

Sec. 4-11. Development Standards for Telecommunications Towers and Antennas

Sec. 4-11.1 – Definitions.

The following definitions are in addition to definitions in Section 2 Definitions; where the same or similar definitions exist in both sections, the definitions in Sec. 4-11.1 apply in reference to wireless telecommunications facilities:

Accessory structures shall mean those structures that support telecommunications antennas which house equipment and supplies necessary to the operation of a telecommunications tower.

Accessory tower shall mean a tower associated with a principal use which utilizes wireless communication systems in conducting its business but whose business is not directly related to wireless communications. Examples of such principal uses are fire and police stations, courthouses, and municipally owned buildings.

Alternative tower location shall mean a site not less than three (3) acres in size that is municipally owned; i.e. a public recreational complex, a landfill, or a use that has a traditional and historic need for an accessory communications tower related to the primary function or purpose of such use, such as fire and police stations, courthouses, and municipally owned buildings.

Alternative tower structures shall mean the following man-made structures: clock towers, bell towers, church steeples, water towers, light poles, utility structures, elevated roadways, bridges, flag poles, existing conforming telecommunications facilities, warehouses, factories, windmills, barns, silos, commercial buildings, billboards, multi-family buildings 50 feet or more in height, and publicly-used structures such as police and fire stations, libraries, community centers, civic centers, courthouses, churches, schools, hospitals; and other similar structures as approved by the Planning Commission.

Antenna shall mean any exterior apparatus designed for telecommunications through the sending and/or receiving of electromagnetic waves.

Director shall mean the Director of the Chatham County Building Safety and Regulatory Services or his/her designee.

FAA shall mean the Federal Aviation Administration.

FCC shall mean the Federal Communications Commission.

Guyed tower shall mean a telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

Height shall mean the vertical distance of any tower as measured from the bottom of the base of the tower at ground level to the highest point of such tower.

Lattice Tower shall mean a telecommunications tower that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.

Modification shall mean any structural change, alteration, or addition to an existing or approved tower or tower site. Modifications shall include increased heights and changes in antenna type.

Monopole tower shall mean a telecommunications tower constructed of a single pole, without guy wires or ground anchors.

Preexisting towers and antennas shall mean any telecommunications tower or antenna for which a permit has been properly issued prior to the effective date of this Ordinance.

Provider shall mean any person; partnership or corporation engaged in offering subscriber based wireless telecommunications services.

Public use shall mean buildings, structures and uses of land, operated by a government unit or government agency, including but not restricted to public schools, airports, fire stations, police stations, recreation sites and facilities, and public utilities.

Recognized historical areas shall mean districts or locations identified as having historic or architectural significance through an ordinance, guideline, map, listing, or designation by a local, state or federal government.

Stealth shall mean concealed, camouflaged wireless telecommunication facilities designed such that the facilities have the appearance of a structure other than a telecommunications facility.

Telecommunications tower shall mean a structure on which is or can be located one or more antennas for the purpose of transmitting or receiving telecommunications as authorized by the FCC.

Telecommunications facility owner, telecommunications tower owner, or telecommunications antenna owner shall mean the person or legal entity vested with ownership, equitable ownership, dominion, or title to any wireless telecommunications facility, tower, or antenna.

Tower farm shall mean multiple towers on a single site.

Wireless telecommunications facility shall mean telecommunications towers and accessory structures, including fences, roads, and landscaping that are shown on an approved site plan, and also including wireless and conventional ground wired transmission equipment located on or adjacent to the approved site.

Wireless telecommunications services shall mean commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services.

Sec. 4-11.2. Intent

The intent of this section is to provide for the development of telecommunications facilities in locations that promote the general welfare, provide for public safety, and minimize the visual blight caused by a proliferation of telecommunications towers.

Sec. 4-11.3. Zoning Districts and Areas in which Telecommunications Towers Are Permitted

Sec. 4-11.3.1. Alternate tower structures: Antenna placement on alternative tower structures shall be allowed in all zoning districts permitting the alternative tower structure. Antenna placement on permitted telecommunication towers shall be allowed in all districts where such telecommunication towers are permitted.

