

CHAPTER 37 - Telecommunications Towers and Antennas

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§37.010 Purposes, Findings, Goals.

The purpose of this Chapter is to establish general guidelines for the siting of telecommunications towers, monopoles and antennas, and the facilities whereon such towers, monopoles or antennas are located.

The City Council recognizes that the City is to provide for the siting of telecommunications towers, monopoles and antennas pursuant to the mandates of the Telecommunications Act of 1996. City Council also recognizes that telecommunications towers, monopoles and antennas can negatively impact the visual appearance of the city, and may reduce the value of property situated near such installations, particularly residential properties.

The goals of this Chapter are to:

1. Permit construction of new towers as an option of last resort, promoting location of antennas on existing towers, buildings, and other suitable structures;
2. Prohibit the location of towers, monopoles and antennas in residential areas and minimize the total number of towers in the community;
3. Promote co-location of antennas on new and existing tower sites;
4. Encourage location of towers, monopoles and antennas in areas where adverse impacts on the community are minimized;
5. Require tower and antenna installers to utilize construction technologies which minimize adverse visual impacts of towers, monopoles or antennas;

6. Minimize the potential for damage to adjacent properties caused by tower or monopole failure by requiring professional, engineering design and careful siting of tower and monopole structures;
7. Establish an inventory of existing tower and antenna sites assembling specific information about load capacity, land area available at individual sites, and any terms or conditions which affect the possibility of co-location on the site; and
8. Provide for removal of towers which are abandoned by all users, setting forth the time period within which this requirement shall apply.

§ 37.020 Definitions.

As used in this Chapter, the following terms shall have the meanings ascribed below:

1. *Alternative tower structure.* Man-made trees, clock towers, bell steeples, light poles and similar alternative-design structures that camouflage or conceal the presence of antennas or towers.
2. *Antenna.* A transmitting and/or receiving device used in telecommunications that radiates or captures telephone, radio, television or personal wireless service communications signals. An antenna array consists of multiple antennas installed as a single unit.
3. *Building Official.* The Building Official for the City of Newnan, Georgia.
4. *Cross bar.* A structure at or near the top of a low power mobile radio service telecommunications facility that provides support and horizontal separation for antennas.
5. *Directional antenna.* An antenna or array of antennas designed to concentrate a radio signal in a particular area.
6. *Effective radio power (ERP).* The product of the antenna power input and the numerically equal antenna power gain.
7. *FAA.* The Federal Aviation Administration.
8. *FCC.* The Federal Communications Commission.
9. *Guy tower.* A tower supported, in whole or in part, by guy wires and ground anchors.
10. *Lattice tower.* A guyed or self-supporting, open frame structure that has three or four sides used to support telecommunications equipment.
11. *Low power mobile radio service telecommunications facility.* An unmanned facility which consists of equipment for the reception, switching and transmission of low power mobile radio service communications. Such facilities may be elevated, either building-mounted or ground mounted; transmitting and receiving antennas; low power mobile radio service base equipment; or interconnection equipment. The facility types include: roof and/or building mounted facilities, freestanding low power mobile radio service facilities, and micro-cell or repeater facilities.
12. *Low power telecommunications facility.* An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but limited to the following:
 - a. Point-to-point microwave signals.
 - b. Signals through FM radio transmitters.
 - c. Signals through FM radio boosters under 10 watts ERP.

