

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on June 3, 2010, at 7:04 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

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

MEMBERS ABSENT: None

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

STAFF ABSENT: Dennis Dutton, Zoning Administrator

GUESTS: Frank Romeo (T-Mobile)
Attorney Jennifer Blackburn (Verizon)

Welcome and Call to Order:

Chairman Thoms 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 plus long review of the Zoning Ordinance.*

Pete Frisina presented the following proposed amendments:

ARTICLE III. DEFINITIONS

Antenna. *A device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.*

Overlay Zone. *A zone that imposes a set of requirements in addition to those set out by the underlying zoning district.*

Pete Frisina commented there had been a question raised regarding the “floating zone” of the highway corridors by Doug Powell. He pointed out he had deleted “floating zone” throughout the ordinance and replaced it with “overlay zone” and also added a definition for “overlay zone.”

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Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self supporting lattice towers, ~~guy~~ 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 Facilities Facility. ~~Includes~~ The area containing a tower towers, antennas, and all accessory equipment cabinets or buildings and structures, 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 also, Building Height.

Tower, Planned. Any tower that is in the approval process or has been approved, but not yet constructed.

Pete Frisina advised he would add a reference to the section of the ordinance which addresses planned towers to this definition.

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

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to ~~June 27, 1996~~ December 10, 1998.

ARTICLE V. GENERAL PROVISIONS

Commentary: Generally the whole ordinance needs to be reorganized.

5-40. Standards for Telecommunications Antennas and Towers. (Amended in its entirety and adopted 12/10/98)

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- 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 cabinets or 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. Administration. 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. ~~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~~ **Height Limits specified for each zoning district** ~~applicable to buildings and structures shall not apply to towers and antennas. The requirements set forth herein shall govern the height of 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, 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 telecommunication facility. (Amended 04/11/02)~~
 2. Amateur Radio Antennas. This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is ~~under~~ **less than** ~~seventy (70)~~ **70** feet in height and is owned and operated by a federally-licensed amateur radio station operator.

3. 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**, 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. 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. **Any enlargement of a 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 Permitted Uses.** 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)
- c. 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.
4. Replacement of an existing **a pre-existing legally nonconforming** 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 **within 25 feet of the existing tower and is not greater in height than the existing tower.**
- b. The replacement tower complies with the height requirements for the area in which it is located;

- b. The tower being replaced is removed from site within ~~fifteen (15)~~ **90** calendar days from the issuance of the Certificate of Occupancy for the ~~new~~ **replacement** tower;
- c. Additional co-location opportunities on the new tower are made available with the minimum users required based on tower height;
- ~~d. Proposed accessory equipment buildings comply with established setbacks for existing tower facilities without increasing nonconformity; and,~~
- d. A site plan for the new **indicating the location of the replacement** tower facilities is administratively approved **shall be required**.

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.

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/**utility** poles, water towers, or other free standing non-residential structures excluding signs **and towers**).
- b. ~~Installing~~ **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.** (Amended 10/25/01)
- c. ~~Adding on to an~~ **Enlargement of an** existing ~~mechanical or accessory~~ **equipment** 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.~~ **which does not require an enlargement of the existing tower facility.** (Amended 10/25/01)

Prior to the ~~installation~~ 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, ~~which~~. The notice shall include the location, size, and configuration of such antenna and equipment in reference to the existing site plan of the tower site and a certification from ~~Written notice shall be certified by a licensed professional engineer and shall verify~~ verifying that the additional antenna will comply with wind load requirements and weight limits for the tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and building permits and inspections shall be required. (Amended 10/25/01)

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 an overlay 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, and 85 Connector, ~~and Bernhard Road (future east-west arterial).~~
 - b. The Highway Corridor tower floating overlay 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)

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Pete Frisina clarified the intent was a tower of 250 feet was required to accommodate a minimum of

five (5) users. He suggested deleting “and shall be engineered to accommodate a minimum of five (5) users.” He suggested adding a new section to address the minimum number of required users based on the tower height.

- 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~~ statute mile. The minimum distance requirement shall apply to existing and planned towers within any local government jurisdiction.

Pete Frisina pointed out section D.,1.,e. and section F.,3. should both read the same and he will amend both of them to read the same. He remarked the separation distance should not be based on any alternative tower structures.

Bill Beckwith advised staff to search the entire tower ordinance and insert “statute mile.”

