

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on April 15, 2010, at 7:00 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 (Arrived 7:07 PM)  
Jim Graw  
Douglas Powell

**MEMBERS ABSENT:** None

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

**GUESTS:** Attorney Ellen Smith of Holt, Ney, Zatzoff, & Wasserman (T-Mobile)  
Attorney Jennifer Blackburn of Troutman Sanders (Verizon Wireless)  
Frank Romeo of Patrick Marshal & Associates (T-Mobile)

**Welcome and Call to Order:**

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

\* \* \* \* \*

1. **Consideration of the Final Plat of Fonseca Subdivision, Juan and Vicky Fonseca, Owners, W.D. Gray and Associates, Inc., Agent. This property consist of one (1) single-family dwelling lot, contains 1.830 acres, is zoned R-40, and fronts on Morgan Road.**

Dennis Dutton stated the lot was rezoned in 2007, and they are requesting approval of the Final Plat in order to obtain a building permit.

Doug Powell made a motion to approve the Final Plat. Al Gilbert seconded the motion.

Chairman Thoms asked if the owners were aware the metal barn would be required to be brought into compliance.

Dennis Dutton replied they were aware of that fact.

Hearing no further comments, the Final Plat was unanimously approved 4-0. Bill Beckwith was absent at this time.

\* \* \* \* \*

2. **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 explained the current ordinance was adopted on December 10, 1998, and there had only been minor amendments made to the ordinance since the adoption date. He advised the PC of three (3) letters received from representatives of telecommunication tower companies and some of their concerns had been addressed within the proposed amendments. He said the proposed ordinance would reflect the procedures currently being followed. He pointed out the current ordinance was written 12 years ago when cell phones were a luxury; however, wireless need is much greater now. He reported one (1) in five (5) households have disconnected from land lines. He added the wireless network carries more than phone calls and, as a result, the demand and capacity has increased.

Pete Frisina explained a tower could either comply with all of the requirements and be administratively approved or if it could not comply, then public hearings would be required. He confirmed that whatever the Board of Commissioners approved in the public hearing would be the standards required to be indicated on the Site Plan.

He presented the proposed amendments:

**ARTICLE III. DEFINITIONS**

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

**Tower Facilities.** Includes those items commonly used in association with a telecommunication tower, such as towers, antennas, and all accessory equipment cabinets or buildings and structures, and fencing required for a tower, excluding tower anchors.

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Chairman Thoms suggested deleting “Facilities” and inserting “Facility” throughout the ordinance.

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 structure, alternative. Man-made trees, clock towers, bell steeples, light poles, and 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.

Pete Frisina suggested deleting “June 27, 1996” and inserting “December 10, 1998.”

Chairman Thoms suggested adding a definition for “Planned Tower.”

**ARTICLE V. GENERAL PROVISIONS**

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 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. **A planned tower, for the purpose of this ordinance, shall include any tower that is in the approval process or has been approved but not yet constructed.**

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### 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, including properties owned by the Board of Commissioners, Board of Education, City, State, or Federal governments that are used for the location of any telecommunication facility.** (Amended 04/11/02)

Al Gilbert commented he was glad to see the Board of Education, exempt since the County has no control over the Board of Education anyway.

Pete Frisina remarked he had spoken with the Board of Education and they said the decision should be left up to them and not the County.

Jim Graw asked what criteria the Board of Education would have to follow should they decide to locate a tower on their property.

Pete Frisina reiterated the County has no control over the Board of Education.

Jim Graw replied he had a problem with that.

Pete Frisina reiterated the County has no legal jurisdiction over the Board of Education.

Frank Romeo stated there are six (6) counties in Georgia where school boards willingly comply with the County requirements.

Pete Frisina commented the Board of Education could bring in the Site Plan for approval; however, the County has no legal jurisdiction over the Board of Education. He added the parents who have children in the school are probably very vocal about what goes on at the school. He explained the Board of Education would have the right to advise the tower company of what standards they want them to meet.

Chairman Thoms asked if the Development Authority or GRTA would be exempt from the requirements.

Pete Frisina replied the Development Authority is funded by the County; however, he did not think the County would have any jurisdiction over GRTA.

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, 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)

Pete Frisina suggesting deleting “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” and inserting “Any tower or antenna which existed prior to December 10, 1998, shall be deemed legally nonconforming.”

