

THE FAYETTE COUNTY PLANNING COMMISSION held a **Public Meeting/Workshop** on May 6, 2010, at 7:06 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
Dennis Dutton, Zoning Administrator
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

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

Welcome and Call to Order:

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

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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 advised he had received suggestions from Frank Romeo, Attorney Ellen Smith, and Attorney Jennifer Blackburn and some of those suggestions were incorporated into the proposed amendments. He 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.*

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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 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.

Pete Frisina suggested deleting “Includes” and inserting “The area containing” and inserting “the security” prior to “fencing required.”

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.

Pete Frisina suggested adding a definition for “Tower, Planned” as follows: “A planned tower shall include any tower that is in the approval process or has been approved but not yet constructed.”

Tower structure, alternative. Man-made pine trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures, or internal antennas that camouflage or conceal the presence of antennas or towers.

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

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

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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.**

Pete Frisina suggested deleting the last sentence because it is a definition.

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 **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 facilities.** (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)~~
 - 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 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 the existing tower facility 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 poles, water towers, or other free standing non-residential structures excluding signs.)

Doug Powell suggested inserting “and towers” after “excluding signs.”

- 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. (Amended 10/25/01)

Pete Frisina advised there are four (4) items which need to be addressed due to the adoption of SB 192 which deals with co-location.

Attorney Jennifer Blackburn confirmed she had compared the proposed ordinance to SB 192 and the proposed ordinance is in compliance.

- c. ~~Adding on to an~~ ***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 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 zone (within any zoning district) provided all the following requirements are met:
 - a. The State and County Highways included within the Highway Corridor are S.R. 54 (East and West), S.R. 85 (North and South), S.R. 92 (North and South), S.R. 74, S.R. 314, S.R. 279, S.R. 138, 85 Connector, and Bernhard Road (future east-west arterial).
 - b. The Highway Corridor tower floating zone permits towers ~~as a Use by Right~~ in any zoning district when located within 1,000 feet of the right of way on either side of the above roads in unincorporated areas of Fayette County, provided the tower complies with all required regulations ~~of Section 5-40.~~ (Amended 05/25/00)
 - c. Towers within the Highway Corridor are restricted to a maximum of 250 feet in height as an administrative approval, shall be either a monopole or **self-**

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supporting lattice tower, and shall be engineered to accommodate a minimum of five (5) users.

(Amended 03/25/99)

Bill Beckwith suggested deleting “, shall be either a monopole or self-supporting lattice tower,”

The PC concurred.

- d. Towers in excess of 250 feet in height in the Highway Corridor shall require public hearings, can be either a monopole or self-supporting 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 asked is it the intent to preclude a guyed tower from the Highway Corridor and where exactly are guyed towers allowed? He pointed out the way this section is written, even if you complied with all the requirements but wanted to construct a guyed tower, public hearings would be required. He asked how high a tower could be to require guyed wires.

Frank Romeo replied 300 feet. He said the cost for a self-supporting tower at 300 or 400 feet would be phenomenal.

Attorney Jennifer Blackburn commented carriers should be able to determine the type of tower they will construct based on the service network needs. She added an Engineer can provide the structural specifications to the County.

Al Gilbert suggested deleting “, can be either a monopole or self-supporting lattice tower at the discretion of the Boards,”

The PC concurred.

- 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 commented Attorney Blackburn had expressed concern about planned towers where a tower goes through the approval process and then the tower is not constructed which impacts the separation requirements between towers.

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Attorney Jennifer Blackburn stated when two (2) tower companies merge, there is a possibility approved tower locations which had not be built on yet may no longer be needed.

Pete Frisina said Staff had discussed requiring the issuance of a Certificate of Zoning Compliance within one (1) year after approval by the BOC or the BOC approval would be null and void. He explained that if a tower has been approved but is not built, it could hold up someone else from constructing a tower. He added that once a Site Plan is approved and the Certificate of Zoning Compliance is issued, the current deadline to get a building permit per the Development Regulations is one (1) year or the site plan approval is null and void.

Doug Powell remarked the approval of a tower which has not been built should not jeopardize the construction of another tower which is needed.

- 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)~~
- 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)

Pete Frisina asked if it is the intent that any tower over 180 feet be considered in public hearings.

Al Gilbert replied yes.

Doug Powell commented he would like to get the public's input on a proposed tower.

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, or cannot comply with the Development Requirements or Supplemental Requirements. Applicants shall apply for a public hearings through the **Planning and** Zoning Department. **The application shall include the following:**

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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, zoning of the subject property and of adjacent property, and maximum effective radiated power;*

Pete Frisina suggested deleting “, and maximum effective radiated power” since there is no requirements by the State.

The PC concurred.

- b. *An Inventory of Existing or Planned Tower Sites per the standards listed under Supplemental Requirements; and*
- c. *A visual simulation based on a balloon test conducted in the location of the tower at the proposed height of the tower. The application shall include the date and time of the balloon test. The applicant shall provide color photographs one (1) week prior to the Planning Commission public hearing with a simulated rendering of the proposed tower at the requested height from a minimum of four directions to demonstrate the visual impact.*

Pete Frisina presented examples of a visual simulation process where a tower is superimposed with PhotoShop to show how the tower would look when constructed at the subject location. He asked if we wanted to announce the time of a balloon test so the PC, BOC, and public can view the balloon test. He noted a sign could be posted and also a display ad could be placed in the legal organ, the Fayette Daily News.

