

TELECOMMUNICATIONS TOWERS AND ANTENNAS

Sec. 1.1 PURPOSE

The purpose of this article is to provide zoning classification requirements for the siting of all wireless, cellular, television and radio telecommunications towers and antennas; to encourage the location of towers in non-residential areas; to minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of Crawford County; to encourage the joint use of new and existing tower sites among service providers; to locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized; to encourage the design and construction of towers and antennas to minimize adverse visual impacts; and to enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

Sec. 1.2 DEFINITIONS

Words not defined herein shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence and section in which they occur. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense. The word "erected" includes the words "constructed," "located" or "relocated." The word "map" or "zoning map" means the Zoning Maps of Crawford County, Georgia. The word "parcel" includes the word "plot" or "lot." The word "person" includes the words "individuals," "firms," "partnerships," "corporations," "associations," governmental bodies" and all other legal entities. The word "shall" is always mandatory and never discretionary. The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

For the purpose of this article, certain terms used herein shall be defined as follows:

- 1.2.1 Administrator means the Zoning Enforcement Officer of Crawford County.
- 1.2.2 Alternative tower structure means clock towers, bell towers, church steeples, light/power poles, electric transmission towers, on premises signs, outdoor advertising signs, water storage tanks, and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- 1.2.3 Antenna means any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- 1.2.4 Co-location means the placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

- 1.2.5 Department means the Crawford County Zoning Department.
- 1.2.6 FAA means the Federal Aviation Administration.
- 1.2.7 FCC means the Federal Communications Commission.
- 1.2.8 Geographic antenna placement area means the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.
- 1.2.9 Governing Authority means the Board of Commissioners of Crawford County, Georgia.
- 1.2.10 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.
- 1.2.11 Pre-existing towers and antennas means structures as set forth in Section 1.3.4 of this article.
- 1.2.12 Public officer means that definition specified in the Crawford County Unsafe or Unfit Property Ordinance.
- 1.2.13 Scenic Views means those geographic areas containing visually significant or unique natural features, as identified in the Crawford County Comprehensive Plan.
- 1.2.14 Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, man-made trees (with accessory buildings/structures) and other similar structures.
- 1.2.15 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.

Sec 1.3

APPLICABILITY

- 1.3.1 Except as set forth in Section 1.3.3 herein, the provisions, requirements and limitations of this article shall govern the location of all wireless telecommunication, cellular telecommunication, television, microwave or radio transmission tower or antenna installed within the jurisdiction of the governing authority. The provisions, requirements and limitations of this article shall only apply to wireless telecommunication, cellular telecommunication, television, microwave or radio transmission tower or antenna installed within the jurisdiction of the governing authority. In addition, any provisions, requirements or limitations contained in other

articles of the Zoning Ordinance of Crawford County, Georgia, which conflict in any way with the administration of this article or the provisions, requirements or limitations of this article shall be inapplicable.

- 1.3.2 Governmental Exemption. Except as otherwise specifically provided for in this article, the provisions of this article shall not apply to the governing authority's properties, facilities or structures. Private facilities and structures placed upon the governing authority's property shall be governed by a lease agreement between the governing authority and the provider.
- 1.3.3 Amateur Radio; Receive-Only Antennas. This article shall not govern any tower, or the installation of any antenna, that is 75 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna; provided, however, only one such tower or antenna per residence shall be excluded from this Article.
- 1.3.4 Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the provisions of this article, other than Sections 1.4.11, 1.4.5.6, 1.4.13 and Section 1.9; and the requirements of Sections 1.4.5 (except subsection 1.4.5.6), 1.4.7 and 1.4.8 within six (6) months from the date of adoption of this article. Any such towers or antennas shall be referred to in this article as "pre-existing towers" or "pre-existing antennas." Provided, however, that the placement of antennas on any nonconforming structure shall not create a vested right for the continued use of the structures should the nonconforming use cease.

