

ARTICLE IX - STANDARDS FOR TELECOMMUNICATIONS TOWERS AND ANTENNAS

Section 900 - Intent

The intent and purpose of this Article is to establish general guidelines for the siting of commercial telecommunications towers and antennas. The goals of this Article are to: (i) encourage the location of such telecommunication towers in non-residential areas and minimize the total number of towers throughout the community, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, and efficiently.

Section 910 - Applicability

910.1 District Height Limitations

The requirements set forth in this Article shall govern the location of telecommunication 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 telecommunications towers and antennas.

910.2 Public Property

Antennas or towers located on property owned, leased, or otherwise controlled by the City of Barnesville shall be exempt from the requirements of the Article, provided a license or lease authorizing such antenna or tower has been approved by the City of Barnesville.

910.3 Amateur Radio; Receive-Only Antennas

This Article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

910.4 Pre-Existing Towers and Antennas

Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this Article, other than the requirements of Sections 920.6 and 920.7 below. Any such towers or antennas shall be referred to in this Ordinance as "pre-existing towers" or "pre-existing antennas".

920 - General Standards**920.1 Principal or Accessory Use**

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a Non-conforming use of structure.

920.2 Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas constructed after the effective date of this Ordinance:

- (a) Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
- (b) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirement.
- (c) Towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

920.3 Security Fencing

Towers and any equipment buildings and support equipment (tower compound) shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

920.4 Screening and Landscaping

The following requirement shall govern the screening and landscaping surrounding tower compounds:

- (a) The tower compound shall be screened with a tight evergreen hedge not less than 6 feet in height. The hedge shall be planted around the perimeter of the compound and shall consist of evergreen trees and/or shrubs that will normally obtain a height of eight (8) feet within five (5) years.
- (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced by the Code Enforcement Official.

- (c) 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, natural growth around the property perimeter may be sufficient screening.

920.5 Aesthetics; Lighting

The lighting and appearance of telecommunication towers and antennas shall comply with the following standards; provided, however, that the City Council may waive these requirements if it determines that the goals of this ordinance are better served thereby.

- (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, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (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.

920.6 Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such federal standards and regulations are changed, the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations.

920.7 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 the city Building Code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Official

concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the City Council may remove such tower at the owners expense. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. Sections 41-2-8 through 41-2-17.

920.8 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated 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 City Council notifying the owner of such abandonment. If such antenna or tower is not removed within said (90) days, the City Council may, in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 930 - Permitted Uses

The following telecommunications facilities are permitted uses in the I and C-4 Districts:

- (a) Installing an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and
- (b) Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and said existing tower is not a preexisting tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

Section 940 - Uses Requiring Administrative Approval

940.1 Uses Covered

The following telecommunications facilities are permitted in the I and C-4 Districts upon receipt of administrative approval by the Building Official after conducting an administrative review:

- (a) Installing an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure;
- (b) Installing an antenna on any preexisting tower, or on an existing tower of any height that requires the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing structure;

940.2 Administrative Approval Process

The Building Official may administratively approve the uses listed in Section 940.1 above based on the following procedures:

- (a) Each applicant for administrative approval shall apply to the Building Official, providing the information set forth in Sections 960.1 and 960.2 below.
- (b) The Building Official shall respond to each such application within thirty (30) days after receiving it by either approving or denying the application. If the Building Official fails to respond to the applicant within said thirty (30) days, then the application shall be deemed to be approved.

Section 950 - Uses Requiring a Conditional Use Permit

The following conditional uses that require approval by the City Council pursuant to Article XI, Section 1125:

- (a) Locating a tower, including the placement of equipment buildings or other supporting equipment used in connection with said tower, in the I or C-4 zoning districts: provided, however, that such tower shall be set back from any existing off-site residence a distance equal to the height of the tower. Towers are prohibited in districts other than I and C-4 after the effective date of this Ordinance.
- (b) Locating any alternatives tower structure in an I or C-4 zoning district. Alternative tower structures are prohibited in districts other than I and C-4 after the effective date of this Ordinance.
- (c) In any zone other than the I and C-4 districts, installing an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure), regardless of height so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.

Section 960 - Application Contents**960.1 General**

Each applicant requesting a Conditional Use Permit or administrative approval under this Article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives parking, fencing, landscaping, adjacent uses, and other information deemed by the Building Official to be 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.

960.2 Inventory of Existing Sites

Each applicant for an antenna and or tower shall provide to the Building Official an inventory of its existing towers that are either within the jurisdictional boundary of the City of Barnesville or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower. The Building Official may share such information with other applicants applying for land use approvals and permits under this ordinance or other organizations seeking to locate antennas within the corporate limits of the City of Barnesville, provided, however that the Building Official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

970 - Permit Approval**970.1 Availability of Suitable Existing Towers or Structures**

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Building Official that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower of structure can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an exiting tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

970.2 Factors Considered in Granting Conditional Use Permits

The Planning Commission and City Council shall consider the following factors in determining whether to issue a Conditional Use Permit for telecommunication facility:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures and residential district boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (f) Proposed ingress and egress;
- (g) Availability of suitable existing towers and other structures as discussed in Section 970.1 above; and
- (h) Whether the tower is designed to accommodate antennas of additional future users.

APPROVED
Rec. by: PZ Date: 1-12-04