- d. Cellular, Enhanced Specialized Mobile Radio (ESMR), paging services and Personal Communications Networks (PCN).
 - e. Private, low power mobile radio services which include industrial, land transportation, emergency public safety and government, automatic vehicle monitoring, personal mobile (CB's) and HAM operators.
13. *Low power telecommunications facility accessory building*: An unmanned building used to house equipment related to a communications facility.
 14. *Low power commercial radio mobile network*: A system of low power commercial telecommunications facilities which allows wireless conversation to occur from site to site.
 15. *Micro-cell*: A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage to weak areas. Micro-cells communicate with the primary low power mobile radio service facility in a coverage area via fiber optic cable or microwave. The typical coverage area for a micro-cell is a one-mile radius or less.
 16. *Microwave antenna*: A dish-like antenna used to link communications sites by wireless transmission of voice or data.
 17. *Monopole*. A structure consisting of a single spire or pole, constructed without guy wires or ground anchors, used to support telecommunications equipment.
 18. *Omnidirectional antenna*: An antenna that is equally effective in all directions, the size of which varies depending on the frequency and gain for which it is designed.
 19. *Planning Department*: The Planning Department of the City of Newnan, Georgia.
 20. *Planning Commission*: The Planning Commission of the City of Newnan, Georgia.
 21. *Pre-existing towers and antennas*. Any tower, antenna or monopole for which a permit has been properly issued prior to the effective date of this Chapter.
 22. *Repeater*: A low power mobile radio service telecommunications facility used to extend coverage of cell areas to areas not covered by the originating facility.
 23. *Roof and/or building-mounted telecommunications facility*. A low power mobile radio service telecommunications facility in which antennas are supported entirely by a building other than a building accessory to a telecommunications facility. Such facilities may include micro-cell and/or repeater facilities.
 24. *Sectorized panel antennas*. An array of antennas, usually rectangular in shape, used to transmit and receive telecommunications signals.
 25. *Structure Height*. The distance measured vertically from the average ground elevation adjacent to the structure being measured to the highest point when positioned for operation. The height of a tower includes the height of any antenna positioned for operation attached to the highest point on the tower.
 26. *Telecommunications facility*. A telecommunications tower, monopole tower, antenna or any and all buildings, structures, or other supporting equipment used in connection with a telecommunications tower, monopole tower, or antenna.
 27. *Tower*. Any structure designed primarily for the purpose of supporting one or more antennas used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication, including self-supporting lattice towers, guy towers or monopole towers constructed as a free-standing structure or in association with a building or other permanent structure. Towers include radio and television transmission towers, microwave towers, common-carrier towers, cellular and digital telephone towers, alternative tower structures, and the like.

28. *Whip antenna*: An antenna that is cylindrical in shape. Whip antennas can be directional or omni-directional; size varies with the frequency and gain for which they are designed.

§ 37.030 Approval as Conditional Use or Special Exception Use.

It shall be unlawful for any person to erect, repair, relocate, construct, or maintain within the City any telecommunications tower or monopole as defined in this Chapter, without first obtaining either a conditional or special exception use in the manner set forth in this Ordinance and in compliance with the terms herein.

§ 37.040 Application Requirements for Conditional and Special Exception Uses.

1. Applications for conditional and special exception uses pertaining to telecommunications facilities shall be made upon forms provided by the Planning Department, and shall provide the following information:
 - a. Name, address and phone number of the applicant;
 - b. Address of building or lot upon which the telecommunications facility is to be erected;
 - c. Name of the person, firm, corporation or association erecting the telecommunications facility;
 - d. Written consent of the owner of the building or lot upon which the telecommunications facility is to be erected;
 - e. Scaled site plan and a scaled elevation view, signed and sealed by appropriate professional engineer showing the relative shape, size, location, materials and color of all existing and proposed transmission structures; guy wire anchors; fencing; access restrictions; setbacks; vegetation to be removed (including an erosion control plan) and vegetation to be planted;
 - f. Statement prepared by a radio frequency engineer confirming that installation and operation of the antenna, including reception and transmission functions, will not interfere with normal and customary transmission or reception of radio, television, or other telecommunications services to adjacent and nearby property owners;
 - g. A statement confirming adherence to all FCC operating requirements shall be provided by applicants for installation of telecommunications antennas. Specifically, an applicant must certify in writing that all emissions from the antenna will comply with FCC frequency emissions standards. Applicants for telecommunications towers who are classified as "non-carrier tower owners" must provide a statement confirming adherence to any and all FAA standards. Such certifications shall be renewed by both telecommunications services providers and non-carrier tower owners upon the five year anniversary date of commencing telecommunications operations or tower installation; and
 - h. Number, type and size of antenna(s) that can be accommodated.
2. Each conditional use application for installation of an antenna shall be accompanied by a fee in the amount of one hundred dollars (\$100.00). Each application for a special exception use for erection of a monopole or tower shall be accompanied by a permit fee in the amount of two hundred and fifty dollars (\$250.00).

§ 37.050 Co-location Requirements.

1. No application for approval of a special exception use to erect a telecommunications tower shall be considered until such applicant has demonstrated that no appropriate

location for installation of an antenna exists within the City which meets the technical and economic requirements of the applicant. Information provided under Chapter 37, §37.080, subsection 2(i) of this Ordinance shall be utilized in assessing the availability of co-location options.