Attorney Jennifer Blackburn advised there are no State requirements; however, generally the P&Z Department is notified of the date and time and they, in turn, notify the PC, BOC, and property owners within a certain distance. She said two (2) dates could be provided in case of inclement weather.

The PC concurred for placement of a sign on the subject property regarding the balloon test.

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Al Gilbert pointed out there would be a problem if three (3) or more members were present because it would constitute a quorum.

Bill Beckwith asked the time frame of the balloon test.

Yanisa Buice replied normally two (2) to four (4) hours. She said approximately 20 photographs

would be taken within the search area.

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 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.

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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 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.

Attorney Jennifer Blackburn requested the minimum distance requirement be waived where the applicant provides documentation that a planned tower will no longer be constructed or the existing tower is not structurally capable of handling additional antennas.

Pete Frisina replied the intent was to maintain the minimum distance requirements.

The PC concurred.

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.**

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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;
 - (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.

Pete Frisina asked the PC if they were still in agreement with d.

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The PC concurred.

- 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 ~~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.

Pete Frisina advised Attorney Blackburn had suggested reducing the fence height from eight (8) feet to six (6) feet; however, the PC did not want to reduce the fence height.

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 4 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.
 - e. ~~Landscaping shall be installed on the outside of required fence.~~

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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)
9. ***Alternative tower structures with a maximum height of 100 feet shall be exempt from the setback requirements from off-site residences and the tower separation***

requirements of both the Highway Corridor and areas outside the Highway Corridor. Antennas mounted on a man-made pine tree type tower shall be placed a minimum of five (5) feet below the top of the tower as measured from the highest point of the antenna. Antennas placed on a light pole type tower structure shall be internal or flush mounted within canisters.

Pete Frisina presented pictures of various types of alternative tower structures including man-made trees, towers with internal antennas, and towers located at churches disguised as a cross and a bell tower. He pointed out that some of the man-made tree type towers contained very little foliage which did not fully cover the antennas in comparison to others which fully covered the antennas. He confirmed standards would have to be created for establishing standards for foliage, including the requirement of foliage at the top to give the appearance of a real tree, painting the antennas green, and on-going maintenance.

Frank Romeo suggested increasing the maximum height from 100 feet to 120 feet to possibly provide for two (2) carriers. He added photographs of the proposed man-made tree type towers could be submitted to the County for review and approval. He commented a flag pole could also be utilized as an alternative tower structure which could be up to a maximum of 180 feet. He added he would provide photographs of flag poles to Mr. Frisina.

The PC concurred with the increase to 120 feet since the added height will provide additional space for co-locations which will help to meet the County's goal of reducing the need for additional towers in the future.

Chairman Thoms asked if alternative pole towers had cabinets.

Frank Romeo replied the cabinets could be underground.

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Pete Frisina suggested allowing alternative tower structures in conjunction with the following Conditional Uses: Church or Place of Worship, Private School, and Developed Residential Recreational/Amenity Areas. He added this would provide more coverage in residential zoning districts but would only allow alternative tower structures in conjunction with the listed conditional uses and would not totally open up the residential zoning districts.

The PC concurred.

G. Supplemental Requirements.

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

2. Inventory of Existing or Planned Tower Sites. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower nor any towers in the approval process can accommodate the applicant=s proposed antenna. All evidence shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All of the following shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna:
 - a. Each applicant for a tower or antenna shall contact the owners of all existing and planned tower sites, including those located within the zoning jurisdictions of municipalities and/or other counties, that are within the service operating area of the applicant=s proposed tower or antenna location, and provide the Planning and Zoning Department with an inventory of said tower sites at the time of application submittal. The inventory ~~must~~ **shall** include the following information:
 - (1) All property owners and the lessees for each tower site;
 - (2) The site location, total height, and design type of each tower;
 - (3) Details of all existing and any planned towers or structures located within the geographic service area and the ability of such to meet the applicant=s engineering requirements, including, but not limited to: sufficient height, structural support strength, and electromagnetic interference with antenna(s) on the existing towers or structures;
 - (4) ~~Comparison of all fees or costs required to co-locate on an existing tower or structure versus construction of a new tower if proposed. Applicants shall submit in writing a detailed estimate of total co-location development costs for each site and the estimated cost for development of a new tower;~~

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- (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.
 - 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,

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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.

Pete Frisina suggested deleting “maximum effective radiated power” since there is no requirement by the State.

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.~~
 - 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.

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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)~~ **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 31st 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)~~ **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.

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 advised he would update the proposed amendments and hopefully have more information about alternative tower structures available for the next Public Meeting/Workshop.

* * * * *

Chairman Thoms asked if there was any further business.

Frank Romeo presented several sites of proposed tower sites which he is waiting to submit until after the adoption of the proposed ordinance. He stressed the major problem is the 1.5 mile separation distance between towers.

Pete Frisina advised a Public Meeting/Workshop would be held on May 20, 2010, at 7:00 PM, in the Board of Commissioners Conference Room.

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Hearing no further business, Bill Beckwith made a motion to adjourn the Public Meeting/Workshop. Al Gilbert seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:33 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

**TIM THOMS
CHAIRMAN**

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