

COPY

ORDINANCE NO. 2018- 001

AN ORDINANCE OF THE RANDOLPH COUNTY BOARD OF COMMISSIONERS ESTABLISHING RULES AND REGULATIONS GOVERNING THE CONSTRUCTION OF CELL TOWERS WITHIN RANDOLPH COUNTY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the Commissioners of Randolph County desire to establish rules and regulations governing the construction of cell towers within Randolph County

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Randolph County as follows:

Section 1. The ordinance attached hereto as Exhibit "A" is hereby adopted.

Section 2. All ordinances or parts of ordinances in conflict herewith are repealed.

SO ORDAINED, this 13th day of February, 2018.

RANDOLPH COUNTY
BOARD OF COMMISSIONERS

By: Steve Jackson
Chair, Steve Jackson

(SEAL)

Attest: Carly M. Roberson
Clerk, Carlissa Cooper

First reading: _____

Second reading: _____

EXHIBIT "A"

Section A.

The following definitions are added to the existing Section 18.22.

Definitions

Alternative tower structure: means clock towers, bell towers, church steeples, light/power poles, electric transmission towers, manmade trees (without accessory buildings/structures), and similar natural or manmade alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Collation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Height: when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower structure or appurtenance.

Lattice tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Open Space: Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

Pre-existing towers and antennas: means structures as set forth in subsection 18-180 (c).

Scenic views: means those geographic areas containing visually significant or unique natural features, as identified in the county comprehensive plan.

Telecommunication: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunications equipment shelter: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. This term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, manmade trees (with accessory buildings/structures) and other similar structures.

Visual quality: means the appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

Section B.

A New Article XXII to be entitled, "Wireless Telecommunication Towers" is hereby created and shall read as follows:

SECTION 18.179 INTENT

The intent of this article is to establish guidelines for the siting of all wireless, cellular, television and radio telecommunications towers and antennas. The goals of this article are to:

1. Encourage the location of towers in nonresidential areas;
2. Minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of the county;
3. Encourage the joint use of new and existing tower sites among service providers;
4. Locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized;
5. Encourage design and construction of towers and antennas to minimize adverse visual impacts; and
6. Enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

SECTION 18.180: APPLICATION OF ARTICLE

- A. *District height limitations.* Except as set forth in subsection (c) of this section, the requirements of this article shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of, 50 feet.
- B. *Governmental exemption.* The provisions of this article shall not apply to governmental facilities and structures.

- C. *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance from which this article is derived shall not be required to meet the provisions of this article, other than the requirements of sections 18.181. Any such towers or antennas shall be referred to in this article as “pre-existing towers” or “pre-existing antennas.”
- D. *Additional antennas.* If an additional antenna is co-located upon a pre-existing tower after adoption of this article, then fencing, color and landscaping requires of Section 18.182 shall be met as part of the permitting process.

SECTION 18.183: ANNUAL REGISTRATION OF TELECOMMUNICATIONS TOWERS

- A. On or before May 1 of each calendar year, the owner of any telecommunications tower shall register such tower with the County clerk on a form provided by the Clerk. The initial annual registration shall identify such telecommunications tower by tax parcel number physical street address, and/or GIS coordinates, and shall describe all structures and equipment on site associated with such telecommunications tower. Annually thereafter, each subsequent registration shall identify any transfer of ownership of such tower, and/or any modifications to such tower which occurred during the preceding calendar year.
- B. For all telecommunications towers which were constructed more than ten years prior to the submittal of the annual registration, at least once every three years the owner of such tower shall submit certification to the clerk that such tower was inspected and that a registered professional engineer has determined that no signs of defect, disrepair, or other hazardous condition exist.
- C. The annual registration fee for each telecommunications tower shall be \$100.00 for the first registration year and \$50.00 per tower per year thereafter.
- D. The County clerk shall maintain an inventory of all towers or alternative tower structures, active and inactive, which are present in the county. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be decided by the department.