2. Applicants for telecommunications towers shall provide a written report by a registered structural engineer licensed in the State of Georgia certifying that the tower can structurally accommodate the required number of shared users, and that the Building Inspector concludes that the tower satisfies the requirements of this Article and that the tower conforms to the following height and use criteria:
 - a. Single users, a height limit of 70 feet;
 - b. Two users, a height limit of 120 feet; and
 - c. Three or more users, a height limit of 150 feet.

§ 37.060 Conditional Use Applications for Antennas, Micro-cell or Repeater Facilities.

1. Administrative approval by the Planning Department of antennas, micro-cell or repeater facilities is guided by the following policies:
 - a. Antennas must be architecturally and visually compatible concerning color, bulk and size with surrounding buildings, structures, vegetation and uses likely to develop in the underlying zoning district. Micro-cell or repeater facilities may be considered architecturally or visually compatible when mounted on such existing structures as light standards, telephone poles or otherwise camouflaged to disguise their low power mobile radio service use.
 - b. Applications must demonstrate the relationship of the proposed facility to the overall low power mobile radio service system network within Coweta County.
2. In addition to the information required to be submitted as set forth in Chapter 37, §37.040 of this Ordinance, applications for installation of an antenna shall provide three (3) sets of accurate drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the building or structure. Plans for antenna construction shall be certified by an independent, registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and city codes.
3. No antenna, micro-cell or repeater shall be approved as a new source of non-ionizing electromagnetic radiation (NEIR) or increase in NEIR from an existing source which, when combined with existing sources of NEIR, exposes the general public to an ambient radiation exceeding that defined in OST-65 and ANSI C95.1, provided however, that if a federal standard is adopted that is more stringent than the standard set forth herein, such other standard shall apply. No new source of NEIR, or increase in NEIR from an existing source that exceeds 1,000 watts of radio frequency output per transmitter shall be permitted.

§ 37.070 Applications for Monopoles and Towers as Special Exception Uses Facilities.

1. In addition to information specified in Chapter 37, §37.040 and §37.050 of this Ordinance above, applications for installation of monopoles and towers as special exception uses shall provide the following information:
 - a. 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 to be necessary to evaluate compliance with this Chapter. In addition, the structural engineer's report must provide:

- 1) Tower height and design, including technical, engineering, cost, 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 antennas which can be accommodated;
 - 3) Evidence of structural integrity of the tower structure; and
 - 4) Failure characteristics of the tower and demonstration that the site and property setbacks are of adequate size to contain debris.
- b. An inventory of the applicant's existing telecommunications towers, antennas, or monopole towers that are either within the city or within one (1) mile of the city limits, including specific information about the location, height, and design of each tower, antenna, or monopole. The City may share such information with other applicants applying for either special exception or conditional use permits under this Chapter or other organizations seeking to locate telecommunications towers, antennas or monopoles within the city;
- c. An inventory of existing telecommunications towers or monopoles which are owned by persons other than the applicant and are either within the city or within one (1) mile of the city limits, including specific information about the location, height, and design of each facility. In preparing such an inventory, the applicant may access City records and shall provide the following information:
- 1) Identification of each existing facility by location, parcel identification number, existing uses, and height of the facility;
 - 2) A determination concerning the ability of each facility to structurally accommodate the proposed antenna(s) without structural changes, including the dimensions, weight, and other relevant data about the proposed antenna(s);
 - 3) In the event structural changes are indicated, not including totally rebuilding the facility, the nature, extent and cost of such changes;
 - 4) Evaluation of radio frequency (RF) or electromagnetic interference factors impacting shared telecommunications facility use, including actions necessary to eliminate such problems; and
 - 5) Fees associated with such shared use. Shared use is not precluded 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 facility. The City may consider expert testimony in determining whether the fee and costs are reasonable. Costs exceeding the cost of development of a new telecommunications facility are presumed unreasonable.

§ 37.080 Conditional and Special Exception Use Issuance Standards.

1. Approval of telecommunications facilities as a conditional or special exception use are guided by the following policies:
 - a. Preference is assigned to sites on which topography, vegetation and/or buildings or other structures provide the greatest amount of screening or sites which lend themselves to mitigation of visual impacts.