If an additional antenna is co-located upon a pre-existing tower after adoption of this article, then the requirements of Sections 1.4.5 (except subsection 1.4.5.6), 1.4.7 and 1.4.8 shall be met as part of the permitting process.

Sec 1.4

GENERAL PROVISIONS

- 1.4.1 Principal or Accessory Use. A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structures. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. 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 nonconforming use of structure.

1.4.2 Five Year Plan and Inventory of Existing Sites. To facilitate the co-location of antennas and future land use planning, each applicant seeking to locate a new tower, alternative tower structure or antenna, or modify an such existing structure, shall provide to the Department an inventory of its existing towers or alternative tower structures, existing towers or alternative structures to be upgraded or replaced, and proposed towers or alternative structures. Applicants seeking to erect an amateur radio or antenna shall be exempt from this provision.

- .1 The inventory shall include all such structures that are within the jurisdiction of the governing authority; within a municipality located, in whole or in part, within Crawford County; or, within a neighboring County which currently is capable of providing coverage or capacity within Crawford County, and 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 or alternative structure, and other pertinent information as may be required by the Department.
- .2 If the applicant does not know specific future tower and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the assessor's blocks contained within the geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.
- .3 The Department may share the location of existing telecommunication facility sites with other applicants seeking to locate towers or antennas within the jurisdiction of the governing authority; provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

1.4.3 Co-location: Design Requirements. In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:

- .1 for towers up to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least three providers or the maximum number of users as determined by the most current technology, whichever is greater;
- .2 for towers greater than 150 feet in height, the structure and fenced compound shall be designed to accommodate at least four providers or the maximum number of users as determined by the most current technology whichever is greater.

1.4.4 Co-location; Availability of Suitable Existing Structures. No new tower except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the Department and Governing Authority 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. 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 are not of sufficient height to meet the applicant's engineering requirements;
- .3 That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment;
- .4 That the applicant's proposed antenna 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;
- .5 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 exceed the cost of new tower development;
- .6 That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable, other than economic reasons.

1.4.5 Aesthetics. The guidelines set forth in this section shall govern the design and construction of all towers, and the installation of all antennas, governed by this article and shall be approved by the Administrator.

- .1 Towers and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- .2 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. Any equipment or cabinet that supports telecommunication facilities must be concealed from public view and made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets

shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.

- .3 For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.
- .4 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. The lighting shall be dimmed or changed to red lights from the sunset to sunrise.
- .5 No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within Crawford County.
- .6 To the extent practical, telecommunication facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the governing body or by any state or federal law or agency.
- .7 Access to the tower site shall be restricted so as to minimize visibility of the access. Where possible, existing roads shall be used. Where no roads exist, access shall follow the existing contours of the land.
- .8 Such other additional requirements as the Administrator shall reasonably require to minimize the visual impact of the site on the surrounding area.

1.4.6 Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers.

- .1 Towers shall be setback a distance equal to the height of the tower from its base to any public right-of-way, occupied structure, or property line of the lot or parcel containing the tower.
- .2 Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
- .3 A tower located in any residential district shall not be located closer than two thousand (2,000) feet to any existing tower, regardless of the district in which the existing tower is located. This requirement shall not apply to amateur radio towers.

1.4.7 Security Fencing/Anti-Climbing Devices. All towers and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative.

1.4.8 Landscaping. The following requirements shall govern landscaping surrounding all towers.

.1 Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the tower compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound.

.2 Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.

.3 Landscaping shall be maintained by the provider and shall be subject to periodic review by the Administrator to assure proper maintenance. Failure to maintain landscaping shall be deemed a violation of this article.

Amateur radio towers and antennas, or receive-only antennas shall not be subject to the provision of this section unless required by the Governing Authority through the Conditional use Permit process.

1.4.9 Maintenance Impacts. Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street, utilizing existing access to the property on which such facility is to be located, where possible.