SECTION 18.184: GENERAL PROVISIONS

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for each zoning district found in the following sections.

- A. When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.
- B. The location of the tower and equipment shelter shall comply with all natural resource protection standards established in the Zoning Code, including those for floodplain, wetlands, and steep slopes.
- C. Security fencing eight feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the Board of Commissioners.
- D. The following buffer plantings may be located around the perimeter of the security fence as deemed appropriate by the Board of Commissioners.
 - 1) An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
- E. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- F. No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the department and board of commissions that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements that no existing tower is suitable. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:
 - 1) That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
 - 2) That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
 - 3) That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - 4) That the cost or contractual provisions required by the tower owner to share an existing 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.

- 5) That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- G. Any application to locate an antenna on a building or structure that is listed on an historic register, or is in a historic district shall be subject to review by the municipality's Architectural Review Board, Building Commissioner, or Board of Commissioners if there is no such review board or officer.
- H. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). Towers or antennas shall maintain either a galvanized steel or concrete finish or, subject to any applicable standards of the FAA and FCC, be painted a neutral color so as to reduce visual obtrusiveness. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
- I. No advertising is permitted anywhere on the facility, with the exception of identification signage.
- J. All providers utilizing towers shall present a report to the County Clerk notifying them of any tower facility locate in the municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, a designated local official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the County Clerk and will be instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the municipality will remove or will contract to have removed the facility and assess the owner/operator the costs.
- K. No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted. 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. In the event that a tower requires lighting by virtue of its height, the County may require the construction of the tower at a lower height in order to avoid lighting requirements.
- L. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- M. Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

- N. A Conditional Use Permit must be approved by the Board of Commissioners with a subsequent Building Permit issued by the County Clerk for construction of new towers in nonindustrial districts. A conditional use permit should comply with all requirements for building permits set forth in this chapter. Collocation of antennas on a single tower, antennas attached to existing structures/building, towers located in industrial districts, or replacement towers to be constructed at the site of a current tower are permitted used and will not be subject to the Conditional use permitting process.
- O. Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Board of Commissioners.
- P. Underground equipment shelters are encouraged, especially in nonindustrial districts, and may be requested by the Board of Commissioners.
- Q. Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the department of the transaction in writing within 30 days.

SECTION 18.185 NON RESIDENTIAL DISTRICTS

Wireless telecommunications facilities proposed for the following zoning districts- industrial, Commercial, and agricultural- are subject to the following conditions:

A. Sole use on a lot:

A wireless telecommunications facility is permitted as a sole use on a lot subject to the following for the relevant zoning district as Set forth in Section 18.102.

- 1) Minimum lot size -
- 2) Minimum yard requirements -
Tower: the minimum distance to any single-family or two-family residential use or district lot line shall be 300 feet
- 3) Maximum height -
Tower: 200 feet (includes antenna)
Equipment shelter: (*maximum building height for the district*)
- 4) Maximum size of equipment shelter -
300 square feet for a single shelter, or, if there is more than one, 750 square feet

B. Combined with another use:

A wireless telecommunications facility is permitted on a property with an existing use subject to the following conditions:

- 1) The existing use on the property may be any permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or value of a nonconforming use.

- 2) The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).
- 3) Minimum lot area -
The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing and buffer planting.
- 4) Minimum yard requirements -
Tower: the minimum distance to any single-family or two-family residential use or district lot line shall be 300 feet.
Equipment shelter: shall comply with the minimum setback requirements for the primary lot.
- 5) Access - The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
- 6) Maximum height -
Tower: 200 feet (includes antenna)
Equipment shelter: (*maximum building height for the district*)
- 7) Maximum size of equipment shelter -
300 square feet for a single shelter, or, if there is more than one, 750 square feet

C. Combined with an existing structure:

Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:

- 1) Maximum height -
20 feet or 20% of the building height above the existing building or structure, whichever is greater.
- 2) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building) the shelter shall comply with the following:
 - a) The minimum setback requirements for the subject zoning district.
 - b) A buffer yard may be planted in accordance with section 1D.
 - c) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.
 - d) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 751 total square feet.