- f. No ~~Equipment cabinets or~~ buildings, ~~and~~ support structures, or tower equipment can ~~shall~~ be visible ~~screened~~ from the highway ~~by landscaping~~. 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)~~

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- 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 feet from the nearest residence, excepting only the residence located upon the same lot as the tower.~~

E. Public Hearings Required.

1. ~~General. If the proposed tower or antenna is not included under the specific permitted uses, Section 5-40.C. or included as a specific administratively approved use, Section 5-40.D., 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. and G. herein and all other applicable ordinances. Applicants shall apply for a public hearing through the Zoning Department.~~

Public hearings before the Planning Commission and Board of Commissioners are required 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 Requirements or

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Supplemental Requirements. The procedure for said public hearings shall follow the procedure in Article XI for rezonings. Applicants shall apply for a 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. ~~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.~~
- a. **A scaled Concept Plan 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, ~~and maximum effective radiated power;~~**
- b. **An Inventory of Existing or Planned Tower Sites per the standards listed under Supplemental Requirements; and**
- 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.**
- 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. 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.**

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- 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 (1) or more of these criteria, if in the sole discretion of the governing authority, the goals of this ordinance are better ~~adequately~~ served thereby: — (Amended 12/15/05) **The following factors shall be considered when evaluating a tower application.**

- a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential zoning district boundaries;
 - 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~~ **outside the highway** corridor); and (Adopted 12/15/05)
 - i. One (1) mile separation (**inside the** 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.
 4. **Approval granted for a tower through the Board of Commissioners, or its designee, shall expire 12 months from the date of approval, unless a Certificate of Zoning Compliance has been issued for the tower.**

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Pete Frisina advised a building permit may be issued after the issuance of a Certificate of Zoning Compliance; however, the Site Plan expires after 12 months. He said with the 12 months from the date of approval by the BOC and the 12 months before the Site Plan expires that this would provide 24 months total. He commented he did not want to have a planned tower hold up everyone else

indefinitely.

Jim Graw said he would like to see the section clarified.

Al Gilbert asked how Administrative Approval would be addressed.

Pete Frisina suggested amending the section to read: Approval for a tower granted either administratively or through the Board of Commissioners, or its designee, shall expire 24 months from the date of approval, unless a Certificate of Occupancy has been issued for the tower.

F. Development Requirements.

1. ~~A Tower facilities~~ **tower facility** may be located only in the following zoning districts, with the exception of towers located within an established Highway Corridor ~~floating~~ **overlay** 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.

- ~~2.~~ **2.** ~~Lot Area.~~ Towers **and tower** facilities shall be on a lot which meets the minimum lot size for the district in which it is located. Towers **and tower** facilities may be located on a lot containing another principal or accessory use. ~~A Towers~~ **and tower facilities** may occupy a leased **area** 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)~~ **one and one-half (1.50)** linear **statute** 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.

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Pete Frisina pointed out this section needs to be rewritten to clarify that proposed towers within the Highway Corridor shall not be located within one (1) statute mile from any existing or planned tower that is over 70 feet in height. He suggested deleting “with the exception of proposed towers within the Highway Corridor” and inserting “This applies to areas outside of the highway corridor.”

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 **(inside Highway Corridor and/or outside Highway Corridor)**: Setbacks **Internal setbacks** for towers, **tower** facilities, **and anchors** shall be measured from **to** the boundaries of the lot, not the boundaries of the leased **area** lot to the nearest tower facilities including all equipment, slabs, or other structures associated with the operation of the tower.

Setbacks for towers shall be measured from the base 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 **plus ten (10 feet, as measured from the base of the tower.**
- 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 **of** 100 feet, whichever is greater.
- c. **All towers shall be set back from the right-of-way, existing or required, a distance equal to the height of the tower per the classification of the street (see Article III. Street Design Standards and Specifications of the Development Regulations.)**
- e. 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;

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- (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)d. **All towers 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. A minimum of 1,000 feet from the nearest residence except for a residence located on the same lot as the tower.

- e.** All **Any tower facility and** anchors for guyed towers shall comply with the minimum **required** setbacks **and/or buffers** of the **applicable** zoning district.
6. **Security Fencing.** All **Any** tower facilities **facility** 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~~ **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.
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 A landscaped strip ten (10) feet in width surrounding the perimeter of the tower facility and any accessory structures shall be required. The buffer shall consist entirely of evergreens, and once installed shall be a minimum of six (6) feet in height at time of planting. **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. Landscaping shall be installed on the outside of the required security fence.**~~
- 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 **is** to remain **and** 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.

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- ~~e. 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~~ 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 ~~must~~ shall include the following information:
 - (1) All property owners and the lessees for each tower site;

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Frank Romeo suggested deleting “property owners” and inserting “tower owners.” He also suggested deleting “lessees” and inserting “number of users.” He stated some tower companies charge as much as \$1,000 for this information.