1.4.10 Review of Tower and Antenna Erection by the Airport Authority. If, upon receipt of an application for the erection of any tower or alternative tower structure governed by this article, the Department deems that the proposed structure may interfere with or affect the use of the airways of the County by the public or interfere with or affect the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the Department to the Crawford County Airport Authority for review and recommendation.

1.4.11 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

standards and regulations are changed, the permittee or the lessee of the tower and antenna governed by this article shall bring such tower and/or antenna into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such tower and/or antenna into compliance with such revised standards and regulations shall require removal of the tower or antenna at the owner's, permittee's, or lessee's expense. The county may seek injunctive and compensatory relief in a court of competent jurisdiction.

1.4.12 Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure 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 from time to time. If, upon inspection, the Department concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee or lessee of the tower, said party shall have fifteen (15) days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within fifteen (15) days shall require removal of the tower at the owner's, permittee's, or lessee's expense. The county may seek injunctive and compensatory relief in a court of competent jurisdiction.

1.4.13 Change of Ownership Notification. Upon the transfer of ownership of an interest in 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.

Sec 1.5

APPLICATION PROCEDURES

1.5.1 General Application Requirements. Application for a permit for any telecommunication facility shall be made to the Department by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete. The Administrator is authorized to develop application forms to assist in providing the required information and facilitate the application process. Except for a co-location information submittal under Section 1.5.2 of this article, the following information shall be submitted when applying for any permit required by this article and must be submitted for an application to be considered complete:

- .1 Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses.

- .2 Landscaped plan to scale indicating size, spacing and type of plantings required in Section 1.4.8.
- .3 A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.
- .4 A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.
- .5 Report from a professional qualified engineer licensed in the State of Georgia, or other appropriate qualified industry expert, documenting the following:
 - (A) Tower or antenna type, height, and design;
 - (B) Engineering, economic, and other pertinent factors governing selection of the proposed design;
 - (C) Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;
 - (D) Evidence of structural integrity of the tower or alternative tower structure.
 - (E) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris; and
 - (F) Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.
- .6 Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network (i.e., whether such antenna or tower is needed for coverage or capacity.)

- .7 If the proposed site is zoned C-1, C-2, R-1 through R-4, R1-AG, R-MH, or PUD, applicants must describe why an alternate site zoned I-G, R-AG or R-CD was not proposed by identifying.
 - (A) what good faith efforts and measures were taken to secure such an alternate site;
 - (B) why such an alternate site was not technologically, legally or economically feasible and why such efforts were unsuccessful; and
 - (C) how and why the proposed site is essential to meet service demands for the geographic service area.

The Department will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Department shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.

- .8 The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power line easements impacting the proposed tower site.
- .9 The applicant must provide any other information which may be requested by the Department to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

1.5.2 Tower Co-location Information Submittals. Any person or entity co-locating an antenna or antennas which will add no more than ten (10') feet to the height of the tower and related equipment or appurtenances on or around a tower for which a permit has already been issued shall submit the following information only:

- .1 The name of the person or entity co-locating the antenna.
- .2 The name of the owner of the tower.
- .3 The tower's permit number.
- .4 The location of the tower.
- .5 The remaining structural capacity of the tower.
- .6 Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency

levels meet the American National Standards Institute (ANSI) guidelines for public safety.

Sec 1.6

ADMINISTRATIVE APPROVALS

1.6.1 General.

- .1 The Department may administratively approve the uses set forth in Section 1.6.5 of this article. All such uses shall comply with requirements set forth in this article and all other applicable codes and ordinances.
- .2 Except as provided in Section 1.6.4, the Department shall respond to each application within forty-five (45) days of its receipt by either approving or denying the application. One forty-five (45) day extension of this review period may be exercised by the Department if such additional time is deemed necessary to adequately assess the request. If the Department fails to respond to the applicant within a maximum of ninety (90) days, the application shall be deemed to be approved.
- .3 As part of any administrative approval, the Department may administratively reduce setback requirements by up to ten percent (10%) to compensate for irregularly shaped lots or parcels.
- .4 Any decision by the Department that results in the denial of a request to place, construct, or modify wireless telecommunications facilities shall be in writing and supported by substantial evidence. In addition to the requirements set forth in Section 1.6.5 for uses allowed by administrative approval, the Department shall consider the applicable factors set forth in Section 1.7.6 in acting upon an application for administrative approval.