- b. Facilities should be located to minimize any adverse effect on residential property values, scenic rural character, and resident sense of privacy.
 - c. Less obtrusive facilities such as monopoles are preferred over lattice or guyed towers. Preference is also assigned to proposed facilities which are architecturally and visually compatible concerning color, bulk and size with surrounding environment, including buildings, structures, vegetation and uses likely to develop in the underlying zoning district.
 - d. Applications must demonstrate the relationship of the proposed facility to the overall low power mobile radio service system network within Coweta County.
 - e. Preference is assigned to facilities proposed for lots that permit telecommunications facilities, particularly those lots surrounded by property developed in uses compatible, that is, concerning building and structure characteristics, with the proposed facilities. Rezoning of residential property to permit installation of such facilities is discouraged.
2. The following factors shall be considered in evaluating an application for a special exception use to install a telecommunications tower or monopole:
- a. Height of the proposed tower or monopole;
 - b. Proximity of the tower or monopole to residential structures and residential district boundaries, as measured from the base of the tower or monopole to the boundary of a residentially-zoned lot;
 - c. Nature of uses on adjacent and surrounding properties;
 - d. Surrounding topography;
 - e. Provision an opaque fence or opaque vegetative buffer to fully screen the tower or monopole, or telecommunications facility to a height of six (6) feet from adjacent properties and right-of-ways;
 - f. Design of the tower or monopole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress;
 - h. Conformance to the standards and conditions required by this Chapter to obtain approval of either a conditional or special exception use; and
 - i. Availability of suitable existing towers, monopoles and other structures for the placement of an antenna or antennas. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing telecommunications facility can accommodate the applicant's proposed antenna(s). Evidence submitted to demonstrate such findings shall include, but not be limited to, the following:
 - 1) No existing towers, monopoles or structures meeting the height, structural strength or other technical needs of the applicant are located within the appropriate geographic area.
 - 2) The applicant's proposed antenna would cause RF or electromagnetic interference with antenna(s) on the existing structures, or the antenna(s) on the existing tower, monopole or structure would cause interference with the applicant's proposed antenna(s).
 - 3) The fees, costs, or contractual provisions required by the owner in order to share an existing facility or to adapt an existing facility for sharing are unreasonable. Costs exceeding new tower or monopole development are presumed unreasonable.

3. Procedure for approval of an antenna or antennas.
 - a. The Planning Department shall determine whether an application for location of an antenna on an existing building, structure, tower or monopole should be issued or denied under the standards of this Chapter within thirty (30) days of receipt of a complete application. If the Planning Department fails to respond to the applicant within said thirty (30) days, then the application shall be deemed to be approved.
 - b. Any decision by the Planning Department to deny an application for an antenna shall be in writing and supported by substantial evidence contained in a written record. The Planning Department's decision to deny an application may be appealed to the Board of Zoning Appeals by filing a written notice of appeal within ten (10) days of the denial. Failure to file a notice of appeal within ten (10) days of the denial shall constitute a waiver of the applicant's appeal rights.
 - c. The Board of Zoning Appeals shall hold a hearing within forty-five (45) days of receipt of the notice of appeal. In the event the Board of Zoning Appeals affirms the Planning Department's decision to deny the application, the decision of the Board shall be in writing and supported by substantial evidence contained in a written record. The decision of the Board of Zoning Appeals shall be final.
4. Procedure for approval of a tower or monopole as a special exception use.
 - a. No special exception use for construction of a tower or monopole shall be approved until an application has been filed with the Planning Department and considered by the Board of Zoning Appeals. The Board of Zoning Appeals shall transmit its report either recommending approval or denial of a complete application within forty-five (45) days of receipt. In addition to such recommendation, the Board of Zoning Appeals may attach conditions to any recommended approval. Upon receipt of the Board of Zoning Appeals' recommendation, the Mayor and Council of the City of Newnan shall set a public hearing in accordance with procedures contained in this Ordinance. The Mayor and Council shall either approve or deny the special exception use following the public hearing; provided, however, that the public hearing and decision of the Mayor and Council shall be made within the sixty (60) day period on the application shall be deemed as approved. In the event Mayor and Council deny the application, the decision of Mayor and Council shall be in writing and supported by substantial evidence contained in a written record. The decision of Mayor and Council shall be final.
 - b. In approving the construction of a monopole or tower as a **special exception** use, additional conditions may be imposed by Mayor and Council to the extent necessary to buffer or otherwise minimize adverse impacts of the proposed monopole or tower on surrounding properties and/or the public.

