

**CITY OF WATKINSVILLE
WATKINSVILLE, GEORGIA
TELECOMMUNICATIONS ANTENNAE & TOWER STANDARDS ORDINANCE (AMENDED)**

SECTION 1. PURPOSES

The purpose of this section is to:

- A. Provide for the appropriate location and development of communications towers and antennae to serve the residents and businesses of the City of Watkinsville.
- B. Minimize adverse visual impacts of towers and antennae through careful design, siting, landscaping, screening and innovative camouflaging techniques.
- C. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- D. Lessen traffic impacts on surrounding residential areas.
- E. Maximize use of any new and existing communications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the City.
- F. Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers.
- G. Encourage and promote the location of new communications towers in areas which are not zoned for residential use.

SECTION 2. DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. "Alternative tower and antenna structure" shall mean manmade "trees", clock towers, bell steeples, church steeples, light poles, flag poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers so as not to be readily discernible as an antenna or tower. In order to establish quantitative and qualitative standards for determining that an alternative tower structure is "not readily discernible" structures are included in the appendix to this Ordinance.
- B. "Antenna" shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- C. "FAA" shall mean the Federal Aviation Administration

- D. "FCC" shall mean the Federal Communications Commission.
- E. "Height" shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- F. "Tower" shall mean 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 telephone towers, alternative tower structures, and the like.

SECTION 3. CONDITIONAL AND PERMITTED USES.

- A. Upon receipt of an appropriate building permit, freestanding communications towers may be located as a conditional use within the A-I, B-2 and I Zoning Districts provided that the property owner first obtains a conditional use permit from the Mayor and Council in accordance with the procedures set forth for conditional use permits in the City of Watkinsville Zoning Regulations.
- B. Unlighted alternative tower structure mounted communications towers and antennae may be located on any nonresidential buildings and alternative tower structures as a permissible use within the A-I, B-1, B-2 I, OBP and OIP Zoning Districts provided that:
 - 1. The property owner first obtains a building permit in accordance with the procedures established for commercial building permit applications and plan review;
 - 2. Such alternative tower or antenna is set back from any existing or planned off-site residence and separated from any residentially zoned property at least a distance equal to the greater of the required setback for primary uses within the zoning district in which such alternative tower and antenna structure is located or twenty five feet (25');
 - 3. The height of the existing free-standing nonresidential structure (other than a tower) on which such tower or antenna is placed will not be increased by more than the lesser of two fifths its existing height or twenty feet (20');
 - 4. No advertising is permitted on an antenna or tower;
 - 5. No signs or lights are permitted on the alternative tower and antenna structures unless such signs or lights lawfully existed prior to erection of the alternative

tower structure and will not be modified as a result of same; and

6. The number and location of antennae, communications towers or other receiving or transmitting devices located on a single structure is not excessive and does not adversely affect adjacent properties and views.

- C. Prohibitions. No new tower may be established if there is a technically suitable space available on an existing tower within the search area that the new tower is to serve. For the purpose of this Ordinance, the search area is defined as the grid for the placement of the antenna.

SECTION 4. GENERAL REQUIREMENTS.

The requirements set forth in this section shall govern the location and construction of all towers, and the installation of antennae, governed by this Ordinance including alternative tower structures.

- A. Building Codes - Safety Standards. To ensure the structural integrity of communications towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communications towers and at least once every three (3) years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Georgia. The results of such inspection shall be provided to the Mayor and Council.

- B. Regulatory Compliance.

1. All towers and antennae must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communications towers and antennae. If such standards and regulations are changed, then the owners of the communications towers and antennae governed by this Ordinance shall bring such communications towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
2. Tower owners shall provide documentation showing that each communications tower is in compliance with all federal requirements. Evidence of compliance must be submitted every twelve (12) months.

