

ARTICLE XIX

TELECOMMUNICATIONS ANTENNAS AND TOWERS

SECTION 19.1 PURPOSE AND INTENT.

The purpose of this ordinance is to establish general guidelines for the siting of telecommunication towers and antennas. The goals of this ordinance are to:

- A. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community,
- B. Encourage the joint use of new and existing tower sites,
- C. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal,
- D. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
- E. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

SECTION 19.2 DEFINITIONS. As used in this ordinance, the following terms shall have the meanings indicated:

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of telecommunication antennas or towers.

ANTENNA: Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

COMMERCIAL ZONING DISTRICT: A zoning district that does not permit as a principal permitted use any type of single family or multifamily use.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

HEIGHT: 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.

PREEXISTING TOWERS AND ANTENNAS: Any tower or antenna for which a permit has been properly issued prior to the adoption of this ordinance.

PUBLIC OFFICER: As used in Sections §41-2-17 of the O.C.G.A., shall mean the Zoning Enforcement Officer of the City of Snellville.

TOWER: 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 19.3 APPLICABILITY.

- A. District Height Limitations. The requirements set forth in this ordinance shall govern the height and location of towers and antennas. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- B. Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the City of Snellville 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 Snellville.
- C. Amateur Radio; Receive-Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- D. Preexisting Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 19.4(D) and (E). Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas."

SECTION 19.4 GENERAL REQUIREMENTS.

- A. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of the ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. Inventory of Existing Sites. Each applicant for an antenna and or tower shall provide to the Planning and Zoning Department an inventory of its existing towers, that are either within the jurisdiction of the City of Snellville or within three miles of the border thereof, including specific information about the location, height, and design of each tower. The Planning and Zoning Department may share such information with other applicants applying for conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Snellville, provided, however that the Planning and Zoning Department is not, by

sharing such information, in any way representing or warranting that such sites are available or suitable.

- C. Aesthetics; Lighting. The guidelines set forth shall govern the location of all towers, and the installation of all antennas, governed by this ordinance; provided, however, that the City of Snellville may waive these requirements if, it determines that the goals of this ordinance are better served thereby.
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 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. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City of Snellville may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 5. Signage shall be prohibited on all structures.
- D. 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, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the City of Snellville shall be in the manner provided in Sections §41-2-8 through §41-2-17 of the O.C.G.A.
- E. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in 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 City of Snellville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.

If the owner fails to bring such tower into compliance within said thirty (30) days, the City of Snellville may remove such tower at the owner's expense. Any such removal by the City of Snellville shall be in the manner provided in Sections §41-2-8 through §41-2-17 of the O.C.G.A.

- F. Security Fencing. Towers shall be enclosed by an opaque security fencing not less than eight feet in height and shall be equipped with an appropriate anti-climbing device, provided, however, that the City of Snellville may waive such requirements, as it deems appropriate.
- G. Landscaping. The following guidelines shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the City of Snellville may waive such requirements if the goals of this ordinance would be better served thereby.
 - 1. Tower facilities shall be landscaped with a buffer of evergreen plant materials that effectively screens the view of the tower compound from adjacent residential property.
 - A. Standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound.
 - B. Landscape shall be developed in accordance with Article XX of the Snellville Zoning Ordinance of 1983.
 - 2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

SECTION 19.5 CONDITIONAL USE PERMITS.

- A. General. Conditional Use Permits subject to provisions of Section 15.10 of the Snellville Zoning Ordinance of 1983. The following provisions shall govern the issuance of conditional use permits:
 - 1. A conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - 2. In granting a conditional use permit, the Council may impose conditions to the extent necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - 3. Any information of an engineering nature submitted by the applicant, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- B. Information Required. Each applicant requesting a conditional use permit under this ordinance shall submit a scaled site plan, scaled elevation view and other supporting drawings, calculations, and/or other documentation, signed and sealed by

licensed professional engineers, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the City of Snellville to be necessary to assess compliance with this ordinance.

C. Factors Considered in Granting Conditional Use Permits. The City Council and Mayor shall consider the following factors in determining whether to issue a conditional use permit, although the City of Snellville may waive or reduce the burden on the applicant of these criteria, if the City of Snellville, concludes that the goals of this ordinance are better served thereby.

1. Height of the proposed tower.
2. Proximity of the tower to residential structures and residential district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
7. Availability of suitable existing towers and other structures as discussed in Section 19.4(D) of this ordinance.

D. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City of Snellville that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna 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. The fees, or costs, or contractual provisions required by the owner in order 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 unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- E. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required.
1. Towers must be set back at least 125% of total height of tower from the property line of a residentially zoned property.
 2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
 3. In zoning districts other than Light Manufacturing (LM), towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

SECTION 19.6 REMOVAL OF ABANDONED ANTENNAS AND TOWERS. Any antenna or tower that ceases to operated for a period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the City of Snellville notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may, in the manner provided in Sections §41-2-8 through §41-2-17 of the O.C.G.A., remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

SECTION 19.7 EFFECTIVE DATE This ordinance shall become effective thirty (30) days after its approval by the City Council and Mayor of the City of Snellville.

SECTION 19.8 VALIDITY Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance in whole or any part thereof other than the part so declared invalid.

SECTION 19.9 APPEAL Any person aggrieved or affected by any decision of the Public Officer relating to the application of the these regulations may appeal to the Zoning Board of Appeals for relief or reconsideration within thirty (30) days from the date of the adverse decision of the Public Officer.

SECTION 19.10 CONFLICTING ORDINANCES REPEALED This ordinance supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
ARTICLE XIX	(adopted 9/16/1996) (effective 10/16/1996)	09/16/1996