§ 37.090 Zoning Requirements for Location of Telecommunications Antennas, Monopoles and Towers.

1. Antennas may be located on any telecommunications tower or monopole which is defined as "pre-existing" provided all reasonable requirements of this Chapter are met.
2. No approval of a monopole to be erected as special exception use shall be granted unless the location has been zoned CGN, CHV, ILT, or IHV under the zoning laws of the City.
3. No approval of a tower to be erected as special exception use shall be granted unless the location has been zoned CGN, CHV, ILT, or IHV under the zoning laws of the City.

§ 37.100 Location of Antennas on an Existing Building, Structure, or Telecommunications Facility.

1. An application to erect, repair, construct, relocate or maintain an antenna on an existing building, structure, tower or monopole may be approved provided the following conditions are met. Sectorized panel antennas, repeaters and telecommunications equipment of similar size and visual impact may be placed on existing outdoor advertising structures, that is, billboards, subject only to provisions b - h, below:
 - a. The existing building, structure, tower or monopole is fifty (50) feet in height or greater;
 - b. Antennas installed on existing buildings, structures or telecommunications towers shall add no more than twenty (20) feet to the height of such structures;
 - c. No advertising is permitted on the antenna(s) or telecommunications facility;
 - d. Antennas and supporting electrical and mechanical equipment installed on existing buildings or structures other than towers must be of a neutral color, that is, identical to, or closely compatible with, the color of the supporting structure or building so as to render the antenna(s) and related equipment as visually unobtrusive as possible;
 - e. Antennas shall not be artificially lighted unless required by the FAA, FCC, or other state or federal agency of competent jurisdiction for safety purposes. Where required, the Planning Director shall review available lighting alternatives and approve the design which would cause the least impact on surrounding views;
 - f. Antennas shall meet or exceed current standards and regulations of the FAA, the FCC or such governing agency with the authority to regulate telecommunications towers and antennas. If such standards and regulations change, the owner of the antenna shall bring such antenna(s) into compliance with any 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 agency. Failure to comply with this provision shall be grounds for the City to require removal or re-permitting of the antenna(s) at the owner's expense;
 - g. Antennas shall comply with all current safety, design, structural, and wind loading standards of applicable building and technical codes adopted by the City, so as not to endanger the health and safety of residents; and
 - h. Antennas shall be equipped with an anti-climbing device to prevent unauthorized access.

§ 37.110 Telecommunications Towers and Monopoles.

1. Approval to erect, repair, construct, relocate or maintain a telecommunications tower or monopole as a special exception use may be granted provided:
 - a. Telecommunications tower height does not exceed one hundred fifty (150) feet; maximum lattice tower width does not exceed 36 inches; and monopole height does not exceed seventy (70) feet in the CGN Zoning District nor one hundred fifty (150) feet in the CHV, ILT, IHV Zoning District;
 - b. Such structures shall feature a galvanized steel finish or, subject to any applicable standards of the FAA, shall be a neutral color so as to reduce visual impacts;
 - c. No advertising is permitted on towers or monopoles;

- d. Towers and monopoles shall not be artificially lighted unless required by the FAA or other authority for safety purposes. Where required, the Planning Director shall review available lighting alternatives and approve the design that would cause the least impact on surrounding views;
- e. Towers and monopoles shall utilize materials, colors, textures, screening, and landscaping that will blend such structures and associated base facilities into the natural setting or built environment;
- f. Towers and monopoles shall meet or exceed current standards and regulations of the FAA, the FCC or such governing agency with the authority to regulate telecommunications facilities. If such standards and regulations are amended, the owner of the tower or telecommunications facility shall bring such tower or facility into compliance with any 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 agency. Failure to comply with this provision shall be grounds for the City to require removal or re-permitting of the tower or monopole at the owner's expense;
- g. Applicants must demonstrate to the reasonable satisfaction of the City that no existing telecommunications facility can accommodate the applicant's proposed antenna(s). Applicants for lattice or guyed towers must demonstrate to the satisfaction of the City through technical findings that monopoles will not meet their structural requirements;
- h. The following setbacks and separation requirements shall apply to towers:
 - 1) All towers, including, but not limited to lattice towers and guy towers, must be set back from any property line abutting a residential, school, place of worship or public park property, as measured from the base of the tower to the boundary of such property, a minimum distance of five hundred (500) feet. For guyed structures, such setback shall be adequate to provide a vegetative, topographic, or other buffer sufficient to obscure the view to the guy anchors from such adjacent properties.
 - 2) All towers must provide a minimum front yard setback of one hundred fifty (150) feet and sufficient rear and side yard setbacks a distance equal to fifty percent (50%) of the height of the tower.
- i. The following setbacks and separation requirements shall apply to monopoles:
 - 1) All monopoles must be set back from any property line abutting a residential, school, place of worship or public park property, as measured from the base of the monopole to the boundary of such property, a minimum distance of two hundred and fifty (250) feet.
 - 2) All monopoles must provide a minimum front yard setback of seventy (70) feet, and sufficient rear and side yard setbacks to fully contain the structure in the event of monopole failure. Failure at the half way point of the tower shall be used in calculating the rear and side yard setback.
 - 3) Monopoles over fifty (50) feet in height shall not be located within one-quarter (1/4) mile of any existing telecommunications tower or monopole over fifty (50) feet in height. The provision shall not apply whenever both towers and/or monopoles are situated on lots which are zoned CHV, ILT, or IHV.
- j. Towers and monopoles shall be equipped with an anti-climbing device to prevent unauthorized access; fencing or other access restriction provisions must also be provided;