1.6.2 Application; contents; fee. All applications for Administrative Approval of a Permit shall be submitted to the Crawford County Zoning Department. Each application shall contain as a part thereof detailed plans and specifications as set forth in Section 1.5. An application for Administrative Approval of a Permit shall not be accepted for processing without the information required in Section 1.5 of this article. An application fee shall be charged by the Department in an amount stated in Section 1.10 of this article.

1.6.3 Co-location of Antennas Required. Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative tower structure is available as set forth in Section 1.4.4.

1.6.4 Independent Expert Review. If, in the opinion of the Department, an independent expert review of an application is warranted, the Department may engage a licensed professional engineer or other appropriate professional, as an independent expert to review any of the materials submitted by an applicant and render an opinion on any issue relevant to the application, the adequacy of the supporting data, structural integrity and the feasibility of alternative sites or co-location. Upon the review by an independent expert, the Department shall convey its concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns. If the applicant is unable to satisfactorily address those concerns, the applicant shall be allowed a reasonable amount of time, not to exceed thirty (30) days, in which to modify the application to alleviate the Department's concerns or withdraw the application altogether. The expert's opinion shall be considered determinative, unless the applicant agrees to pay the expenses of submitting both opinions for a peer review, which review shall then be considered final. If the independent third-party expert supports the applicant's expert, then the Department shall pay the expenses of said third-party expert. If the independent third-party expert supports the position of the Department, then the applicant shall pay the expenses of said third-party expert. The Department shall respond within thirty (30) days following the final review as herein provided. No permit shall be issued until the applicant has paid all expenses incurred under this section.

1.6.5 Uses Allowed by Administrative Approval. The following uses may be approved by the Department after conducting an administrative review:

.1 If it is adequately demonstrated that antenna co-location, as required in Section 1.6.3 above, is not possible for a given geographic antenna placement area, construction of a new tower up to a height of one hundred fifty feet (150'), including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, may be permitted in the following zoning districts:

- (A) Agricultural Residential District (R-AG)
- (B) Community Development Residential District (R-CD)
- (C) General Industrial District (I-G)
- (D) Mining (M-1)

provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein.

.2 So long as the addition of said antenna adds no more than ten (10') feet to the height of the existing alternative tower structure:

- (A) Installation of an antenna on an existing alternative tower structure in any non-residential district, or
- (B) Installation of an antenna on an existing county owned alternative tower structure in any non-residential district, provided a lease authorizing the antenna has been approved by the Governing Authority.

.3 So long as the addition of said antenna adds no more than ten (10) feet to the height of the existing tower:

- (A) Installation of an antenna on an existing tower of any height in any non-residential district, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, or
- (B) Installation of an antenna on an existing tower located on property owned, leased or otherwise controlled by the County in any nonresidential district, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, provided a lease authorizing the tower has been approved by the Governing Authority.

.4 Construction of a new tower up to a height of one hundred fifty feet (150'), including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, if placed upon property owned, leased or otherwise controlled by the County in any non-residential district, providing a lease authorizing the tower has been approved by the Governing Authority.

1.6.6 Public Notice/Appeal. At least 15 days prior to the issuance of a permit for the construction of a tower or antenna as an administratively approved use, except for co-location permits, the Department shall cause a sign to be posted on the property and the publication of a public notice in the newspaper in which Sheriff's advertisements appear. Said public notice shall state the nature of the application, height of the proposed structure, street address of the proposed location, or other identifying information necessary to inform the public of the proposed location. The expense of the public notice shall be borne by the applicant.