Pete Frisina also suggesting deleting “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” and inserting “Any enlargement of a tower or collocation of a tower shall meet the requirements herein.” He said if they could not comply with the requirements they would be required to present their plans at public hearings before the Planning Commission and the Board of Commissioners.

- b. ~~*The*~~ co-location of an antenna is allowed on a pre-existing tower which does not comply with the setback requirements of this ordinance. ~~may locate~~ ***Proposed*** accessory equipment ***cabinets or*** buildings ***may locate*** 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)

Pete Frisina remarked if the stated criteria could not be met, then the company would be required to present their plans at public hearings before the Planning Commission and the Board of Commissioners.

- 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.~~
- 4. 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;

Pete Frisina suggested deleting b. in its entirety.

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

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Pete Frisina suggested deleting b. in its entirety.

- e. Proposed ~~accessory~~ equipment ***cabinets or*** buildings comply with established setbacks for existing tower facilities without increasing nonconformity; and,

Pete Frisina suggested deleting e. in its entirety.

- f. A site plan for the new tower ~~facilities~~ ***facility*** is administratively approved.

Pete Frisina suggested inserting “and tower” prior to “facility.”

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)

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Pete Frisina explained if installing an antenna was proposed at a greater height than was

administratively approved, public hearings would be required before the Planning Commission and the Board of Commissioners. He further explained if a tower is constructed and the tower company wants to increase the height, but will not comply with the setback requirements, then public hearings must be heard by the Planning Commission and the Board of Commissioners. He further explained if you meet the requirements then it is administratively approved and if you do not meet the requirements then you must be heard in public hearings by the Planning Commission and the Board of Commissioners.

Jim Graw suggested establishing setbacks to accommodate an increase in the tower height which would not require public hearings in the future. He suggested the height of the tower plus an administrative approval of 25% more.

Attorney Ellen Smith commented some jurisdictions have established a formula.

Pete Frisina pointed out the setback determines the height of the tower and could be constructed to the maximum height which the lot can contain. He reiterated if you meet the requirements then it is administratively approved and if you do not meet the requirements then you must be heard in public hearings by the Planning Commission and the Board of Commissioners.

- 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)

Pete Frisina commented all of Section C. basically needs rewording.

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:

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- 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).

Al Gilbert questioned replacing “Bernhard Road” with the “East-West Bypass.” He said one (1) of the original by-passes was Bernhard Road but it doesn’t make sense now.

Pete Frisina replied he did not want to remove Bernhard Road because it may make an existing tower nonconforming. He advised he would see if there are any existing towers and if not, then the PC could consider deleting Bernhard Road. He added McDonough Road is a future State Route; however, it is not listed.

- 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.~~ herein. (Amended 05/25/00)

Pete Frisina suggested deleting “Use by Right” and inserting “Administrative Approval.”

- 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)

Pete Frisina remarked c. and d. should be combined. He asked if there was any other type of tower other than monopole or lattice.

Attorney Jennifer Blackburn replied “guyed wire tower.” She explained a guyed tower is thinner than a monopole or lattice and is held up by the guyed wires.

Pete Frisina suggested stating public hearings would be required to permit a guyed wire tower.

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- 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.

Bill Beckwith suggested deleting “linear” and inserting “statute.”

- 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.~~

Pete Frisina suggested requiring a ten (10) foot landscaping strip on the outside of the required fence consisting of evergreens consisting of a minimum of six (6) feet in height at the time of planting and not ornamental plantings.

Chairman Thoms concurred and added screening is more important than ornamental plantings.

- ~~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)~~

Pete Frisina pointed out this section had been deleted in its entirety because governmentally owned property should be exempt.

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

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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 commented the distance from the tower to the nearest off-site residence is required to assist in protecting property values.

Frank Romeo remarked out of the six (6) locations he is currently reviewing, none could comply with the 1,000 foot distance.

Attorney Jennifer Blackburn stated the standard is usually two (2) times the height of the tower.

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.

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Pete Frisina suggested deleting “All such uses shall comply with ~~Sections 5-40.F.~~ Development Requirements and ~~G.~~ Supplemental Requirements herein and all other applicable ordinances.” He said whatever is approved by the Board of Commissioners at the public hearing sets the criteria for development of the tower.

- 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 (1) 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;
  - 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 highway** corridor); and (Adopted 12/15/05)

Bill Beckwith suggested inserting “statute” prior to “mile.”

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Jim Graw asked if decreasing the off-site residence distance to 750 feet and reducing the two (2) mile separation distance to one and one-half (1.5) mile would be beneficial in providing adequate coverage.