- C. Security. Communications towers shall be enclosed by decay resistant security fencing not less than six feet (6') in height and shall be equipped with an appropriate anti-climbing device; provided however, the City of Watkinsville waive such requirements for alternative tower structures.
- D. Lighting. No illumination is permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the City of Watkinsville may review lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- E. Advertising. No advertising is permitted on an antenna or tower.
- F. Visual Impact.
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. To the extent possible, towers clustered at the same site shall be of similar height and design.
 5. Towers shall be the minimum height necessary to provide parity with existing similar towers supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of guyed tower
- G. Landscaping. Landscaping shall be used to effectively screen the view of the tower compound from adjacent public ways, public property and residential property and in addition to the buffer requirements of the Zoning Ordinance shall be as follows:

1. For towers 150 feet tall or less, a buffer area no less than 10 feet wide shall commence at the property line.
2. For towers more than 150 feet tall, a buffer area of not less than 20 feet wide shall be provided at the property line.
3. The buffer zone is to consist of evergreen plant materials of a variety which can be expected to grow to form a continuous buffer at least 15 feet in height within five (5) years of planting and a mature height of at least 25 to 30 feet or more. Recommended species include, but are not necessarily limited to, Foster Holly, N.R. Stevens' Holly, Carolina Cherry Laurel, Deodar Cedar, Leyland Cypress, Southern Magnolia. A mix of several species is encouraged over mono-culture plantings for visual quality and disease resistance. Buffer planting designs are subject to review and approval by the City of Watkinsville.
4. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff/maintenance.
5. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that vegetation loss.
6. In lieu of these standards, City of Watkinsville may, at its sole discretion, allow use of any alternative detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the City of Watkinsville.

H. 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 and local street, access for maintenance vehicles

shall be exclusively by means of the collector street unless approved otherwise for safety reasons.

I. Principal, Accessory and Joint Uses.

1. Accessory structures used in direct support of a tower shall be allowed but not for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
2. Towers may be located on sites containing another principal use in the same buildable area. As long as all of the other siting, setback, separation and general requirements of this Ordinance are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. Unless approved otherwise, the minimum distance between a tower and other principal use located on the same lot shall be for a monopole or lattice tower the greater of twenty percent (20%) of the tower height or twenty-five feet (25') and for a guy tower, the greater of one hundred percent (100%) of tower breakpoint or twenty-five feet (25'). This separation is required to assure compatibility of land uses and to provide the health, safety and welfare of individuals and structures occupying the same site.
3. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

J. Tower lot size, setbacks and separations.

1. The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting a residential district, public property, or public street. Such setback shall be sufficient to:
 - a. provide for an adequate vegetative, topographic or other buffer as specified herein;
 - b. preserve the privacy of surrounding residential property;
 - c. Protect adjoining property from the potential impact of tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in Section 7.
2. A site is presumed to be of sufficient size when it:

- a. meets the requirements of the above subsection (1);
 - b. provides a setback equal to two times the height of the tower to any property line abutting a residential district, public property, or public street; and
 - c. Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in a residential district nor a public property or a public street.
3. Placement of more than one tower on a lot shall be permitted, provided all setbacks, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.
 4. For a guyed structure, the site shall be of a size and shape sufficient to provide a setback equal to at least the height of the tower from a guy anchor to any property line abutting a residential district, public property or public street in addition to the size required to comply with subsection (2) above. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.
 5. All structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in the zoning district where the tower is to be located. To encourage and accommodate shared use of a tower, the City of Watkinsville may (but shall not be required to) waive or reduce setback requirements by up to fifty percent (50%) to accommodate the placement of additional buildings or other supporting equipment at a tower site.
 6. When not located on the same lot, no free-standing communications tower shall be allowed within a 1,000 foot radius of an existing tower within a residential district.
 7. When not located on the same lot, all free-standing towers constructed after the effective date of this Ordinance shall conform to the following minimum tower separation requirements:

<u>Tower Height</u>	<u>Separation</u>
<50'	300'
50-100'	500'
101-150'	750'
150'+	1000'

Towers and antennae mounted on rooftops or alternative tower structures may be exempted from these minimum separation distances if so approved by the City of Watkinsville.