Sec. 4-11.3.2. Monopole towers: Monopole towers are permitted in the following zoning districts under the specified conditions:

Sec. 4-11.3.3. Monopole towers shall be permitted as a matter of right within the Business (B), Business-General (B-2), Community-Business (B-C), Waterfront Industry (WI), Light-Industrial (I-L), Heavy-Industrial (I-H), and Manufacturing (M) districts.

Sec. 4-11.3.4. Monopole towers shall be permitted subject to Zoning Board of Appeals approval within the Agriculture-Tourist (A-T), Tourist-Business (T-B), Neighborhood-Business-Limited (B-N-1), Neighborhood-Business (B-N), Residential-Business (RB-1) and Planned Light Industrial Transition (PILT) districts.

Sec. 4-11.3.5. Monopole towers may be permitted in Planned Unit Development districts, subject to a finding by the Metropolitan Planning Commission that such use is compatible with the approved development plan.

Sec. 4-11.3.6. Monopole towers shall be permitted within the RA (Residential Agriculture) zoning district (Chatham County) under the following conditions:

- (a) The proposed site shall be rezoned from R-A (Residential- Agriculture) to the RAWT (Residential-Agricultural-Wireless- Telecommunications) classification by the Chatham County Commission.
- (b) The proposed site shall be part of a parcel that contains not less than 5 acres.
- (c) The proposed tower shall be located a minimum of 250 feet from a residential use.
- (d) There is no adjacent or nearby zoning district that permits towers that would serve the area requiring service.
- (e) There is no alternative tower structure that would serve the area requiring service.
- (f) A petition for rezoning shall be accompanied by a General Development Plan in accordance with Sections 4-6.5 (Planned Development District) and 16.4.1 (below). The General Development Plan shall be approved at the same time as the rezoning.

Sec. 4-11.3.7. Guyed and lattice towers shall be permitted within the Light-Industrial (I-L), Heavy-Industrial (I-H), and Manufacturing (M) districts.

Sec. 4-11.3.8. Stealth towers shall be permitted in zoning districts that permit the structure that the tower is designed to resemble.

Sec. 4-11.3.9. Temporary towers (cell-on-wheels or COWs) shall be permitted in any zoning district permitting telecommunications towers provided that the COW is installed in conjunction with construction of an approved tower and operates for a period not exceeding six months.

Sec. 4-11.3.10. Tower farms shall be permitted within the Light-Industrial (I-L), Heavy-Industrial (I-H), and Manufacturing (M) districts. Additional telecommunications towers may be constructed on any site containing an existing telecommunications tower if the additional tower does not interfere with the operation of the existing telecommunications facility.

Sec. 4-11.3.11. Alternate tower locations

In addition to the other requirements of this chapter, the construction of a tower in an alternative tower location within a zoning district not permitting wireless telecommunications towers shall comply with the following:

Sec. 4-11.3.12. Publicly owned sites

- (a) A resolution from the governing body that controls the site authorizing the tower facility shall be submitted.
- (b) Towers shall be monopoles.
- (c) Monopoles erected on public recreational sites shall be of a stealth design unless the tower is screened by trees and other vegetation from the recreational site and from the public right-of-ways.

Sec. 4-11.3.13. Uses with historic need for an accessory communications tower

- (a) A narrative explaining how the proposed accessory communications tower relates to the primary purpose and function of the principal use shall be submitted.
- (b) The accessory tower shall be maintained for the needs of the principal use occupying the site. The accessory tower shall not be exclusively used for the leasing of space to commercial interests.
- (c) The principal use and the accessory tower shall be under the same ownership.
- (d) The construction of accessory towers for leasing to commercial interests shall be prohibited on properties where the principal use occupying the alternative tower location is scheduled to be closed or changed into a use that would not have a traditional or historic use of an accessory tower.
- (e) Such accessory towers shall be monopoles.