Frank Romeo replied it would help, depending on the topography, clutter, and trees, but it would not eliminate the problem. He suggested developing a matrix so when the height decreased the off-site

residence distance also decreased. He said the average height on the proposed towers is 150 to 180 feet in height. He commented the concern is becoming more concentrated on coverage at homes.

Al Gilbert suggested developing a 3 to 1 ratio with the minimum distance of 500 feet.

Doug Powell concurred.

Pete Frisina confirmed he would work with the numbers to see what the results might be.

Frank Romeo asked if the Planning Commission would consider a 90-100 foot tower which did not meet the separation distance between towers.

Doug Powell replied if the tower was not visible it would make a difference in the decision.

Frank Romeo advised a short tower with an interior antenna, which looks like a light pole, but without a light, with a small equipment cabinet could be constructed in the right-of-way or in the amenity area. He added people do not want to see towers.

Pete Frisina requested Mr. Romeo forward pictures of such towers.

Chairman Thoms and Doug Powell concurred that if towers are not visible then they are not that objectionable.

Pete Frisina referenced a Florida study that shows property values are affected by the proximity to the tower base.

- i. One (1) mile separation (*inside* highway corridor). (Adopted 12/15/05)

Bill Beckwith suggested inserting “statute” prior to “mile.”

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.

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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.**

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~~ tower facility complies with the minimum ~~tower~~ applicable setbacks, the boundaries of the ~~entire lot~~ (~~parent lot~~) shall ~~control~~ be utilized.

Pete Frisina suggested deleting the title “Lot Area.”

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 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.

Bill Beckwith suggested deleting “linear” and inserting “statute.”

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.

Chairman Thoms asked what “all facilities” meant.

Pete Frisina replied it would be an on-site outdoor play area, athletic field, or pool.

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5. Setbacks (inside Highway Corridor and/or outside Highway Corridor): Setbacks for towers, tower facilities, and anchors shall be measured from 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.

Pete Frisina suggested inserting “the base of the tower” prior to “the boundaries of the lot.”

- 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 (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;
  - (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. A minimum of 1,000 **750** feet from the nearest **off-site** residence except for a residence located on the same lot as the tower.-

Jim Graw suggested inserting “All towers shall be” prior to “A minimum.”

Pete Frisina advised if the 3 to 1 ratio is utilized, it shall be amended in this section also.

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- e. All **tower facilities and** anchors for guyed towers shall comply with the minimum **required** setbacks **and/or buffers** of the **applicable** 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 lock**inged** 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)

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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.

Chairman Thoms suggested including a visual analysis, which would be helpful, especially if public hearings are required.

Frank Romeo replied a photo simulation with the date and times indicated could be submitted along with a visual balloon test. He added he would forward a completed photo simulation, consisting of approximately 30 shots, of a site.

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;

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- (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;

Pete Frisina suggested deleting (4) in its entirety.

The PC concurred.

- (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.

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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.

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 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.
  - 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 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.

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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.
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 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, contractor, subcontractor, 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.~~

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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.~~

~~J.H. 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 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ~~ninety~~ 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.

**I. Cell/Carrier on Wheels (COW).**

Carrier on Wheels or Cell on Wheels (“COW”.) A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure. (Typically, these are allowed administratively for a set period of time as they are for special events or emergency situations and only require an electrical permit as they are self-contained structures.)

Attorney Ellen Smith advised a “COW” is utilized at a special event such as a sporting event (UGA), race track (Hampton), or concerts.

Pete Frisina asked if a temporary power pole would be required.

Frank Romeo replied it would depend on the time frame. He added if it is only for a short period, a generator should be sufficient. He explained the tower is located on the bed of a pickup truck with a telescopic mast usually 50-60 feet in height. He said a “COW” could only supplement a tower.

Pete Frisina suggested deleting “COW” in its entirety since it is utilized on such a limited basis.

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**J. Application Timeframes.**

**The Zoning Administrator shall act on applications for collocations 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.**

The PC thanked the telecommunication attendees for their input.

\* \* \* \* \*

Chairman Thoms asked if there was any further business.

Al Gilbert asked what would be discussed next in the Zoning Ordinance.

Pete Frisina replied a Public Hearing would be held to vote on the Minutes immediately followed by a Public Meeting/Workshop to discuss the proposed amendments to the tower ordinance.

Hearing none, Doug Powell 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 9:19 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**TIM THOMS  
CHAIRMAN**

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