Pete Frisina concurred. He said the Site Plan will indicate the tower owner; however, the County does not know who the users are. He added it really doesn’t matter who owns the tower or who the

users are since what you are trying to prove is there is no capacity on the tower. He asked Mr. Romeo if he utilized the FCC inventory because staff has taken the FCC inventory and is inserting it onto the County GIS.

Mr. Romeo replied he did utilize the FCC inventory.

Doug Powell asked if a tower was constructed at the County line in Clayton County and crashed onto a house in Fayette County would Fayette County have any control over this type situation.

Pete Frisina replied the tower in Clayton County shall comply with the Clayton County requirements and Fayette County had no jurisdiction in this case.

- (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~~ 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;
- ~~(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;~~
- (4) Other limiting factors that render existing towers and structures unsuitable; and
- (5) Letters of rejection for requests to co-locate on all existing and planned towers within the service area of the proposed tower.

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- 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 **any** tower facilities **facility**, 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.
 - 4. Aesthetics and Lighting. The following compatibility standards shall govern the aesthetics and lighting of all **any** tower facilities **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. ~~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.~~

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- b. If an antenna is installed on a structure other than a tower, the antenna and ~~supporting electrical and mechanical~~ equipment **cabinets** shall be architecturally compatible with, the color and texture of the supporting structure. ~~and if roof~~ **Roof** mounted **equipment cabinets** shall be screened by a parapet wall, so as to make the ~~antenna and related~~ 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.

5. Federal Requirements. All towers ~~must~~ **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 written approval from the FAA 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 FAA.

Frank Romeo stated you can get a “Determination of No Hazard to Air Navigation” from the FAA but questions what is required from the FCC. He added if a “Determination of Hazard to Air Navigation” or “Adverse Effect on Air Space” is issued then the tower may have to be lowered.

Attorney Jennifer Blackburn commented the County could require a copy of the FCC license.

Pete Frisina suggested deleting “the Federal Communications Commission (FCC)” and inserting “the copy of Federal Communications Commission (FCC) license.” He also suggested “including a copy of the Determination of No Hazard to Air Space” after “FAA.”

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

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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) 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 not interfere with the normal tower operations. Reserved space on each new tower shall be required for future County co-location.~~

~~7.~~ **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 ~~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.

8. **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 **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.

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 31st of January each year. Failure to submit said certification may result in the issuance of a violation.

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H. *Alternative Tower Structures. The purpose of an alternative tower structure is to diminish, camouflage or conceal the appearance of antennas and towers 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; where as, the use of a flag pole or light pole alternative tower structure is more suitable for the developed portion of a site.*

Alternative tower structures shall comply with the Development Requirements and

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

1. Church or Place of Worship;
2. Developed Residential Recreational/Amenity Areas; and
3. Private School.

Pete Frisina suggested adding “4. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities.

Alternative tower structures, in conjunction with the above listed Conditional Uses shall be set back from the property lines a distance equal to the height of the tower, plus ten (10) feet or the Conditional Use setback, whichever is greater.

Alternative tower structures that exceed a maximum height of 120 feet shall require a public hearing.

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

The alternative tower structure shall match the visual simulation depiction and engineering detail and specification drawings.

The application shall include the following:

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1. An analysis of the nature and character of the site and how the alternative tower structure is appropriate in context;
2. 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
3. Engineering detail and specification drawings of the alternative tower structure

proposed for the site which shall indicate all applicable requirements herein.

Monopine Towers. 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.

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.

Al Gilbert asked how the County could ensure the monopine would have sufficient limbs and foliage.

Frank Romeo suggested requiring pictures from the approved supplier for the monopine.

Pete Frisina concurred and added pictures should be required from the approved supplier for all alternative towers.

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 to retain the screening of the antennas.

Pete Frisina stated he was still doing research on a maintenance bond; however, normally a maintenance bond is for a specific period of time. He said if the alternative tower is not maintained then it becomes a violation of the ordinance and the carrier can be cited into court.

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Frank Romeo suggested taking a picture the day the alternative tower is completed for comparison in the future regarding maintenance. He advised the alternative tower company would need approximately 90 days to bring the tower back into compliance because the materials are manufactured for the specific alternative tower. He added that no two (2) towers are exactly alike and the details are very specific.

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. General Provisions, Structures Permitted above the Height Limit.