- k. Towers and monopoles shall comply with all current safety, design, structural and wind loading standards of applicable building and technical codes adopted by the City, so as not to endanger the health and safety of residents;
 - l. Tower and monopole equipment shall be automated to the greatest extent possible to reduce traffic and congestion generated by maintenance vehicles; and
 - m. All access roads to towers or monopoles shall be constructed of dustless and durable portland cement, concrete or asphaltic concrete complying with specifications established by the Planning Department and maintained in a usable condition.
2. The following requirements apply to both telecommunications towers and monopoles:
- a. A maximum of two (2), low power telecommunications facilities, including micro-cells or repeaters, may be located on a single lot of record;
 - b. A maximum cross bar length of 15 feet shall apply to the mounting of antennas; and
 - c. No tower or monopole shall be approved as a new source of non-ionizing electromagnetic radiation (NEIR) or increase in NEIR from an existing source which, when combined with existing sources of NEIR, exposes the general public to an ambient radiation exceeding that defined in OST-65 and ANSI C95.1, provided however, that if a federal standard is adopted that is more stringent than the standard set forth herein, such other standard shall apply. No new source of NEIR, or increase in NEIR from an existing source that exceeds 1,000 watts of radio frequency output per transmitter shall be permitted.

§ 37.120 Landscape Buffer/Screening Requirements for Telecommunications Towers and Monopoles:

- 1. Erection of any tower abutting residentially-zoned property shall require a landscaped buffer a minimum width of fifty (50) feet that effectively screens the view of the tower and base facility from adjacent properties throughout the year. The landscaped buffer must include an opaque fence or vegetative buffer sufficient to screen the tower and base facility completely to a height of six (6) feet from adjacent properties and right-of-ways. Where topography and existing conditions permit, the required fifty (50) foot horizontal buffer should be an undisturbed buffer; provided, however, the buffer may be crossed by an access drive of not greater than twenty (20) feet in width.
- 2. Erection of any tower abutting property zoned other than residential shall require a landscaped, buffer a minimum width of fifteen (15) foot that effectively screens the view of the tower and base facility from adjacent properties. Such buffer must include an opaque fence or vegetative buffer sufficient to screen the tower and base facility completely to a height of six (6) feet from adjacent properties and right-of-ways.
- 3. Existing, mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Where towers or telecommunications facilities are sited on wooded lots in excess of five (5) acres, natural growth around the property perimeter may be a sufficient buffer.
- 4. In locations where the visual impact of the tower or telecommunications facility would be minimal, such as developed heavy industrial areas, the landscaping requirement may be reduced or waived.

§ 37.130 Principal, Accessory and Joint Uses Associated with Towers or Monopoles.