SECTION 5. SHARED USE.

All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable.

- A. Once a new tower is approved, additional antennae and accompanying accessory uses may be permitted administratively in the same manner established for commercial building permits and in accordance with the approved share plan, if the City of Watkinsville finds that the standards of this Ordinance are met.

SECTION 6. SPECIAL APPROVAL OF THE MAYOR AND COUNCIL OF THE CITY OF WATKINSVILLE.

- A. An application for approval of the Mayor and Council of the City of Watkinsville for a conditional use permit under this Ordinance shall include a site plan and other information in accordance with the Zoning Ordinance.

SECTION 7. APPLICATION PROCEDURES.

Application for a Conditional Use Permit or a building permit for any communications tower or use of an alternative tower structure shall be made in accordance with the Zoning Ordinance, this Ordinance and established procedures for commercial building permits. An application will not be considered until it is complete. A complete application must contain the following:

- A. Inventory of existing sites. An inventory of the applicant's existing towers that are either within the City of Watkinsville, within one (1) mile of the border thereof or provide direct service thereto, including specific information about the location, height, and design of each tower. The City of Watkinsville may share such information with other applicants applying for administrative approvals or special use permits under this Ordinance or other organizations seeking to locate antennae within the jurisdiction of the City of Watkinsville; provided, however, that the City of Watkinsville is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- B. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), transmission building and/or other accessory uses, access, parking, fences landscape areas, and adjacent land use.

- C. Landscape plan to scale indicating location, size, spacing and species of plantings.
- D. Utilities inventory showing the locations of all water, sewerage, power lines and drainage facilities impacting the proposed tower site.
- E. An environmental impact statement fully describing the effects that the proposed tower and/or antenna will have on the environment and surrounding area including the radiological impact on human health, impacts on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes.
- F. A certified statement prepared by an engineer licensed to practice in the State of Georgia that the construction of the tower, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, etc., service enjoyed by adjacent properties.
- G. A description of anticipated maintenance needs, including frequency of services, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.
- H. Report from a professional structural engineer licensed in the State of Georgia documenting the following:
 - 1. Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included.
 - 2. Total anticipated capacity of the structure, including number and types of antennae which can be accommodated.
 - 3. Evidence of structural integrity of the tower structure.
 - 4. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.
- I. Satisfactory evidence that FAA, FCC and any appropriate state review authority requirements for the proposed tower are met or that the tower is exempt from those regulations.
- J. Letter of intent to lease excess space on the tower structure and to lease additional excess land on the

tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.

- K. A reasonable pro rata charge may be made for shared use, consistent with an appropriate sharing of construction, financing and maintenance costs. Fees may also be charged for any structural or RF changes necessitated by such shared use. Such sharing shall be a condition of approval, if approval is granted.
 - 1. The applicant shall describe what ranges of charges are reasonably expected to be assessed against shared users.
 - 2. The applicant shall base charges on generally accepted accounting principles and shall explain the elements included in the charge.

- L. The applicant shall quantify the additional tower capacity anticipated, including the approximate number of types of antennae. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. The City of Watkinsville shall approve those limitations if they cannot be overcome by reasonable technical means.

- M. Evidence of the lack of space on all suitable existing towers to locate the proposed antenna and the lack of space on existing tower sites to construct a tower for the proposed antenna.

- N. Each applicant must make a good faith effort to substantially demonstrate that no existing or planned towers can accommodate the applicant's proposed antenna/transmitter as described below:
 - 1. The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
 - 2. Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application for a building or special use permit to include a response into the application when filed.