Equipment cabinets may be integrated into the tower structure or buried underground. Ground mounted equipment cabinets shall not exceed four (4) feet in height.

Frank Romeo pointed out their equipment cabinets are 72 inches in height.

The fencing shall be eight (8) feet in height and may be chain link, brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials. Access to the communication tower shall be through a locking gate. Barbed wire topping is optional and shall not exceed the eight (8) foot fence height.

Pete Frisina expressed concern about requiring a fence if the equipment cabinets are integrated into the tower structure or buried. He explained alternative towers consist of a wide range of types. He presented pictures of different kinds of alternative towers. He presented pictures of a bell tower, flag pole, and light pole structure with no fencing.

Doug Powell suggested instead of allowing an alternative tower to be administratively approved require it to be approved by the PC to determine the tower type.

Bill Beckwith stated criteria for consideration would need to be created.

Frank Romeo remarked the security fencing is required to protect the tower facility not the public. He explained the equipment at the base of the tower is worth more than the tower. He confirmed the equipment cabinets are bullet proof. He said there was nothing hazardous to the public.

Al Gilbert commented he had met with Chairman Thoms and Pete Frisina to discuss his concerns regarding the appearance of alternative towers, especially in residential areas. He said if the

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alternative tower was going to be located among trees, he wanted to see something that looks like a tree; however, if a flag pole looks appropriate, it could be considered. He concurred with Mr. Powell.

Frank Romeo suggested requiring a “Pre-Application Meeting” to get staff’s input.

Jim Graw stated a “Design Review Meeting” could be held which would be similar to a PUD Pre-Recommendation Meeting. He said the plans would be reviewed and recommendations given to the applicant. He confirmed the tower and tower facility would have to be constructed as approved by the PC. He remarked the Design Review Meeting could be held at a Public Hearing Meeting or a

Workshop Meeting.

Doug Powell expressed concern about not requiring a public hearing. He said as a representative of the citizens of Fayette County he would like to make sure that the people who are affected by this the most have an opportunity to give their input. He commented if the people want a flag pole instead of a monopine, they should have the opportunity to express their requests for what they want to see developed in their community.

Frank Romeo pointed out the PC would still be required to make a decision even if the public is involved because they will have different opinions.

Jim Graw asked if a tower meets all of the requirements, is there any reason to deny the tower.

Attorney Jennifer Blackburn replied if the tower meets all of the requirements and is denied that there would probably be a law suit filed. She reminded the PC that an alternative tower is significantly more expensive to construct and the incentive is not to require the public hearing process. She said if a public hearing is required then the carrier will probably just construct a regular tower as opposed to an alternative tower.

Doug Powell stated there are no alternative towers currently located in the County and the County has not experienced them yet.

Chairman Thoms pointed out the tower ordinance amendments would be advertised for a public hearing and probably no one will show up except the tower carriers. He said the value of property may not be as affected with an alternative tower as it would with a regular tower. He stated the citizens should be happier with an alternative tower.

Bill Beckwith said the concern seems to be safety and security issues.

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Doug Powell stated each alternative tower would have to stand on its own merits.

Jim Graw concurred. He asked if there was any power in the cables.

Frank Romeo replied the power has extremely low voltage and it was like speaker wire from a stereo system.

Doug Powell confirmed that anyone interested in a proposed alternative tower could find the information on the County's website.

Pete Frisina replied this is correct. He confirmed the PC would be reviewing the type of tower,

fencing, equipment cabinets, including height, and landscaping to ensure the compatibility with the area.

Jim Graw commented he would like to see the equipment cabinets placed underground.

Doug Powell said he felt good that an alternative tower should be discussed at a Public Hearing or Workshop and should be placed on an agenda published on the County's website. He commented the public may have some good ideas worth consideration.

Chairman Thoms clarified that basically the four (4) other PC members did not want to require a public hearing for an alternative tower but thought the Design Review Meeting was adequate.

Pete Frisina confirmed staff would provide their recommendations to the PC for the Design Review Meeting.

J. 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.

Pete Frisina reported he would review the ordinance further and make the necessary amendments to be discussed at the June 17th Workshop. He stated he would also like to include verbiage to prohibit signage on towers even though the Sign Ordinance would prohibit signage.

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Chairman Thoms asked if there was any further business. He advised he would be absent from the June 17th Workshop.

Doug Powell said he would also be absent from the June 17th Workshop.

Hearing no further business, Al Gilbert made a motion to adjourn the Public Meeting/Workshop. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:49 P.M.

**OF
FAYETTE COUNTY**

ATTEST:

**TIM THOMS
CHAIRMAN**

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