Sec. 4-11.4. Submittals

Sec. 4-11.4.1. New Towers: Applications for new telecommunications towers and for antennas proposed on alternate tower structures shall include the following:

- (a) A Telecommunications Tower application form.
- (b) Proof of ownership of the proposed site or authorization of the proposed use from the owner of the proposed site.
- (c) A map showing all telecommunications towers within one mile of the proposed tower site.
- (d) A description of the service area of the proposed facility utilizing wireless engineering propagation studies, including reference to the engineering report prepared for the MPC entitled "Analysis of Existing and Potential Sites for Wireless Communications Facilities," and composite predicted signal coverage area models that include all towers within one mile of the proposed site.
- (e) Photo simulations illustrating the visual impact of the tower from a northern, southern, eastern, and western viewpoint.
- (f) A report from a professional engineer registered in the State of Georgia documenting tower height and the structural capacity in terms of the number of antennas that the tower can accommodate.
- (g) A letter from the FAA establishing the maximum tower height or a written statement prepared by a professional airspace safety consultant predicting the maximum height of the proposed tower likely to be approved by the FAA.
- (h) A list of the names and addresses of all adjacent property owners.
- (i) A General Development Plan in accordance with Section 4-6.5 Planned Development Districts.

Sec. 4-11.4.2. Collocation: Applications for collocations of existing towers shall include the following:

- (a) A Telecommunications Tower application form.
- (b) Proof of ownership of the proposed site or authorization of the proposed collocation from the owner of the proposed site.

- (c) A Specific Development Plan showing modifications (if any) to the telecommunications tower facility.

Sec. 4-11.4.3. Modifications: Applications for modifications to existing towers that increase the height or configuration of the tower shall be approved by the MPC Board in accordance with Section 16.4.1 New Towers. Structural modifications or incidental modifications to tower facilities that have a minimal impact on adjacent property and that require no variances may be approved by the MPC staff.

Sec. 4-11.5. Procedures

Procedures for approval of General and Specific Development Plans shall be as required in Section 4-6.5 Planned Development Districts with the following additional conditions:

- (a) The MPC Board shall approve all General Development Plans for new towers, tower farms, and new stealth towers. New telecommunications towers designed for the sole or exclusive use of a single provider shall be prohibited.
- (b) The MPC staff shall approve General and Specific Development plans that do not require variances for antenna placement on existing conforming buildings or structures, on alternative tower structures, or on existing towers.

Sec. 4-11.6. Permits (reserved)

Sec. 4-11.7. General Standards

The location and construction of telecommunications facilities governed by this Ordinance shall comply with the following requirements:

Sec. 4-11.7.1. Separation

- (a) Telecommunications towers shall not be permitted within 2,500 feet of another telecommunications tower except within tower farms.
- (b) Telecommunications towers shall not be permitted within 300 feet of the right-of-way of a protected roadway as identified in the Chatham County Zoning Regulations.
- (c) Guyed and lattice towers shall not be permitted within 1,000 feet of a residential zoning district, residential structure, or public use, excluding street rights-of-way and public approved access easements.

Sec. 4-11.7.2. Setbacks

- (a) Monopole towers shall be set back from residential districts not permitting such towers by 100 feet or the height of the tower, whichever is greater.
- (b) Monopole towers shall be set back from the property line of a residential lot in a zoning district permitting such towers by 100 feet or equal to the height of the tower, whichever is greater.
- (c) Monopole towers shall set back not less than thirty (30) feet from any property line adjacent to a right-of-way or access easement.
- (d) All telecommunications towers, including stealth towers, shall conform to the setbacks required by structures in the zoning district where the towers are located. Where there is a conflict in the setback requirements, the more restrictive setback shall apply.

Sec. 4-11.7.3. Tower Height

Building height limitations in the zoning districts in which a telecommunications facility or alternative tower structure is proposed shall not apply to the tower or antenna.