- a. Failure of a listed owner to respond shall not be relevant to the current application if a timely; good faith effort was made to obtain one. However, owners of other such existing or proposed towers to which this Ordinance applies shall be required to respond and failure to do so shall constitute a violation of this Ordinance and shall void all current and future applications from the tower owner so failing to respond until satisfactory remedy has been made.
 - b. The City of Watkinsville shall maintain and provide, on request, records of responses from each owner.
 - c. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on that owner's tower as described below, that owner need not be contacted by future applicants for antennae of the sort proposed.
3. The applicant shall request the following information from each owner contacted
- a. Identification of the site by location, tax lot number, existing uses, and tower height.
 - b. Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring that structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna.
 - c. Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the responding owner shall specify in general terms what structural changes would be required.
 - d. If structurally able, would shared use by such existing tower be precluded for reasons related to RF interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all technically possible.
 - e. If shared use is possible, the fee an owner of an existing tower would charge for such shared use

4. Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The City of Watkinsville may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable

O. Any other information which may be requested by the City of Watkinsville to fully evaluate and review the application and potential impact of a proposed tower and/or antenna

SECTION 8. APPEALS.

Appeals from any decision of the Mayor and Council of the City of Watkinsville shall be made to the Superior Court of Oconee County, Georgia within thirty (30) days of the decision.

SECTION 9. REMOVAL OF ANTENNAE AND TOWERS.

All towers and antennae shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If, upon inspection by the City of Watkinsville, such tower is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property, if such owner is different, such owners shall have thirty (30) days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within thirty (30) days, the City may provide notice to the owners requiring the tower or antenna to be removed. In the event such tower or antenna is not removed within thirty (30) days of receipt of such notice, the City may remove such tower or antenna and place a lien upon the property for the costs of removal. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may pursue all legal remedies available to it to ensure that communications towers and antennae not in compliance with the Ordinances of the City of Watkinsville or which constitute a danger to persons or property are brought into compliance or removed. The City may seek to have the tower or antenna removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

SECTION 10. ABANDONED TOWERS.

A. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or

operator intends to make use of the tower. The owner of an abandoned tower and the owner of the property where the tower is located shall be under a duty to remove such a tower or antenna. **If** such antenna and/or tower is not removed within sixty (60) days of receipt of notice from the City notifying the owner(s) of such abandonment, the City may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The City may pursue all legal remedies available to it to ensure that abandoned communications towers and antennae are removed. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may seek to have the communications tower or antenna removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

- B. If the owner of an abandoned tower wishes to use such abandoned tower or antenna, the owner must first apply for and receive all applicable permits and meet all of the conditions of this Ordinance as if such tower or antenna were a new tower or antenna.

SECTION 11. PRE-EXISTING TOWERS/NON-CONFORMING USES

- A. All communications towers lawfully operative on the effective date of this Ordinance shall be allowed to continue their present usage as a non-conforming use and shall be treated as a non-conforming use in accordance with the Zoning Ordinance of the City of Watkinsville, Georgia. Routine maintenance shall be permitted on such existing towers. New construction, other than routine maintenance on an existing communications tower, shall comply with the requirements of this Ordinance.
- B. A communications tower that has received City approval in the form of conditional use and a building permit, but has not yet been constructed or placed in operation, shall be considered an existing tower so long as such approval is current and not expired.

SECTION 12. PUBLIC PROPERTY.

Antennae or towers located on property owned, leased or otherwise controlled by the City of Watkinsville shall be exempt from the requirements of this Ordinance, provided a license or lease authorizing such antenna or tower has been approved by the City of Watkinsville, Georgia.

SECTION 13. SEPARABILITY.

Should any Article or Section of this Ordinance be declared invalid or unconstitutional by any Court of Competent Jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

SECTION 14. REPEAL OF CONFLICTING RESOLUTIONS OR ORDINANCES.

All Resolutions or Ordinances and parts of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

Adopted and approved this 11th day of November, 1998.

MAYOR AND COUNCIL OF THE
CITY OF WATKINSVILLE

By: S.H. Sanders
Mayor

[Signature]
Member

A.W. Whitey
Member

Charles M. Lutz
Member

Member

Member

Julie A. Sanders
City Clerk, City of Watkinsville,
Georgia My Commission Expires August 26, 2000
Date Notarized: 11/11/98
(SEAL)