of an approved permanent structure are prohibited. Mobile ice cream vendors, mobile food sales which serve building sites, and vendors located at special events shall be exempt.

Tim Thoms asked what type events would be considered as a special event.

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Al Gilbert replied “Inman Days”.

Pete Frisina replied a “church homecoming”.

Tim Thoms requested he would like to see special events defined better.

**5-45. Sales, Garage/Yard. A maximum of three (3) garage/yard sales consisting of a maximum of three (3) days each within a 12 month period shall be allowed per residential lot.**

Tim Thoms asked how the County would know how many yard sales someone has had.

Robyn Wilson replied the neighbors will call and file a complaint.

**5-46. Landscaping and Buffer Requirements. A nonresidential structure/use allowed in a residential zoning district shall comply with the planting requirements for the buffer and landscape areas of the Development Regulations.**

**5-47. Visual Buffer. A visual buffer shall provide a visual separation through the use of natural vegetation or other means, including, replanting or supplemental plantings. Other visual screening elements or noise attenuation devices, such as walls, may be utilized in addition to the vegetation buffer.**

**5-48. Manufactured Home. The placement of a manufactured home in a zoning district which allows a single-family dwelling as a Permitted or Conditional Use, other than MHP, shall comply with the following:**

**1. Approval shall be required from the Georgia Department of Community Affairs (DCA) and the Housing and Urban Development, as applicable. This approval shall be located in the panel box of the building unit. The date plat shall be affixed to each building unit which assures compliance at the installation location.**

Chairman Powell suggested adding “electrical” before “panel box”.

**2. A Georgia Insignia for Industrialized Building, when affixed to each building unit, shall indicate that the unit has been constructed and inspected in compliance with the approved plans and date on file with the DCA and/or HUD, as applicable. No deviations from or changes in the approved building plans shall be made without prior approval from the DCA and/or HUD, as applicable.**

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**3. A manual of the structure shall have a State of Georgia Engineer’s seal and shall describe, in detail, how the building is constructed and installation requirements.**

**4. The Manufactured Home shall comply with all applicable zoning requirements, including, but not limited to: minimum heated square footage.**

5. *The Manufactured Home shall be placed on a permanent foundation.*
6. *The middle support chassis shall be removed.*
7. *The electrical and gas meters are to be set in the structure once all applicable final inspections are approved.*
8. *All applicable requirements shall be met within 90 days and prior to the issuance of a Certificate of Occupancy.*

Chairman Powell requested that requirements which are similar be grouped together.

Robyn Wilson replied the requirements could be renumbered.

\* \* \* \* \*

Chairman Powell asked if there was any further business.

Pete Frisina reminded the PC of the Public Meeting/Workshop scheduled for December 17, 2009, at 7:00 pm in the Board of Commissioners Conference Room.

Hearing no further business, Jim Graw made a motion to adjourn the Public Meeting/Workshop. Al Gilbert seconded the motion. The motion unanimously passed 4-0. Bill Beckwith was absent. The Public Meeting/Workshop adjourned at 9:15 P.M.

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**PLANNING COMMISSION**  
**OF**  
**FAYETTE COUNTY**

**ATTEST:**

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**DOUG POWELL**  
**CHAIRMAN**

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**ROBYN S. WILSON**  
**P.C. SECRETARY**