SECTION 18.186: RESIDENTIAL DISTRICTS

Wireless telecommunications facilities that include towers are not permitted in residential districts with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital, school, utility). However, antennas attached to existing buildings or structures are permitted, in applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone. Once those efforts have been exhausted, a wireless

telecommunications facility may be located in a residential district subject to the following conditions:

A. General:

The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance. This shall apply to B, C, D, and E below.

B. Combined with a nonresidential use:

An antenna may be attached to a nonresidential building or a structure that is a permitted use in the district; including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:

- 1) Maximum height, 20 feet above the existing building or structure
- 2) If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:
 - a) The shelter shall comply with the minimum setback requirements for the subject zoning district.
 - b) The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one, 750 total square feet.
 - c) A buffer yard shall be planted in accordance with section 1D.
 - d) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.

C. Located on a nonresidential-use property:

A tower to support an antenna may be constructed on a property with a nonresidential use that is a permitted use within the district, including but not limited to a church, hospital, school, municipal or government building, facility or structure, agricultural use and a utility use, subject to the following conditions:

- 1) The tower shall be set back from any property line abutting a single-family or two-family residential lot by 300 feet.
- 2) Maximum height -
Tower: 200 feet (includes antenna)
Equipment shelter: (*maximum building height for the district according to Section 18.43*)
- 3) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
- 4) Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
- 5) In order to locate a telecommunications facility on a property that is vacant or with an agricultural use the tract shall be at least 2.5 acres.

D. Located on a residential building:

An antenna for a wireless telecommunications facility may be attached to a mid-rise or high-rise apartment building subject to the following conditions:

- 1) Maximum height, 20 feet above the existing building.
- 2) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located in, or attached to, the building), the shelter shall comply with the following:
 - a) The shelter shall comply with the maximum setback requirements for the subject zoning district.
 - b) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
 - c) A buffer yard shall be planted in accordance with section 1D.
 - d) Vehicular access to the shelter shall, if at all possible, use the existing circulation system.

E. Located in open space:

A wireless telecommunications facility is permitted on land that has been established as permanent open space, or a park subject to the following conditions:

- 1) The open space shall be owned by the municipality, county or state government, a homeowners association, charitable organization, or a private, non-profit conservation organization.
- 2) Maximum height -
Tower: 200 feet (includes antenna)
Equipment shelter: (*maximum building height for the district*)
- 3) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
- 4) The tower shall be set back from any single-family or two-family property line 300 feet.

SECTION 18.187: CRITERIA FOR A CONDITIONAL USE

A wireless telecommunications facility which includes a tower may be permitted as a conditional use in a multi-family residential, institutional or commercial district, or located on an institutionally-used property in any residential district. In order to be considered for review, the applicant must prove that a newly-constructed tower is necessary in that opportunities for collocation on an existing tower is not feasible. The following steps must also be taken for the application to be considered for review in this category:

- A. The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.

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January 25, 2018

Lori Moore
Randolph County
P. O. Box 221
Cuthbert, GA 39840

Dear Lori:

Accompanying this letter please find a proposed ordinance for the regulation of building and location of cell towers and monopolies on the County right-of-way. Over the past year, many of the cities that we represent have been approached by communication companies seeking to locate cell towers on the right-of-way in the County.

As previously stated, the Georgia General Assembly and the United States Congress have attempted to restrict the regulation of these communication facilities by local governments. While the ability to regulate these facilities is limited, should you have no ordinance at all, communication companies would be free to place these facilities where ever they liked. Consequently, the County should consider this ordinance as soon as practicable.

Thank you for your consideration of this important matter. I look forward to discussion of this matter with you and members of the Commission in the coming weeks.

Sincerely,

PERRY & WALTERS, LLP

Tommy Coleman

TC/ln
Enclosure
cc Carlissa Cooper