1. Accessory structures used in direct support of a tower or monopole shall be permitted, but shall not be used 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 or monopole are being made.
2. Towers or monopoles may be located on sites containing another principal use within the same buildable area. Provided all siting, set back, separation, and general requirements of this Ordinance are met, towers or monopoles may occupy a leased parcel on a site meeting the minimum lot size requirements for the zoning district in which it is located. When joint use of a lot is permitted, the City shall require the execution of a unity of title if two (2) or more lots are utilized for set back purposes or to prohibit the unlawful division of a lot containing a tower and another principal use.
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 or other dangerous chemicals or compounds.
4. Two-way and microwave antennas must be placed inside accessory buildings when technically possible.
5. Power lines which are installed to serve telecommunications facilities must be placed in a manner which minimizes visual impacts and removal of existing vegetation.
6. Buildings used to house radio transmitters and related equipment shall be single-story and shall not exceed 500 square feet. Buildings accessory to telecommunications facilities which accommodate multiple users shall be single-story and shall not exceed 1,200 square feet. Accessory buildings are not permitted for micro-cells.
7. Microwave dishes and accessory buildings shall be located to minimize their visual impact.

§ 37.140 Microwave Dishes.

1. Installation of microwave dishes shall conform to the following standards:
 - a. Placement shall be inside structures when technically feasible.
 - b. Use of non-reflective colors, galvanized or gray.
 - c. Use of open grid dishes rather than solid dishes.

§ 37.150 Commercial Satellites Dishes.

1. Installation of commercial satellites shall conform to the following standards:
 - a. Use of colors compatible with the surrounding environment.
 - b. Provision of landscaping which effectively screens satellites from adjacent properties and the traveling public.
 - c. Siting of satellites in low areas of the lot to reduce visual impacts.

§ 37.160 Conformance of Existing Telecommunications Facilities.

1. All existing telecommunications facilities shall conform to the following compliance schedule:
 - a. Render all equipment buildings compatible with surrounding area through color, texture of materials, landscaping and screening within a three-year period.
 - b. Bury or completely screen fuel tanks from adjacent properties through effective landscaping within one (1) year.
 - c. Remove, store inside or screen all unused or abandoned equipment within 90 days.

§ 37.170 Periodic Inspection; Inspection Fee; Unsafe Facilities; Abandoned Facilities.

1. Tower, antenna(s) and monopole owners shall provide written evidence that each telecommunications tower, antenna(s) or monopole is in compliance with all Federal requirements, including, but not limited to FCC frequency emissions standards, to the Building Official by February 1st of each three-year period of subsequent operation.
2. Tower, antenna(s) and monopole owners shall ensure that such facilities are maintained in compliance with standards contained in applicable building codes and applicable standards for towers, antennas, and monopoles published by the Electronic Industries Association, as amended from time to time, to ensure the structural integrity of towers, antennas, or monopoles. Such owners shall conduct inspections once every three (3) to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the State of Georgia. The results of such inspections shall be provided to the Building Official every three years, no later than February 1st.
3. The Building Official shall have the right in the discharge of his official duties to enter upon and inspect any telecommunications facility located within the city.
4. If, upon inspection or upon receipt of an engineer's report submitted pursuant to paragraph (2) above, the Building Official determines that a telecommunications facility fails to comply with the City's building and technical codes or with the requirements of this Chapter, and upon written notice provided to the owner of such facility, the owner shall have forty-five (45) days to bring the facility into compliance with this Chapter. Should the owner fail to bring the telecommunications facility into compliance within said forty-five (45) days, the City may proceed with removal of such facility pursuant to the procedures set forth in the City's Building Code and place a lien upon the property for the costs of such removal.
5. If upon inspection or upon receipt of an engineer's report submitted pursuant to Chapter 37, §37.170, subsection 1 in this Ordinance, the Building Official determines that a telecommunications tower, antenna or monopole has not been utilized for a continuous period of twelve (12) months, such tower, antenna or monopole shall be considered abandoned, and the owner shall remove the same within ninety (90) days of receipt of written notice from the City notifying the owner of such abandonment. If the tower, antenna or monopole is not removed within said ninety (90) days, the City may proceed with removal of such facility pursuant to the provisions of the City's Building Code and place a lien upon the property for the costs of such removal.

§ 37.180 Pre-existing Antennas, Towers, or Telecommunications Facilities.

1. Any pre-existing antennas, towers, or telecommunications facilities which do not meet the requirements of this Chapter shall be considered nonconforming and subject to the nonconforming use provisions of the Newnan Zoning Ordinance; however, installation of an antenna or antennas on a pre-existing tower or monopole shall not constitute the

expansion of a nonconforming use provided the new antenna(s) adds no more than twenty (20) feet to the height of the pre-existing tower or monopole. Nor shall the addition of buildings or structures accessory to such antenna(s) constitute the expansion of a nonconforming use, provided all applicable building permits are obtained.