- (a) Within the Agriculture-Tourist (A-T), and Residential-Business (RB-1) districts, telecommunications towers shall be 180 feet in height unless a lesser height is required by the FAA.
- (b) Within the Tourist-Business (T-B), Neighborhood-Business-Limited (B-N-1), Neighborhood-Business (B-N), Business (B), Business-General (B-2), Community-Business (B-C), Waterfront Industry (WI), and Planned Light Industrial Transition (PILT) districts, telecommunications towers shall not exceed 250 feet in height and shall be a minimum of 180 feet in height unless a lesser height is required by the FAA.
- (c) Within Planned Unit Developments (PUD) and Residential-Agricultural-Wireless-Telecommunications (R-A-W-T) districts the height of telecommunications towers shall be as approved by the Planning Commission. The permitted uses related to tower heights in paragraphs (a) and (b) above shall be used as a guideline for establishing tower heights within PUDs.
- (d) Within Light-Industrial (I-L), Heavy-Industrial (I-H), and Manufacturing (M) districts, there shall be no restriction on the height of telecommunications towers.

- (e) Heights of antennas located on alternative tower structures within residential and historic districts and on towers within districts requiring Zoning Board of Appeals approval shall not exceed twenty (20) feet.

Sec. 4-11.7.4. Design Standards

- (a) Telecommunications facilities shall be constructed and maintained in compliance with industry standards and applicable standards for telecommunications facilities that are published by the Electronic Industries Association and American National Standards Institute (ANSI), latest editions.
- (b) Telecommunications towers shall be enclosed by an opaque, decay-resistant fence not less than six (6) feet in height, except that a chain link security fence may be permitted where sites are in remote areas and not visible from a public right-of-way or adjacent property.
- (c) Landscaping at telecommunications tower facilities shall conform to the Land Clearing and Tree Protection Ordinance. All required landscaping shall be of an evergreen variety and shall be maintained by the tower owner. A contribution to the Chatham County Tree Fund shall be made in lieu of landscaping in remote sites that are not visible from a public right-of-way or adjacent property.
- (d) Except for the manufacturer's name plate, advertising at telecommunications facilities shall be prohibited.
- (e) Telecommunications towers may be located on sites containing another principal use on the same site, subject to the Group Development provisions of Section 5-5, Group Development Projects, of the Chatham County Zoning Regulations, except that telecommunications towers shall not be located within 100 feet or the height of the tower, whichever is greater, of a residential property line.
- (f) Accessory structures shall be used only to house equipment and other supplies in support of the tower operation. Such structures shall not be used for offices. Any equipment not used in direct support of a tower operation shall not be stored on the site.
- (g) Telecommunications facilities located within residential zoning districts, within Recognized Historic Areas, or on vacant lots adjacent to Recognized Historic Areas shall be of a stealth design and camouflaged in such a manner to be consistent with the existing streetscape and development pattern.

- (h) Telecommunications facilities shall maintain a galvanized steel finish or be painted a neutral color, unless otherwise required by the FAA.
- (i) The telecommunications facilities shall use materials, colors, textures, screening and landscaping that create the greatest level of compatibility with the natural environment and existing land use pattern.
- (j) Illumination is prohibited on telecommunications towers, except where required by the FAA.
- (j) New and modified telecommunications facilities shall be designed to accommodate a minimum of four carriers.

Sec. 4-11.7.5. Limitations

- (a) Telecommunications antennas shall not be attached or mounted to the facade or parapet of any architecturally or historically significant building or structure located within the National Register of Historic Districts or identified in the Chatham County Historic Resources Inventory.
- (b) Guyed, lattice, or monopole telecommunications towers shall not be located within residential zoning districts, within Recognized Historic Areas, or on vacant lots adjacent to Recognized Historic Areas.
- (c) Dish antennas shall not be placed on alternative tower structures within residential, mixed residential-institutional, and residential-business districts and on towers within districts requiring Zoning Board of Appeals approval.

Sec. 4-11.7.6. Exemptions

The following telecommunications facilities are exempt from the requirements of this Ordinance:

- (a) Telecommunications facilities located on property owned, leased, or otherwise controlled by the Chatham County government or another unit of local government, owned and operated for the sole purpose of municipal use in the pursuit of the general public safety and public welfare.
- (b) Existing alternative tower structures which are conforming uses within the zoning district in which they are located are exempt from the minimum setback and separation requirements of this section.