If during the public notice period, a written objection to the permit application is filed, the validity of the application and all pertinent documentation shall be determined by the Board of Zoning Appeals. Said objection must make reference to the specific section of the article which the objector contends is not met and provide supporting documentation therefor. The objection shall be placed on the first available agenda of a

regularly scheduled meeting following the expiration of the 15-day appeal period. The Board of Zoning Appeals shall dispense with the objection by either.

- .1 A determination that the application is valid and meets all applicable criteria of this article, which shall result in the issuance of a Building Permit.
- .2 A determination that the application does not satisfy all applicable criteria of this article. Applications so found must, as a result, be processed through the Conditional Use Permit process set forth in Section 1.7 contained herein.
- .3 Review of the decision of the Board of Zoning Appeals shall be by writ of certiorari to the Superior Court of Crawford County.

1.6.7 Appeal of Administrative Determination. If a permit application for a tower as an administratively permitted use is determined by the Department to not meet all applicable criteria of this article, the applicant may appeal the determination to the Board of Zoning Appeals in accordance with Section 115 of the Zoning Ordinance of Crawford County, Georgia. The Board of Zoning Appeals shall dispense with the objection by either:

- .1 A determination that the application is valid and meets all applicable criteria of this article, which shall result in the issuance of a Building Permit.
- .2 A determination that the application does not satisfy all applicable criteria of this article. Applications which do not satisfy all applicable criteria must, as a result, be processed through the Conditional Use Permit process set forth in Section 1.7 contained herein.
- .3 Review of the decision of the board of Zoning Appeals shall be by writ of certiorari to the Superior Court of Crawford County.

Sec 1.7

CONDITIONAL USE PERMIT REQUIRED

1.7.1 General.

- .1 If the proposed location, height, setback or other aspect of a proposed tower or antenna cannot comply with the minimum requirements established in this article, then a Conditional Use Permit shall be required for the construction of a tower or the placement of an antenna in any zoning district. All such uses shall comply with requirements set forth in this article and all other applicable codes and ordinances, unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be

overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.

- .2 In granting a Conditional Use Permit, the Governing Authority may impose conditions to the extent that it concludes such conditions are necessary to minimize adverse effects from the proposed tower on adjoining or nearby properties as set out in Section 1.7.6 and may grant variances to the development restrictions required by this ordinance or any other ordinance provided such variances do not have a negative effect upon surrounding property.
- 1.7.2 Application; contents; fee. All applications for Conditional Use Permits shall be submitted to the Crawford County Zoning Department. Each application shall contain as a part thereof detailed plans and specifications as set forth in Section 1.5. An application for a Conditional Use Permit shall not be accepted for processing without the information required in Section 1.5. An application fee shall be charged by the Department in the amount stated in Section 1.10.
 - 1.7.3 Co-location of Antennas Required. Applicants for the erection of a tower or antenna, except amateur radio operators, shall be required to co-locate upon an existing tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative tower structure is available as set forth in Section 1.4.4 contained herein.
 - 1.7.4 Independent Expert Review. The Governing Authority may engage a licensed professional engineer as an independent expert to review any of the materials submitted by an applicant for a Conditional Use Permit and render an opinion regarding any concerns about the proposal, including but not limited to, structural integrity and the feasibility of alternative sites or co-location. Following the review of an independent expert, the Governing Authority shall convey its concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns. If the applicant is unable to satisfactorily address those concerns, the applicant shall be allowed a reasonable amount of time, not to exceed thirty (30) days, following the receipt of the letter, in which to modify the application to alleviate the Governing Authority's concerns or to require consideration of the application by the Governing Authority despite such concerns.
 - 1.7.5 Procedures: The procedures required for consideration of an application for rezoning of property in the Crawford County Zoning Ordinance shall apply to the consideration of an application for a Conditional Use Permit under this section.