2. Maintenance, repairs or alterations to legal nonconforming telecommunications towers necessary to maintain the tower in good condition and repair may be performed. The weight bearing capacity and wind loading capacity of a tower may only be increased to the extent required to maintain the tower in conformance with state and national standards associated with the weight bearing capacity and wind loading capacity for the number of antennas otherwise allowed on the tower as set forth in this Chapter.
3. Existing antennas may be replaced with another antenna(s) intended to provide the same service.
4. A legal nonconforming telecommunications tower that is damaged by fire, flood, wind, earthquake, ice or other natural causes, to the extent of not more than 50 percent (50%) of its appraised market value at that time, may be restored and the same use or occupancy resumed, provided that such restoration is initiated within a period of one year from the date of such damage and is diligently pursued to completion. Notwithstanding the foregoing, television and radio stations and land mobile operators shall be entitled to repair, reconstruct or rebuild their towers, but only to the minimal extent necessary to resume broadcasting and to fulfill the requirements of their FCC license.

§ 37.190 Community Notification.

Following submittal of an application for either a conditional or special exception use associated with a telecommunications facility, the applicant must be available to meet informally with community groups and interested individuals who either own or reside on property within the immediate vicinity to review the site development concept proposed in the application. The purpose of these meetings is to solicit suggestions from these groups concerning the applicant's proposed site design and impact mitigation measures. The applicant must also discuss technical and visual aspects of alternative sites. The applicant should attempt to incorporate community suggestions for impact mitigation and report on such attempts at the Board of Zoning Appeals meeting at which the application is considered.

§ 37.200 Third Party Review.

In certain instances, there may be a need for expert review by an independent third party of specific technical parameters of a low power mobile radio service facility submitted by the low power radio service provider. Such technical data includes expected coverage area, antenna(s) configuration, topographic constraints affecting signal path, etc. The Board of Zoning Appeals may require such technical review, at the sole expense of the applicant for the low power mobile radio service facility. The review must address the accuracy and completeness of technical data, legitimacy of the analysis techniques and methodologies, validity of conclusions and any other technical issues specified by the Board of Zoning Appeals. Selection of the third party expert may be by mutual agreement among the applicant and interested parties, or at the discretion of the Commission, with a provision for the applicant and interested parties to comment on the proposed expert(s) and to review their qualifications.

§37.210 Height Variance.

1. Where an applicant for installation of a tower, monopole or antenna(s) demonstrates that no site meeting the standards of this Chapter exists which allows uninterrupted

service or service without signal distortion, the applicant may apply for a variance from the height limits of this Chapter. Where an applicant for installation of a tower, monopole or antenna(s) demonstrates that engineering, technical or environmental consideration render the height limits of this chapter infeasible, preventing the applicant from providing the desired service from the proposed site, the applicant may seek a variance from the height limits of this Chapter.

2. Application for variance shall include data which demonstrates the technical necessity for the relief requested and shall specifically describe the structure upon which the antenna(s) is proposed to be erected, the height requested and such further information as required for approval as either a conditional or special exception use.
3. Applicants seeking a variance to extend an antenna or antennas more than twenty (20) feet above any tower, building or structure shall first obtain written approval from the FCC and FAA certifying compliance with all aeronautical limitations, transmission regulations and all other applicable requirements. Such applicants shall also provide evidence of registration of such antennas with the FCC.
4. Application for variances shall be accompanied by a fee of Two Hundred and Fifty Dollars (\$250.00). In addition to the fee, the applicant shall sign a statement accepting responsibility for the full cost of professional engineering review by an independent engineer to verify the need for the variance.
5. In no case shall approval be granted for tower or monopole heights exceeding 200 feet.

§ 37.220 Exemptions.

1. A single antenna under seventy (70) feet in height owned and operated by a federally licensed amateur radio station operator shall be exempted from the provisions of this Chapter. The owner or operator of such antenna, however, shall be required to comply with all applicable city, state and federal codes.
2. This Chapter shall not apply to the installation, maintenance, or use of:
 - a. A satellite earth station antenna that is two (2) meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted; or
 - b. A satellite earth station antenna that is one (1) meter or less in any area.
 - c. Any cable television headend or hub towers and antennas used solely for cable television services.

§37.230 Severability.

In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council hereby declares that it would have passed the remaining parts of this Ordinance or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.