- (c) Pre-Existing Conforming Commercial Wireless Telecommunications Towers. However, modifications or the replacement of such towers shall comply with the requirements of this ordinance.

Sec. 4-11.7.7. Pre-existing Non-conforming Tower

An existing non-conforming telecommunications tower may be replaced under the following conditions:

- (a) The replacement telecommunications tower shall be located on the same parcel and, to the extent that is practical, shall be located on the site to conform to current setback requirements.
- (b) The replacement telecommunications tower may be the same tower type or a monopole and may be rebuilt to the same or a lesser height.
- (c) The replacement telecommunications tower and accessory structures shall conform to the requirements of Sec.4-11.7.4 Design.
- (d) Temporary structures to support antennas during construction shall be permitted on the site for a period not exceeding 60 days.
- (e) The pre-existing tower shall be removed within 30 days after completion of the new tower.
- (f) The replacement telecommunications tower shall be considered to be non-conforming unless the zoning is changed to a classification that allows telecommunications towers.

Sec. 4-11.7.8. Removal of antennas and towers

Any telecommunications facility found not to be in compliance with these regulations or found to constitute a danger to persons or property, shall, upon notice, be brought into compliance or removed within ninety (90) days. Any tower or antenna that is not operated for twelve (12) consecutive months shall be considered abandoned and the owner of such tower or antenna shall remove the same within ninety (90) days of receipt of notice from the Director. Owners of telecommunications towers shall provide the Director with a copy of any notice to the FCC regarding the intent to cease operations. The copy shall be given to the Director at the same time that such notice is submitted to the FCC. Failure to remove such facility shall result in the issuance of a subpoena to Recorder's Court.

Sec. 4-11.7.9. Violations.

Any permit issued for telecommunications facilities in violation of these regulations or based upon falsified information shall result in such permit being invalid. The tower owner shall remove the telecommunications facility at no expense to the County.

Sec. 4-11.7.10. Appeals

Appeals to any decision of the Director shall be to the Chatham County-Savannah Metropolitan Planning Commission. Appeals to any decision of the Planning Commission shall be to the Chatham County Zoning Board of Appeals.

Sec. 4-11.7.11. Variances

The Planning Commission may approve variances from these requirements at the request of the telecommunications facility owner upon a finding that such variance would:

- (a) Be necessary due to geography, topography, or other unusual conditions.
- (b) Have a minimal visual impact on adjacent properties.
- (c) Not be contrary to the purposes and intent of these regulations.
- (d) Not be detrimental to existing or proposed land uses.
- (e) Serve public purposes to a degree equal to or greater than the standards replaced.
- (f) Accommodate collocations and result in a reduction in the number of telecommunications facilities.

Sec. 4-11.7.12. Notification

Notice shall be given of all public hearings for telecommunications towers.

- (a) Prior to its decision on any request for a telecommunications tower, the Planning Commission shall hold a hearing thereon. At least seven (7) days prior to the hearing, a notice of the time and place of such hearing shall be sent to the owners of all adjacent properties either

adjoining the property with which the hearing is concerned or situated directly across a right-of-way from such property. Such notice shall contain the name of the petitioner, the date, time and place fixed for the hearing, and a brief statement of the request.

- (b) At least five (5) days prior to the scheduled date of public hearing of an application, the applicant shall erect a sign, to be furnished by the Director, on the land of the proposed tower site. Such sign shall be erected by the applicant within ten (10) feet of whatever boundary line of such land abuts the most traveled public road; and, if no public road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The lower edge of the sign face shall be of sufficient height so as to be read from the roadway. Such sign shall not be placed on trees. The sign furnished by the Director or his designee shall be nonreturnable and weather-resistant, have a minimum size of 30 by 40 inches, shall show the application number, the type of relief sought, the scheduled date, time and place of public hearing, and the telephone number to call for further information.