1.7.6 Considerations in Approval or Denial of Conditional Use Permits. Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The following factors may be taken into consideration in acting upon a Conditional Use Permit application under the provisions of this article:

- .1 The height and setbacks of the proposed tower or antenna(s);
- .2 The proximity of the tower or antenna(s) to residential structures and residential district boundaries;
- .3 The nature of uses on adjacent and nearby properties;
- .4 The surrounding topography;
- .5 The surrounding tree coverage and foliage;
- .6 The design of the tower or antenna(s), with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- .7 The proposed ingress and egress;
- .8 The availability of suitable existing towers or other structures for antenna co-location; and
- .9 The impact of the proposed tower or antenna(s) upon scenic views and visual quality of the surrounding area.
- .10 The needs of the applicant as balanced against the detrimental effects on surrounding properties.
- .11 The impact of the proposed tower or antenna(s) on adjacent and nearby properties.

1.7.7 Requirements for Issuance of Conditional Use Permit. The Conditional Use Permit may be issued by the governing authority only upon satisfaction of the following requirements:

- .1 A proper application filed in accordance with the requirements of Section 1.5;
- .2 The application is otherwise in compliance with the conditions for the proposed conditional use required by this Section;
- .3 The applicant complies with the conditions proposed by the governing authority for the purpose of reducing the harmful effects

of the use on surrounding uses and ensuring compatibility with surrounding uses;

.4 The governing authority determines that the benefits and need for the proposed conditional use are greater than any possible depreciating effects or damages to neighboring or nearby properties; and

.5 All fees, including expert fees, have been paid in full.

1.7.8 Resubmittal of Conditional Use Application. An application for a Conditional Use Permit which has been denied shall not be resubmitted for a period of twelve (12) months and then only if the applicant can document a substantial change in need for a tower or antenna at the same location.

Sec 1.8 TOWERS AND ANTENNAS IN RESIDENTIAL AREAS

1.8.1 Placement of Towers and Antenna. Notwithstanding any other provision of this article, no tower or antenna shall be permitted in a residential neighborhood or within two thousand (2,000) feet of any residentially used property unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity. For the purposes of this section, the phrase "residentially used property" shall mean the property on which the residence is located and not more than one acre of land, determined as if the residence was situated in the center of said tract.

Sec. 1.9 REMOVAL OF ABANDONED TOWERS AND ANTENNAS

1.9.1 Notice of Abandoned Antenna and Structures. The owner or lessee of a tower or antenna shall promptly notify the Department of its intent to abandon or the abandonment of any tower or antenna.

1.9.2 Removal of Abandoned Antennas and Towers. Any tower or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned, regardless of the intent of the owner or operator, and the owner of such antenna or tower shall remove the structure within ninety (90) days of such abandonment. Failure to remove such tower within ninety (90) days shall require removal of the tower at the owner's, permittee's, or lessee's expense. The county may seek injunctive and compensatory relief in a court of competent jurisdiction.

Sec 1.10 APPLICATION AND PERMIT FEES

1.10.1 Approval of New Tower No More than One Hundred and Fifty Feet (150') in Height. An application for construction of a new tower up to a height of one hundred fifty feet (150') shall be \$1,000.00.

1.10.2 Approval of Antenna Location on Tower or Alternative Tower Structure. An application for location of an antenna on an existing tower or alternative tower structure (so long as the addition of said antenna adds no more than ten feet (10') to the height of the existing tower or structure), shall be \$500.00.

1.10.3 Approval of New Tower Greater than One Hundred Fifty Feet (150') in Height. An application for construction of a new tower greater than one hundred fifty feet (150') in height, (including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna) shall be \$3,000.00.

1.10.4 Building Permit Fees. In addition to the application fees set forth herein, the applicable construction and utility inspection permit fees in effect at the time of the application for the permit shall apply.

Adopted this 19th day of June, 2000

Attest:

County Manager

Benjamin Hollis, Chairman

Earnest Jump, Vice Chairman

Thelma Blasingame

Greg Dent

Freddie Tidwell